

## APPENDIX A ZONING<sup>1</sup>

### ORDINANCE NO. 74

An ordinance enacted under Act No. 184 of the Public Acts of Michigan of 1943 (MCL 125.351 et seq.), as amended, governing the unincorporated portions of the Charter Township of Ypsilanti, Washtenaw County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the charter township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used herein; to provide for enforcement; to establish a board of appeals and to impose penalties for the violation of this ordinance.

### PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land, preventing overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore:

### ENACTING CLAUSE

The Charter Township of Ypsilanti ordains:

## ***ARTICLE I. SHORT TITLE***

### **Sec. 100. Short title:**

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

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<sup>1</sup>Editor's note(s)—Printed herein is the zoning ordinance, Ordinance Number 74, as adopted by the township board on May 17, 1994, and effective on May 18, 1994. Amendments to Ordinance Number 74 are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross reference(s)—Manufactured homes and trailers, ch. 38; utilities, ch. 62.

State law reference(s)—Township rural zoning act, MCL 125.271 et seq.; township planning, MCL 125.321 et seq.

## **ARTICLE II. CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

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

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

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

### **Sec. 201. Definitions:**

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

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

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

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

1. Residential accommodations for servants and/or caretakers.

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

*Adult care facility, state licensed:* Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 116 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

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

*Adult entertainment facilities:*

1. *Adult bookstore.* An establishment having as a substantial or significant portion of its stock in trade, magazines and other periodicals with an emphasis on matter depicting, describing, or relating to

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"specified sexual areas" or "specified anatomical areas" (as defined below), or an establishment with a segment or section devoted to the sale or display of such material and which excludes minors by virtue of age.

2. *Adult motion picture theater.* An enclosed building, with a capacity of 50 or more persons, used for presenting material with an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), for observation by patrons therein and which excludes minors by virtue of age.
3. *Adult mini-motion picture theater.* An enclosed building with a capacity for less than 50 persons, used for presenting material with an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined below), for observation by patrons therein and which excludes minors by virtue of age.
4. *Adult cabaret.* An establishment in which alcoholic beverages are not served and which provides dancers or other live entertainers who display or describe "specified sexual activities" or "specified anatomical areas" (as defined herein), for observation by patrons therein and which excludes minors by virtue of age.

*Alley:* Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

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

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

*ANSI:* American National Standards Institute.

*Antique goods:* Personal property purchased or made more than 50 years ago.

*Apartment, efficiency:* A dwelling unit consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities.

*Apartments:* A suite of rooms in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

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

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

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

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

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

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

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

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

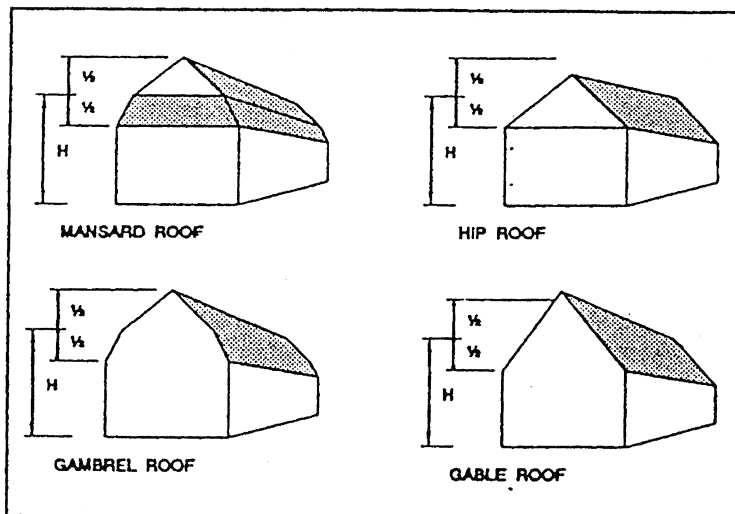
**Board:** The board of zoning appeals as established under this ordinance.

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

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

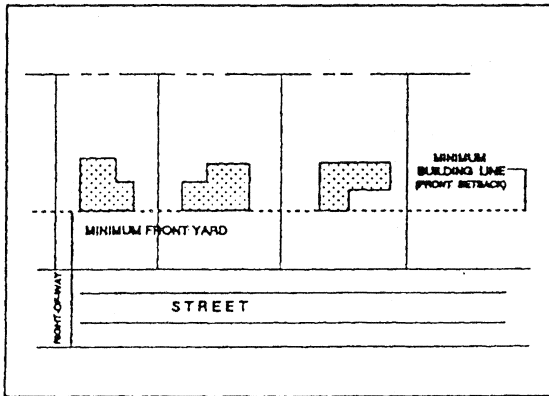
**Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

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



## **BUILDING HEIGHT**

**Building line:** Is a line formed by the face of the building, and for the purposes of this ordinance, a minimum building line is the same as a front setback line.



## **BUILDING LINE**

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

*Child care organization:* A governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision. Child care organizations include organizations commonly described as child care institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes or child care homes as defined in 1973 PA 116, MCL 722.111 as amended.

*Child care organization, state licensed:* A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the state department of social services. Definitions for various care organizations are listed below:

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

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

2. *Child caring institution.* A child care facility which is organized for the purpose of receiving children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
3. *Foster family home.* A private home in which at least one but not more than four children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and

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supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

4. *Foster family group home.* A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
5. *Family day care home.* A private home in which at least one but less than seven children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
6. *Group day care home.* A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

*Clinic:* An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists or similar professions.

*Club:* An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

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

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

(1) *Vehicles excluded from definition of commercial vehicle.*

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

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

*Convalescent or nursing home:* A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

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

*Debilitating medical condition:* One or more of the following:

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

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

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

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

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

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

*Drive-in:* An establishment where food, frozen desserts or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

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

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

*Dwelling:* Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of the zoning ordinance.



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

Single-family attached dwelling units may also be known as townhouses, row houses, or clustered single-family dwellings. Any three or more attached dwellings not meeting the above criteria shall be considered a multiple-family dwelling.

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

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

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

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

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*Family:*

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

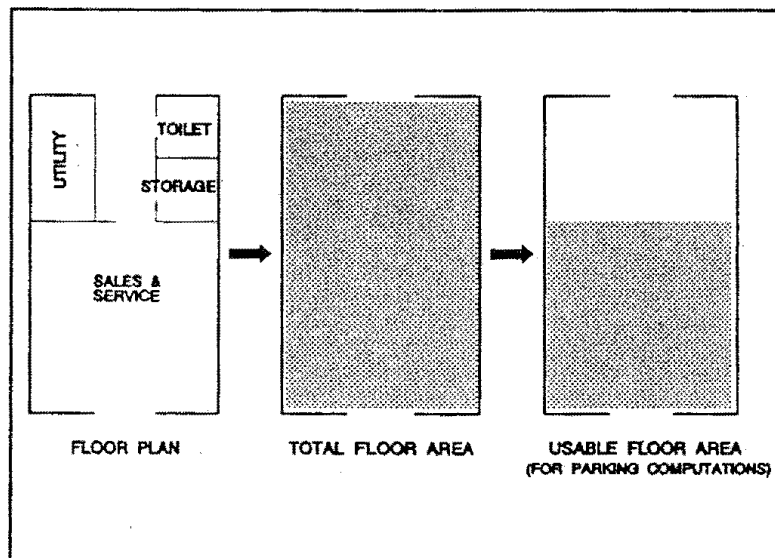
*Farm:* The carrying on of any agricultural activity or the raising of livestock, small animals or poultry not including household gardening.

*Feeder road:* A street or road intersecting with a limited access freeway and having traffic interchange facilities with such limited access freeway.

*Fence:* see section 2114.

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

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



#### USABLE FLOOR AREA

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

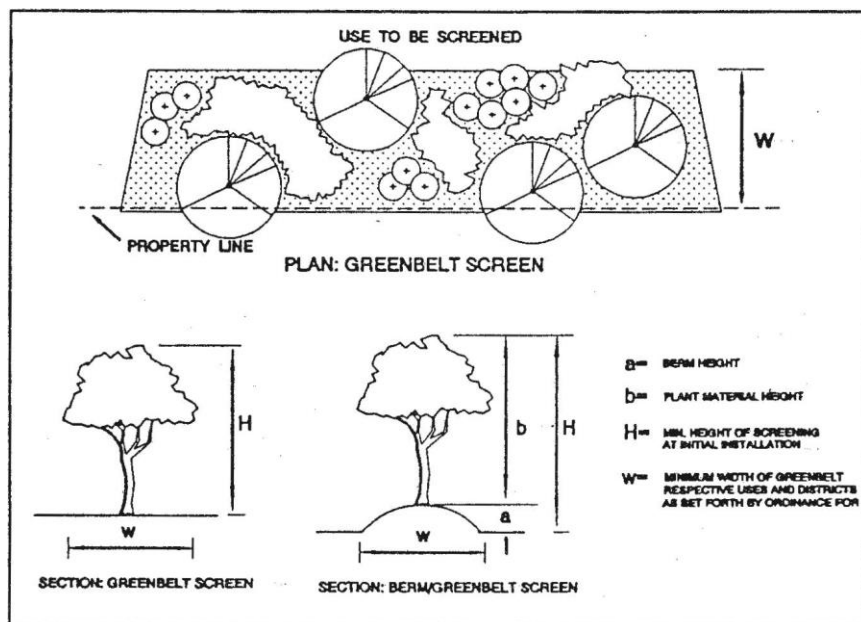
*Garage sale:* Any sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

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

*Gasoline service station:* A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles but not including major automobile repair.

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

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



GREENBELT PLANTING SCREEN ILLUSTRATIONS

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

**Hardship:** Situations created by circumstances unique to an individual property that do not generally occur to land or buildings in the neighborhood or zoning district of the property in question and which circumstances make the use of such property in question infeasible under conditions imposed by the zoning ordinance. Hardship shall not include personal or financial hardship or economic disadvantage nor shall it constitute circumstances that are self-created.

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

**Hospice:** A lodging place for the ill where persons are housed and furnished meals and attendant care.

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

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

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

**Institutional farm:** A farm utilized as a working and learning environment where resident patients reside on the premises for short periods of time not exceeding nine consecutive months.

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

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

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

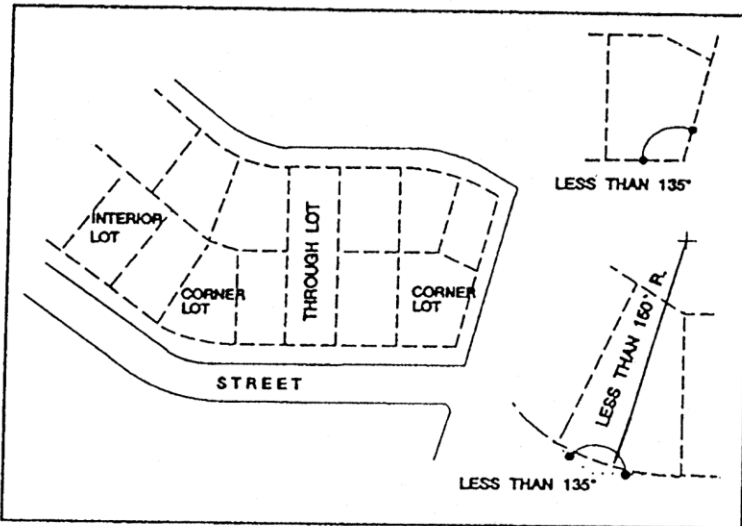
- [1.] *Canopy structure* - Any overhead protective structure that is constructed in such a manner to allow pedestrian vehicles to pass under.
- [2.] *Flood or spot light* - Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- [3.] *Footcandle* - A unit of illuminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.
- [4.] *Glare* - Director light emitted by a lamp, luminous tube lighting or other light source.
- [5.] *Light fixture* - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- [6.] *Light pollution* - Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- [7.] *Light trespass* - The shining of light produced by a luminaire beyond the boundaries of property in which it is located.
- [8.] *Luminaire* - The complete lighting system including the lamp and light fixture.
- [9.] *Luminaire cut-off angle* - The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
- [10.] *Luminaire, fully shielded* - A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
- [11.] *Luminous tube lighting* - Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.
- [12.] *Outdoor light fixtures* - Outdoor artificial laminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.
- [13.] *Shielded fixture* - Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e. "shoe-box type" fixtures.

A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this ordinance.

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

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

*Lot:* A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as homesite and condominium unit in site condominium developments.



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

*Lot area:* The total horizontal area within the lot lines of the lot.

*Lot, corner:* A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

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

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

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

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

1. *Front lot line.* In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is that line separating said lot from each street.
2. *Rear lot line.* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest

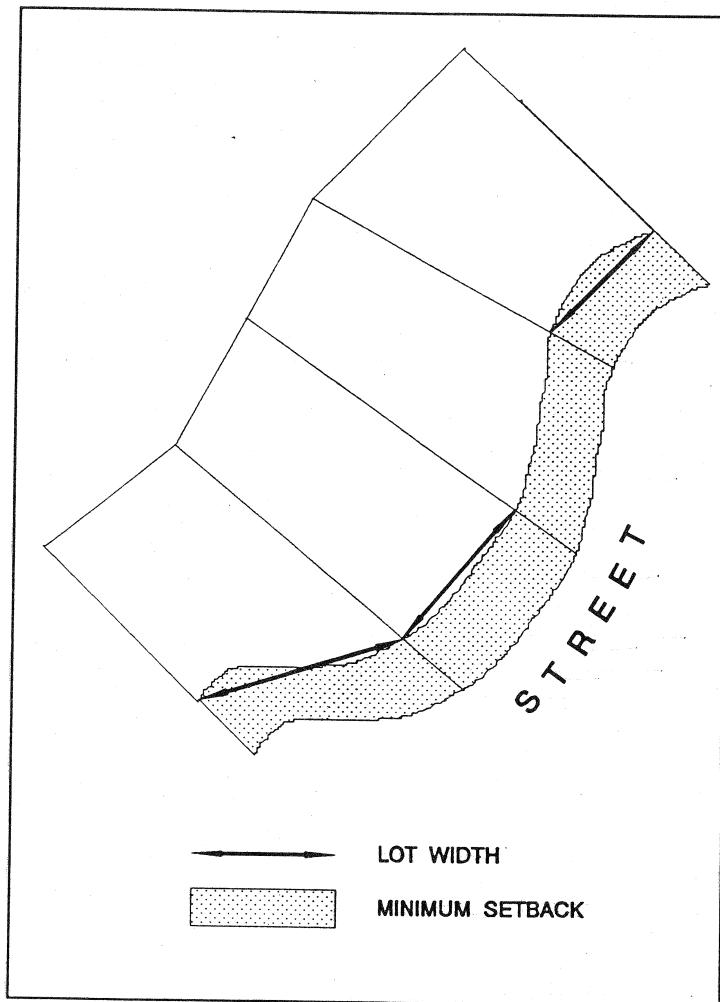
from the front lot line and wholly within the lot. On a corner lot the rear yard shall be that yard opposite the front facade of the main building.

3. *Side lot line.* Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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

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

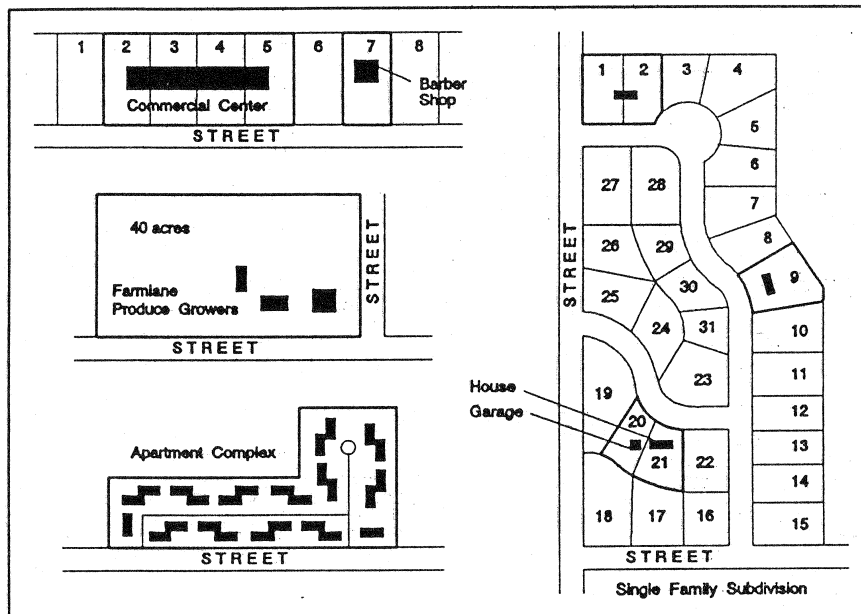
*Lot width:* The horizontal straight line distance between the side lot lines, measured between the two points where the required front setback line intersects the side lot lines.



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## LOT WIDTH AND SETBACK

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



## EXAMPLES OF ZONING LOTS

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

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

*Marginal service road:* A roadway parallel to a major or collector thoroughfare as designated on the township master plan which provides access to abutting properties and separation from through traffic.

*Marihuana:* That term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

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

*Massage:* A method of treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instruments, electric, magnetic or otherwise, with or without supplementary aids.

*Massage establishment:* Any Turkish bath parlor, steam bath, sauna bath, magnetic healing institute or any room, place, establishment or institution where treatment of any nature for the human body as given by means of massage, as herein defined, and where a massage, alcohol rub, fomentation, bath, physiotherapy manipulation of the body or similar treatment is given.



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*Major thoroughfare:* An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the major thoroughfare plan to identify those streets comprising the basic structure of the major thoroughfare plan.

*Master deed:* The condominium document recording the condominium project as approved by the township to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by section 8 of the Condominium Act, Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.), as amended.

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

*Mechanical amusement device:* Any machine or device which, upon the insertion of a coin, currency, slug, token, plate or disc, operates or may be operated as a game or contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical, or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical, or electronic baseball, football, basketball, hockey and similar sports-type games, mechanical, electrical, or electronic card games, shooting games, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

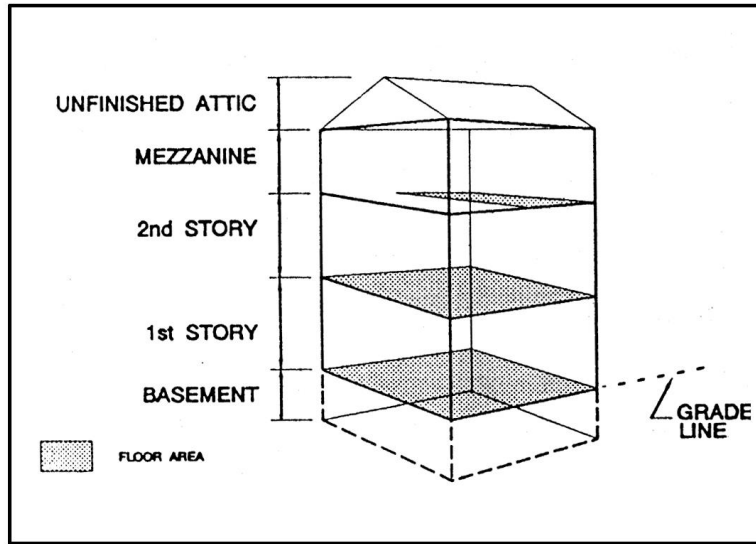
*Medical clinic:* A place for the care, diagnosis, and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate laboratories and pharmacies, but may not include facilities for in-patient care or major surgery.

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

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

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

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



### **BASIC STRUCTURAL TERMS**

*Ministorage units:* Storage buildings for lease to the general public for storage of personal and household effects and for dry storage of office or business effects not including the warehousing of products or supplies.

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

*Mobile home park:* Any plot of ground upon which three or more mobile homes, occupied for dwelling or sleeping purposes, are located.

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

*Multiple dwelling, high-rise:* A multiple-family dwelling of over four stories in height.

*Multiple dwelling, mid-rise:* A multiple-family dwelling of four stories in height.

*Municipality:* The Charter Township of Ypsilanti.

*Nonconforming lots, structures, sites or uses of land:* See Article 22 (XXII).

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

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

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*Nursing home:* A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

*Obscene material:* Any "material" as defined in MCL 752.362.2(4) as amended and found to be "obscene" as also defined in MCL 752.362.2(5) as amended.

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

*Off-street parking lot:* A facility providing off-street vehicular parking spaces and drives or aisles for the parking of more than three vehicles.

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

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

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

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

*Over speeding:* The uncontrolled rotation of a wind powered turbine/generator in excess of its design specification.

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

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

*Parole:* A term of community supervision afforded by the parole board to a prisoner who has served the minimum portion of his or her sentence, less good time or disciplinary credits if applicable. While on parole, a parolee is supervised by an agent who is an employee of the department of corrections. At the successful completion of the parole period, the offender is "discharged" from his or her sentence. If a parolee violates the parole terms, he or she can be sent back to prison. The parole board retains jurisdiction until the maximum-sentence is served in prison or the offender discharges from parole.

*Probation:* A term of supervision afforded either a convicted felon or a convicted misdemeanor by a court as an alternative to prison or jail, although some judges may sentence offenders to a combination of both probation and jail or boot camp.

The Michigan Department of Corrections supervises convicted felons who are serving probation sentences under the jurisdiction of the sentencing court.

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

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

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

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*Primary caregiver:* A person who has agreed to assist with a patient's medical use of marihuana and has a valid registry identification card issued by the Michigan Department of Community Health.

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

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

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

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

*Qualifying patient:* A person who has been diagnosed by a physician as having a debilitating medical condition and has a valid registry identification card issued by the Michigan Department of Community Health.

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

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

*Resident patient:* A person under treatment for substance abuse but not including persons under the jurisdiction of the department of corrections.

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

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

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

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

*Rooming house:*

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

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

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

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

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

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

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

*Sign definitions:* See section 2109.

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

*Site condominium definitions:*

1. *Condominium Act.* Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.), as amended.
2. *Condominium unit.* Means that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as homesite and condominium unit in site condominium developments.
3. *Master deed.* Means the condominium document recording the condominium project as approved by the township to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by section 8 of the Condominium Act.
4. *Site condominium (condominium subdivision).* A method of subdivision where the sale and ownership of sites is regulated by the Condominium Act, as amended, as opposed to the Subdivision Control Act of 1967 (Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended. Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning ordinance and the township subdivision regulations ordinance.
5. *Site condominium subdivision plan.* Means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

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

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

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

*Specified anatomical areas:*

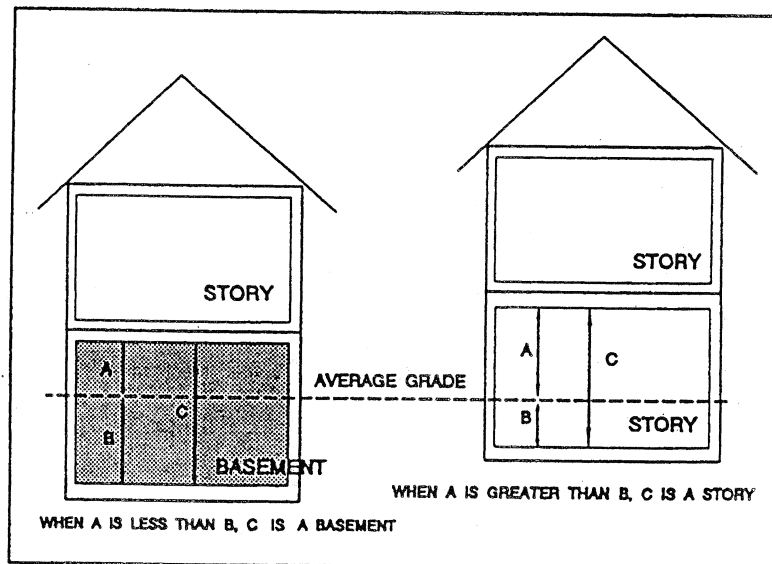
1. Less than completely and opaquely covered:
  - a. Human genitals, pubic region,
  - b. Buttock, and
  - c. Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

*Specified sexual activities:*

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

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

**Story, half:** An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear height of seven feet six inches. For the purposes of this ordinance, the usable floor area is only that area having at least four feet clear height between floor and ceiling.



**BASEMENT AND STORY**

**Street:** A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

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

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

*Tattoo:* One or more of the following:

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

*Tattoo facility:* A structure or building at which one or more of the following procedures is done for compensation:

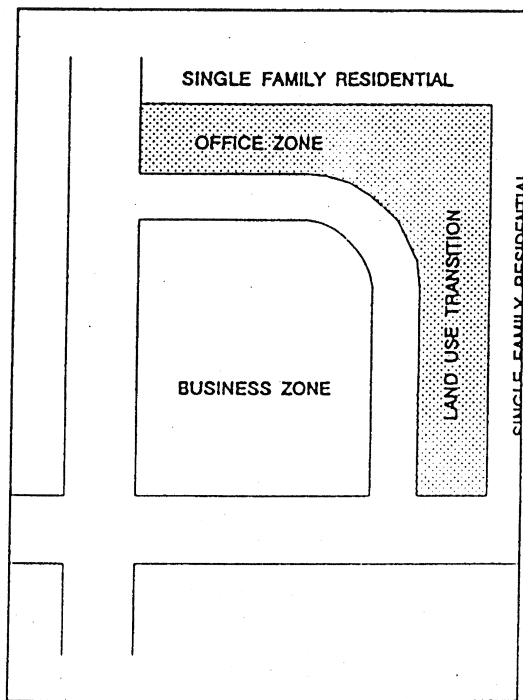
- (a) Tattooing;
- (b) Branding;
- (c) Body-Piercing.

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

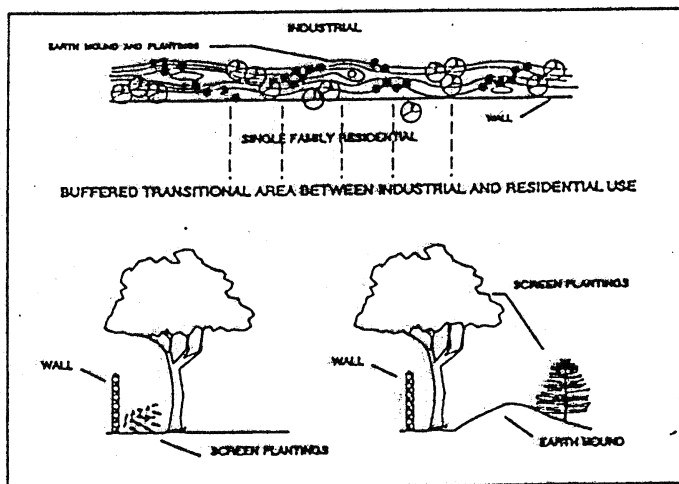
*Tent sale:* A temporary structure of demountable construction in which merchandise is displayed and sold.

*Transition:* For the purposes of this ordinance, the word "transition" or "transitional" shall mean one or more of the following:

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



**LAND USE TRANSITION THROUGH ZONING DISTRICT**



**TRANSITION DETAILS**

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

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



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*Visiting qualifying patient:* A patient who is not a resident of this state or who has been a resident of this state for less than 30 days.

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

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

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

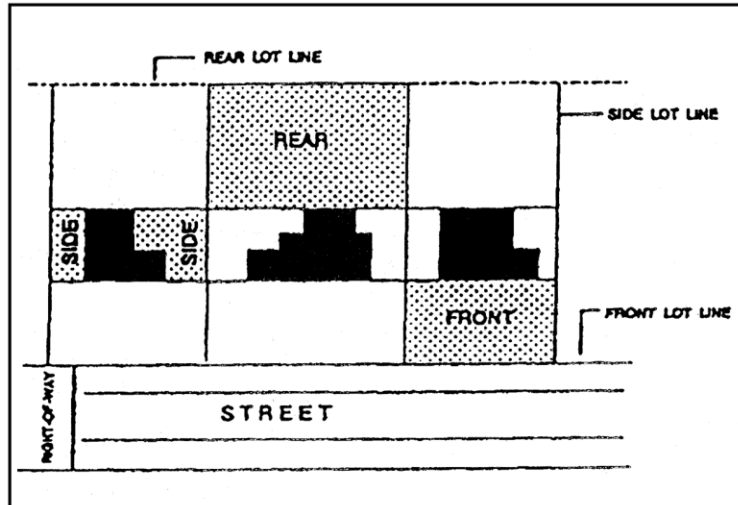
*Wind energy system:* A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

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

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

1. *Front yard.* An open depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
2. *Rear yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite the front building facade side of such lot.
3. *Side yard.* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

(Ord. No. 95-137, 10-17-95; Ord. No. 96-145, 3-5-96; Ord. No. 97-169, 6-17-97; Ord. No. 98-182, 2-17-98; Ord. No. 99-205, 3-16-99; Ord. No. 99-209, 5-4-99; Ord. No. 99-227, 11-16-99; Ord. No. 2000-238, 7-18-00; Ord. No. 2000-249, § 1, 10-3-00; Ord. No. 2000-260, § 1, 12-19-00; Ord. No. 2000-261, § 1, 12-19-00; Ord. No. 2001-266, § 1, 5-15-01; Ord. No. 2001-273, 8-21-01; Ord. No. 2001-289, § 1, 11-20-01; Ord. No. 2004-333, § 1, 4-20-04; Ord. No. 2004-334, § 1, 4-20-04; Ord. No. 2009-390, 4-7-09; Ord. No. 2010-402, § 1, 3-16-10; Ord. No. 2010-404, § 1, 5-18-10; Ord. No. 2016-462, § 1, 3-15-16; Ord. No. 2016-471, §§ I—III, 12-6-16; Ord. No. 2018-476, § 1, 2-20-18; Ord. No. 2020-491, § 1, 7-21-20)



## YARDS

## ARTICLE III. ZONING DISTRICTS AND MAP

### Sec. 300. 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-1	Multiple-family residential district
RM-2	Multiple-family residential district
RM-3	Multiple-family residential district
RM-4	Multiple-family residential district
RM-5	Townhouse residential district
MHP	Mobile home park district
OS-1	Office service district
B-1	Local business district
B-2	Community business district
B-3	General business district
FS	Freeway service district
IRO	Industrial research office district
I-1	Light industrial district
I-2	General industrial district
I-3	Heavy industrial district
I-C	Industrial and commercial districts
P-1	Vehicular parking district

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PD	Planned development district
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(Ord. No. 99-224, § I, 8-3-99; Ord. No. 2001-284, 12-18-01; Ord. No. 2001-285, 12-18-01; Ord. No. 2001-286, 12-18-01; Ord. No. 2001-287, 12-18-01; Ord. No. 2018-476 , § 2, 2-20-18)

### **Sec. 301. District boundaries:**

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

### **Sec. 302. 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. 303. Text interpreted:**

Where uncertainty exists with respect to uses permitted in any district, or any condition set forth in this appendix, 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.

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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. 304. Zoning of vacated areas:**

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

#### **Sec. 305. District requirements:**

All buildings and uses in any district shall be subject to the provisions of article XXI, "General Provisions" and article XXII "General Exceptions."

#### **Sec. 306. Schedule of uses:**

1. In all districts, no building or land shall be used and no building shall be erected except for one 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 XVIII, specific use standards.
2. The schedules of use regulations identifies uses as follows:
  - a. P: Principal permitted uses. Uses permitted by right in the applicable zoning district, subject to compliance with all other applicable requirements of this zoning ordinance.
  - b. S: Special conditional uses. 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 2309 and further shall be reviewed as provided for in section 2119.
  - c. 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.
  - d. —: Not permitted. Uses not permitted within the district.
3. Residential districts schedule of uses identifies the uses allowed in the following residential districts:
  - a. R-1 to R-5 one-family residential districts: The intent is to provide for an environment of predominantly low-density, one-family dwellings along with other residentially related facilities which serve the residents in the district.
  - b. RM-1 and RM-2 multiple-family residential districts: The intent is to provide sites for low- to moderate-density multiple-family dwelling structures, and related uses.
  - c. RM-3 and RM-4 multiple-family residential districts: The intent is to provide sites for high-density multiple-dwelling developments.
  - d. RM-5 townhouse residential districts: The intent is to provide for moderate density infill housing.
  - e. MHP mobile home park districts: The intent is to provide for mobile home and manufactured housing communities.

<b>Residential Districts Use Table</b>	<b>R-1 to R-5</b>	<b>RM- 1 and RM- 2</b>	<b>RM- 3 and RM- 4</b>	<b>RM- 5</b>	<b>MHP</b>	<b>Notes</b>
P = Permitted Use S = Special Conditional Use A = Accessory Use — = Not permitted						
<b>Residential Uses</b>						
Detached single-family residential	P	P	P	—	—	Subject to regulations in section 1801
Two-family residential	—	P	P	P	—	Must have with individual entrances and garages for each dwelling unit
Attached single-family residential/townhouses with individual entrances and garages	—	P	P	P	—	
Multiple-family dwelling units	—	P	P	—	—	Subject to design regulations in each zoning district
Senior independent and assisted living	—	P	P	—	—	
Convalescent and nursing homes	—	S	S	—	—	Subject to conditions in section 1816
Mobile home parks/mobile homes	—	—	—	—	P	Subject to conditions in section 7.03 and 7.04
<b>Accessory Uses</b>						
Accessory home occupations	A	A	A	A	A	Subject to conditions in section 1802
Retail uses accessory to high-rise multiple-family dwelling	—	—	A	—	—	Subject to conditions in section 1817
Keeping of up to four hens	A	—	—	—	—	Subject to conditions in section 1803
Keeping of more than four dogs	S	—	—	—	—	Subject to conditions in section 1815
Accessory buildings and uses customarily incident to any of the permitted uses in this table	A	A	A	A	A	

<b>State-licensed residential child and adult care facilities</b>						
Adult/child family day care homes	P	P	P	—	—	Subject to the conditions in section 1861
Adult/child group day care homes	S	S	S	—	—	Subject to the conditions in section 1861
Adult/child day care center + preschools	S	S	S	—	—	Subject to the conditions in section 1861. Accessory to an allowed non-residential use in the R-1 to R-5 zoning districts
Adult and child foster care family home	P	P	P	—	—	Subject to the conditions in section 1861
Adult foster care, small group home	S	S	S	—	—	Subject to the conditions in section 1861
Adult foster care, large group home	—	S	S	—	—	Subject to the conditions in section 1861
Adult foster care congregate facility	—	S	S	—	—	Subject to the conditions in section 1861
Child foster care family group home	S	S	S	—	—	Subject to the conditions in section 1861
<b>Agricultural</b>						
Farm operation	P	—	—	—	—	Five-acre minimum lot size. Subject to conditions in section 1804
Seasonal sale of produce on farms	P	—	—	—	—	Subject to conditions in section 1813
Farms with sales and entertainment facilities	S	—	—	—	—	Subject to conditions in section 1855
Institutional farms	S	—	—	—	—	Subject to conditions in section 1814
Private stables	A	—	—	—	—	Subject to conditions in section 1810
Public riding and/or boarding stables	P	—	—	—	—	Subject to conditions in section 1809
Greenhouse and plant material nursery (materials grown and sold on-site)	S	—	—	—	—	Subject to conditions in section 1811

<b>Lodging</b>						
Bed and Breakfasts	S	—	—	—	—	Subject to conditions in section 1808
<b>Civic/Institutional</b>						
Cemeteries	S	—	—	—	—	Subject to conditions in section 1812
House of worship	S	P	P	—	P	
Publicly owned and operated libraries	S	P	P	—	P	
Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.	S	—	—	—	—	
Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit.	S	P	P	—	—	—
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	S	S	S	—	—	Subject to conditions in section 1807
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.	S	S	S	S	S	
<b>Recreation</b>						
Parks, common greens, plazas, public gathering places and open space	P	P	P	P	P	
Publicly owned and operated recreational facilities	S	P	P	—	P	Subject to conditions in section 1805

Golf courses	S	P	P	—	—	Subject to conditions in section 1806 and footnote 4 in the schedule of regulations
Institutional or community recreation centers and nonprofit swimming pool clubs	S	P	P	P	P	
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 1852
<b>Other</b>						
One office building to be used exclusively for conducting the business operation of the mobile home park	—	—	—	—	P	
Utility buildings for laundry facilities and auxiliary storage space for mobile home tenants	—	—	—	—	P	
Storage of recreation vehicles	—	—	—	—	P	Subject to conditions in section 1853
Wireless communication towers and antennas	See section 1850					

4. Office and business districts schedule of uses identifies the uses allowed in the following residential districts:
- OS-1 office service districts: The intent is to accommodate uses such as offices, banks and personal services.
  - B-1 local business districts: The intent is to meet the day-to-day convenience shopping and service needs of persons residing in immediately adjacent residential areas.
  - B-2 community business districts: The intent is to cater to the needs of a larger consumer population than is served by the local business districts.
  - B-3 general business districts: The intent is to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the local business district or the community business district.



Office and Business Districts Use Table	OS-1	B-1	B-2	B-3	Notes
P = Permitted Use S = Special Conditional Use A = Accessory Use — = Not permitted					
<b>Retail and Services</b>					
Retail	A	P	P	P	
	—	—	—	S	With drive-through or drive-in facilities, subject to conditions in section 1823
Antique businesses	—	—	P	P	Pawnbrokers, secondhand dealers and junk dealers are not included in this use
Secondhand apparel businesses	—	—	—	P	Pawnbrokers, secondhand dealers, and junk dealers are not included in this use
Commercial kennel	—	—	—	S	All activities are conducted within enclosed main building; all buildings are set back at least 200 feet from abutting residential districts on the same side of the street
Mortuary establishments	S	P	P	P	Subject to conditions in section 1818
Personal service establishments	—	P	P	P	
	A	—	—	—	Up to 15,000 square feet in size
Adult/child day care center + preschools	P	P	P	P	Subject to the conditions in section 1861
Smoking lounges	—	—	—	S	Subject to the conditions in section 1836
Veterinary clinics	S	P	P	S	Subject to conditions in section 1820
Veterinary hospitals	—	—	—	S	Subject to conditions in section 1821
Temporary sidewalk, outdoor and tent sales for principal use	—	—	—	A	Subject to conditions in section 1832
Temporary sales unrelated to principal use	—	—	—	*	* Temporary use subject to approval by the zoning board of appeals. See section 2404.3.f
Retail sales of plant material not grown on the site, lawn furniture, playground equipment and/or garden supplies.	—	—	S	S	Subject to conditions in section 1828
Outdoor storage or display of merchandise, goods or	—	—	—	S	Subject to conditions in section 1824

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items associated with a permitted use					
Banks, credit unions, savings and loan establishments and similar financial institutions	—	P	P	P	With no drive-through
	—	—	—	S	Up to two drive-through teller windows or automated teller windows and stand-alone automatic bank teller machines, subject to conditions in section 1823
	—	—	—	S	With drive-through, subject to conditions in section 1823
Medical offices	P	P	P	P	Medical offices up to 15,000 square feet in size
	P	S	S	P	Medical offices over 15,000 square feet in size
Medical clinics	P	P	P	P	
Urgent care facilities	—	—	—	P	
Office buildings and uses	P	P	P	P	
Restaurants	S	S	P	P	SCU is subject to conditions in section 1822
Drive-through restaurants	—	—	—	S	Subject to conditions in section 1823
Outdoor or sidewalk cafes	S	S	P	P	Accessory use to existing restaurant, subject to conditions in section 1825
Hotels	—	—	—	P	
Motels	—	—	—	S	Subject to conditions in section 1827
<b>Civic/Institutional</b>					
Houses of worship	P	P	P	P	
Public/government buildings	P	P	P	P	
Public utility buildings, without storage yards; water and sewage	S	S	S	S	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	—	—	P	P	
<b>Recreation</b>					
Arcades and similar uses	—	—	—	S	Subject to conditions in section 1102.8
Theaters, public assembly halls, concert halls or	—	—	P	P	Conducted completely within enclosed buildings.

similar places of public assembly					
Halls for private clubs, civic organizations, unions and membership organizations or similar places of private assembly	S	P	P	P	In OS-1, subject to conditions in section 1819
Outdoor batting cages, archery ranges and similar uses	—	—	—	S	Subject to conditions in section 1835
Outdoor children's amusement parks, miniature golf courses, golf driving ranges and similar uses	—	—	—	S	Subject to conditions in section 1834
Health clubs, fitness centers, gyms and aerobic clubs, health and fitness center	—	—	S	P	
Indoor recreational facility, including bowling alley, archery range, tennis/racquet ball court, skating rink, athletic field, swimming pool, and other similar uses	—	—	S	P	Must be located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district
<b>Automotive/Transportation</b>					
Automobile car wash, automatic or self-service	—	—	—	S	Subject to conditions in section 1833
Bus passenger stations	—	—	—	P	
Gasoline service station with or without minor repair and sale of incidental minor accessories or convenience items.	—	—	—	S	Subject to the conditions in section 1829
Minor automotive repair businesses	—	—	—	S	Subject to conditions in [section] 1830
Dealership for sale of new or used automobiles,	—	—	—	S	Subject to conditions in [section] 1826

boats, house trailers or rental of trailers and/or automobiles					
Off-street parking lots as primary use	S	S	S	S	Subject to conditions in section 1202.
Railroad lines, rail spurs and similar rail transport access facilities	P	P	P	P	Subject to conditions in section 1851
Towing services without an impound or storage yard, taxi terminals and dispatch facilities, limousine services and bus depots	—	—	—		Subject to conditions in section 1862
<b>Accessory Uses</b>					
Accessory buildings and uses customarily incident to any permitted use in this table	A	A	A	A	
<b>Other</b>					
Wireless communication towers and antennas	See section 1850				

5. Town center districts: Schedule of uses identifies the uses allowed in the following residential districts:
- TC-1 districts: The intent is for a non-residential zone with a mixture of commercial, office, research and development and recreational uses.
  - TC-2 districts: The intent is for a mixture of commercial, office, residential and recreational uses.
  - TC-3 districts: The intent is for commercial and office uses that provide convenience goods and services to residents of the township.
  - TC-4 districts: The intent is for primarily residential uses.
  - TC-5 district: The intent is for this area to be the civic zone with governmental and civic uses including the township hall, district court, National Guard Armory and library.

<b>Town Center Districts Use Table</b>	<b>TC-1</b>	<b>TC-2</b>	<b>TC-3</b>	<b>TC-4</b>	<b>TC-5</b>	<b>Notes</b>
P = Permitted Use S = Special Conditional Use A = Accessory Use — = Not permitted						
<b>Residential Uses</b>						

Detached single-family residential		P	P	P		Subject to regulations in section 1801
Two-family residential with individual entrances and garages		P		P		
Attached single-family residential/townhouses with individual entrances and garages		P		P		
Residential dwellings on upper floors within mixed-use buildings		P	P			
Live/work units with a dwelling unit on the upper floor above a first floor space under the same ownership that can be used for a commercial use		P	P	S		
Senior assisted living		P	P	P		
Nursing homes		P	P	S	P	
<b>Accessory Uses</b>						
Accessory home occupations		P	P	P		Subject to conditions in section 1802
Accessory buildings and uses customarily incident to any permitted use in this table	A	A	A	A	A	
<b>Retail and Services</b>						
Retail establishments within an enclosed building	P	P	P			Floor area 30,000 sq. ft. or less
	S	S	S			Floor area above 30,000 sq. ft.
Drive-thru service accessory to a retail use	S	S	S			
Child care centers, preschool and commercial day care	P	P	P			Subject to the conditions in section 1861
Dry cleaning drop-off stations	P	P	P			
Gasoline service stations and carwashes	S					
Personal service establishments such as barber/beauty shops dry cleaning drop-off stations, shoe repair shops and tailoring	P	P	P			
<b>Lodging and Restaurants</b>						

Restaurants, taverns, bars, delicatessens, food carryout, and similar establishments serving food or beverages, including sidewalk cafes, but excluding drive-through	P	P	P			Sidewalk cafes are subject to conditions in section 1825
Drive-through restaurants	S					
Hotels	P	P	P			
Bed and breakfast inns	P	P	P	S		
Banquet halls	S	S	S	S	S	
<b>Office and Financial</b>						
Banks with up to three drive-through teller lanes	P	S	S			
Medical offices, clinics and hospitals	P	P	P			
Professional offices	P	P	P			
Real estate, insurance and investment brokers	P	P	P			
Research and development, including laboratories, prototype development and testing facilities	S					
Veterinary hospital, small animal	S	S	S			
<b>Recreation</b>						
Assembly halls, recreational clubs, fraternal order halls, lodge halls or other similar places of assembly	P	P	P		P	
Golf courses	P	P	P	P	P	
Health clubs, fitness centers, gyms and aerobic clubs	P	P	P			
Indoor recreation such as bowling alleys, racket ball courts, skating rinks and swimming pools	P	P	P	S	P	
Parks, common greens, plazas, public gathering places and open space	P	P	P	P	P	
<b>Civic</b>						
Houses of worship	P	P	P	S	P	
Public, private or parochial schools	P	P	P	S	P	
Public/government buildings such as; township/state/county offices, public	P	P	P		P	

museums, libraries and community centers						
Essential public services	P	P	P	P	P	
<b>Other</b>						
Wireless communication towers and antennas	See section 1850					

6. Industrial districts schedule of uses identifies the uses allowed in the following residential districts:
- IRO industrial research office districts: The intent is to provide for a mixture of office, research and industrial facilities.
  - I-1 light industrial districts: The intent is to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects no manner affect in a detrimental way any of the surrounding districts.
  - I-2 general industrial districts: The intent is 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.
  - I-3 industrial districts: The intent is to provide locations for industrial uses which, due to the nature of activities conducted, are not well suited to locations within I-1 or I-2 districts and whose effects on abutting property as well as beyond the district may impair the use of such abutting property.
  - I-C industrial and commercial districts: The intent is to accommodate manufacturing, assembling and fabrication activities including business activities which are not well suited to locations in business districts due to their impact on abutting neighborhoods or due to their requirements for large site areas not available in the township's limited business districts.

Industrial Districts Use Table	IRO	I-1	I-2	I-3	I-C	Notes
P = Permitted Use S = Special Conditional Use A = Accessory Use — = Not permitted						
<b>Industrial Uses</b>						
Blast furnace, steel furnace, blooming or rolling mill			P	P	P	Located not less than 800 feet distance from any residential district and not less than 300 feet distant from any other district
Central dry cleaning plant, service to more than one facility		P	P	P		
Garbage, refuse and rubbish transfer stations			P	P	P	Subject to conditions in section 1858
Heating and electric power generating plants, and all necessary uses			S	S	S	

Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant			P	P	P	Located not less than 800 feet distance from any residential district and not less than 300 feet distant from any other district
Junkyards and places for dismantling, wrecking and disposing or salvaging of the junk and or refuse material of agricultural and automotive vehicles, paper, glass and other materials of a similar nature, including processing of materials for recycling			P	P	P	Subject to conditions in section 1842 and article V, junkyards and automobile dismantling, of the Code of Ordinances Charter Township of Ypsilanti
Lumber and planing mills		S	S		S	Must be in enclosed building and located in the interior of the district so that no property line shall form the exterior boundary of the zoning district
Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.			P	P	P	Located not less than 800 feet distant from any residential district and not less than 300 feet distant from any other district
Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products	S	P	P			In IRO, must be in enclosed building
Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas	S	P	P			In IRO, must be in enclosed building
Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs	S	P	P			In IRO, must be in enclosed building
Manufacture, compounding, assembling or treatment of	S	P	P			In IRO, must be in enclosed building



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.						
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	S	P	P			In IRO, must be in enclosed building
Metal plating, buffing and polishing		S	S		S	Subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances
Mini-warehouses and storage buildings for lease to the public		S	S			Subject to conditions in section 1839
Petroleum or other inflammable liquids, production, refining or storage			P	P		Located not less than 800 feet distant from any residential district and not less than 300 feet distant from any other district
Sand and gravel extraction			P			Subject to conditions in section 1854
Smelting of copper, iron or zinc ore			P	P		Located not less than 800 feet distant from any residential district and not less than 300 feet distant from any other district

Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies		P	P			Subject to conditions in section 1863
Warehouses and storage		P	P			
Uses which have an industrial character in terms of either their outdoor storage requirements or activities such as, but not limited to: lumberyard, building materials outlet, upholsterer, cabinetmaker, outdoor boat, house trailer, automobile garage or agricultural implement sales		S	S	S	S	
<b>Research</b>						
Laboratories, experimental, film or testing	S	P	P			In IRO, must be in enclosed building
Medical laboratories	P	P	P			
Research and development, including laboratories, prototype development and testing facilities, design and pilot or experimental product development	P	P	P			In IRO, must be in enclosed building
<b>Agricultural</b>						
Farm operation		P	P	P		
Greenhouse and plant material nursery (materials grown and sold on-site)		P	P	P	P	
<b>Office and Financial</b>						
Office buildings	P					
Data processing and computer centers, including service and maintenance of electronic data processing equipment	P					

<b>Retail and Services</b>						
Adult entertainment facilities					S	Subject to conditions in section 1844
Adult/child day care center + preschools	S	S				
Commercial kennels		P	P			
Massage establishment					S	Subject to conditions in section 1845
Medical marihuana dispensaries and medical marihuana nurseries		S	S			Subject to conditions in section 1841
Pawnbroker, secondhand dealer and junk dealer facilities					S	Subject to conditions in section 1846
Personal service establishments	S					Permitted as accessory use only in IRO, subject to conditions in section 1837
Retail	S					Such uses shall comprise not more than 20 percent of the land area of an overall development, subject to conditions in section 1837
Tattoo facilities					S	Subject to conditions in section 1847
<b>Lodging and Restaurants</b>						
Hotels	P					
Motels	P					Subject to conditions in section 1837
Restaurants	S					Subject to conditions in section 1822.b
<b>Civic/Institutional</b>						
Hospitals	P					
House of worship	S	—	—	—	—	
Trade or industrial schools		P	P			No outdoor storage
Parole or probation offices					S	Subject to conditions in section 1849
Public/government buildings	P					

Public utility buildings, excluding wastewater treatment plants		P	P			
Transfer and electricity and gas service buildings and yards		P	P			
Wastewater treatment plants				P	S	Subject to conditions in section 1860
<b>Recreation</b>						
Assembly halls, display halls, convention center, theater or similar places of assembly	P					Conducted in completely enclosed building
Health clubs, fitness centers, gyms and aerobic clubs, health and fitness center	P	S	S			Permitted as accessory use only in IRO
Indoor recreational facility, including bowling alley, archery range, tennis/racquet ball court, skating rink, athletic field, swimming pool, and other similar uses	P	S	S			Permitted as accessory use only in IRO. Must be located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district
Lighted outdoor commercial sports centers, including baseball and other intense activities			P	P		Subject to conditions in section 1859
Outdoor spat ball, simulated war games and similar activities			P			Subject to conditions in section 1857
Outdoor theaters			S		S	Subject to conditions in section 1843
Racetracks (including midget auto and karting tracks) and dirt tracks			P			Subject to conditions in section 1856
<b>Automotive/Transportation</b>						
Airports		S				Subject to conditions in section 1402.3
Auto engine and body repair, and undercoating shops		S				When conducted in enclosed building

Automobile mechanical component dismantling and recycling					S	Subject to conditions in section 1848
Freight terminals		P	P			
Railroad transfer and storage tracks, railroad rights-of-way		P	P			
Railroad lines, rail spurs and similar rail transport access facilities	P	P	P	P	P	Subject to conditions in section 1851
<b>Accessory Uses</b>						
Accessory buildings and uses customarily incident to any permitted use in this table	A	A	A	A	A	
<b>Other</b>						
Wireless communication towers and antennas	See section 1850					

( Ord. No. 2018-476 , § 2, 2-20-18; Ord. No. 2020-491 , §§ 2, 3, 7-21-20)

## ***ARTICLE IV. R-1 THROUGH R-5 ONE-FAMILY RESIDENTIAL DISTRICTS<sup>2</sup>***

### **Sec. 400. Intent:**

The R-1 through R-5 one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family dwellings along with other residentially related facilities which serve the residents in the district.

(Ord. No. 99-224, § II, 8-3-99)

### **Sec. 401. Principal uses permitted:**

See schedule of uses in section 306.3.

( Ord. No. 2017-473 , §§ I, II, 3-21-17; Ord. No. 2018-476 , § 3, 2-20-18)

Editor's note(s)—Ord. No. 2017-473 , § I, adopted March 21, 2017, repealed § 401 in its entirety, and section II of said ordinance enacted new provisions to read as herein set out. Former § 401 pertained to similar subject matter, and derived from Ord. No. 2010-404, § II, adopted May 18, 2010.

<sup>2</sup>Editor's note(s)—Ord. No. 2018-476 , § 3, adopted Feb. 20, 2018, changed the title of art. IV from "R-1 Through R-4 One-Family Residential Districts" to read as herein set out.

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**Sec. 402. Uses permitted subject to special conditions:**

See schedule of uses in section 306.3.

(Ord. No. 95-139, 10-17-95; Ord. No. 99-205, 3-16-99; Ord. No. 2006-368, 1-16-07; Ord. No. 2016-468 , § I, 10-18-16; Ord. No. 2018-476 , § 3, 2-20-18)

**Sec. 403. Area and bulk requirements:**

See article XX, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

( Ord. No. 2018-476 , § 3, 2-20-18)

Editor's note(s)—Ord. No. 2018-476 , § 3, adopted Feb. 20, 2018, repealed former § 403 and renumbered § 404 as § 403. Former § 403 pertained to required conditions, and derived from Ord. No. 2003-322, adopted Aug. 19, 2003.

***ARTICLE V. RM-1 AND RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS*****Sec. 500. Intent:**

The RM-1 and RM-2 multiple-family residential districts are designed to provide sites for low- to moderate-density multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between nonresidential districts and single-family districts.

**Sec. 501. Principal uses permitted:**

See schedule of uses in section 306.3.

(Ord. No. 99-224, § III, 8-3-99; Ord. No. 2018-476 , § 4, 2-20-18)

**Sec. 502. Uses permitted subject to special conditions:**

See schedule of uses in section 306.3.

(Ord. No. 99-205, 3-16-99; Ord. No. 2018-476 , § 4, 2-20-18)

**Sec. 503. Required conditions:**

1. In the case of multiple-dwelling developments, all site plans shall be submitted to the planning commission and township board for review and approval in accord with section 2115 of this ordinance prior to issuance of a building permit. Approval shall be contingent upon a finding that:
  - a. The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety; and
  - b. All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to:

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channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.

( Ord. No. 2018-476 , § 4, 2-20-18)

**Sec. 504. Area and bulk requirements:**

See article XX, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and providing minimum yard setback requirements.

***ARTICLE VI. RM-3 AND RM-4 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS***

**Sec. 600. Intent:**

The RM-3 and RM-4 multiple-family residential districts are designed to provide sites for high-density multiple-dwelling developments adjacent to high traffic generators and in areas abutting major thoroughfares and expressways.

**Sec. 601. Principal uses permitted:**

See schedule of uses in section 306.3.

( Ord. No. 2018-476 , § 5, 2-20-18)

**Sec. 602. Uses permitted subject to special conditions:**

See schedule of uses in section 306.3.

( Ord. No. 2018-476 , § 5, 2-20-18)

**Sec. 603. Required conditions:**

1. In the case of multiple-dwelling developments, all site plans shall be submitted to the planning commission and township board for review and approval in accord with section 2115 of this ordinance prior to issuance of a building permit. Approval shall be contingent upon a finding that:
  - a. The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety; and
  - b. All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.

( Ord. No. 2018-476 , § 5, 2-20-18)

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**Sec. 604. Area and bulk requirements:**

See article XX, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted, and providing minimum yard setback requirements.

***ARTICLE VI-A. RM-5 TOWNHOUSE RESIDENTIAL DISTRICT*****Sec. 650. Intent:**

The RM-5 (townhouse residential district) is intended to provide for moderate density infill housing in older developed areas of the township. This district provides strict design standards to ensure that development is consistent with existing neighborhoods and includes characteristics typical of traditional neighborhood design. Specific design requirements and standards are provided to allow for a more compact and pedestrian friendly form of development while ensuring a high quality of development and the preservation of open spaces for residents.

(Ord. No. 2001-284, 12-18-01)

**Sec. 651. Principal uses permitted:**

See schedule of uses in section 306.3.

(Ord. No. 2001-284, 12-18-01; Ord. No. 2018-476 , § 6, 2-20-18)

**Sec. 652. Uses permitted subject to special conditions:**

See schedule of uses in section 306.3.

(Ord. No. 2001-284, 12-18-01; Ord. No. 2018-476 , § 6, 2-20-18)

**Sec. 653. Required conditions:**

Site plans for condominium and multiple-family residential projects in the RM-5 district must comply with the following design standards:

1. *Building layout and architecture.* The following architectural standards shall be met for all structures:
  - a. *Porches:* All main entrances to the units shall have a porch or stoop facing the street that is at least six-feet in depth and 70 square feet in area.
  - b. *Material:* All of the exterior finish material on all facades that are visible from the street shall be limited to glass, brick, cut stone, cast stone, smooth stucco or wood. Concrete block, EIFS or other synthetic materials shall not be allowed on any portion of the building visible from a street.
  - c. *Color:* The primary color of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area, provided the trim may be of a contrasting color.
  - d. *Facades:* Walls visible from a public street, adjacent off-street parking areas or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.



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- e. *Roofs:* All buildings shall have pitched roofs. The roofline may also include varying lines customary with gable or hip style roofing. Functional dormer window features are encouraged. Permitted roofing materials include asphalt shingles, cedar shake and slate. Standing seam metal roofing is not permitted on residential structures.
  - f. *[Buildings that terminate a view or are located at street intersections:]* Buildings that terminate a view or are located at street intersections shall provide distinct and prominent architectural features or otherwise create a distinctive visual landmark.
  - g. *Garages:* All attached or detached garages shall be located within the established rear yard with access provided by an alley.
  - h. *Orientation:* Buildings shall be oriented towards a public street, except the planning commission may allow dwellings to front onto a common green or pedestrian right-of-way easement. Parking, garages and any other accessory structures and uses shall be located to the rear. A minimum of 75 percent of the unit entrances shall also be positioned at the front facade of the building, facing the street.
2. *Street design:*
- a. *Street connections:* All townhouse residential developments shall utilize internal public streets that conform to township and Washtenaw County Road Commission street design standards, and other conditions set forth by the township board. 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. Where it is not possible or desirable to provide a through street, the planning commission may allow a roundabout or a looped drive with a common green in the center. The circular drive around the green shall be at least 20 feet wide, measured face to face of curb, and the central green shall be no less than 40 feet at its narrowest dimension.
  - b. *Alleys:* Alleys shall be provided where necessary for access to rear yard garages. Such alleys shall have a minimum pavement width of 18 feet and shall be located within a minimum 30-foot wide private access easement. An alley shall be designed to provide only secondary frontage and access to dwellings.
3. *Pedestrian circulation:*
- a. *Sidewalks:* Minimum five-foot wide concrete sidewalks shall be provided on both sides of all internal streets within the development and within all open space areas. Sidewalks along collector roads and thoroughfares shall be at least six feet wide.
  - b. *Pedestrian connections:* All developments shall provide pedestrian linkages between public sidewalks and the building entrances. Sidewalk and safety path connections are required to adjacent uses and activity areas.
4. *Parking:*
- a. *Guest parking:* Guest parking of up to one space for each four dwelling units may be required by the planning commission. Such parking shall be located in the established rear yard and conveniently located near each dwelling unit.
  - b. *On-street parking:* The planning commission may give credit towards parking requirements where abutting on-street parking is provided.
  - c. *Location:* A minimum of 80 percent of required off street parking spaces shall be located in the rear yard, completely behind the principal building(s). The remaining may be permitted in the side yard of buildings provided they are located behind the front line of the principal building(s).

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- d. *Screening:* All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use by a decorative wall or hedge.
  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 provide safe and comfortable light levels, and shall be in compliance with section 2110 (exterior lighting) requirements.
  6. *Open space:* Residential projects shall meet the open space requirements of footnote "cc" of section 2000 (schedule of regulations), and shall be subject to the following:
    - a. *Design:* Open space areas shall be set aside for passive or active recreation and should include seating areas, playgrounds, open lawn area, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood.
    - b. *Location:* Open space areas shall be centrally and conveniently located to be physically and visibly accessible to residents. Open space areas shall not be located entirely within the rear yards. The township board may permit the required open space to be located off-site as part of [a] new public park, or an improvement or expansion of an existing public park.

(Ord. No. 2001-284, 12-18-01)

#### **Sec. 654. Area and bulk requirements:**

See article XX, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lots by permitted land use and providing minimum yard setback requirements.

(Ord. No. 2001-284, 12-18-01)

### ***ARTICLE VII. MHP MOBILE HOME PARK DISTRICTS***

#### **Sec. 700. Intent:**

The purpose of the MHP mobile home park district is to give recognition to the fact that mobile homes can provide satisfactory living conditions, provided certain minimum standards are maintained. Mobile home parks possess site development, use and density characteristics and private drive systems similar to multiple-family residential development. They are, in this ordinance, provided for as a transitional use between nonresidential development and residential districts or between multiple-family residential districts and one-family residential districts.

#### **Sec. 701. Principal uses and special conditional uses permitted:**

See schedule of uses in section 306.3.

( Ord. No. 2018-476 , § 7, 2-20-18)

Editor's note(s)—Ord. No. 2018-476 , § 7, adopted Feb. 20, 2018, changed the title of § 701 from "Principal uses permitted" to read as herein set out.

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**Sec. 702. Locational requirements:**

1. Access to any mobile home park shall be to a major thoroughfare or secondary thoroughfare as designated on the master plan. 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.
2. Mobile home parks shall not be permitted on parcels of less than 15 acres in area.

**Sec. 703. 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:

1. All mobile homes shall comply with state mobile home commission requirements with respect to the space between homes and other facilities.
2. All mobile home sites shall contain at least 5,500 square feet of site area. This site area, however, may be reduced to not less than 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.
3. A setback of at least 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 25 feet, the computation of which shall include the ten-foot required distance established in rule 944(1) of the mobile home 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 sec. 2108. This area may also be part of the required open space when it is part of a functionally usable open space area.

**Sec. 704. Required conditions:**

1. All mobile home park development shall further comply with Act No. 419 of Public Acts of Michigan of 1976 (MCL 125.1101 et seq., MSA 19.855(1) et seq.), as adopted.
2. 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 mobile home commission rules, as adopted.
3. 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 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 feet in height around its perimeter or by some other similar screening device.

4. All utility connections shall comply with state and local codes.
5. 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

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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 mobile home commission for their consideration in reviewing the proposed mobile home park plans.

6. 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.
7. Each occupied mobile home shall be skirted and anchored with materials meeting mobile home commission specifications.
8. 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 Mobile Home 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 community and economic development department prior to the issuance of a land use permit for a mobile home.
9. 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.

(Ord. No. 2005-362, 10-4-05; Ord. No. 2018-476 , § 7, 2-20-18)

#### **Sec. 705. Other requirements:**

For other applicable requirements, see article XX, "Schedule of Regulations" and article XXII, "General Exceptions."

### ***ARTICLE VIII. OS-1 OFFICE SERVICE DISTRICTS***

#### **Sec. 800. Intent:**

The OS-1 districts are designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.

#### **Sec. 801. Principal uses permitted:**

See schedule of uses in section 306.4.

(Ord. No. 99-205, 3-16-99; Ord. No. 2018-476 , § 8, 2-20-18)

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**Sec. 802. Uses permitted subject to special conditions:**

See schedule of uses in section 306.4.

(Ord. No. 99-205, 3-16-99; Ord. No. 2005-354, 3-7-05; Ord. No. 2018-476 , § 8, 2-20-18)

**Sec. 803. Required conditions:**

1. No interior display shall be visible from the exterior of the building.
2. The outdoor storage of goods or material shall be prohibited.
3. Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.
4. Marginal service roads may be required in accord with section 2115.5.d.

( Ord. No. 2018-476 , § 8, 2-20-18)

**Sec. 804. Area and bulk requirements:**

See article XX, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

## ***ARTICLE IX. B-1 LOCAL BUSINESS DISTRICTS***

**Sec. 900. Intent:**

The B-1 local business districts, as herein established, are designed to meet the day-to-day convenience shopping and service needs of persons residing in immediately adjacent residential areas.

**Sec. 901. Principal uses permitted:**

See schedule of uses in section 306.4.

( Ord. No. 2018-476 , § 9, 2-20-18)

**Sec. 902. Required conditions:**

1. All business establishments shall be retail or service establishments dealing directly with customers.
2. All business, servicing, processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
3. Marginal service roads may be required in accord with section 2115.5.d.

( Ord. No. 2018-476 , § 9, 2-20-18)

**Sec. 903. Uses permitted subject to special conditions:**

See schedule of uses in section 306.3.

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( Ord. No. 2018-476 , § 9, 2-20-18)

**Sec. 904. Area and bulk requirements:**

See article XX, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

***ARTICLE X. B-2 COMMUNITY BUSINESS DISTRICTS***

**Sec. 1000. Intent:**

The B-2 community business districts are designed to cater to the needs of a larger consumer population than is served by the local business districts, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

**Sec. 1001. Principal uses permitted:**

See schedule of uses in section 306.3.

(Ord. No. 97-169, 6-17-97; Ord. No. 2018-476 , § 10, 2-20-18)

**Sec. 1002. Required conditions:**

1. All business establishments shall be retail or service establishments dealing directly with consumers.
2. All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in section 1003 below, shall be conducted within completely enclosed buildings.
3. Marginal service roads may be required in accord with section 2115.5.d.

( Ord. No. 2018-476 , § 10, 2-20-18)

**Sec. 1003. Uses permitted subject to special conditions:**

See schedule of uses in Section 306.4.

(Ord. No. 96-145, 3-5-96; Ord. No. 2018-476 , § 10, 2-20-18)

**Sec. 1004. Area and bulk requirements:**

See article XX, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

***ARTICLE XI. B-3 GENERAL BUSINESS DISTRICT***

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**Sec. 1100. Intent:**

The B-3 general business districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the local business district or the community business district.

**Sec. 1101. Principal uses permitted:**

See schedule of uses in section 306.3.

(Ord. No. 97-169, 6-17-97; Ord. No. 2018-476 , § 11, 2-20-18)

**Sec. 1102. Uses permitted subject to special conditions:**

See schedule of uses in section 306.3.

( Ord. No. 2016-462 , § 2, 3-15-16; Ord. No. 2018-476 , § 11, 2-20-18)

**Sec. 1103. Required conditions:**

1. Marginal service roads may be required in accord with section 2115.5.d.

(Ord. No. 96-145, 3-5-96; Ord. No. 99-204, 3-16-99; Ord. No. 2018-476 , § 11, 2-20-18)

**Sec. 1104. Area and bulk requirements:**

See article XX, "Schedule of Regulations" limiting the height and bulk of buildings and minimum size of lot by permitted land use.

(Ord. No. 96-145, 3-5-96)

## ***ARTICLE XI-A. ECORSE ROAD FORM BASED DISTRICT (ERFB)<sup>3</sup>***

**Sec. 1140. General intent and purpose:**

- A. *Intent.* The Ecorse Road form based district (ERFB) is intended to implement the vision established by the township master plan and the E. Michigan Avenue and Ecorse Road placemaking plan, to transform the Ecorse Road corridor into a vibrant, dynamic area through placemaking and the attraction of new investment. The Ecorse Road form based district allows for the consolidation and creative redevelopment of parcels.

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<sup>3</sup>Editor's note(s)—Ord. No. 2018-476 , § 12, adopted Feb. 20, 2018, repealed former art. XI-A, §§ 1140—1144, which pertained to the B-4 auto-oriented business district, and derived from Ord. No. 2001-285, adopted Dec. 18, 2001.

Subsequently, Ord. No. 2019-487 , § 1, adopted July 16, 2019, enacted new provisions to read as herein set out.

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Development of buildings and sites, including retrofitting and redevelopment of existing sites and buildings, can include residential, retail, office, and service uses. Uses designed to support the residents and local workers are also encouraged, such as mixed-use developments with small scale retail or restaurant uses incorporated with housing units. The redeveloped corridor will help diversify the township housing and commercial stock and incorporate architecturally interesting buildings.

Consolidation of parcels in the district is encouraged in order to provide for a quality and consistent development pattern. Incentives include additional building forms and more permitted uses.

B. *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 consistent developable sites.

C. *Factors for regulation.* These regulations are based on two significant factors: site context and building features.

1. 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 sites types are organized by shape, size, orientation and location.
2. 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.

( Ord. No. 2019-487 , § 1, 7-16-19)

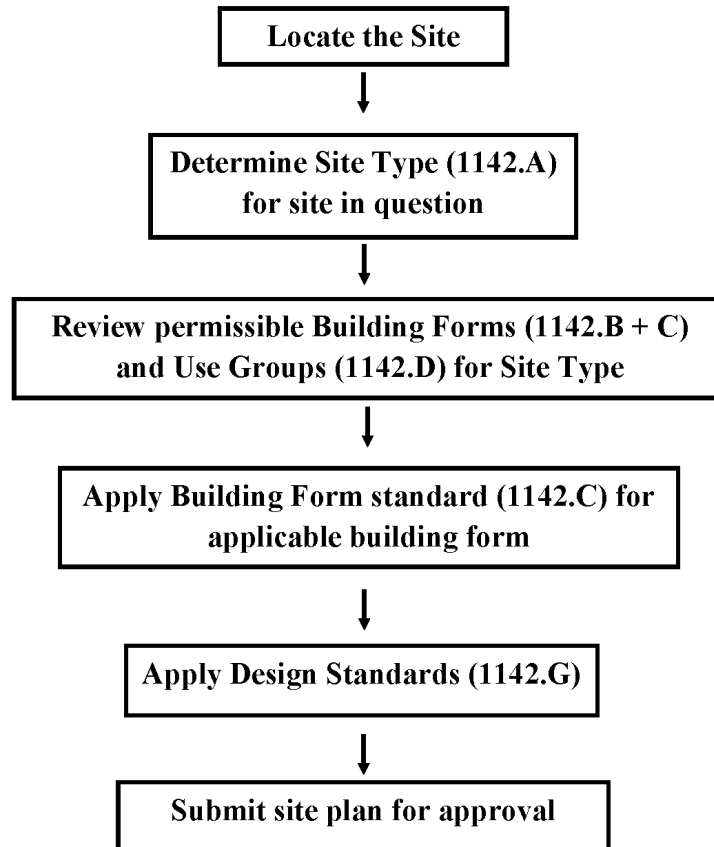
## **Sec. 1141. Applicability and organization.**

A. *Applicability.*

1. 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.
2. The requirements of this article shall not apply to:
  - a. Continuation of a permitted use within an existing structure.
  - b. Changes of use within existing structures that do not require increased parking.
  - c. Normal repair and maintenance of existing structures that do not increase its size or parking demand.



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- B. *Regulating plan.* The Ecorse Road form based district shall be governed by a regulating plan that is specific to the area.
1. The regulating plan based on the site type determines building form and allowable use for each property within a form-based district.
  2. The regulating plan is based on three factors: site type; building form; and use group.
    - a. *Site types.* Site types, as set forth in section 1142.A., 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.
    - b. *Building form standards and types.* Building form standards and types, set forth in section 1142.B. and C., establish the parameters for building form, height, and placement, and are specifically applied to each district based upon the regulating plan.
    - c. *Authorized use groups.* Authorized land uses are organized by use groups. Authorized use groups, as set forth in section 1142.D., are specifically applied to each district based upon the regulating plan.
  3. The steps to determine the regulations that apply to a specific property within a form-based district are as follows:
    - a. Find the site in question on the regulating plan map.
    - b. Identify the site type for the site in question. Sites will be classified site type A, B, or C.
    - c. 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.
    - d. Follow the regulations for the chosen building form when designing the development application. Building form regulations are established in section 1142.B. and 1142.C.
    - e. Follow the design standards as listed in section 1142.G.
    - f. Obtain site plan approval or special use approval for the chosen building form and use, as appropriate.



- C. *Design standards.* General design standards, set forth in section 1142.G., are supplementary to other requirements of the ordinance. Generally, the design standards regulate building placement, parking orientation, landscaping, and other site design requirements.
- D. *Modification of district boundaries.* Any modification to the boundaries of any form-based district shall require rezoning, in accordance with the provisions of article XXVII, changes and amendments.
- E. *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 section 2703.

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

1. The applicant's property cannot be used for the purpose permitted in the form-based district.
  2. Area has been added to or deleted from the subject property in question, requiring the modification.
  3. The proposed modification and resulting development will not alter the essential character of the area.
  4. The proposed modification meets the intent of the district.
  5. Existing streets have been improved and/or new streets constructed that may result in the modification of a specific site type.
  6. Modification to the regulating plan is in conformance to the master plan and placemaking plan.
- F. *Nonconformities.* Nonconformities shall be regulated in accordance with article XXII of the zoning ordinance.

## **Sec. 1142. Standards.**

### **A. *Site types.***

1. *Site type A* (neighborhood residential or mixed-use sites). Site type A is composed of lots one-half 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 Ecorse Road and neighboring residential areas. 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.
2. *Site type B* (neighborhood commercial/office or mixed-use sites). Made up mostly of lots between one-half and one acre in area, the site type B category may include free standing single-use sites developed for 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.
3. *Site type C* (community commercial/office and mixed-use sites). The sites in site type C are mostly larger than one 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.

### **B. *Building form standards.***

1. The ERFC district permit a series of building forms, dependent on the site context. The building forms, set forth in [section] 1142.C., are designated within the district location based on the regulating plan. Building forms are classified in the following manner:
  - a. Permitted building forms. These building forms are permitted as of right in the locations specified.
  - b. Prohibited building forms. Building forms that are not identified as permitted in the locations specified are prohibited.
  - c. Exceptions: For all building forms in all locations, awnings, signs, other projections (architectural projections, bay windows, etc.) may project beyond the required building line by up to five feet. Projections will be reviewed by the township to ensure public safety.
2. 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.
3. Non-residential development height, setback, and greenbelt provisions when adjacent to any residentially zoned or used property.
  - a. Setback and greenbelt:
    - i. 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.
      - a. 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 ERFB.

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- b. When a parcel is abutting or adjacent to a residentially zoned or used parcel without an intervening alley or street, a minimum ten-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 feet in height erected parallel to any common lot line, with a ten-foot wide planting strip along the base of the wall or fence that consists of one evergreen tree and one canopy tree per 30 lineal feet along the property line.
          - c. 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 1142.B.3.b.
    - ii. Site type C. The following setback and greenbelt shall be provided for any parcel zoned site type C that is adjacent to a residentially zoned or used parcel.
      - a. 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 one-half times the height of the building on the non-residential parcel.
      - b. When a property is abutting or adjacent to a residentially zoned or used parcel without an intervening alley or street, a minimum 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 2108.C.
      - c. 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 1142.B.3.b.
  - b. Deviation standards:
    - i. Height, setback, and greenbelt deviations may be granted by the planning commission if the following is found:
      - a. The deviation shall not adversely impact public health, safety, and welfare.
      - b. The deviation shall maintain compatibility with adjacent uses.
      - c. 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.
      - d. 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.
      - e. The deviation shall be in compliance with all other zoning ordinance standards.
      - f. The deviation shall not adversely impact any on-site or off-site natural features.
- C. *Building form types.*

Table 1142a-1 Building Form A.1		
Building form A.1: Small, generally single-purpose buildings for residential. Typically situated on a smaller lot, adjacent to single-family residential.		
Building Height		
Minimum 1 story, 14-foot height, maximum 2 stories, 28-foot height (site type A and B), Max: 2 stories, 38-foot height (site type C)		
Building Placement		
Front yard: 10-foot required build-to line <sup>1</sup> 75% of the building facade must meet the required build-to line, while up to 25% of the facade can be set back to allow for architectural consideration.	Side yard: No minimum side setback If provided, minimum 5 feet. For corner lots, side street yard, minimum 5 feet.	Rear yard: Minimum 10-foot rear setback
Lot		
Impervious surface: Maximum 80%  Access and circulation: Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.	Parking location: 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.		

Table 1142a-2 Building Form A.2		
Building Form A.2: Small, generally single-purpose buildings for retail, office, restaurant, or service uses. Typically situated on a smaller lot within the district, adjacent to single-family residential.		
Building Height		
Minimum 1 story, 14-foot height, maximum 2 stories, 30-foot height		
Building Placement		
Front yard: 10-foot required build-to line <sup>1</sup> 75% of the building facade must meet the required build-to line, while up to 25% of the facade can be set back to allow for architectural consideration.	Side yard: No minimum side setback If provided, minimum 5 feet. For corner lots, side street yard, minimum 5 feet.	Rear yard: Minimum 10-foot rear setback
Lot		
Impervious surface: Maximum 80%  Access and circulation: Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.	Parking location: 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.		

Table 1142a-3 Building Form B		
Building Form B: Small, generally single-purpose buildings for retail, office, restaurant, or service uses. Typically situated in an out lot of a larger classification building form, or on a smaller, more remote site location within the district.		
Building Height		
Minimum 1 story, 14-foot height, maximum 2 stories, 28-foot height (Site type B), Max: 3 stories, 38-foot height (Site type C)		
Building Placement		
Front yard: 10-foot required build-to line <sup>1</sup> 75% of the building facade must meet the required build-to line, while up to 25% of the facade can be set back to allow for architectural consideration.	Side yard: No minimum side setback If provided, minimum 5 feet. For corner lots, side street yard, minimum 5 feet.	Rear Yard: Minimum 10-foot rear setback
Lot		
Impervious surface: Maximum 80%  Access and circulation: Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.	Parking location: 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.		

Table 1142a-4 Building Form C		
Building Form C: Single or multiple-tenant buildings for retail, restaurant, office, service, or residential uses. This category also includes multiple-tenant development, although it requires a second story to encourage a mix of use.		
Building Height		
Minimum 1 story, 14-foot height, maximum 3 stories, 38-foot height, Ground floor 14-foot minimum height		
Building Placement		
Front yard: Maximum 60-foot required build-to line	Side yard: No minimum side setback If provided, minimum 5 feet.	Rear Yard: Minimum 30-foot rear setback
Lot		
Impervious surface: Maximum 80%  Access and circulation: Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.	Parking location: 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; if parking is provided in the front yard only one row is permitted.	

D. *Authorized use groups.*

1. Authorized uses are categorized by use groups as set forth in table 1142.D. Use groups generally contain similar types of uses in terms of function, character, and intensity.
2. Use groups are designated in locations within each district based on the regulating plan. Use groups are classified in the following manner:
  - a. Permitted use groups. These use groups are permitted as of right in the locations specified.
  - b. Special use groups. These use groups are permitted after review and approval by the planning commission, in accordance with the procedures set forth in section 2119 and the standards in this ordinance.
  - c. Prohibited use groups. These use groups not indicated as permitted are prohibited in the locations specified.
  - d. Uses permitted in all locations within the district. Public parks and essential public services are permitted by right in all locations.



- e. 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.

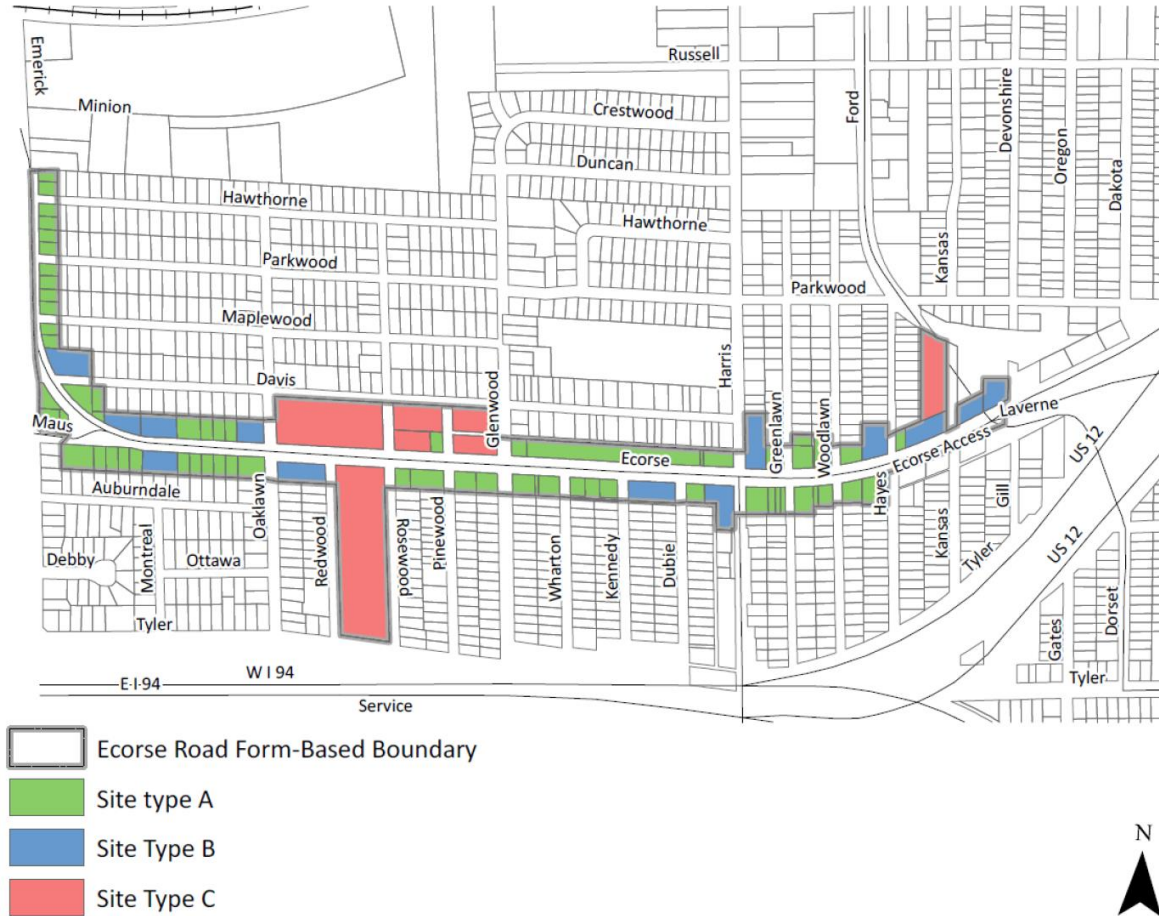
The zoning administrator may also make the determination whether the use is permitted as of right, permitted in upper stories only, or permitted as a special use. The zoning administrator may obtain a recommendation from the planning commission as to whether or not the proposed use is similar to a use permitted as of right, permitted in upper stories only, or permitted as a special use.

**Table 1142.D**  
**Use Groups by Category**

<b>Use Group 1</b>
<b>Residential Uses:</b>
One-family detached and attached dwellings, subject to regulations in section 1801
Two-family dwellings
<b>Use Group 2</b>
<b>Misc. Residential/Related Uses:</b>
Multiple-family dwellings
Live/work units
Child care centers, subject to regulations in section 1861
Bed and breakfast, subject to regulations in section 1808
<b>Use Group 3</b>
<b>Office/Institutional:</b>
Civic buildings
General office
Professional and medical office
Primary/secondary schools (private)
Publicly owned/operated office and service facilities
Veterinary clinics or veterinary hospitals, subject to regulations in section 1820 and section 1821, respectively
<b>Use Group 4</b>
<b>Retail, Entertainment, and Service Uses:</b>
Financial institutions
General retail
Food use without a drive-through
Personal services
Business services
<b>Use Group 5</b>
<b>Misc. Uses:</b>
Commercial kennels/pet day care
Medical clinics and hospitals
Technology centers/office research/data center
Funeral homes
Senior assisted/independent living
Group day care homes, subject to regulations in section 1861
Lodging
Places of worship
Fitness, gymnastics, and exercise centers

Theatres and places of assembly
Indoor commercial recreation establishments

E. *Ecorse Road form based code district regulating plan.*



F. *Ecorse Road form based code district regulating plan table.*

Site Type	Building Form	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	B, C	Permitted use group	2, 3, 4
			Special use group	5

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

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1. *Pedestrian/non-motorized access.*
    - a. *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.
    - b. *Standards.*
      - i. 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.
      - ii. Pedestrian access shall be clearly identified from parking areas and all entrances to a building.
      - iii. Where appropriate, sidewalks fronting the public right-of-way should be designed to accommodate space for activities such as outdoor dining.
      - iv. All sites shall provide a bike rack for at least two bicycles within 50 feet of the building entrance.
  2. *Building placement and orientation.*
    - a. *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.
    - b. *Standards.*
      - i. Setbacks and building orientation shall reinforce a consistent pattern of siting.
      - ii. Primary building entrances shall be located so that they are easily identifiable with convenient public access.
      - iii. Buildings should enhance street corners through the use of prominent architectural or site features.
  3. *Parking placement, orientation, and screening.*
    - a. *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.
    - b. *Standards.*
      - i. 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 2104.
        - a. 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 2104.
        - b. 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.
      - ii. Location.

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- a. When parking is located in a side yard (behind the front building line) but fronts on the required building line, no more than 25 percent of the total site's linear feet along the required building line or 60 feet, whichever is less, shall be occupied by parking.
    - b. For a corner lot, no more than 25 percent of the site's cumulative linear feet along the required building lines or 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. Where off-street parking is visible from a street, it should be screened in accordance with the standards set forth in [section] 2108.
  - 4. *Architectural design and building materials.*
    - a. *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.
    - b. *Architectural design standards.*
      - i. *Building massing and scale.*
        - a. Rooflines and pitches shall be proportionate to nearby structures so as to provide transition or mitigation of significant changes to scale. Variety in massing can occur through step-backs as a building ascends upward.
        - b. Buildings shall maintain a consistent street wall with the longest edge of the buildings oriented parallel to the roadway, where possible.
        - c. 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.
      - ii. *Façade variation.*
        - a. 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.
        - b. Materials shall be selected for suitability to the type of buildings and the architectural design in which they are used.
        - c. Material selection shall be consistent with architectural style in terms of color, shades, and texture, however monotony shall be avoided.
  - 5. *Transparency.*
    - a. *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

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building are visible from or accessible to the street, and parking areas are visible to occupants of the building.

b. *Transparency standards.* These standards apply only to buildings with non-residential uses on the ground floor:

1. 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.
2. 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 50 percent windows and doors, and the minimum transparency for facades facing a parking area shall be no less than 30 percent of the façade.
3. First-floor transparency is measured between two and eight feet above the first-floor elevation.
4. Nothing shall be placed on or inside window to reduce transparency less than the 50-percent requirement.
5. For multiple tenant buildings, the minimum transparency requirement must be met by each suite or tenant.

6. *Landscaping.*

a. *Intent.* To incorporate appropriate landscaping to enhance visual appearance, provide transitions between properties, and screen unsightly areas.

b. *Landscaping standards.*

1. In addition to the standards set forth in section 2108, the following standards shall be met.
2. Landscaping shall conform and incorporate existing landscape and topographic features.
3. Landscaping within courtyards, patios, and pedestrian realm may include hardscape and softscape materials.
4. Landscaping shall maintain adequate sight lines for visual safety, visibility and efficient security.
5. Landscaped areas, including landscaped parking islands and medians, shall be separated from vehicular and pedestrian encroachment by curbs and raised planting areas.

8. *Loading and storage areas.*

a. *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.

b. *Standards.*

1. *Utilities and mechanical screening.*

- a. Utility structures located between the building and the public right-of-way shall be screened as set forth in article XXI. Screening may include walls, fencing, or

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landscaping that is consistent with the character and materials of the development.

- b. 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 article XXI with walls, fencing or landscaping that are consistent with the character and materials of the development.

2. *Loading.*

- a. 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).
- b. Loading and service areas shall be located on the sides or rears of the buildings.
- c. Loading and service areas shall be screened from the public right-of-way with the use of fencing, landscaping, or walls.

( Ord. No. 2019-487 , § 1, 7-16-19)

## ***ARTICLE XI-D. TOWN CENTER DISTRICT***

### **Sec. 1170. Intent.**

The town center district is provided specifically for the development or redevelopment of land within the town center designated in the Master Plan and the Huron/Whittaker Corridor Study along Huron and Whittaker Road Corridor, from I-94 to just south of Stony Creek Road. The intent is to facilitate the development of a traditional, pedestrian-oriented town center with mixed-use buildings containing retail and service uses on the first floor and residential or office on upper floors, similar to a traditional downtown. The commercial components are to be complemented by surrounding residential development within a walkable distance consisting of townhouses and single family residential that follow traditional neighborhood design principles, with pedestrian oriented streetscapes and a system of neighborhood open spaces. Development shall be in accordance with the guidelines outlined in the Ypsilanti Township Master Plan.

(Ord. No. 2007-378, § 2(11.70), 2-19-08)

### **Sec. 1171. Town center zones.**

*Town center zones.* Zones are established within the town center district for the purpose of prescribing requirements for building form, lot dimensions, architectural design, parking lot location and streetscape treatments. Each site shall be regulated based upon its zone as follows:

1. *TC-1.* The TC-1 Zone is a non-residential zone for the northern portion of the Huron Street Corridor nearest the I-94 interchange. This district is intended for a mixture of commercial, office, research and development and recreational uses. It serves at the entryway to the town center transitioning from the north.
2. *TC-2.* The TC-2 Zone is a mixed-use zone for the central part of the town center north of the intersection of Huron Street and Huron River Drive. This district is intended for a mixture of commercial, office, residential and recreational uses. It serves as the central mixed-use core for the town center creating a focal point at the intersection of Huron Street and Huron River Drive.

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3. *TC-3.* The TC-3 Zone is a commercial zone for the southern part of the town center along Whittaker Road. This district is intended for commercial and office uses that provide convenience goods and services to residents of the township. It serves as a transitional area to the residential neighborhoods further south.
  4. *TC-4.* The TC-4 Zone applies to the areas on the outer edges of the town center and is intended to develop primarily for residential use. These serve as transitional areas to the residential zoning districts that surround the town center.
  5. *TC-5.* The TC-5 Zone is the civic zone of the town center. Governmental and civic uses are located in this zone including the Township Hall, District Court, National Guard Armory and Library.

(Ord. No. 2008-378, § 2(11.71), 2-19-08)

## **Sec. 1172. Types of buildings and uses permitted.**

1. *Uses permitted.* See section 306.5.
2. *Use requirements.* Uses in the town center district shall be subject to the following requirements:
  - a. *Detached single family and two family residential.* Single family residential shall meet the design standards in section 1174.2. Two family residential shall be subject to the same dimensional and design requirements as single family residential.
  - b. *Attached single family residential/townhouses.* Attached single family residential, also commonly known as townhouses, shall be attached units that each provide a separate entryway with direct access to the outdoors at ground level by way of a front porch or stoop. Each unit shall have defined front and rear yards. Each unit shall be provided with an individual garage, which may be attached or detached. Attached single family residential shall meet the design standards in section 1174.2.
  - c. *Residential dwellings on upper floors within mix-use buildings.* Multiple family residential shall only be permitted above the first floor of a mixed-use building that contains retail, service, office or restaurant uses on the main floor. Mixed-use buildings shall meet the design standards in section 1174.1.
  - d. *Live/work units.* Live/work units shall be dwelling units attached with common side walls wherein the main floor of each unit is designed to accommodate a small business with upper floors utilized for dwelling purposes. The first floor space of each unit shall be designed to be utilized as an office or retail store with a commercial storefront that is at-grade with the sidewalk. The upper floors shall include a dwelling unit with the unit designed to be under single occupancy as an integral unit. Live/work units shall meet the design standards applicable to mixed-use buildings in section 1174.1.
  - e. *Retail and service uses.* All retail and service businesses shall be establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except for off-street parking, loading and outdoor restaurant seating, shall be conducted within completely enclosed buildings. Non-residential uses shall meet the design standards in section 1174.1.
  - f. *Drive-thru service.* Accessory drive-through windows may only be permitted with special conditional use approval. There shall be no more than one drive-through lane, except banks which may have up to three. The drive-through shall be located on the rear or side of the building where it is least visible from a public street.
  - g. *Residential care facilities.* Adult and child residential care facilities that are permitted or allowed as special conditional uses shall be allowed, subject to the requirements contained in section 2122.

(Ord. No. 2008-378, § 2(11.72), 2-19-08; Ord. No. 2018-476 , § 13, 2-20-18)

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### Sec. 1173. Dimensional requirements.

1. TC-1. All uses in the TC-1 Zone shall meet the following dimensional requirements:

TC-1	All Uses	
Lot Area	No minimum.	
Lot Width	No minimum.	
Front Yard	Minimum 0-foot front yard setback. Maximum 75-foot front yard setback.	
Side Yard	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.	
Rear Yard	Minimum 25-foot rear yard setback.	
Building Height	Minimum 20-foot building height. Maximum 6 stories/75-foot building height. The first story shall be a minimum of 12 feet in height measured from floor to ceiling.	
Parking	Parking shall be permitted in the side or rear yards. A maximum of one row of parking shall be permitted in the front yard.	

2. TC-2. All uses in the TC-2 Zone shall meet the following dimensional requirements:

TC-2	Non Residential/Mixed Use Buildings	
Lot Area	No minimum lot area. 3,000 square feet per dwelling unit in mixed use building.	
Lot Width	No minimum.	
Front Yard	<b>Huron Street/ Huron River Drive Frontage:</b> Minimum 0-foot; maximum 75-foot front yard setback. <b>Other Street Frontage:</b> Minimum 0-foot; maximum 10-foot front yard setback.	
Building Frontage Requirements	Building facade shall occupy a minimum of 40% of the frontage length between the min. and max. setback.	
Side Yard	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.	
Rear Yard	Minimum 25-foot rear yard setback.	
Building Height	Minimum 20-foot building height. Maximum 3 stories/40-foot building height.	



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	The first story shall be a minimum of 12 feet in height measured from floor to ceiling.	
<b>Parking—Huron Street frontage</b>	Parking shall be permitted in the side or rear yards. A maximum of one row of parking shall be permitted in the front yard facing Huron Street.	
<b>Parking—All other street frontages</b>	No parking shall be allowed in the front yards facing Huron River Drive and other streets. Parking shall not be permitted between the building facade and the front lot line within 30 feet of the corner of any roadway intersection.	

TC-2	Single/Two Family Residential	Attached Residential	
<b>Lot Area</b>	5,000 square feet per lot.	4,300 square feet per unit.	
<b>Lot Width</b>	50 feet per lot.	25 feet per unit.	
<b>Front Yard</b>	Minimum 15-foot front yard setback.	Minimum 10-foot front yard setback.	
<b>Side Yard</b>	Minimum 5 feet, 15 feet total both.	A zero side setback between units where a fire wall is provided. Minimum 10 feet, 20 foot spacing between buildings.	
<b>Rear Yard</b>	Minimum 25-foot rear yard setback.		
<b>Building Height</b>	Minimum 20-foot building height. Maximum 3 stories/40-foot building height.		
<b>Parking</b>	Parking shall only be permitted in the side or rear yard, except in a residential driveway extending from the street to the side or rear yard.		

3. TC-3. All uses in the TC-3 Zone shall meet the following dimensional requirements:

TC-3	All Uses	
<b>Lot Area</b>	No minimum.	
<b>Lot Width</b>	No minimum.	
<b>Front Yard</b>	<b>Whittaker and Stony Creek Frontage:</b> Minimum 0-foot; maximum 75-foot front yard setback. <b>Other Street Frontage:</b> Minimum 0-foot; maximum 10-foot front yard setback.	
<b>Side Yard</b>	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.	
<b>Rear Yard</b>	Minimum 25-foot rear yard setback.	

<b>Building Height</b>	Minimum 20-foot building height. Maximum 3 stories/40-foot building height. The first story shall be a minimum of 12 feet in height measured from floor to ceiling.	
<b>Parking</b>	Parking shall be permitted in the side or rear yards. A maximum of one row of parking shall be permitted in the front yard.	

4. TC-4. All uses in the TC-4 Zone shall meet the following dimensional requirements:

TC-4	Single/Two Family Residential	Attached Residential
Lot Area	5,000 square feet per lot.	4,300 square feet per unit.
Lot Width	50 feet per lot.	25 feet per unit.
Front Yard	Minimum 15-foot front yard setback.	Minimum 10-foot front yard setback.
Side Yard	Minimum 5 feet, 15 feet total both.	Minimum 10 feet, 20 foot spacing between buildings.
Rear Yard	Minimum 25-foot rear yard setback.	
Building Height	Minimum 2 stories. Maximum 3 ½ stories Maximum 35-foot building height.	
Parking	Parking shall only be permitted in the side or rear yard, except in a residential driveway extending from the street to the side or rear yard.	

5. TC-5. All uses in the TC-5 Zone shall meet the following dimensional requirements:

TC-5	All Uses
<b>Lot Area</b>	No minimum
<b>Lot Width</b>	No minimum
<b>Front Yard</b>	No minimum
<b>Side Yard</b>	Minimum 10 foot side yard setback
<b>Rear Yard</b>	Minimum 25-foot rear yard setback
<b>Building Height</b>	Minimum 20-foot building height Maximum 3 stories/45-foot building height

<b>Parking</b>	Parking shall be permitted in the side or rear yards. A maximum of one row of parking shall be permitted in the front yard.
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6. *Additional building height.* In TC-1, TC-2 and TC-5 Zones, buildings may have up to three additional stories and 35 feet of building height noted above where one or more of the following are provided as part of the development.
- A multi-level parking structure.
  - A mixed use building that provides residential dwelling units above first-floor commercial where a minimum of 50 percent of the buildings floor area is residential.
  - Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.

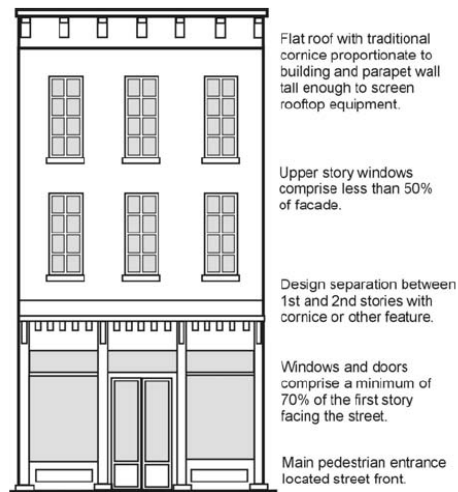
(Ord. No. 2008-378, § 2(11.73), 2-19-08)

## **Sec. 1174. Architectural requirements.**

- Non-residential and mixed use architecture.* Non-residential buildings, mixed-use buildings (with residential in upper floors) and live/work units shall meet the following architectural design requirements:
  - Front facade requirements.*
    - Buildings shall front onto the sidewalk with windows, doors, and architectural detailing customary of traditional storefronts and contain varying materials, and appearances.
    - All buildings shall have a main entrance that is located on at least one street front.
    - Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
    - For buildings longer than 100 feet, there shall be a minimum of one usable entrance every full 50 feet of frontage and architectural variation shall be provided to visually break the building up.
  - Corner buildings.*
    - Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets.
    - A main entrance must be on a street-facing wall and either at the corner or within 25 feet of the corner.
  - Building materials.*
    - The following exterior finish materials are required on the front facade and any facade facing a street, or parking area. These requirements do not include areas devoted to windows and doors. These requirements apply in lieu of section 2125.
    - All walls exposed to public view from the street, or parking area shall be constructed of not less than 75 percent modular brick or stone, not including window or door areas.
    - Panel brick and tilt-up brick textured paneling shall not be permitted.

- (4) The remaining facade may include wood siding or fiber cement siding.
- (5) Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor only.
- (6) Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a cornice, change in material or textures, or an awning or canopy between the first and second stories.

d. *Windows and doors.*



The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

- (1) No less than 70 percent of the storefront/ground floor front facade shall be clear glass panels and doorway.
- (2) Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall.
- (3) Windows shall not be blocked with opaque materials or the back or shelving units.
- (4) The bottom of the first floor window must be no more than four feet above the adjacent exterior grade.
- (5) Openings above the first story shall be a maximum of 50 percent of the total facade area.

e. *Roof design.*

f. *Awnings.*

2. *Residential architecture.* Attached single family, detached single family and two-family residential dwellings shall meet the following architectural design requirements:

a. *Building Design.*



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- (1) Residential buildings shall utilize high-quality traditional architecture, such as but not limited to: Arts & Crafts/Bungalow, Colonial, Gothic Revival, Italianate, Tudor, Victorian and other traditional styles characteristic of the Mid-western United States and with historic buildings characteristic of Washtenaw County.
  - (2) For any residential development that contains five or more dwelling units, typical elevations shall be approved by the planning commission as part of the development's design guidelines or a pattern book.
  - (3) Identical or similar buildings or elevations may not be repeated more frequently than every sixth house along the same side of any street.

b. *Front facade.*

Townhouses with traditional architectural style.

Pedestrian orientation towards street with front porch or front stoop.

Garages located to rear or side not visible from street frontage.



- (1) Each residential unit shall provide its own individual pedestrian door facing the front lot line.
- (2) All dwellings shall include a front porch or front stoop with steps.
- (3) A stoop or porch (plus steps) shall not extend any nearer than three feet to the sidewalk in front of the lot.
- (4) The front facade of all residential units shall be at least 15 percent windows or doors.
- (5) The finished floor elevation shall be no less than three feet and no more than seven feet above the exterior sidewalk elevation in front of the building or from the ground elevation once construction is complete.

c. *Building material.*

d. *Garages.*

3. *Modifications.* The planning commission may approve deviations to the architectural requirements of this section in order to achieve the objectives of this the town center district through the use of creativity and flexibility in development and design. Each deviation shall be evaluated based upon all of the following criteria:
  - a. Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the town center, as articulated in the master plan, and the proposed building fits within the context of adjacent buildings along the block.
  - b. The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian-oriented environment.

- c. The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the town center.
- d. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block. The ground floor front facade window and door requirement may be reduced for research and development uses.

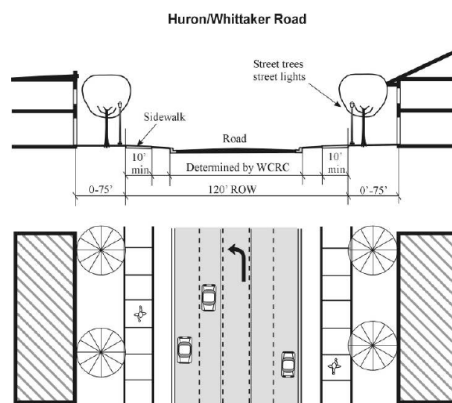
(Ord. No. 2008-378, § 2(11.74), 2-19-08)

## Sec. 1175. Streetscape requirements.

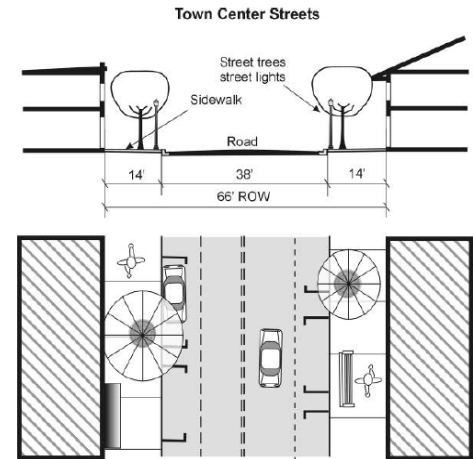
1. *Streets.* An interconnected street and sidewalk network shall be provided to unify neighborhoods and provide more convenient access to businesses and community facilities. Streets shall be designed to meet the following requirements based upon the frontage of the site:

- a. Huron Street, Whittaker Road or Huron River Drive Frontages. All frontages along Huron Street, Whittaker Road or Huron River Drive shall meet the following requirements:

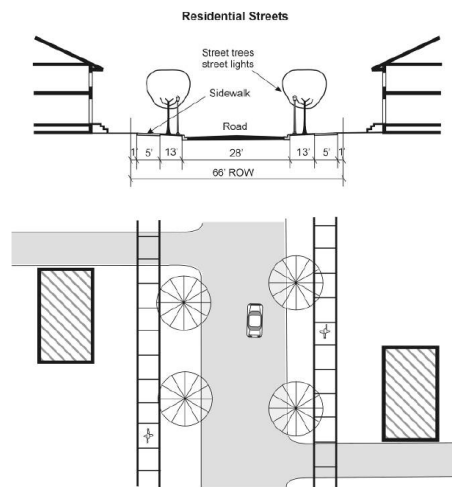
Huron Street, Whittaker Road or Huron River Drive Frontages	
Street Width	As determined by road commission.
Right-of-Way Width	120 feet.
Sidewalks	Sidewalks shall be a minimum of 10 feet wide concrete and provided on both sides of the street.
Street Trees	One canopy tree for every 40 feet of frontage planted within a 20 foot wide greenbelt.
Street Lights	Pedestrian scale ornamental street lighting shall be provided along all sidewalks and within parking areas. Street lighting shall be spaced no more than 100 feet.



- b. *Town center street frontages.* All newly developed streets that contain non-residential uses or mixed use buildings shall meet the following requirements:



- c. **Residential Street Frontages.** All newly developed residential streets shall meet the following requirements:



2. **Street design standards.** Except as provided for in this section, streets shall be constructed to meet the requirements of the Washtenaw County Road Commission. Streets shall meet the width requirements noted in the tables above; provided, streets may be narrower at curb bump-outs, crosswalks and at intermediate points along long blocks to calm traffic and enhance pedestrian safety. Sidewalks shall be constructed to meet the requirements of section 2114.5, except as provided for in this section. Roads intersecting Huron Street, Whittaker Road and Huron River Drive shall incorporate full crosswalks at all legs of the intersection.
3. **Traffic calming.** The use of traffic calming devices such as raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to conventional traffic control measures. Whenever an irreconcilable conflict exists among vehicular and pedestrian usage, the conflict should be resolved in favor of the pedestrian unless in the best interest of public safety.
4. **Alleys.** Alleys shall be permitted in all areas of the town center district and shall be required where necessary to provide access to parking lots, loading areas and garages on the rear of dwelling units. Alleys serving as access to residential garages shall have a minimum pavement width of 20 feet and be located within a 30 foot wide easement. Alleys accessing commercial parking lots and loading areas shall have a minimum width of 24 feet.



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5. *Sidewalk cafes.* For uses with outdoor seating or temporary display areas a minimum of five feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained. Pedestrian circulation and access to the building entrance shall not be impaired by tables, chairs, and other encumbrances.
  6. *Street connections.* The town center district shall be developed as an integrated area with an interconnected street network. Street connections shall be provided to all adjacent parcels within the district. The use of cul-de-sacs and dead-end streets shall be prohibited. In locations where it is not possible to provide a through street, the planning commission may allow a looped drive with a common green in the center. The circular drive around the green shall be at least 20 feet wide, measured face to face of curb. The green shall be no less than 40 feet at its narrowest dimension.
  7. *Street furniture.* Benches and trash receptacles shall be provided in park and plaza areas and along sidewalks where the planning commission determines that pedestrian activity will benefit from these facilities.
  8. *Bicycle facilities.* Developments shall be designed to accommodate bicycle travel, including the provision of bike paths, bike lanes and bike racks at destination points such as shopping and recreational facilities.



9. *Street lights.* Street lights shall be provided in accordance with the spacing standards in subsection (1) above.
  - a. Street lights shall be of an ornamental style acceptable to the planning commission. Where the township has adopted street lighting specifications, these specifications shall be used on all sites in the town center.
  - b. Site plans for all uses in the town center shall indicate the location and specifications for street lights.
  - c. The applicant may petition the township board to establish a special assessment district for purpose of paying electrical cost of street light operation.
10. *Street trees.* Streets shall be designed with street trees planted in a manner appropriate to their function. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. Residential streets shall provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home. Street trees shall meet the landscape plant material and size requirements of section 2108.

(Ord. No. 2008-378, § 2(11.75), 2-19-08)

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## **Sec. 1176. Parking and loading.**

1. *Parking requirements.* Parking lots shall conform to the requirements of section 2104. Because the regulations of this section are intended to encourage pedestrian/transit friendly design and compact mixed-use development that requires less reliance on automobiles, the planning commission shall have the discretion to reduce the number of parking spaces required by section 2104 by up to 30 percent.
2. *On-street parking.* On-street parking shall be permitted in all areas of the town center and may be credited towards meeting off-street parking requirements of section 2104.
3. *Location.* Off-street parking shall be located in the rear yard to the maximum extent practical. Parking may be permitted in the side yard where it is setback a distance equal to the building, does not occupy more than 50 percent of the frontage along a site and a 30 inch tall brick screenwall that serves as an extension of the adjacent building is provided between the parking and the sidewalk.
4. *Huron Street Whittaker Road.* One single row of parking may be provided along the Huron Street and Whittaker Road frontages. This parking shall be separated from Huron/Whittaker Road by a 20-foot deep greenbelt.
5. *Screening and landscaping.* Where parking is visible from a street, it shall be screened by a 30 inch tall brick screenwall located between the parking lot and the sidewalk. Where a parking lot for a non-residential use is adjacent to a residential use, a six foot tall brick screen wall shall be provided between the parking lot, including drives, and the residential use instead of the greenbelt required by section 2108. Where the commercial parking lot is separated from the residential use by an alley, then the screenwall may be reduced to 30 inches in height; provided however, the planning commission may also require a six foot tall brick wall or wood/vinyl fence on the residential side of the alley. Parking lot landscaping shall be provided as required by section 2108, except the area of landscape islands and number of parking lot trees may be reduced to half the normal requirement for parking that is located in the rear yard.
6. *Loading areas.* Loading areas shall be provided for uses required to have loading areas by section 2104. The planning commission may allow shared loading areas and waste receptacles between adjacent uses where shared use and maintenance easements are provided. All loading areas shall be screened from any adjacent residential areas and from view of any street by a six foot tall brick wall. Waste receptacle enclosures shall meet the requirements of section 2103(16).

(Ord. No. 2008-378, § 2(11.76), 2-19-08)

## **Sec. 1177. Open space requirements.**

All developments shall be designed to create cohesive community neighborhoods through a network of spaces such as parks, plazas and common open space areas for passive or active recreation and resident interaction. All site plan submissions shall include an open space and landscape plan that provides all of the following:

1. *Residential open space.* Areas dedicated to or associated with residential uses shall set aside a minimum of 25 percent of the land area for open space, which shall contain some form of active recreational facility such as a park or play-area. Each open space area shall be of a design, shape, size and location with street frontage to allow for use by residents for both active and passive recreation. Recreational improvements such as playground equipment, benches, picnic tables, gazebos and pathways shall be provided.
2. *Non-residential open space.* Areas dedicated to non-residential or mixed-use shall set aside a minimum of 15 percent of the land area for open spaces such as plazas, pavilions, common greens or parks; provided the planning commission may permit a portion of this open space to be transferred into an adjacent residential

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area that is part of the same development. The township board may approve use of open plaza areas for temporary open air markets, band-shells or ice-skating rinks.

3. *Common green focal point.* Open space needs to include at least one area that provides a focal point for the neighborhood and town center, such as the provision of one or more central squares or common greens.
4. *Natural areas.* The planning commission shall require any natural areas with significant mature woodlands or landmark trees to be preserved as open space or otherwise incorporated into the development's design to ensure the preservation of these natural features. Wooded areas and bluffs along Ford Lake with slopes in excess of 12 percent shall be preserved in a natural state.
5. *Public art.* Art shall be incorporated in the form of sculptures, fountains or murals as part of the open space system, within plazas and along sidewalks at key, highly visible locations.

(Ord. No. 2008-378, § 2(11.77), 2-19-08)

### **Sec. 1178. Other requirements and review process.**

1. *Other regulations.* Development shall be in accordance with all other applicable regulations of this section. Where there is a conflict between the requirements of the town center district and the requirements of another article of the zoning ordinance, then the requirements of the town center district shall govern.
2. *Review process.* The site plan review procedures and requirements of section 2115 shall be followed for all development proposals within the town center district. All special conditional uses shall be reviewed following the procedures and requirements of section 2119.

(Ord. No. 2008-378, § 2(11.78), 2-19-08)

## **ARTICLE XII. P-1 VEHICULAR PARKING DISTRICTS<sup>4</sup>**

### **Sec. 1200. Intent:**

The P-1 vehicular parking districts are intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities. The following regulations shall apply to all P-1 districts.

( Ord. No. 2018-476 , § 14, 2-20-18)

### **Sec. 1201. Principal uses permitted:**

Premises in such districts shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are hereinafter provided.

( Ord. No. 2018-476 , § 14, 2-20-18)

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<sup>4</sup>Editor's note(s)—Ord. No. 2008-380, adopted on May 20, 2008, repealed art. XII in its entirety. The former article pertained to FS freeway service districts. See also the Code Comparative Table.

Subsequently, Ord. No. 2018-476 , § 14, adopted Feb. 20, 2018, enacted new provisions to read as herein set out.

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**Sec. 1202. Required conditions:**

1. The parking area shall be accessory to, and for use in connection with, one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
2. Such parking lots shall be contiguous to an RM or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and above-listed districts.
3. Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day and shall not be used as an off-street loading area.
4. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
5. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
6. No building other than those for shelter of attendants shall be erected upon the premises and they shall not exceed 15 feet in height.
7. Applications for P-1 district rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with sections 2104 and 2105.

( Ord. No. 2018-476 , § 14, 2-20-18)

**Sec. 1203. Minimum distances and setbacks:**

1. *Side and rear yards.* Where the P-1 district is contiguous to the side or rear lot lines of premises within a residentially zoned district, the required wall shall be located along said lot line.
2. *Front yards.* Where the P-1 district is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of 25 feet, or whichever is the greater. The required wall shall be located on this minimum setback line unless, under unusual circumstances, the planning commission finds that no good purpose would be served. The land between said setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

( Ord. No. 2018-476 , § 14, 2-20-18)

**Sec. 1204. Parking space layout, standards, construction and maintenance:**

P-1 vehicular parking districts shall be developed and maintained in accordance with the requirements of article XXI, general provisions.

( Ord. No. 2018-476 , § 14, 2-20-18)

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***ARTICLE XIII. IRO INDUSTRIAL RESEARCH OFFICE DISTRICT***

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**Sec. 1300. Intent:**

The IRO industrial research office districts is so designed as to provide for a "community of office, research and industrial facilities." The IRO industrial research office districts are designed to ensure the compatibility between the operations therein and the activities and character of the neighborhood in which the center is located. The district is established to encourage uses which have a high value per acre of land that will supplement the township's tax base.

**Sec. 1301. Principal uses permitted:**

See section 306.6.

(Ord. No. 99-205, 3-16-99; Ord. No. 2018-476 , § 15, 2-20-18)

**Sec. 1302. Uses permitted subject to special conditions:**

See section 306.6.

( Ord. No. 2018-476 , § 15, 2-20-18)

**Sec. 1303. Required conditions:**

1. The outdoor storage of goods or materials shall be prohibited.
2. Any use established in the IRO district shall be operated so as to comply with the performance standards set forth hereinafter in section 2120.
3. All uses shall receive site plan review and approval by the planning commission prior to the issuance of any building permit.
4. Marginal access roads may be required in accord with section 2115.5.d.

( Ord. No. 2018-476 , § 15, 2-20-18)

**Sec. 1304. Area and bulk requirements:**

See article XX, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

## ***ARTICLE XIV. I-1 LIGHT INDUSTRIAL DISTRICTS***

**Sec. 1400. Intent:**

The I-1 light industrial districts are designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared material.

The general goals of this use district include, among others, the following specific purposes:

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1. To provide sufficient space, in appropriate locations, to meet the needs of the township's expected future economy for all types of manufacturing and related uses.
  2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
  3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
  4. To promote the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the township's tax revenue base.

**Sec. 1401. Principal uses permitted:**

See section 306.6.

(Ord. No. 99-224, § IV, 8-3-99; Ord. No. 2000-245, § I, 3-21-00; Ord. No. 2018-476 , § 16, 2-20-18)

**Sec. 1402. Principal uses permitted subject to special conditions:**

See section 306.6.

(Ord. No. 95-140, 12-5-95; Ord. No. 98-181, 2-17-98; Ord. No. 99-206, 3-16-99; Ord. No. 2010-404, § III, 5-18-10; Ord. No. 2018-476 , § 16, 2-20-18)

**Sec. 1403. Required conditions:**

1. Any land used for open storage facilities for materials or equipment used in a permitted or special conditional use shall be totally obscured by a wall on those sides abutting any residential, office, or business district, and on any front yard abutting a public thoroughfare except as otherwise provided in section 2113. In I-1 districts, the extent of such a wall may be determined by the planning commission on the basis of usage. Such a wall shall not be less than four feet six inches in height and may, depending upon land usage, be required to be eight feet in height and shall be subject further to the requirements of article XXI, general provisions. A chainlink fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as above set forth.

( Ord. No. 2018-476 , § 16, 2-20-18)

**Sec. 1404. Area and bulk requirements:**

See article XX, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

( Ord. No. 2018-476 , § 16, 2-20-18)

Editor's note(s)—Ord. No. 2018-476 , § 16, adopted Feb. 20, 2018, renumbered § 1403 as § 1404.

***ARTICLE XV. I-2 GENERAL INDUSTRIAL DISTRICTS***

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**Sec. 1500. Intent:**

General industrial districts are designed primarily 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. The I-2 district is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

**Sec. 1501. Principal uses permitted:**

See section 306.6.

( Ord. No. 2018-476 , § 17, 2-20-18)

**Sec. 1502. Principal uses permitted subject to special conditions:**

See section 306.6.

( Ord. No. 2018-476 , § 17, 2-20-18)

**Sec. 1503. Area and bulk requirements:**

See article XX, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

( Ord. No. 2018-476 , § 17, 2-20-18)

Editor's note(s)—Ord. No. 2018-476 , § 17, adopted Feb. 20, 2018, renumbered § 1502 as § 1503.

## ***ARTICLE XVI. I-3 INDUSTRIAL DISTRICTS***

**Sec. 1600. Intent:**

I-3 industrial districts are designed to provide locations for industrial uses which, due to the nature of activities conducted, are not well suited to locations within I-1 or I-2 districts and whose effects on abutting property as well as beyond the district may impair the use of such abutting property.

**Sec. 1601. Principal uses permitted:**

See section 306.6.

( Ord. No. 2018-476 , § 18, 2-20-18)

**Sec. 1602. Principal uses permitted subject to special conditions:**

See section 306.6.

( Ord. No. 2018-476 , § 18, 2-20-18)

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**Sec. 1603. Area and bulk requirements:**

See article [XX], schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and minimum yard setbacks.

( Ord. No. 2018-476 , § 18, 2-20-18)

Editor's note(s)—Ord. No. 2018-476 , § 18, adopted Feb. 20, 2018, renumbered § 1602 as § 1603.

## ***ARTICLE XVII. I-C INDUSTRIAL AND COMMERCIAL DISTRICTS***

**Sec. 1700. Intent:**

I-C industrial and commercial districts are designed to accommodate manufacturing, assembling and fabrication activities including business activities which are not well suited to locations in business districts due to their impact on abutting neighborhoods or due to their requirements for large site areas not available in the township's limited business districts. The I-C district is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

**Sec. 1701. Principal uses permitted:**

See section 306.6.

( Ord. No. 2018-476 , § 19, 2-20-18)

**Sec. 1702. Uses permitted subject to special conditions:**

See section 306.6.

(Ord. No. 97-169, 6-17-97; Ord. No. 2000-249, § 2, 10-3-00; Ord. No. 2003-330, 1-20-04; Ord. No. 2009-390, 4-7-09; Ord. No. 2018-476 , § 19, 2-20-18)

**Sec. 1703. Area and bulk requirements:**

See article XX "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

## ***ARTICLE XVIII. SPECIFIC USE PROVISIONS<sup>5</sup>***

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<sup>5</sup>Editor's note(s)—Ord. No. 2018-476 , § 20, adopted Feb. 20, 2018, repealed art. XVIII, §§ 1800—1804, and enacted a new art. XVIII to read as herein set out. Former art. XVIII pertained to the P-1 vehicular parking districts, and derived from Ord. No. 74, adopted May 17, 1994.



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**Sec. 1800. Intent:**

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

- a. Dwelling units shall conform to all applicable township codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling. Dwelling units shall be constructed to the requirements of the Michigan Construction Code Act of 1972 (Act No. 230 of the Public Acts of Michigan of 1972, as amended) and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
- b. The setbacks, gross floor area and lot coverage of any proposed single-family dwelling unit shall comply with the standards set forth in section 2000.
- c. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frostline. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
- d. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
- e. Dwelling units shall have a roof with a minimum 4:12 pitch and minimum eight-inch eave, and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt or other acceptable shingles, and meet the snow load standards for southern Michigan.
- f. Dwelling units shall be oriented on the lot to be consistent with the configuration of dwelling units on adjacent properties and in the surrounding residential neighborhood. All dwelling units shall have width to depth and depth to width ratio that does not exceed three to one (3:1). All dwelling units shall have a minimum width dimension of 24 feet.
- g. Dwelling units shall be oriented toward the public right-of-way such that the facade that faces the street is manifestly designed as a front facade containing a door, windows and other architectural features customary of the front facade of a residence. There shall be a minimum of two exterior doors with one facing the street. All entrances shall be provided with steps, a stoop or porch that is permanently attached, on a frost depth foundation, either to the perimeter wall.
- h. The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- i. Any such home shall be anchored by an anchoring system approved by the township.

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- j. The zoning administrator may request a review by the planning commission of any dwelling unit with respect to items d., e. and f., above. The planning commission shall review the proposed dwelling at a hearing where notice of such hearing shall be provided to all occupants of dwellings within 300 feet of the lot to contain the proposed dwelling. The zoning administrator or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the township at large. In reviewing any such proposed dwelling unit, the zoning administrator may require the applicant to furnish such plans, elevations and similar documentation as the zoning administrator deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.
  - k. The provisions of this section shall not apply to manufactured homes situated in licensed manufactured housing communities.

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1802. Home occupations:**

Home occupation subject to the following:

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1803. Keeping of chickens:**

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

- a. The principle use of the property where the hens are to be kept is as a single-family dwelling as defined by the township zoning ordinance.
- b. Hens may only be kept by a person permanently residing at the subject residence.
- c. The keeping of roosters shall be prohibited.
- d. Chickens shall be provided with a secure, well-ventilated, roofed, and lockable structure (heretofore referred to as a "hen house") which shall not exceed 25 square feet in area.
- e. A covered enclosure or fenced enclosure, constructed in a workmanlike manner, shall be erected around the hen house to prevent the hens from leaving the enclosed area.

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- f. No enclosure shall be located closer than 20 feet from a property line nor shall it be located closer than 40 feet to any adjacent residential structure.
  - g. Both the hen house and the fenced pen, run, or enclosure must be located in the rear yard.
  - h. All enclosures for the keeping of chickens shall be constructed or repaired to prevent rats, mice or other rodents from being harbored underneath, within, or within the walls of the enclosure.
  - i. All food shall be stored indoor and within a rodent-proof container.
  - j. The slaughtering of hens shall be prohibited.
  - k. Waste materials (feed, manure and litter) should be disposed of in an environmentally responsible manner. The materials can be composted or bagged and disposed of in the trash. It is not acceptable to pile waste materials on the property.

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18; Ord. No. 2020-491 , § 6, 7-21-20)

#### **Sec. 1806. Golf courses:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18; Ord. No. 2020-491 , § 7, 7-21-20)

### **Sec. 1807. Colleges and universities:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18; Ord. No. 2020-491 , § 8, 7-21-20)

### **Sec. 1808. Bed and breakfasts:**

Bed and breakfasts are subject to the following conditions:

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

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- k. The operations of the dwelling unit will not be permitted to endanger, offend, or otherwise interfere with the safety or rights of others so as to constitute a public nuisance.

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1809. Public riding and/or boarding stables:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1810. Private stables:**

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1812. Cemeteries:**

Cemeteries may be permitted subject to the following conditions:

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

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1813. Seasonal sale of produce on farm operations:**

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

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1814. Institutional farms:**

Institutional farms are subject to the following:

- a. A site of not less than 60 acres shall be required.
- b. A frontage of not less than 100 feet on a public road shall be required.
- c. Farming shall be a primary activity conducted on the premises. Not less than 95 percent of such site shall be utilized as open land for crop cultivation.
- d. The site shall be located on a major thoroughfare as designated on the township master plan and such thoroughfare shall have a paved surface.
- e. Buildings shall be located no nearer than 80 feet to any property line.
- f. A landscaped screening area not less than 40 feet wide shall be provided on those sides of the property where homes exist on abutting properties.
- g. Activities which create any of the following impacts beyond the property line of the farm shall be prohibited:
  - (1) Activities which exceed noise levels of 70 decibels at the property line.
  - (2) Activities which generate vibration felt at the property line.

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- (3) Activities which generate electronic interference beyond the property line.
  - (4) Lighting of an intensity greater than for normal farming activities.
  - h. Farming activities that normally produce effects felt beyond the immediate farm property line that are consistent with those effects produced by other farms in the immediate area shall be permitted.
  - i. Parking areas shall be provided for all residents, caretakers, instructors and administrative personnel. Visitor parking and parking for any event conducted on the premises shall be provided as off-street parking.
  - j. A site plan prepared in accordance with section 2115 shall be drawn to scale and submitted for review under this section.
  - k. Landscape screening, where required, shall be provided in accord with section 2108.
  - l. Not more than 13 resident patients per acre may reside on that portion of the farm occupied by buildings. The portion of the farm occupied by buildings shall not exceed five percent of the total farm property.

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1816. Convalescent homes and nursing homes:**

Convalescent homes or nursing home must meet following conditions:

- a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 1,500 square feet of open space. The 1,500 square feet of land area per bed shall provide for landscape setting, off-street



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parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 1,500 square foot requirement is over and above the building coverage area.

- b. No building shall be closer than 40 feet to any property line.
- c. Convalescent or nursing homes in the town center districts are not subject to the above regulations.

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1818. Mortuary establishments:**

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1820. Veterinary clinics:**

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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### **Sec. 1821. Veterinary hospitals:**

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

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1822. Restaurants:**

- a. In the OS-1 and B-1 zoning districts, restaurants must meet the following conditions:
    - (1) Service is wholly within the building and no drive-in facilities are provided.
    - (2) When adjacent to a residential zoning district boundary, the building shall have a minimum setback of 20 feet from the residential zoning district boundary.
    - (3) Parking areas shall be screened from adjacent residential areas in accord with section 2108 and such screening walls shall be constructed of finished materials in harmony with the residential character of abutting residential zones.
    - (4) Outdoor lighting, of a type and location which will not be a nuisance to abutting residential districts, shall be provided. The type of lighting and the location of such lighting shall be included on the plan for review by the planning commission.
    - (5) All access to the site shall be from an existing or planned major or minor thoroughfare, or from a collector street.
  - b. In the IRO zoning districts, restaurants or other places serving food and beverages are subject further to the following conditions:
    - (1) Drive-in, fast-food, carry-out or drive-through restaurants are not permitted.
    - (2) The use shall be located within an office structure, hotel or motel building or in a freestanding building within the IRO district directly adjacent to a permitted use in the IRO zoning district.
    - (3) The use is a part of an overall plan for development of not less than 30 acres and shall be part of a service establishment complex for such development.
    - (4) The use shall comprise not more than 20 percent of the land area of an overall development.
    - (5) The location of such uses shall be established at the time of site plan review and approval for the total development complex.
  - c. Drive-in and drive-through restaurants must meet the regulations in section 1823.
- ( Ord. No. 2018-476 , § 20, 2-20-18; Ord. No. 2020-491 , § 9, 7-21-20)

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

- a. The sale of alcoholic beverages via drive-through service is not permitted. The planning commission may include other restrictions on products sold via the drive-through as applicable.
- b. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
- c. Access points shall be located at least 60 feet from the intersection of any two streets.

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- d. All lighting shall be shielded from adjacent residential districts.
  - e. When abutting or adjacent to districts zoned for R (residential), a six-foot high, completely obscuring wall, fence or landscaping shall be provided. A four-foot six-inch high partially obscuring wall, fence or landscaping shall be required when abutting all other occupancies. The height of the wall/landscaping/fence shall be measured from the surface of the ground. The wall/landscaping/fence shall extend only to the front yard setback line.
  - f. The stacking lane for the drive-through shall be located where it does not conflict with on-site circulation or block access to the site and shall promote pedestrian safety.
  - g. A bypass lane for vehicles not utilizing drive-through facilities must be provided. Clear identification and delineation between the drive-through facility and the parking lot shall be provided.

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

**Sec. 1825. Sidewalk and outdoor cafes:**

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

- a. Sidewalk or outdoor cafe permits may be issued if it is determined that the occupancy will not:
  - (1) Interfere with the use of the street for pedestrian or vehicular travel.
  - (2) Unreasonably interfere with the view of, access to or use of property adjacent to said street.

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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**Sec. 1827. Motels:**

Motels are subject to the following conditions:

- a. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.
- b. Each unit shall contain not less than 250 square feet of floor area.
- c. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

**Sec. 1829. Gasoline service station:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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### **Sec. 1830. Minor automotive repair:**

Minor automotive repair businesses are subject to the following conditions:

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

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1831. Arcades and similar uses:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

Temporary sidewalk, outdoor and tent sales may be permitted subject to the issuance of a revocable permit to operate a sidewalk, outdoor or tent sales as an extension of or compatible with, the existing business on a

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portion of the public sidewalk or other public area adjacent to the business. The permit may be issued under the following terms and conditions:

- a. For all uses, the following conditions must be met:
  - (1) Signs shall be limited to sizes and locations in keeping with section 2109.
  - (2) Any buildings, tents or structures to be erected and any product to be sold in the open shall meet all setback requirements of the district in which it is located.
  - (3) All temporary buildings, tents and structures shall be constructed, used, occupied and maintained in compliance with the provisions of the state construction code and all ordinances of the township.
  - (4) Building and fire code requirements shall be complied with.
  - (5) The sale shall not interfere with the use of the sidewalk or street for pedestrian or vehicular travel. Sidewalk width must remain at least six feet wide.
  - (6) The sale shall not unreasonably interfere with the view of, access to or use of property adjacent to the street or neighboring businesses or properties.
  - (7) The sale shall not interfere with street clearing or snow removal activities.
  - (8) The sale shall not cause damage to the street or to sidewalks, trees, benches, landscaping or other objects lawfully located on the property.
  - (9) Sales areas shall be located so as to provide adequate access for fire and safety vehicles.
  - (10) A permit shall be required. The proprietor of the property shall apply for a building permit and provide a sketch plan drawn to scale showing the location of the sale, existing and proposed temporary and permanent structures on the entire parcel, parking areas, and parking calculations.
  - (11) Copies of permits required by any other agencies for the use must be included with the permit application.
- b. Seasonal sale of produce from tents, stands or display racks subject to the following conditions:
  - (1) Permits may be issued for up to six-month periods.
  - (2) Off-street parking shall be provided in keeping with standards of sections 2104 and 2105. In those instances where usable floor area cannot be effectively measured, the sales space utilized shall be measured as usable floor area.
- c. Sidewalk sales areas may be permitted subject to the following:
  - (1) The sidewalk sales area shall abut the building and shall not be placed abutting a parking area or vehicle travelway.
  - (2) Sidewalk sales areas shall not be fenced or enclosed in any manner.
  - (3) Sidewalk sales shall be conducted for no more than 14 consecutive days and permits shall not be issued for consecutive tent sales beyond a 14-day period.
- d. Tent sales may be permitted subject to the following:
  - (1) No more than three tent sales shall be permitted for a business location within a single calendar year.
  - (2) A tent sale shall be conducted for no more than 14 consecutive days and permits shall not be issued for consecutive tent sales beyond a 14-day period.

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- (3) Tent sales when proposed to be conducted on parking areas shall not reduce required parking spaces by more than 15 percent.
  - (4) All tents shall be removed within 48 hours of expiration of the period for which the permit is issued.

( Ord. No. 2018-476 , § 20, 2-20-18)

**Sec. 1833. Automobile car wash:**

Automobile car wash are subject to the following:

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)



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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1836. Smoking lounges:**

Smoking lounges subject to the following:

- a. No such business shall be located within 2,500 feet of a similar business.
- b. A valid smoking lounge business license issued by the township clerk for the premises.
- c. A minimum number of off-street parking calculated by utilizing the parking requirements for bars, lounges, taverns, and nightclubs.

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1837. Accessory retail uses in IRO zoning district:**

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

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

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- (3) The location of such uses shall be established at the time of site plan review and approval for the total development complex.

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1838. Airports:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1839. Mini warehouses:**

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

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

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( Ord. No. 2018-476 , § 20, 2-20-18)

**Sec. 1840. Indoor recreational facility:**

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

- a. No medical marihuana dispensary or medical marihuana nursery shall be located within 1,000 feet of any other medical marihuana dispensary or medical marihuana nursery nor within 1,000 feet of any of the following uses:
  - (1) Any church, synagogue, mosque or any house of worship.
  - (2) Any school, public or private, having a curriculum including kindergarten or any one or more of the grades one through 12.
  - (3) Any child care organization.
  - (4) Any public library.
  - (5) Any residentially zoned district or residential use.
  - (6) Any community college, university or professional school.
- b. All activity related to a medical marihuana dispensary or medical marihuana nursery including, but not limited to, growing shall be done indoors in a locked structure.
- c. Medical marihuana dispensary and medical marihuana nurseries shall be operated in compliance with the provisions of the Michigan Department of Community Health and the Medical Marihuana Act, MCL 333.26421 et seq.

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- d. Smoking, inhalation, or consumption of medical marihuana shall not be allowed on the site of the medical marihuana dispensary or medical marihuana nursery.
  - e. No qualifying patients under the age of 18 shall be permitted in the medical marihuana dispensary or medical marihuana nursery at any time except in the presence of qualifying patient's parent or legal guardian or their primary caregiver.
  - f. No retail sales of drug paraphernalia are permitted at the medical marihuana dispensary or medical marihuana nursery, except to qualifying patients or their primary caregivers.
  - g. Each medical marihuana dispensary or medical marihuana nursery shall display in a manner legible and visible to its clientele:
    - (1) Notice that qualifying patients under the age of 18 are not allowed in the medical marihuana dispensary or medical marihuana nursery except in the presence of his/her parent or legal guardian;
    - (2) No consumption, inhalation or consumption of medical marihuana shall occur within the vicinity of the medical marihuana dispensary or medical marihuana nursery.
  - h. Only operators and their employees, qualifying patients, parents or guardians of qualifying patients under 18 years of age, and their primary caregiver may be permitted to enter a medical marihuana dispensary or medical marihuana nursery for the purpose of obtaining medical marihuana or other goods or products associated with its use.
  - i. Medical marihuana nurseries can grow a maximum of 72 marihuana plants.
- ( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1842. Junkyards:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1843. Outdoor theaters:**

Outdoor theaters subject to the following conditions:

- a. The proposed internal design shall receive approval from the building official and the township engineer as to adequacy of drainage, lighting and other technical aspects.

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1844. Adult entertainment facilities:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1845. Massage establishments:**

Massage establishment subject to the following conditions:

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1846. Pawnbroker, secondhand dealer and junk dealer:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1847. Tattoo facilities:**

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1848. Automobile mechanical component dismantling and recycling:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

#### **Sec. 1849. Parole or probation offices:**

Parole or probation offices subject to the following conditions:

- a. No parole or probation supervisory office facilities shall be permitted within 1,000 feet of a church or a public or private school property.
- b. No such office facility shall be permitted within 1,000 feet of a district zoned for residential use.
- c. No parole or probation supervisory office facilities shall be permitted within 1,000 feet of a state licensed child care facility.
- d. All other requirements of the I-C district regarding height, area, setback, screening walls, signs, and similar mass and area requirements, shall be consistently maintained.

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- e. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel line upon which the proposed use is to be located or the zoning district boundary, or major thoroughfare right-of-way line from which the proposed land use is to be separated.

( Ord. No. 2018-476 , § 20, 2-20-18)

## **Sec. 1850. Wireless communication towers and antennas:**

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

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

### **1. *Wireless communication towers and antennas:***

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

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- (6) *Backhaul network*: The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
  - (7) *Satellite dish*: An antenna structure designed to receive from or transmit to orbiting satellites.
  - (8) *Tower*: A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes.

c. *Required conditions*:

- (1) *Reviews and approvals*: Construction, installation, replacement, co-location or enlargement of wireless communication towers and antennas shall be reviewed and approved as indicated in Table 1820.1. Towers and antennas requiring planning commission review shall be subject to special land use approval in accordance with section 2119 (special land uses). Applications, reviews and approvals for wireless communication towers and antennas shall be in accordance with the following:

- a. The application is considered to be complete when the planning and zoning coordinator or his or her designee makes that determination 14 business days after the planning and zoning coordinator or his or her designee receives the application, whichever is first.

If the planning and zoning coordinator or his or her designee notifies the applicant before the expiration of the 14-day period, that the application is not complete, specifying the information necessary to make the application complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period shall be tolled until the applicant submits to the director of the office of community standards or his or her designee the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

- b. The planning commission shall approve or deny the application not more than 60 days after the application is considered complete for wireless communication antennas co-located on an existing tower or 90 days for a new wireless communication tower, unless an extension in time is mutually agreed to between the applicant and the planning commission. If the planning commission fails to timely approve or deny the application, the application shall be considered approved.
- c. A building permit shall not be issued until special conditional use approval and site plan approval have been granted by the planning commission. If no building permit is required, a certificate of occupancy or business license shall not be issued until special use approval and site plan approval have been granted by the planning commission.
- d. The wireless communication tower or antenna shall not be authorized by the township board until special conditional use approval and site plan approval have been granted by the planning commission, if required.
- e. After approval for a special use has been granted, no change in that use may be made, nor may any addition or change in the building or improvements on the property take place until a new request for approval has been filed with the planning commission and the planning commission has approved the request for change.



- f. After approval of a special use has been granted by the planning commission, application for a building permit, or if no building permit is required, application for a certificate of occupancy or business license shall be filed with the building department within 120 days thereafter, or such approval shall automatically be revoked unless an extension is granted. The planning commission may grant an extension of the first approval for good causes for a period not to exceed six months.

Table 1850.1  
Required Review/Approval

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

utility structures in a manner visible from the public way.				
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 months of their effective date, shall constitute grounds for removal of the tower or antenna at the owner's expense.
- (3) *Site requirements and setbacks for wireless communication towers:* The following shall apply to all wireless communication towers, and to antennas located on such towers:
- (a) *Permitted locations by district:* Wireless communication towers shall be permitted in non-residential zoning districts. Such towers may be located in residential zoning districts only on parcels of land over 20 acres in area occupied by an institutional or a public recreational use.
  - (b) *Height:* Towers shall not exceed 150 feet in height as measured from grade-level to the highest point of the tower.
  - (c) *Lot boundaries:* Towers shall be set back from all zoning lot boundaries not less than 100 percent of the height of the tower or antenna. Anchoring cables and associated accessory structures shall satisfy minimum zoning district setback requirements with a minimum setback of 20 feet. If located on the same zoning lot with another permitted use, such towers or structures shall not be located in a front yard or side yard abutting a street.
  - (d) *Residential dwellings:* Towers shall be set back a minimum of 300 feet from the boundary of a parcel with an existing dwelling, except where separated by an interstate highway or otherwise provided for herein.
- (4) *Site requirements and setbacks for antennas located on buildings or similar structures:*
- (a) The principal use is a conforming use in a multiple-family or non-residential zoning district and the building is a conforming structure in the district.
  - (b) The height of the building or similar structure shall be a minimum of 50 feet and the antenna and support structure shall not exceed the height of the building by more than ten feet.
  - (c) The antenna and support structure shall be set back from the outermost vertical wall or parapet of the building a minimum distance equal to 150 percent of the height of the antenna and support structure.

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- (d) The antenna and support structure shall be securely mounted to the building in a permanent manner.
  - (5) *Site requirements and setbacks for amateur radio communications antennas:* The following shall apply to all amateur radio communications antennas:
    - (a) One such antenna, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to 100 percent of its height, shall be permitted per zoning lot.
    - (b) Such antennas shall be accessory to a primary structure on the same zoning lot and shall be located in the rear yard of the zoning lot.
  - (6) *Site requirements and setbacks for satellite dish antennas:* The following shall apply to all satellite dish antennas:
    - (a) One such antenna, with a minimum setback from all lot boundaries equal to 150 percent of the height of the antenna and support structure, shall be permitted per zoning lot and shall be accessory to a primary structure on the lot.
    - (b) Such antennas shall be located in the side or rear yard of the zoning lot or permanently installed upon the primary structure in a manner not visible from any public right-of-way.
- d. *Required information:* The following information shall be provided with an application for a tower or antenna, in addition to that required by section 2115 (site plan review) or section 2119 (special land uses):
- (1) *Site plan:* The petitioner shall submit a site plan, and elevation drawings of all structures, for review in accordance with section 2115 (site plan review). For multiple locations, the plan shall show the location of all equipment, antennas or towers and shall provide a detail of typical site arrangements. Exterior treatments of all accessory structures shall comply with ordinance requirements for the zoning district in which it is located.
  - (2) *Permission to locate:* The petitioner shall submit copies of a signed lease or other proof, satisfactory to the township attorney, of permission to locate a tower or antenna on the site.
  - (3) *Co-location agreement:* Towers shall be designed and operated in a manner that encourages the co-location of multiple antennas on a single tower. The petitioner for a new tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna locations shall be indicated on the site plan.
  - (4) *Insurance certificate:* The petitioner shall submit a valid certificate of insurance, to be renewed annually, listing the Charter Township of Ypsilanti as the certificate holder and naming the Charter Township of Ypsilanti, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days' written notice to the township as certificate holder. The petitioner shall supply a \$1,000.00 cash bond to the township, which may be used to reimburse township administrative expenses in the event the certificate is allowed to lapse.
  - (5) *Removal agreement:* The petitioner shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the township attorney, for the removal of towers or antennas as applicable. The petitioner shall demonstrate that adequate funds will be available to the township for the removal of such towers or antennas, restoration of the site and associated

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- administrative costs incurred by the township in the event that the petitioner, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this article.
- (6) *Tax-related information:* The petitioner shall supply to the assessor all tax-related information as requested by the assessor's office for assessment purposes. The assessor's office shall provide notice to the community and economic development department that this condition has been satisfied.
  - (7) *Engineering certification:* Signed certification by a professional engineer, licensed by the State of Michigan, specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure and verifying that the setback area provided would accommodate the structure and provide a reasonable buffer from adjacent parcels.
  - (8) *Backhaul network information:* The petitioner shall identify the entities providing the backhaul network for the towers or antennas described in the application and other sites owned or operated by the applicant in the township.
- e. *Criteria for approval of new towers and antennas:* The following criteria for approval shall be found to exist for all tower or antenna installations:
- (1) *Operating requirements:* The petitioner shall demonstrate that operating requirements necessitate locating within the township and the general area and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
  - (2) *Engineering requirements:* The petitioner shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
  - (3) *Impact on adjacent residences:* Nearby residential districts and uses will not be negatively influenced by the location of the tower or antenna.
  - (4) *Site characteristics:* Topography, vegetation, surrounding land uses, zoning, adjacent existing structures and other inherent site characteristics are compatible with the installation of towers or antennas on the site.
  - (5) *Site design:* Tower design, lighting, color, construction materials, landscaping, screening and other design elements are in compliance with township ordinances and established land use policies. Wireless communication towers and associated ground equipment shelter areas shall be designed, constructed and maintained in a manner that accommodates the co-location of multiple antennas on a single tower.
  - (6) *Security:* Wireless communication towers and associated ground equipment shelter areas shall be secured against unauthorized entry and shall be completely enclosed by an ornamental or industrial fence of not less than six feet in height.
- f. *Tower address:* Each tower shall be designated with a specific and unique mailing address.
- g. *Existing towers and antennas:* A tower or antenna for which a building permit has been properly issued prior to the effective date of this ordinance shall be allowed to continue to be used as it presently exists, provided that such towers or antennas are maintained in a structurally safe condition, in accordance with section 2107.1b(2) [state and federal requirements] and in compliance with township ordinances and conditions of approval in effect when the building permit was issued.
- h. *Removal of abandoned towers and antennas:* Abandoned towers or antennas shall be removed by the owner within 90 days of receipt of notice from the township notifying the owner of such

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abandonment. Failure by the owner to remove abandoned towers or antennas shall be grounds for the township to seek court approval for such removal at the owner's expense.

- i. *Rescinding approval of a wireless communication tower or antenna:* Failure of the owner, operator or lease holder of an approved tower or antenna to renew or replace any required bonds or insurance certificates, to maintain and operate the tower or antenna in compliance with state and federal requirements, approved permits, site plans or conditions of special land use approval or to provide information to the township about the tower or antenna as required by this article or conditions of special land use approval shall be grounds for the township board to rescind any previous approval to construct or operate the tower or antenna. Such action shall be subject to the following:
  - (1) Public hearing: Such action may be taken only after a public hearing has been held pursuant to reasonable advance notice, at which time the owner, operator or lease holder of the tower or antenna shall be given an opportunity to present evidence in opposition to rescission.
  - (2) Subsequent to the hearing, the township board's decision with regard to the rescission shall be made and written notification provided to said owner, operator or lease holder of the tower or antenna.

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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i.e., light and heavy industrial uses and single-family residential areas. Recreation vehicle campgrounds shall further be subject to the following conditions:

- a. *Locational requirements.*
  - (1) Parcels being proposed for recreation vehicle campgrounds may be permitted in the R-4 one-family residential district when said recreation vehicle campgrounds afford a buffer to I-1, I-2, and/or MH districts and single-family districts. A recreation vehicle campground shall not be bounded on more than three sides by a single-family residential district, except that the planning commission and township board may waive this requirement where it can be shown that the abutting property will be developed for nonresidential purposes or for another recreation vehicle campground.
  - (2) The site shall have direct access to a major thoroughfare, as designated on the major thoroughfare plan, and with appropriate frontage thereon to provide for the design of entrances and exits.
- b. *Site conditions.* Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- c. *Uses permitted.* Uses such as, but not limited to, campground sites, management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, parking areas and other uses and structures customarily found incidental to this use, shall be permitted. Such uses shall be restricted in their use to occupants of the site, except that temporary storage of recreational vehicles may be permitted upon the site when it can be clearly demonstrated that such storage is ancillary to the recreation vehicle campgrounds and subject to the conditions set forth under [subsection] g(5) of this section.
- d. *Height and area requirements.*
  - (1) No building or structure hereafter erected or altered in a recreation vehicle campground shall exceed a height of one-story or 14 feet.
  - (2) Recreation vehicle campgrounds shall be permitted only on parcels of 25 acres or more.
  - (3) Each campground site shall have a minimum 40-foot road frontage and a minimum area of at least 2,400 square feet.
- e. *Yard and setback requirements.*
  - (1) No campground site shall be located closer than 200 feet to the right-of-way line of a major thoroughfare and 100 feet to the campground boundary when it abuts or is adjacent to a residential district. Where the campground abuts or is adjacent to a nonresidential district, no campground site shall be located closer than 35 feet.
  - (2) No service building or any other similar structure shall be located closer than 250 feet to a major thoroughfare or campground boundary.
- f. *Buffers and landscaping.*
  - (1) A greenbelt 20 feet in width and six feet in height shall be located and continually maintained along all campground borders. Where the campground borders a residential district, this greenbelt will provide a total obscuring effect. This greenbelt shall consist of such materials as trees and shrubs to provide privacy to occupants of the site and to visually shield the recreation

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vehicle campgrounds from surrounding property. Earthen berms are encouraged to be used to achieve this purpose.

- (2) A chainlink fence of not less than four nor more than six feet in height shall be erected on the boundary line where any portion of the campgrounds abuts or is adjacent to a single-family residential district.

g. *Other conditions.*

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

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

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

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- (5) Obtain an annual license from the Michigan State Health Department in the manner prescribed by Act No. 171 of the Public Acts of Michigan of 1970 (MCL 325.651 et seq., MSA 14.447(121) et seq.), as amended from time to time.
  - (6) Obtain from the township building inspector a certificate of occupancy and compliance as provided for in article [section] 2304.

( Ord. No. 2018-476 , § 20, 2-20-18)

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

a. *Locational requirements.*

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

b. *Uses permitted.* The storage of unoccupied recreational vehicles shall be permitted.

c. *Height requirements.* No building or structure shall hereafter be erected which shall exceed a height of one-story or 14 feet.

d. *Yard and setback requirements.*

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

e. *Buffers and landscaping.*

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

f. *Other conditions.*

- (1) All sanitary sewage and water facilities shall meet the requirements of the Ypsilanti Township sewer and water departments and the Michigan State Health Department.
- (2) Entrances and exits from county or state highways shall have the prior written approval of the highway authority having jurisdiction within the township.



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- (3) The recreational vehicle storage area shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools.
  - (4) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.
  - (5) The site plan shall receive the review and approval of the fire department for access lanes for firefighting equipment.

g. *Review and permit.*

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

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1854. Sand and gravel excavation:**

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

- a. *Filing of petition.* Petitions for the granting of permits for natural resources operations shall be filed with the building official by the owners and leaseholders, if any, of the land proposed for natural resources development. Petition shall be submitted on letter form, fully supplemented by data, maps and aerial photographs specified, and shall be accompanied by a fee as established by resolution of the township board. A permit for such use may be issued for a one-year period by the township board after recommendation by the planning commission. Unless the owner of the petition ignores and/or violates the restoration plan, the permit is automatically renewable for one-year periods. Petitions shall be accompanied by the following:
  - (1) Vertical aerial photograph, enlarged to a scale equal to one inch equals 200 feet, from an original photograph at a negative scale no smaller than one inch equals 1,000 feet. Area covered by the vertical aerial photograph shall include:
    - (a) All land requested in the petition.
    - (b) All contiguous land which is, or has been, used by the owner or leaseholder applicant for any extraction, treatment and/or storage.
    - (c) All public roads which can provide first point of access.
    - (d) The boundaries of the above listed items (a) through (c) shall be delineated on the aerial photograph and clearly marked as to [items] (a), (b) and (c).
  - (2) Identification survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such plats, drawn to a scale of one inch equals 200 feet, shall be submitted in five copies. This survey shall include:
    - (a) Boundary of entire tract by courses and distances.

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- (b) Boundary of exact area being petitioned for in permit.
  - (c) Means of vehicular access to the proposed operation.
- (3) Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and, if water bodies are to be created, the anticipated permanence of such. Data to be provided shall include:
- (a) Hydrological data:
    - (i) Groundwater levels;
    - (ii) Rainfall data;
    - (iii) Capacity of streams and rivers on or in close proximity to site.
  - (b) Lake level data. General engineering information related to pumping spillways, debris basins, irrigation systems.
  - (c) Soil erosion and sediment control plan construction in a manner consistent with the letter and spirit of Act No. 347 of the Public Acts of Michigan of 1972 (MCL 282.101 et seq., MSA 13.1820(1) et seq.), as amended, and any applicable local ordinances and requirements.
  - (d) General soils data:
    - (i) Soil type;
    - (ii) Soil erodability;
    - (iii) Stability of existing and proposed slopes.
  - (e) Contour map of the reclaimed site at two-foot intervals.
  - (f) Location of all stream flow points:
    - (i) Inflow points;
    - (ii) Outflow points;
    - (iii) Catchment areas.
- (4) A detailed plan for the extraction of the natural resources deposits. Such plans shall include a timetable for various stages of the operation and shall be accompanied by a restoration plan indicating how the natural resources area will be reused in a manner compatible with the township master plan for future and use. The restoration plan shall include:
- (a) Proposed use of restored natural resources area.
  - (b) Proposed topography drawn as contours at an interval of two feet and indicating water bodies or other major physical features.
  - (c) Delineation of areas intended to be partitioned or subdivided, including the proposed layout.
  - (d) All excavation shall be made either to a water-producing depth of at least ten feet below the low water mark for at least 80 percent of the water area, or shall be graded or backfilled with noxious-free, noninflammable, and noncombustible materials to secure [insure]:
    - (i) That the excavated area shall not collect and permit to remain therein stagnant water; or

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- (ii) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depression thereof, and so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
  - (e) The banks of all sand and gravel excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be less than five feet horizontal to one foot vertical and said banks shall be restored with vegetation in a manner set forth hereunder.
  - (f) Vegetation shall be restored by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of said reclaimed mining area where such area is not to be submerged under water or within 25 feet of the shoreline as hereinabove provided.
  - (g) In the event filling of the mined area is necessary during rehabilitation, said fill material shall be nonorganic only.
  - (h) Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding 12 months thereafter, shall remove all plant structures, buildings, stockpiles and equipment, unless such building or structures can be lawfully used in the district in which the same are located.
- b. *Review of permit application.*
- (1) The building official shall be responsible for receiving and processing all applications for permits. His office shall accept for filing only applications completely documented as herein required.
  - (2) The building official shall be responsible for coordinating the several separate inspections as required herein.
  - (3) The township board shall be authorized to approve the manner and order of restoration of proposed new excavation. So as to assure faithful restoration of the area, the petitioner shall deposit with the clerk cash, a certified check or irrevocable bank letter of credit, whichever the petitioner selects, or a surety bond acceptable to the township board; the amount of such deposit shall be established by the township board based upon an estimate by the township engineer and shall be sufficient to finance restoration of the disturbed area.
- This deposit shall be submitted by the petitioner prior to the issuance of any permit, and shall be held in escrow by the township until restoration is completed and has been approved by the township board.
- So as to prevent undue hardship, the township board may, at its discretion, approve bonds for areas less than the total acreage applied for. However, at no time shall any excavation be undertaken unless and until sufficient bond has been deposited to ensure restoration of the area to be disturbed.
- In the event of deviation from an approved extraction and/or restoration plan, the building official shall notify the permit holder of a violation. Failure to correct said violation within 30 days shall automatically void any permits issued and/or prevent the issuance of new permits until such time as the deviation has been corrected in keeping with requirements set forth by the township board. Appeals from a decision of the building official shall, in regard to an alleged violation, be directed to the township board.
- c. *Specific operating requirements.*

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

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Sufficient topsoil shall be stockpiled on the site so that the entire area, when excavation operations are completed, may be recovered with a minimum of six inches of topsoil, and that such replacement of topsoil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced topsoil shall immediately be planted with grass or other plant material acceptable to the township board.

- (7) *Explosives.* The use of explosives shall be done in accordance with the Regulations for Storage and Handling of Explosives, as published by the Michigan State Police, Fire Marshal Division, East Lansing, Michigan.
- (8) *Site plan review.* All uses proposed for sand and gravel extraction areas shall be further subject to the requirements of section 2115, site plan review of this ordinance, as applicable.

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1855. Farms with sales and entertainment facilities:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

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- j. The township board may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noise, traffic, obnoxious odors and any detrimental effects from the operation of the facility.

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1858. Garbage, refuse and rubbish transfer stations:**

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

### **Sec. 1859. Lighted outdoor commercial sports centers:**

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

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



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( Ord. No. 2018-476 , § 20, 2-20-18)

**Sec. 1860. Wastewater treatment plants:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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**Sec. 1862. Towing services:**

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

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

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

( Ord. No. 2018-476 , § 20, 2-20-18)

## ***ARTICLE XIX. PD PLANNED DEVELOPMENT REGULATIONS<sup>6</sup>***

**Sec. 1900. Intent:**

The planned development (PD) district is intended to permit, with township approval, private or public development or redevelopment of areas throughout the township which shall be substantially in accord with the goals and objectives of the master plan of future land use for the Township of Ypsilanti. The use patterns of the areas involved shall provide a desirable environment and shall be harmonious with the general surrounding uses permitting flexibility in overall development while ensuring the highest of safeguards and standards for public health, safety, convenience and general welfare. Such PD district may embrace a mixture of one or more distinct uses or zoning categories, in the vertical or horizontal plane. A PD district shall encourage the use of land in accordance with its character and adaptability; conserve natural and social/cultural resources and provide sustainable design and energy efficiency; encourage innovation in land use and community planning; and bring about a greater compatibility of design and use. It is the intent of this article to offer an alternative to traditional development through the use of planned unit development legislation, as authorized by Section 16c of the Township Zoning Act (Act No. 184 of the Public Acts of Michigan of 1943, as amended) for the purpose of:

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<sup>6</sup>Editor's note(s)—Ord. No. 2003-328, adopted Jan. 20, 2004, repealed the former art. XIX and enacted a new article as set out herein. The former art. XIX, §§ 1900—1924, pertained to similar subject matter and derived from Ord. No. 99-200, adopted March 16, 1999; Ord. No. 2000-257, adopted Dec. 5, 2000; and Ord. No. 2001-291, adopted Nov. 20, 2001.

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- (1) Encouraging the use of land in accordance with its character and adaptability;
  - (2) Allowing innovation and greater flexibility in design;
  - (3) Assuring the permanent preservation of natural, social, cultural and historic resources;
  - (4) Providing open space and recreational facilities within a reasonable distance of all residents of the development;
  - (5) Provide complete non-motorized circulation to, from and within the development;
  - (6) Provide convenient vehicular access throughout the development and minimize adverse traffic impacts;
  - (7) Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
  - (8) Provide better housing, employment, and shopping opportunities particularly suited to residents of the township;
  - (9) Ensure various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another;
  - (10) Ensuring compatibility of design and use between neighboring properties;
  - (11) Encourage the use and improvement of existing sites;
  - (12) Allow for infill development and redevelopment within older neighborhoods in the northern portion of the township that is compatible with established neighborhoods and consistent with traditional neighborhood design standards; and
  - (13) Emphasize the provision of (social infrastructure (to foster the sense of community.

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

State law reference(s)—Planned unit development, MCL 125.286c.

### **Sec. 1901. Eligibility criteria:**

To be eligible for PD consideration, the applicant must present a proposal for residential development that meets each of the following:

- (1) *Recognizable benefits.* A PD shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the township. The benefits can be provided through site design elements in excess of the requirements of this ordinance, such as high quality architectural design, extensive landscaping, provide transition areas from adjacent land uses, unique site design features, unified access, provision of social space, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams and wetlands. This benefit should accrue, in spite of any foreseeable detriments of the proposed development.
- (2) *Uses proposed.* The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed will encourage a more efficient use of public utilities and services and lessen the burden on circulation systems, surrounding properties, and the environment. This beneficial effect for the township (not the developer) shall be one which could not be achieved under any other single

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zoning classification. The zoning is warranted by the design and amenities incorporated in the development proposal.

- (3) *Qualification requirements.* The proposed development shall provide at least one of the following open space benefits:
- (a) *Significant natural assets.* The site contains significant natural assets such as woodlands, rolling topography with grades exceeding 15 percent, significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the township to preserve and which might be negatively impacted by conventional residential development.
  - (b) *Recreation facilities.* If the site lacks natural features, it can qualify if the development will preserve existing or provide new recreation facilities and open spaces to which all residents of the development shall have reasonable access. Such facilities include areas such as a neighborhood park, plazas, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.
  - (c) *Mixed use.* A site can qualify if the development will provide a complimentary and integrated mixture of uses, residential densities and housing types. A mixed use project shall be considered a project which proposes a combination of single-family detached and multiple-family housing or a mixture of compatible residential and commercial uses. Such mixture of uses shall be integrated into a cohesive, pedestrian scale neighborhood.
  - (d) *Infill development/redevelopment.* Land located within the older urbanized area of the township north of I-94 designated in the master plan for townhouse residential may qualify for development as a PD where the design standards of section 1915 are met.
- (4) *Guarantee of open space.* Usable open space shall be provided, as required herein. The applicant shall guarantee to the satisfaction of the township that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the township and the land uses and restrictions continue as approved in the PD plan.
- (5) *Cohesive neighborhood.* The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces such as parks, plazas and common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the PD.
- (6) *Unified control.* The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- (7) *Density impact.* The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this ordinance, and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The township may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impact resulting from the proposed PD. An unreasonable impact shall be considered an unmitigateable, significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with

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conventional development. The township may require that the applicant prepare a quantitative comparison of the impacts of conventional development and the PD plan to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the PD.

- (8) *Public utilities.* All uses within the PD project shall be served by public water and sewer.
- (9) *Parking.* Off-street parking sufficient to meet the minimum required by section 2104 shall be provided and may, if deemed appropriate by the township, require for planned developments more or less parking than that required by this ordinance.
- (10) *Landscaping.* Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. The township may, if deemed appropriate, require for PDs more or less landscaping than that required by this ordinance.
- (11) *Circulation.* Vehicular and non-motorized (pedestrian) circulation, allowing safe, convenient, uncongested and well-defined/understandable circulation within and to the district; shall be provided.
- (12) *Master plan.* The proposed development shall be consistent with and further the implementation of the master plan of future land use for the township.

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

## **Sec. 1902. Permitted uses:**

- (1) *Single-family residential.* Detached single-family residential shall be permitted in any PD.
- (2) *Multiple-family residential.* Multiple-family residential shall be permitted in any PD as follows:
  - (a) Where existing (pre PD) zoning is multiple-family residential, multiple-family dwelling units shall be permitted meeting the density and design standards of this ordinance.
  - (b) Where existing (pre PD) zoning is single-family residential, up to 40 percent of the dwelling units may be attached single-family housing, provided the remaining dwelling units (at least 60 percent) shall be detached single-family residential and provided further that at least an additional ten percent of the site will be preserved as open space, above the minimum requirement.
  - (c) Where existing (pre PD) zoning is multiple-family residential, senior housing may be permitted meeting the density and design standards of section 2002, Senior Housing Option.
- (3) *Nonresidential.* Nonresidential uses shall be permitted in a PD as follows:
  - (a) Where existing (pre PD) district is zoned for nonresidential uses, all commercial business, services, professional offices and industrial uses listed as a permitted use in the existing (pre PD) zoning district shall be permitted.
  - (b) Where the existing (pre PD) zoning is residential, the township board may permit a commercial land use component in a PD with a gross area of 70 acres or more, provided the township board determines the use will be compatible with the surrounding area and all of the following are met:
    - 1. The commercial component shall be located on a lot of sufficient size to contain all commercial structures, parking, and landscape buffering. The total area occupied by the commercial land uses may not exceed five percent of the gross area of the PD or three acres, whichever is less.

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

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

### **Sec. 1903. Dwelling density:**

- (1) *Single-family residential.* Where the existing (pre PD) zoning is single-family residential, the number of dwelling units allowable within a PD shall be determined through preparation of a "parallel plan."
  - (a) The applicant shall prepare, and present to the township for review, a parallel plan for the project that is consistent with state, county and township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size, lot width and setbacks as normally required under article XX, Schedule of Regulations, neighborhood open space requirements, public roadway improvements and contain an area which conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the state department of environmental quality.
  - (b) The township shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel plan. This number, as determined by the township, shall be the maximum number of dwelling units allowable for the PD. The regulatory flexibility of a PD may be allowed to cluster the dwellings on smaller lots or mix housing types, provided the overall density shall not exceed that determined in the parallel plan, unless a density bonus is provided under subsection (5) below.
- (2) *Multiple-family residential.* Where the existing (pre PD) zoning is multiple-family residential, the density shall be the maximum allowed by the existing (pre PD) zoning district, unless a density bonus is provided under subsection (5) below.
- (3) *Nonresidential.* Where the existing (pre PD) zoning is office or business (i.e. OS-1, B-1, B-2, B-3), residential may be permitted at the density permitted in RM-2. Such density shall be permitted in those portions of the PD proposed for residential use. Land areas of a PD proposed exclusively for nonresidential use shall not be counted towards the maximum allowable density. Residential dwelling units may be permitted on the same site as nonresidential uses, provided designated residential parking shall be provided in addition to parking requirements for commercial uses and the site and buildings shall be designed to allow a complementary mixture of uses on the site with minimal conflict, based upon the criteria of section 1901.
- (4) *Multiple existing (pre PD) zoning districts.* Where a PD is proposed for a land area that includes multiple existing (pre PD) zoning districts, density shall be determined separately for each respective zoning district then combined for a maximum permitted dwelling unit density for the overall project. Following the determination of density, residential dwelling unit types may be integrated within the overall design for the

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project and need not be segregated by the existing (pre PD) zoning districts. The location and distribution of dwellings within the PD shall be determined through design that meets the intent of this ordinance, preservation of natural features and compatibility with surrounding land uses.

- (5) *Density bonus.* At the option of the applicant and with approval by the township board, a variable density bonus of up to 20 percent may be allowed, based upon the general eligibility criteria of section 1901, and in particular the density impact evaluation of section 1901(7). Where a density bonus is granted, one or more of the following shall be required by the township board:
- (a) A high level of clustered development where a minimum of 40 percent of the PD is common open space.
  - (b) Inclusion of an integrated mixture of housing types.
  - (c) Providing recreation facilities, plazas, town squares or "commons" available to the public. The applicant has the option to provide the additional public spaces or recreational facilities (above and beyond the minimum open space requirements) at an off-site location approved by the township board.
  - (d) Providing streetscape and roadway improvements along abutting thoroughfares.
  - (e) Removal or renovation of blighted buildings or cleanup of site contamination as documented through a phase I and phase II environmental site assessment and a baseline environmental assessment.
  - (f) Other similar elements as determined by the township board, based upon a findings of the planning commission.

A PD proposed as senior housing shall not qualify for additional density, beyond that specified in section 2002, Senior Housing Option.

- (6) *Townhouse residential.* Where a PD is proposed for a land area that is designated in the master plan for townhouse residential, residential shall be permitted at a density of up to ten dwelling units per acre. The 20 percent density bonus may be granted where the township board finds that the project will provide for a pedestrian-friendly traditional neighborhood with high-quality architecture and open spaces used for active recreation, which is properly integrated within the surrounding neighborhoods.

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

#### **Sec. 1904. Area and bulk regulations:**

- (1) *Basic regulations.* All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a permitted or special conditional use. The height, bulk, and area conditions set forth in article XX, Schedule of Regulations, shall be used as guidelines for the use areas set forth in the PD plan. Within a single-family residential PD, lot sizes may be reduced below the minimum requirement of the existing (pre PD) zoning district, provided that the open space within the PD equals or exceeds the total area of lot size reduction.
- (2) *Regulatory flexibility.* To encourage flexibility and creativity consistent with the intent of the PD regulations, the township may permit specific departures from the requirements of the zoning ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PD article. This

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specification should include ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this ordinance shall be considered.

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

## **Sec. 1905. Open space requirements:**

- (1) *Common open space.* Common open space, other common properties and facilities, individual properties, and all other elements of a PD district are so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, an approved land improvement or a commercial use, shall be set aside as common land for community use, recreation or conservation. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.
- (2) *Amount of open space.* A PD shall maintain a minimum of 20 percent of the gross area of the site as dedicated open space held in common ownership. Projects proposed under section 1903(5)(a) shall require a minimum of 40 percent open space. Except as noted in section 1905(4), any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space.
- (3) *Recreational open space area.* At least one-half of the minimum required open space shall be usable, active recreational open space that is accessible to all residents of the PD and not include any part of a golf course. Such recreational open spaces shall be exclusive of any wetland, floodplain, stormwater detention/retention or landscape buffers. Recreational facilities such as playgrounds, athletic fields or picnic pavilions shall be provided.
- (4) *Areas not considered open space.* The following land areas are not included as dedicated open space for the purposes of this article:
  - (a) Area proposed as single-family residential lots or site condominiums.
  - (b) Area proposed to be occupied by multiple-family dwellings, including the minimum required setbacks around buildings.
  - (c) Any portion of the project used for commercial or office purposes.
  - (d) The area of any street right-of-way or equivalent private road easement.
  - (e) Any submerged land area of a lake, river, stream or stormwater detention, or retention pond.
- (5) *Location of open space.* Common open space shall be planned in locations visible and accessible to all in the PD (i.e. centrally located and not isolated corners of the development). The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least 100 feet, either landscaped or preserved in a natural wooded condition. This requirement shall not apply to townhouse residential PD developed under section 1915, which shall instead provide open space through parks, common greens, plazas or buffers.
- (6) *Open space corridors.* Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the township.
- (7) *Protection of open space.*



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- (a) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the township, such as: recorded deed restrictions, covenants that run perpetually with the land, or conservation easements.
  - (b) Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
    - 1. Indicate the proposed allowable use(s) of the dedicated open space. The township may require the inclusion of open space restrictions that prohibit the following:
      - a. Dumping or storing of any material or refuse;
      - b. Activity that may cause risk of soil erosion or threaten any living plant material;
      - c. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
      - d. Use of motorized off road vehicles;
      - e. Cutting, filling or removal of vegetation from wetland areas;
      - f. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
    - 2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
    - 3. Provide standards for scheduled maintenance of the open space.
  - (c) The dedicated open space shall forever remain open space, subject only to uses approved by the township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Open space may include golf course area, provided that it forever remains outdoor recreation or natural undeveloped land.
- (8) *Allowable structures.* Any structure(s) or building(s) accessory to a recreation use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent of the required open space area.
- (Ord. No. 2003-328, 1-20-04)

## **Sec. 1906. Natural features:**

- (1) *Preservation of natural features.* The development shall be designed so as to preserve natural resources and natural features. Compliance with this requirement shall be determined by the township after review of a site analysis plan, prepared by the applicant, that inventories these features. The PD shall comply with the township woodlands ordinance. The limits of tree clearing and grading shall be clearly shown on the preliminary and final PD site plans.
- (2) *Habitat.* If animal or plant habitats of significant value exist on the site, the township, as a condition of approval, may require that the PD plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
- (3) *Open space setback.* A minimum 50-foot wide undisturbed open space setback shall be maintained from the edge of any, lake, pond, river, stream or wetland; provided that the township may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site(s) natural amenities within the setback. This requirement shall not apply to townhouse residential PD developed under section 1915.

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

**Sec. 1907. Compatibility with adjacent uses:**

- (1) *Compatibility with adjacent uses.* The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the boundary of the development or so as to negatively impact the residential use of adjacent lands.
- (2) *Transition areas.* Where the PD abuts a single-family residential district, the township may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single-family residential is to be varied by more than three feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The township shall review the proposed transition area to ensure compatibility. The township may require that the transition area consist of one or more of the following:
  - (a) A row of single-family lots or condominium sites similar to adjacent single-family development in terms of density, lot area, lot width, setbacks and building spacing.
  - (b) Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.
  - (c) Open or recreation space.
  - (d) Significant changes in topography which provide an effective buffer.

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

**Sec. 1908. Landscaping:**

The following landscaping requirements shall be met in addition to other landscaping requirements contained in the zoning ordinance, township subdivision regulations ordinance and other applicable township ordinances.

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

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

**Sec. 1909. Architectural and site design standards:**

- (1) *Residential architecture.* Residential facades shall not be dominated by garages; at least 40 percent of residential units shall have side entry garages or recessed garages where the front of the garage is at least five feet behind the front line of the living portion of the principal dwelling. The intent of encouraging

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recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the aesthetic impact resulting from the close clustering of units allowed under these regulations.

- (2) *Nonresidential architecture.* Nonresidential buildings shall provide distinct and prominent architectural features that create a positive visual landmark. Walls facing the street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. Blank walls shall not face the street. Single story buildings shall have pitched roofs. Flat roofs shall be allowed on nonresidential two story buildings, provided the roof is enclosed by parapets and a decorative cornice. The exterior building wall design standards of section 2121 shall be met.
- (3) *Site elements.* Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

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

### **Sec. 1910. Parking lots—Multiple-family or mixed use project with commercial:**

- (1) *Parking requirement.* The number and dimensions of off-street parking shall be sufficient to meet the minimum required by the ordinances of the township. However, where warranted by overlapping or shared parking arrangements, the township may reduce the required number of parking spaces by up to 20 percent.
- (2) *Parking location.* All parking and loading areas serving the commercial uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the township may allow up to 25 percent of the minimum number of required parking spaces in the front yard.
- (3) *Parking lot screening.*
  - (a) All off street parking spaces or loading areas must be screened from view of any public road or pedestrian path, or private road/drive within the project by a street-wall or hedge along the frontage. Street-walls shall be between three feet in height and made of brick or stone.
  - (b) Where a nonresidential use or parking lot is adjacent to a residential use, a six-foot tall brick screening wall shall be required. The township may substitute this requirement for a three-foot tall landscape berm with a row of evergreen trees spaced no more than ten feet on-center.
- (4) *Parking lot greenbelt.* Off-street parking lots serving three or more dwelling units shall provide a ten-foot wide open green space area around the perimeter of the parking lot.
- (5) *Parking lot trees.* Landscaping shall be provided within parking lot landscape islands or surrounding the parking lot at a rate of one deciduous tree for every ten parking spaces.

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

### **Sec. 1911. Lighting:**

- (1) *Limitations on intensity.* Exterior lighting shall be restrained and excessive brightness avoided to help ensure compatibility with adjacent land uses. All lighting shall be limited to 20 feet in height. The intensity of light fixtures shall be limited to 250 watts. Any lighting other than ornamental street lights shall be downward directed cut-off type fixtures. Floodlight type fixtures shall not be permitted except for building accent and sign lighting approved by the township.
- (2) *Ornamental lighting.* The township may require a consistent type of pedestrian scale ornamental lighting along all streets, and sidewalks and within any off street parking lots.

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- (3) *Lighting plan.* A lighting plan including illustration of a foot candles grid and details of lighting fixtures shall be provided for nonresidential parking lots and loading areas.

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

### **Sec. 1912. Signs:**

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

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

### **Sec. 1913. Circulation:**

- (1) *Internal roads.* All streets within the PD shall meet the minimum construction and other requirements of township ordinances, unless modified by township board.
- (2) *Pedestrian circulation.*
- (a) Sidewalks, a minimum of five feet wide shall be provided on both sides of all streets within the PD.
  - (b) Sidewalks shall be at least eight feet wide in commercial areas or in residential areas adjacent to parking spaces where the sidewalk is connected to the curb.
  - (c) Ten-foot wide bike paths shall be provided along major thoroughfares abutting the PD.
  - (d) Trails shall be provided within the open space. They may be constructed of asphalt, gravel or other similar material.

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

### **Sec. 1914. Infrastructure:**

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

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

### **Sec. 1915. Townhouse residential:**

In addition to the above PD requirements, all PD's developed as townhouse residential must comply with the following design standards:

- (1) *Uses.* The following uses shall be permitted where approved in the PD agreement.
- (a) Single-family detached dwellings over one story in height.
  - (b) Single-family attached with a maximum of eight units attached in a single building.
  - (c) Publicly or privately owned and operated parks and recreation facilities.
  - (d) Home occupations.
  - (e) Accessory buildings and uses customarily incident to any of the above permitted uses.

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- (2) *Dimensional standards.* All principal buildings shall meet the following dimensional requirements:

Minimum front yard setback: 15 feet.

Minimum spacing between buildings: 15 feet.

Minimum rear yard setback: 20 feet.

Minimum setback from side and rear perimeter of site: 20 feet.

Minimum setback from adjacent single-family zoning district: 30 feet.

Maximum percent of lot area covered by buildings: 45 percent.

Maximum height of structures: Two stories and 25 feet.\*

Minimum ground floor area per unit: 1,000 square feet.

\* The township board may permit buildings up to three stories and 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.

- (3) *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 PD stage I preliminary site plan and be reference in the PD agreement. Detailed architectural plans for each building will be included with the final PD stage II 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 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 20 feet behind the front wall of the dwelling.

- (4) *Circulation.*

- (a) *Road standards.* Roads may be public or private where approved by the township board. The township board may permit specific modifications to road standards where the modification will improve the traditional neighborhood character of the development, provided parking and emergency vehicle access are accommodated.
- (b) *Street connections.* Street connections shall be encouraged where it will unify neighborhoods and provide more convenient access to businesses and community facilities such as schools and parks. Cul-de-sacs and other dead-end streets shall be discouraged. Where it is not possible or desirable to provide a through street, the planning commission may allow a looped drive with a common green in the center. The circular drive around the green shall be at least 20 feet wide,

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measured face to face of curb, and the central green shall be no less than 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 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.
- (5) *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 streetwall or hedge along the frontage. Streetwalls shall be three feet in height and constructed of brick or stone.
- (6) *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.
- (7) *Open space.* Open space meeting the requirements of section 1905 shall be provided. 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 area. 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.

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

## **Sec. 1916. PD site plan submittal requirements:**

Application shall be made to the community development department for consideration under this PD district. The person applying shall be required to make a submittal of the following material for review by the planning commission and recommendation to the township board:

- (1) *PD stage I preliminary site plan requirements.* The PD stage I preliminary site plan shall set forth the proposed uses to be developed in the PD and the following specific information on a site plan. The information on proposed improvements required by paragraph (g) below can be conceptual in nature, particularly for larger, mixed-use PD's that will be developed in phases. For a PD that contains a single type of use (e.g., a single-family subdivision) where the project will be developed in a single phase, the applicant has the option to include a complete site plan or preliminary subdivision plat for preliminary site plan or tentative preliminary plat approval, as applicable.
  - (a) A property area survey of the exact area being requested (scale: one inch = 100 feet).
  - (b) A proof of ownership of land being requested for rezoning or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
  - (c) A completed application form, supplied by the township community and economic development department, and an application/review fee. A separate escrow deposit may be required for administrative charges to review the PD submittal.

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- (d) Cover sheet providing:
1. The applicant's name;
  2. Name of the development;
  3. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
  4. Date of preparation and any revisions;
  5. North arrow;
  6. Property lines and dimensions;
  7. Complete and current legal description and size of property in acres;
  8. Small location sketch of the subject site and area within one-half, and scale;
  9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PD site;
  10. Lot lines and all structures on the property and within 100 feet of the PD property lines;
  11. Location of any access points on both sides of the street within 100 feet of the PD site along streets where access to the PD is proposed.
- (e) An aerial photograph of the site.
- (f) A site analysis plan sheet indicating locations of significant natural, historical, and architectural features, including:
1. Existing buildings;
  2. Drainage patterns;
  3. Surface water bodies;
  4. Floodplain areas;
  5. Wetlands with supporting documentation;
  6. Existing topography at five-foot contour intervals;
  7. Tree survey indicating the location and diameter (in inches, measured four feet above grade) of "landmark" trees. Landmark trees will be designated as "areas not to be disturbed" and secured through installation of a snow fence or other fencing. The limits of tree clearing shall be clearly indicated.
- (g) A plan sheet indicating:
1. Existing and proposed topography at five-foot contour intervals and a general description of grades within 100 feet of the site, including the limits of grading and tree removal;
  2. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths;
  3. Existing buildings, utility services, and any public or private easements, noting those which will remain and which are to be removed;

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4. Layout and typical dimensions of proposed lots, footprints of proposed buildings; uses with the acreage allotted to each use. For developments with residential components: the number, type and density of proposed housing units;
  5. Arrangement and area calculations for open space, including upland and wetland open space areas;
  6. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained;
- (h) A plan sheet illustrating open space areas and tabulating the amount of open space provided broken down by areas for active recreation, passive recreation, upland natural preservation areas, wetlands, utility easements and landscape buffers.
  - (i) If a multi phase PD is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
  - (j) A traffic impact study meeting the requirements of section 2115(6) of the zoning ordinance.
  - (k) Any additional graphics or written materials requested by the township to assist the township in determining the appropriateness of the PD such as, but not limited to, aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the existing (pre PD) district; preliminary architectural sketches; and estimated construction cost.
  - (l) A draft written PD development agreement specifying all the terms and understanding of the PD development.
- (2) *Final PD stage II site plan requirements.* The final PD stage II site plan shall include a complete site plan meeting the requirements of section 1515, or a final preliminary plat meeting the requirements of the township subdivision regulations ordinance, as applicable.

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

### **Sec. 1917. Acceptance and approval of PD stage I preliminary site plan and rezoning:**

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

- (1) *Pre-conceptual conference.* The applicant shall attend a pre-conceptual conference with the township officials, the township community and economic development department, planning, and engineering consultants and regulatory, public service, and utility agencies. The applicant shall submit an application, review fee and pre-conceptual plan at least 20 business days prior to the pre-conceptual conference and forward copies of the submittal to all reviewing agencies listed by the township. The purpose of this meeting is to allow the applicant to introduce the site plan concept and receive comments or direction from the on the site plan or the need for additional material needed to evaluate the impacts of the use. No formal action shall be taken.
- (2) *Technical (staff) reviews.* Formal application shall be made to the township community and economic development department. The township community and economic development department shall review the application. The township planning consultant, department of public works, fire chief, police chief, township engineer, building department manager, road committee and natural resources



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- committee, if applicable, shall also review the application. The reviews shall be submitted to the township community and economic development department. The township community and economic development department may schedule a conference with applicable consultants and departments which reviewed the submittal information. The technical reviews may be revised and resubmitted following the conference or submittal of a revised application. An application shall not be forwarded to the planning commission until all required technical information is provided.
- (3) *Public hearing for PD stage I rezoning.* Following the technical review process, the planning commission shall schedule and conduct a public hearing to review the request in accordance with the following procedures. The applicant is also encouraged to meet with neighborhood associations and land owners prior to the planning commission public hearing on the proposed project.
- (a) The township community and economic development department shall provide notice of public hearing on the request for PD rezoning in accordance with section 2703. Such notification shall be in accordance with Section 4 of the Township Zoning Act (Public Act 184 of 1943, as amended).
  - (b) The planning commission shall conduct the required public hearing. The purpose of the public hearing is for the planning commission and the applicant to receive public comment on the PD. The planning commission shall not take action at the same meeting when the public hearing is conducted unless there is a specific finding that all review standards are met and no conditions are necessary for the recommendation to the township board.
  - (c) Following the public hearing the applicant shall submit revised plans and a document which point-by-point addresses each issue, as directed by the planning commission.
- (4) *Planning commission recommendation.* The planning commission shall review the PD site plan in consideration of public hearing comments, technical reviews from township staff and consultant's correspondence from applicable review agencies, and compliance with the standards of this article and other applicable standards of this ordinance. The planning commission shall make a recommendation to the township board to approve, approve with conditions or deny the request. The planning commission recommendation shall be based on the following:
- (a) Whether the proposal meets the eligibility criteria for qualification of the PD and promotes the land use goals and objectives of the township.
  - (b) Whether all applicable provisions of this section and this ordinance shall be met. If any provision of this section shall be in conflict with the provisions of any other section of this ordinance, the provisions of this section shall apply to the lands embraced within a PD.
  - (c) Whether there is, or will be at the time of development, adequate facilities to accommodate the sanitary sewage, storm water, solid waste, water supply needs and traffic generated by the proposed project.
- (5) *Township board approval of PD stage I preliminary site plan and rezoning.* Following receipt of the planning commission's recommendation, the PD stage I preliminary site plan and rezoning shall be considered by the township board. The township board shall take one of the following actions on the request.
- (a) *Table.* If the application is determined to be insufficient, does not fully respond to planning commission issues or more information is required, then the request may be tabled. The township board shall direct the applicant to prepare additional information, revise the PD stage I preliminary site plan or direct the township staff to conduct additional analysis.
  - (b) *Reconsideration.* If the township board believes there is new information which might modify the recommendation of the planning commission, the board may return the application with the new

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information to the planning commission for reconsideration. The planning commission shall provide a recommendation within 30 days.

- (c) *Approval.* Upon determination that a PD stage I preliminary site plan is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, the township board shall approve the preliminary PD stage I preliminary site plan and rezoning by resolution. The PD rezoning shall be effective upon approval of the second reading of the resolution. The township board may impose reasonable conditions with the approval of a PD. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PD stage I preliminary site plan that demonstrates compliance with the conditions for administrative approval by the township community and economic development department.
- (d) *Denial.* Upon determination that a PD stage I preliminary site plan does not comply with standards and regulations set forth in this ordinance, or requires extensive revision in order to comply with said standards and regulations, the township board shall deny the application. Resubmittal of an application which was denied shall be considered a new application.
- (6) *Stage I preliminary PD agreement.* The applicant shall submit an agreement stating the conditions upon which the PD is based, for review by the township attorney. The agreement, after review by the planning commission and approval by the township board, shall be entered into between the township and the applicant and be recorded in the office of the Washtenaw County Register of Deeds at the expense of the applicant. Approval shall be effective upon recording. The content of the agreement shall be based on the extent of the proposed development, but shall at a minimum provide the following:
  - (a) A survey of the acreage comprising the proposed development.
  - (b) The manner of ownership of the developed land.
  - (c) The amount, manner of the ownership and proposed method of dedication or mechanism to protect any areas designated as common areas or open space.
  - (d) Land use description including list of proposed uses, residential density, dwelling types, lot dimensions, setbacks and other dimensional standards.
  - (e) Description of improvements to common areas, recreational facilities and non-motorized pathways.
  - (f) General description of any improvements to roads or utilities.
  - (g) Provisions to ensure adequate protection of natural features.
  - (h) The preliminary PD plan shall be incorporated by reference and attached as an exhibit.

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

### **Sec. 1918. Effect of PD stage I preliminary site plan and rezoning approval:**

- (1) Approval by the township board of the PD stage I preliminary site plan and rezoning shall have the effect of rezoning the property. The site plan, preliminary development agreement, building elevations and other development proposals including the proposed uses, shall become an integral part of the zoning amendment to the PD district and, for purposes of recordation, shall be referred to as "Planned Development No." All approved plans shall be filed with the township clerk and the community development department.
- (2) Approval of the PD stage I preliminary site plan shall not constitute final site plan approval. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the PD

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stage II final site plan. Rezoning procedures under this article of the ordinance will rely on the plan submitted for both stage I and stage II and the supporting documentation and the plan, therefore, is basic to the rezoning.

- (3) Once an area has been rezoned to a PD district, no development shall take place therein nor use made of any part thereof except in accordance with the PD stage I preliminary site plan as originally approved, or in accordance with an approved amendment thereto.
- (4) The proposed PD district shall be of such area as to represent a sound carrying out of the master plan of land use, it not being the intention of this district that an unrelated parcel-by-parcel rezoning be effectuated.
- (5) The zoning ordinance amendment, which effectuates the rezoning to the PD district, shall refer to and incorporate by reference the PD stage I site plan and such zoning amendment shall be carried out in accordance with rezoning procedures of this ordinance.
- (6) PD stage II final site plans and subdivision plats, as applicable, shall be submitted shall be submitted for review and approval in accordance with section 2115, Site Plan Review, or the township subdivision regulations ordinance, as applicable, for an area embraced in the PD.
- (7) Approval of the PD stage I preliminary site plan by the township board shall be effective for a period of two years. If PD stage II final site plan or subdivision plat for at least the first phase of the project is not submitted and approved within two years of the PD stage I approval, the right to develop under the approved PD stage I preliminary site plan shall terminate and a new application must then be filed and processed. The two-year period for PD stage I preliminary approval may be extended for one year, if applied for by the petitioner prior to expiration and granted by the township board, based upon a recommendation by the planning commission. Following expiration of the PD stage I approval, the township may initiate proceedings to rezoning the property back to the pre-PD zoning district.

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

### **Sec. 1919. PD stage II final site plan submittal and approval:**

A presentation of the PD stage II final site plan shall be made to the planning commission for review and recommendation to the township board of the following:

- (1) PD stage II final site plans shall be submitted for each phase of the development. This plan shall be worked out in detail showing specific uses, building location, off-street parking, street alignments, open spaces and other physical plan details being proposed. Supporting documentation in the form of building plans, and schedule of construction shall be submitted. The PD stage II final site plan shall conform to all site plan requirements and all site plan review requirements of this ordinance. In reviewing site plans and subdivision plans, the following standards shall apply:
  - (a) Site plans or subdivision plans shall be in substantial conformance with the approved PD stage I preliminary site plan. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. The township board may approve a PD stage II final site plan that proposes minor deviations from the PD stage I layout only where the township board finds such deviations conform to the requirements of this ordinance and will result in an equal or higher quality development than the PD stage I site plan. Where major deviations are proposed from the PD stage I plan, the township board may require resubmission of a new PD stage I site plan for a planning commission public hearing and recommendation.
  - (b) Each site plan or subdivision plat shall either individually or in combination with previously approved contiguous project areas, meet the standards of this section and the approved preliminary PD stage I site plan regarding layout, density, open space and land use.

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- (c) Each plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PD stage I preliminary site plan.
  - (d) A final PD agreement shall be submitted for review by the township attorney and approved by the township board.
- (2) Stage II final PD agreement. As part of the application for PD stage II final site plan approval, the applicant shall submit an agreement stating the conditions upon which approval is based, for review by the township attorney. The agreement, after review and approval by the township board, shall be entered into between the township and the applicant and be recorded in the office of the Washtenaw County Register of Deeds at the expense of the applicant. Approval shall be effective upon recording. Said agreement shall provide:
- (a) All items contained in the stage I preliminary PD agreement.
  - (b) Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The township may require conveyances or other documents to be placed in escrow to accomplish this.
  - (c) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the township board.
  - (d) The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the township board.
  - (e) The PD stage II final site plan shall be incorporated by reference and attached as an exhibit.

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

### **Sec. 1920. Effect of PD stage II final site plan approval:**

- (1) Approval of the PD stage II final site plan shall be effective for a period of one year. If construction has not commenced within this period, the approval shall expire and the right to develop under the approved PD stage II final site plan shall terminate and a new application for PD stage II final site plan must then be filed. The one-year period for PD stage II final site plan approval may be extended for one year, if applied for by the petitioner prior to the expiration and granted by the township board, based upon a recommendation by the planning commission. Once a building permit has been obtained, the PD stage II final site plan shall remain valid for as long as the building permit is current and construction is being diligently carried on towards completion.
- (2) All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site and shall be recorded by the developer.
- (3) In residential use areas, any prorated open space shall be committed by dedication to an association of residents, either as rights-in-fee, easement, or in a master deed and retained as open space for park, recreation and related uses. All lands dedicated in fee or easement shall meet the requirements set forth by the township board. Provisions satisfactory to the township board shall be made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and including maintenance of such improvements by a means satisfactory to the township board. This may include a development agreement. Such documents shall be recorded with the county register of deeds.

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- (4) In those instances where a subdivision plat is being utilized as a planned development or a part of such development, the procedures and expiration dates of the Plat Act (Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended, shall govern.

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

### **Sec. 1921. Required conditions:**

Before approving the plan in either the PD stage I preliminary site plan or PD stage II final site plan submittal, the planning commission and the township board shall determine that:

- (1) The cost of installing all streets, sidewalks, bike paths, streetlights, park areas and necessary utilities and maintenance thereof has been assured by a means satisfactory to the township board. The township board shall have the option of requiring suitable guarantee in a form suitable to the township for the provision of any or all site improvements.
- (2) The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall terminate approval of the preliminary plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal, it being the intent of this section that no other administrative or board of appeals action shall constitute official approval of such changes or amendments to the preliminary plan. Denial by the township board of any requested changes or amendments shall not void the originally approved plan.
- (3) Proceeding with a planned development district shall only be permitted if it is mutually agreeable to the township board and the developer.

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

### **Sec. 1922. Administrative revisions to approved PD stage II plans:**

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

- (1) *Procedure.* Within 14 days of receipt of a request to amend the final site plan, the township community and economic development department shall determine whether the change is major, warranting review by the planning commission, or minor, allowing administrative approval, as noted below.
- (2) *Minor changes.* Minor changes to a previously approved planned development site plan may be approved without necessity of planning commission or township board action thereon if the coordinator of community development certifies in writing that the proposed revision constitutes a minor alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by planning commission and township board. The community development coordinator shall record all such changes on the original PD site plan and shall advise planning commission and township board of all said minor revisions within 15 days of said administrative approval. Minor alterations or revisions under this section shall be limited to:
  - (a) For residential buildings, the square footage of structures may be reduced by three percent; or increased by three percent, provided the overall density of units does not increase, the minimum

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square footage and parking requirements are met and the building(s) do not extend into any required open space or required setbacks.

- (b) Gross floor area of nonresidential buildings may be decreased; or increased by up to three percent or 2,000 square feet, whichever is smaller, provided parking requirements are met and the building does not extend into any required setback or open space.
- (c) Any decrease in building size or changes in bedroom counts per dwelling unit in no more than ten percent of the total number of units.
- (d) Floor plans may be changed if consistent with the character of the use.
- (e) Relocation of a building by up to five feet, if consistent with required setbacks, open space and other standards.
- (f) Shifting of building heights and elevations, providing such shifting does not exceed ten percent of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
- (g) Construction of additional, or alteration of, approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.
- (h) Shifting of, additions to, changes in species of landscape materials, provided that such change does not reduce minimum landscape requirements.
- (i) Plantings on the approved landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any regulated trees lost during construction shall be replaced on a caliper-per-caliper basis on the site.
- (j) Designated woodlands or areas not to be disturbed may be increased.
- (k) Relocation of refuse collection stations.
- (l) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, with documentation from Washtenaw County, where appropriate.
- (m) Internal rearrangement of parking lots and curb cut locations, not including the relocation of parking lots, provided such fictional rearrangement does not reduce the total number of parking spaces required, and further provided that the such rearrangement does not inhibit good traffic flow or circulation.
- (n) Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
- (o) Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the township community and economic development department.
- (p) Grade change of up to one foot, reviewed by the township engineer.
- (q) Modification of entry design, sign placement or reduction in size of signage, which is consistent with the intent of this section and the approved plan.
- (r) Changes to the location of accessory buildings and structures only when the new location will be consistent with the building envelope identified on the approved plan.
- (s) Changes required or requested by the township, county or state for safety reasons.

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- (3) *Major changes.* Where the township community and economic development department determines a requested amendment to the approved site plan is major, resubmittal to the planning commission and township board shall be required. Should the planning commission or township board determine that the modifications are inconsistent with the approved final PD site plan, a revised final PD site plan shall be submitted according to the procedures outlined in this article. In all cases, a change in use to a more intensive use than approved in the final PD plan shall be considered major and require resubmission of a final PD plan.

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

### **Sec. 1923. Existing planned developments:**

- (1) *Approved planned developments.* Projects which received final PD stage II approval under the prior PD standards shall be considered conforming provided such projects conform to the site plan and conditions upon which they were approved, and the projects have either been completed or work is diligently being carried on within the time limits stipulated under this ordinance. Any expansion shall conform to the regulations of the particular zoning district; no expansion in area beyond the area approved as a PD shall be considered. Any modifications to the previously approved final PD site plans shall be reviewed under the current PD regulations.
- (2) *Commencement and completion of construction.* Construction shall be commenced within one year following final approval of a PD, or within one year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the project shall be commenced within one year of the schedule approved by the township. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the planning commission upon good cause shown if such request is made to the planning commission prior to the expiration of the initial period.
- (3) *PD stage I planned developments.* Projects that have received a recommendation by the planning commission to the township board for PD stage I approval prior to the effective date of this amendment, but did not receive final PD stage II approval, shall be reviewed under the current PD regulations of this ordinance for final approval, subject to the following:
- (a) Where a density was established by the township on a PD stage I site plan, subsequent final site plans submitted shall retain the following:
1. The density established at that time shall be the maximum allowable density for that site.
  2. The final site plan shall include the same mixture of housing types, provided that the township board may approve a reduction in the percent of non-single-family residential dwellings.
  3. The final site plan shall contain as much or more open space as the preliminary PD plan.
- (b) Within two years following receipt of the preliminary PD stage I approval, the applicant shall submit to the township planning commission a final PD stage II plan. If a final PD stage II plan has not been submitted within the two years, then the original PD stage I approval shall be null-and-void and any subsequent submittal shall be required to comply with the current PD requirements of this ordinance. Time extension, beyond the two-year period, may be granted by the township board. The request for extension must be received in writing and shall not be for more than one year.
- (c) Final site plans must still exhibit the community benefits and natural features protection that qualified the project for development as a PD. The planning commission shall make a finding that the final site plan is consistent with the intent and conditions of the preliminary PD approval.

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

**Sec. 1924. Limitations on variances from ZBA:**

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

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

**Sec. 1925. Fees:**

Fees for legal, engineering and planning review of the site plans shall be as established by the township board.

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

***ARTICLE XX. SCHEDULE OF REGULATIONS***

**Sec. 2000. Schedule limiting height, bulk, density and area by zoning district, residential districts:**

Zoning District (aa)	Minimum Zoning Lot Size Per Unit (b, v, y)		Maximum Height of Structures		Minimum Yard Setback (per lot in feet) (d, i, j, k, s, t, u, x)				Minimum Ground Floor Area Per Unit (sq. ft.)	Maximum % of Lot Area Covered (by all buildings)
	Area in Sq. Ft. (a, w)	Width in Feet (c)	In Stories	In Feet (g)	Front	Side		Rear (n)		
R-1 one-family residential	32,500	100	2	25	25	Least	Total of Two	35	1 story 1,200 2 story 900	30
R-2 one-family residential	21,780	90	2	25	25	10(e)	20	35	1 story 900 2 story 720	30
R-3 one-family residential	14,000	80	2	25	25	5(e)	16	35	1 story 720 2 story 600	30
R-4 one-family residential	8,400	60	2	25	25	5(e)	16	35	1 story 720	30

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									2 story 600	
R-5 one-family residential	5,400	50	2	25	20	5(e)	16	35	1 story 720 2 story, 600	35
RM-1 multiple-family	(f)	—	2	25	30(l)	30(l)	60(l)	30(l)	Eff. 350 1 br. 500	15
RM-2 multiple-family	(f)	—	3	35	30(l)	30(l)	60(l)	30(l)	2 br. 700 3 br. 900 4 br. 1,100	25
RM-3 multiple-family	(f)	—	4	45	40(l)	40(l)	80(l)	50(l)	Eff. 350 1 br. 500	15
RM-4 multiple-family	(f)	—	No maximum (h)		50(l)	50(l)	100(l)	50(l)	2 br. 700 3 br. 900 4 br. 1,100	15
RM-5 townhouse residential	(f)	—	3	35	10(z)	10		10	Minimum total area/unit: 1,000	None
MHP mobile home park	5,500	(r)	(r)	25(r)	(r)	(r)	(r)	(r)	600(r)	(r)
PD planned development	See article XIX for standards									

(Ord. No. 94-133, 8-16-94; Ord. No. 96-154, 10-15-96; Ord. No. 97-164, 2-28-97; Ord. No. 97-165, 4-25-97; Ord. No. 97-172, 10-7-97; Ord. No. 99-202, 3-16-99; Ord. No. 99-224, § V, 8-3-99; Ord. No. 2000-241, 2-14-00; Ord. No. 2001-288, 12-18-01; Ord. No. 2003-329, 1-20-04; Ord. No. 2009-395, 7-21-09; Ord. No. 2018-476, § 21, 2-20-18)

**Sec. 2001. Schedule limiting height, bulk, density and area by zoning district, commercial, office and industrial districts:**

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structures		Minimum Yard Setback (per lot in feet) (d, i, j, k, o, s, x)				Minimum Ground Floor Area Per Unit (sq. ft.)	Maximum % of Lot Area Covered (by all buildings)
	Area in Sq. Ft. (a)	Width in Feet (c)	In Stories	In Feet (g)	Front	Side (n)		Rear		
						Least	Total of Two			
OS-1 office space	None	None	2	25	20	(m)	(m)	20	None	None
B-1 local business	None	None	2	25	20	(m)	(m)	20	None	None
B-2 community business	None	None	3(q)	30(q)	70	(m)	(m, n)	(n)	None	None

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(Supp. No. 56)

B-3 general business	None	None	2	25	20	(m)	(m)	20	None	None
IRO industrial, research, office	None	None	3(q)	30(q)	50	20	40	(p)	None	None
I-1 light industrial	None	None	(q)	40(q)	40	20	40	40(p)	None	None
I-2 general industrial	None	None	(q)	50(q)	50	40	80	50(p)	None	None
I-3 industrial	None	None	(q)	40(q)	50	40	80	50(p)	None	None
I-C industrial commercial	None	None	(q)	50(q)	50	40	80	50(p)	None	None
P-1 vehicular parking	See article XII for standards									
PD planned development	See article XIX for standards									

Notes to schedule of regulations:

- (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 of one acre. This provision may be modified for a planned development approved under article XIX, provided all lots meet the requirements of the Washtenaw County Health Department and the required "parallel plan" to determine density is prepared with one acre lots.
- (b) Modifications to dimensional requirements and maximum density may be permitted by the township under article XX, planned development.
- (c) The maximum ratio of lot depth to lot width shall not exceed a depth of four times the width.
- (d) For all uses permitted other than single-family residential, i.e., places of worship, schools, etc., the setback shall equal the height of the main building or the setback required in section 402 or 2000, whichever is greater.
- (e) When a side yard is across a common separating street from a front yard on the opposing lot, the side yard abutting a street shall not be less than the minimum front yard of the district in which located. On all other corner lots, the street side yard shall be the larger required side yard (see sketch). The lot width for corner lots shall be at least ten 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.
- (f) For all developments in the RM multiple-family districts, the total number of dwelling units shall not be more than the following:
  - RM-1 = One dwelling unit for each 8,100 square feet of lot area.
  - RM-2 = One dwelling unit for each 7,200 square feet of lot area.
  - RM-3 = One dwelling unit for each 5,400 square feet of lot area.
  - RM-4 = One dwelling unit for each 3,000 square feet of lot area.
  - RM-5 = One dwelling unit for each 4,300 square feet of lot area
 See section 2002 for standards applicable to senior housing.
- (g) The following kinds of structural appurtenances may exceed the height limitations for authorized use:

- (1) Schools, places of worship and other similar institutional buildings may be erected to a height not exceeding 48 feet provided the front, side and rear yards shall not be less than the height of the building wall abutting such yard;
- (2) The highest point of chimneys, spires, cupolas, domes, towers, flag poles, radio and television antennae may be erected to a height not exceeding 60 feet; the average height of such elements which are an architectural feature shall be 48 feet. Radio, television and personal short-wave radio antennae may be permitted up to a height of 100 feet provided the tower is setback from all property lines and buildings a distance equal to half the height of the structure tower.
- (3) Penthouse or 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:
  - a. All rooftop equipment and apparatus shall be housed in a penthouse, parapet wall or screening structure constructed of the same type of building material and same color used in the principal structure.
  - b. Penthouses and structures shall be set back from the outermost vertical walls or parapet of the principal structure a distance equal to at least two times the height of such penthouse or structure. The height of such penthouse or structure shall in no instance exceed 15 feet.
  - c. Such penthouse or structure shall not have a total floor area greater than 15 percent of the total roof area of the building.
- (h) The maximum height of structures in the RM-4 multiple-family high-rise district shall be subject to the review and approval of the Willow Run Airport Zoning Agency.
- (i) All required yard areas shall be lawn, ground cover or living landscape plant materials except for approved access drives, sidewalks, bikepaths, setback projections, ponds, parks, essential service facilities and permitted accessory buildings.
- (j) Setbacks shown are for principal buildings. Section 2103, accessory buildings and accessory uses, specifies setbacks for accessory buildings and structures.
- (k) Permitted projections into required yards: fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. Architectural features and vertical projections, may extend or project into a required yard as shown in the following table:

Projection	All Yards	Rear Yard	Side Yard
Air conditioning equipment shelters	--	X	X
Air conditioning units, window mounted	X	--	--
Access drives	X	--	--
Arbors and trellises	X	--	--
Architectural entrance features (1)	X	--	--
Awnings and canopies	X	--	--
Bay windows (1)	X	--	--
Decks, open or enclosed (2)	--	X	X
Eaves, overhanging (1)	X	--	--
Fences	X	--	--
Flagpoles	X	--	--
Gardens	X	--	--

Gutters (1)	X	--	--
Hot tubs	--	X	X
Landscaping	X	--	--
Laundry drying equipment	--	X	X
Light standard, ornamental	X	--	--
Paved terraces and open porches (2)	X	--	--
Privacy walls	--	X	--
Sidewalks, bikepaths and walkways	X	--	--
Signs	X	--	--
Stairways, open unroofed	X	--	--
Steps and stoops	X	--	--
Swimming pools	--	X	X
Reception towers/antennas	X	--	--
Walls	X	--	--
Waste receptacles	--	X	X

x = Permitted in any area of yard

Notes related to table:

- (1) *Architectural features:* Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves and other architectural features may project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend into any front or rear yard not more than 24 inches.
- (2) *Terraces, decks and porches:* Open porches may project into a required front yard up to 15 feet, with the exception of the R-5 one-family residential district where the open porch projection may not exceed ten feet. Open porches, decks and paved terraces may project up to 30 percent into a required minimum side or rear yard and may exceed the maximum permitted lot coverage by up to three percent.

(I) Setbacks in the RM districts shall meet the following requirements.

- (1) In all RM districts, front, side or rear yards shall be required from the perimeter of the parcel and need not refer to spacing between buildings for a the same parcel.
- (2) In RM-4 districts, the minimum setbacks from the lot lines shall be equal to the height of the building except:
  - a. Where a lot line abuts a street, one-half the width of the right-of-way as shown on the major thoroughfare plan may be considered as yard setback.
  - b. Where a lot line abuts a permanent public open space or parkway, one-half of the narrowest width of the open space or parkway immediately contiguous to the common property line may be considered as yard setback. In no instance, however, shall any yard setback be less than 50 feet.
- (3) In all RM districts, there shall be a minimum of 20 feet of unobstructed setback between drives, maneuvering lanes and open parking spaces and any residential building or wall.
- (4) In all RM districts, the minimum distance between any two buildings shall be regulated according to the length and height of such building, and in no instance shall this distance be less than 30 feet. (See

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illustration following this section.) The formula for regulating the required minimum distances between two buildings is as follows:

$S =$

Where:

S =	The required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.
La =	The total length of building A. The total length of building A is the length of the portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.
Lb =	The total length of building B. The total length of building B is the length of that portion or portions of a wall of building B from which, when viewed directly above, lines drawn perpendicular to building B will intersect building A.
Ha =	The height of building A. The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of a building A.
Hb =	The height of building B. The height of building B at any given level is the height above the natural grade level of any portion or portions of a wall or walls along the length of building B.

- (m) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten feet shall be provided. Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten feet on the side bordering the residential district or street.
- (n) No building shall be closer than 75 feet to the outer perimeter (property line) of such district, or to any major thoroughfare.
- (o) No building shall be closer than 50 feet to the outer perimeter (property line) of such district when said property abuts any residential district. This requirement does not apply to sites zoned B-5 East Michigan Avenue business district or B-6 Ecorse/Ford business district.
- (p) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six feet high, or with a chainlink-type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.
- (q) The height of structures may exceed the maximum required herein for planned developments of 20 acres or more in area, provided that all yards shall be increased at least one foot in depth for each additional foot of building height above the maximum herein permitted.
- (r) See article XVIII for modifications allowed and additional requirements. Mobile home parks shall be regulated in accord with Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.1101 et seq.), as amended.
- (s) Setback requirements, where such setbacks are to be provided from abutting streets, shall be provided whether such right-of-way is public, private or an access easement.
- (t) In subdivisions platted prior to the date of adoption of this zoning ordinance and in which a building setback line is established on the lots abutting a lot or lots to be developed, such building line may be utilized as the setback line for new building construction.
- (u) Minimum yards for site condominiums shall be provided in accordance with this zoning ordinance and shall be computed as follows:

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- (1) Minimum front yard setbacks shall be equal to the distance between the front yard area line and the condominium dwelling.
  - (2) Minimum rear yard setbacks shall be equal to the distance between the rear yard area line and the condominium dwelling. For two back-to-back units, the separation shall equal two rear yard setbacks.
  - (3) Minimum side yard setbacks shall be equal to the distance between the side yard area line and the condominium dwelling. For two side-to-side units, the separation shall equal two side yard setbacks.
- (v) Dwellings existing and dwellings to be constructed on lots of record in and subdivisions having received tentative preliminary plat approval and on sites in site condominium subdivisions having received preliminary approval prior to the date of adoption of this amendment shall be permitted provided such lots and structures comply with lot area, width and setback requirements of the zoning ordinance at the time of approval.
  - (w) Any submerged area of a lake, river, pond or stream, or regulated wetlands shall not count towards meeting the minimum lot area for single-family lots. Computation of dwelling unit density requirements in RM zones shall not include submerged areas of a lake, river, pond or stream, and regulated wetlands.
  - (x) Open space setback: An undisturbed open space setback of not less than 50 feet shall be maintained from the edge of any lake, pond, river or stream, including, but not limited to the Huron River, Paint Creek and their tributaries. An undisturbed open space setback of not less than 25 feet shall be maintained from the edge of any drain or wetland. Such setbacks shall be measured from the top of the bank or other defined edge and shall not be subject to topography.

The township may permit trails, boardwalks, observation platforms or similar structures that enhance passive enjoyment of a site's natural amenities within the setback as part of an approved site plan.

- (y) Any residential subdivision, condominium or multiple-family development comprising 20 or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area which shall contain an area equal in size to 1,500 square feet for each lot or dwelling unit in the subdivision or condominium project or multiple-family development. Said recreational area shall be well drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the planning commission. Reservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.
- (z) The planning commission may approve a reduction of the minimum required front yard setback for buildings in this district, subject to the following conditions:
  - (1) The development parcel or zoning lot has frontage on only one public street and is not a corner lot.
  - (2) The architectural character of all facades that are visible from the street shall be upgraded to include primarily glass, brick, cut stone, cast stone, smooth stucco or wood. Concrete block, EIFS and other synthetic materials shall be eliminated from these facades, except for minor architectural accents as may be approved by the planning commission.
  - (3) A reduction in the required front yard setback would result in an unsafe traffic or pedestrian safety condition.
- (aa) Where a parcel that is within 500 feet of the I-94 right-of-way is proposed to be developed for residential purposes by means of a multiple-family development, condominium, subdivision plat or planned development, such site plan or plat shall delineate that area of the site with sound levels of 61 dBA or greater. No dwelling units shall be located within this 61 dBA or greater area unless one of the following measures is taken:
  - (1) Sound walls or earth berming are installed to attenuate the noise level to less than 61 dBA at the location of all dwellings and all yard areas within 35 feet of all single-family dwellings.

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- (2) Sound attenuation measures incorporated into the design and construction of the dwellings, such as masonry construction and insulation resulting in interior noise levels less than 52 dBA.
- (bb) Open space setback: An undisturbed open space setback of not less than 50 feet shall be maintained from the edge of any lake, pond, river or stream, including, but not limited to the Huron River, Paint Creek and their tributaries. An undisturbed open space setback of not less than 25 feet shall be maintained from the edge of any drain or wetland. Such setbacks shall be measured from the top of the bank or other defined edge and shall not be subject to topography.
- The township may permit trails, boardwalks, observation platforms or similar structures that enhance passive enjoyment of a site's natural amenities within the setback as part of an approved site plan.
- (cc) Any residential subdivision, condominium or multiple-family development comprising 20 or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area which shall contain an area equal in size to 1,500 square feet for each lot or dwelling unit in the subdivision or condominium project or multiple-family development. Said recreational area shall be well drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the planning commission. Reservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.
- (dd) The planning commission may approve a reduction of the minimum required front yard setback for buildings in this district, subject to the following conditions:
- (1) The development parcel or zoning lot has frontage on only one public street and is not a corner lot,
  - (2) The architectural character of all facades that are visible from the street shall be upgraded to include primarily glass, brick, cut stone, cast stone, smooth stucco or wood. Concrete block, EIFS and other synthetic materials shall be eliminated from these facades, except for minor architectural accents as may be approved by the planning commission.
  - (3) A reduction in the required front yard setback would result in an unsafe traffic or pedestrian safety condition.
- (ee) Where a parcel that is within 500 feet of the I-94 right-of-way is proposed to be developed for residential purposes by means of a multiple-family development, condominium, subdivision plat or planned development, such site plan or plat shall delineate that area of the site with sound levels of 61 dBA or greater. No dwelling units shall be located within this 61 dBA or greater area unless one of the following measures is taken:
- (1) Sound walls or earth berming are installed to attenuate the noise level to less than 61 dBA at the location of all dwellings and all yard areas within 35 feet of all single-family dwellings.
  - (2) Sound attenuation measures incorporated into the design and construction of the dwellings, such as masonry construction and insulation resulting in interior noise levels less than 52 dBA.

Where a planned development is proposed under article XIX, PD planned development regulations, the open space requirements of article XIX may be provided as an open space buffer in the area of the site that has sound levels of 61 dBA or greater, where this will cluster the dwellings within the area of the site that has sound levels of less than 61 dBA.

(Ord. No. 99-202, 3-16-99; Ord. No. 2000-257, 12-5-00; Ord. No. 2001-275, 8-21-01; Ord. No. 2001-288, 12-18-01; Ord. No. 203-329, 1-20-04; Ord. No. 2009-395, 7-21-09; Ord. No. 2018-476 , § 21, 2-20-18)

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**Sec. 2002. Senior housing option (planned development):**

- (a) Independent living senior housing, developed under the provisions of this section, may be allowed in any RM zoning district with planned development approval from the township under article 19. The senior housing development shall meet all applicable standards of the PD regulations and the RM zoning district in which it is situated, except as provided in this section.
- (b) The township may base its approval on the long-term availability of senior services to be provided by the developer, operator, government or private elderly support agencies, such as medical assistance, meals assistance, proximity to shopping, personal services and medical care, transportation (including access to mass transit), recreation and other elderly needs.
- (c) The minimum lot area per dwelling unit shall be as follows. Projects may not qualify for an additional density bonus under the PD provisions.
  - RM-1 = One dwelling unit for each 5,000 square feet of lot area.
  - RM-2 = One dwelling unit for each 4,000 square feet of lot area.
  - RM-3 = One dwelling unit for each 3,500 square feet of lot area.
  - RM-4 = One dwelling unit for each 3,000 square feet of lot area.
- (d) Minimum unit size shall be 350 square feet of usable floor area, not including kitchen, bathroom and storage areas. The interior of each unit shall be designed to provide ease of mobility by seniors who may have mobility limitations. The following standards shall be met for all units:
  - (1) All doors shall provide a minimum 36-inch clear opening when the door is standing 90 degrees open.
  - (2) All common hallways or passageways shall be at least five feet in width. All hallways or passageways within individual units shall be at least three feet, six inches in width.
  - (3) There shall be no raised thresholds in the units. Floors shall continue through door openings at the same level.
  - (4) The township may require that all bathroom and kitchen features be designed in accordance with the American National Standards Institute (ANSI), Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People, Section 4.34, Dwelling Units, of ANSI A117.1 (1980), or structurally designed and laid out to be easily modified to accommodate these standards.
  - (5) Multi-story facilities shall have at least one hospital type elevator within each building.
- (e) All pedestrian circulation walkways and sidewalks shall be hard-surfaced with either asphalt, concrete, brick paving or boardwalk and be accessible to the handicapped according to the standards set forth in the Americans With Disabilities Act. Handicapped access ramp structures may encroach into any required setback space.
- (f) At least 15 percent of the total site area shall be reserved as open space. This open space shall be utilized for recreation facilities such as picnic areas, walking trails or other open space uses which provide elderly residences the opportunity to enjoy the natural features of the site. The open space shall be configured to be integrated with the individual units and maximize the proximity of each housing unit to natural open space.
- (g) Deed restrictions shall limit occupancy of units to senior citizens by requiring that each unit be occupied by at least one person over 55 years of age. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the initial special land use approval. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the township and the land uses continue as approved. Allowances may be made in the deed restrictions for a limited



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variance provision, not to exceed ten percent of the units to allow for the continued occupancy by an under 55-year-old spouse where the over 55-year-old spouse becomes deceased.

An annual report of all leases and occupants shall be provided to the township community and economic development department to ensure continued compliance with the requirements of this section.

(Ord. No. 99-202, 3-16-99; Ord. No. 2008-380, 10-7-08)

## ***ARTICLE XXI. GENERAL PROVISIONS***

### **Sec. 2100. Conflicting regulations:**

Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this ordinance, then the provisions of such ordinance shall govern.

### **Sec. 2101. Scope:**

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this ordinance.

### **Sec. 2102. Reserved.**

Editor's note(s)—Ord. No. 2001-273, adopted Aug. 21, 2001, repealed § 2102 which pertained to nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises, and derived from Ord. No. 74, adopted May 17, 1994, and Ord. No. 98-187, adopted Apr. 7, 1998.

### **Sec. 2103. Accessory buildings and accessory uses:**

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

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this ordinance, applicable to main buildings.
2. A building or structure accessory to a residential building shall not be erected in any yard except a rear yard unless otherwise provided for herein.
3. An accessory building shall not occupy not more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard provided that in no instance shall the accessory building exceed the ground floor area of the main building.
4. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than five feet to any side or rear lot line. A structure built of noncombustible product may be located closer than ten feet to the main building at the discretion of the building official.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

5. Detached accessory building in all one-family residential, multiple-family residential, office, B-1 and P-1 districts shall not exceed one story or 14 feet in height unless otherwise provided for herein.

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6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten feet to a street right-of-way line.
  7. One recreational vehicle owned by residents of the township and stored on their individual lots shall be stored only within the confines of the rear yard and shall further respect the requirements of this section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied. In those instances where the rear yard is not accessible by means of a driveway or alley or has insufficient side yard clearance for the passage of a recreational vehicle, the building inspector may allow the parking or storage of such recreational vehicle in the side or front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored closer than ten feet to the front property line.
  8. Accessory buildings on farms shall be excluded from the requirements of this section, provided such buildings are clearly an accessory use to farming activity being conducted on the site, provided further that all other requirements of this ordinance are complied with.
  9. On lots of one and one-half acres or more in area located in areas zoned for residential use and having a frontage of not less than 150 feet, pole barns may be constructed as an accessory use provided the following conditions are met:
    - a. Setbacks from side or rear lot lines shall not be less than ten feet.
    - b. The height of such building shall not be more than 20 feet.
    - c. The accessory building shall only be erected in a rear yard and may exceed the ground floor area of the main building but shall not exceed other lot area coverage requirements of this ordinance.
    - d. All building and construction codes of the township shall be complied with.
    - e. Any such lot shall not be located in a platted subdivision.
  10. A resident of a dwelling unit may have not more than one motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicle of other than a resident of the dwelling unit on said property. In no instance shall vehicles for sale be displayed in a front yard other than on the driveway portion of such yard. The sale of vehicles from a residential property shall not exceed two vehicles in any one year.
  11. Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.
  12. On-site use wind energy system may be located within a rear yard when the following conditions are adhered to:
    - a. *Height:* The highest point of any portion of a tower and/or generator shall not exceed 65 feet in height above the average grade of the parcel.
    - b. *Property setback:* The distance between a tower and the owner's property line shall be at least one and one-half times the height of the tower including the top of the blade in its vertical position. No part of the wind energy system structure, including guy wires may be located within ten feet of a property line.

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- c. *Sound pressure level:* On-site wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55dB(A), the stand shall be ambient dB(A) plus five dB(A).
  - d. *Construction codes, towers and interconnection standards:* On-site use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems including towers shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23, 1950, MCL 259.431 et seq.) the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
  - e. *Safety:* An on-site use wind energy system shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
13. In all office, service and business districts, rooftop equipment and apparatus shall be screened from ground level by being housed in a penthouse or structure constructed of the same type of building materials used in the principal structure, or by building design.
14. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
- a. There shall be a minimum distance of not less than ten feet between the adjoining property line, or alley right-of-way, and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten feet.
  - b. There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.
  - c. No swimming pool shall be located less than 35 feet from any front lot line.
  - d. No swimming pool shall be located closer than one foot from any recorded easement.
  - e. For the protection of the general public, all yards containing swimming pools shall be completely enclosed by a fence not less than four feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the building inspector upon inspection and approval.
  - f. All electrical installations or wiring in connection with swimming pools shall conform to the provision of the National Electrical Code. If service drop conductors of (or) other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

(Ord. No. 96-144, 3-5-96; Ord. No. 98-180, 2-17-98; Ord. No. 99-224, § VI, 8-3-99; Ord. No. 2001-266, § 2, 5-15-01; Ord. No. 2002-306, 12-17-02; Ord. No. 2010-402, § 2, 3-16-10; Ord. No. 2018-476 , § 22, 2-20-18)

Editor's note(s)—Ord. No. 2001-266, § 2, adopted May 15, 2001, repealed subsections 2103.11 and 2103.12, relating to satellite dish antennas and wireless transmission antenna and towers. The following subsections have been renumbered accordingly.

**Sec. 2104. Parking requirements:**

1. *General.* There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space, with adequate access to all spaces. The number of off-street parking spaces in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.
  - a. Off-street parking existing at the effective date of this ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
  - b. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
2. *Minimum number of spaces required.* The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use		Number of minimum parking spaces per unit of measure	
<i>a.</i>	<i>Residential</i>		
	(1)	Residential, one-family and two-family	Two for each dwelling unit.
	(2)	Residential, multiple-family	Two for each dwelling unit.
	(3)	Residential, multiple-family high-rise (over four stories)	One and three-quarters for each one dwelling, or one and one-half for each one dwelling unit provided that one-quarter space per unit is indicated as potential, future parking, to be initially developed as landscaped open space. The site plan shall show how the parking lot could be expanded to include the one-quarter space per dwelling unit if ever found necessary.
	(4)	Housing for the elderly	One for each two units and one for each employee. Should units revert to general occupancy, then two

			spaces per unit shall be provided.
	(5)	Mobile home park	Two for each mobile home site and one for each employee of the mobile home park.
	(6)	Bed and breakfast dwellings	Two for the owner and operator and one for each leasable room.
<i>b.</i>	<i>Institutional</i>		
	(1)	Places of worship	One for each three seats or six feet of pews in the main unit of worship
	(2)	Hospitals	Two for each one bed.
	(3)	Convalescent homes and nursing homes	One for each two employees plus one for each four persons in residence.
	(4)	Elementary and junior high schools	One for each one teacher, employee, or administrator in addition to the requirements for auditorium or stadium.
	(5)	Senior high schools	One for each one teacher, employee, or administrator, and one for each ten students, in addition to the requirements of the auditorium or stadium, whichever seats more.
	(6)	Private clubs, or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	(7)	Fraternity or sorority	One for each five permitted active members, or one for each two beds, whichever is greater.
	(8)	Library, museum or post office	One for each 150 square feet of usable floor area.
	(9)	Child and adult care facilities	
	(a)	Family day care homes for up to six adults	Two for each unit plus one for each caregiver.

	(b)	Group day care home for up to 12 adults	Two for each dwelling unit plus one for each caregiver.
	(c)	Group day care home for children	Two for each dwelling unit plus one for each caregiver.
	(d)	Dependent day care center for children	One for each caregiver.
	(e)	Dependent day care center for adults	Two, plus one for each 20 adults in the facility.
<i>c.</i>	<i>Offices</i>		
	(1)	Banks	One for each 200 square feet of usable floor space, plus three for each ATM. Drive-up windows shall be provided four stacking spaces for the first window, plus three spaces for each additional window.
	(2)	Business offices or professional offices except medical offices	One for each 250 square feet of usable floor space.
	(3)	Professional offices of doctors, dentists or similar professions	One for each 200 square feet of usable floor area.
<i>d.</i>	<i>Retail Uses</i>		
	(1)	Retail stores except as otherwise specified herein	One for each 250 square feet of usable floor space.
	(2)	Shopping centers with multiple tenants	One for each 250 square feet of usable retail floor area for the first 50,000 square feet. One for each 275 square feet for the next 50,000 to 450,000 square feet of usable retail floor area. One for each 300 square feet for that area in excess of 450,000 square feet of usable retail floor area. Non-retail uses such as restaurants, bars and theaters shall be calculated separately based upon their respective requirements.

	(3)	Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.)
	(4)	Gasoline service stations (full service)	Two for each lubrication stall, rack or pit; and one for each service vehicle used by the service station, in addition to space provided at each fuel pump dispenser. Gasoline service stations providing carwash facilities, sale of food, beverages and other products shall provide additional off-street parking spaces based on the requirements for such uses.
	(5)	Gasoline filling stations (self-service)	One for each employee plus one for each 100 square feet of floor area used for cashier, office or retail sale of food, beverages and other products in addition to space provided at each fuel pump dispenser. In no instance shall such facility provide fewer than three spaces for cashier's and office use. Gasoline service stations providing carwash facilities shall provide additional off-street parking spaces based upon the requirements for such uses.
	(6)	Home improvement centers	One per 300 square feet of useable floor area.
	(7)	Motor vehicle sales and service establishments	One for each 400 square feet of usable floor area of sales room and one for



			each one auto service stall in the service room.
	(8)	Outdoor commercial display and sales	One for each 500 square feet of land area being used for display, plus one for each employee
<i>e.</i>	<i>Restaurants/food and beverage</i>		
	(1)	Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	One per each 70 square feet of useable floor area or one per two seats, whichever is greater
	(2)	Drive-in Restaurant	One for each employee and one for each 25 square feet of usable floor area.
	(3)	Drive-through Restaurant	One for each employee, one for each 75 square feet of dining area and five stack-up spaces for each drive-through window or station.
	(4)	Carry-out Restaurant (with no eating on premises)	Six per service or counter station, plus one for each employee.
	(5)	Open front Restaurants such as, but not limited to: dairy bars and fruit, and vegetable stands	Ten plus one per employee.
	(6)	Standard sit-down restaurants without liquor license	One for each 100 square feet of usable floor area or one for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
	(7)	Standard sit-down restaurants with liquor license	One for each 75 square feet of usable floor area or one for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
<i>d.</i>	Service Uses		

	(1)	Automobile repair	Two for each service stall plus one for each employee.
	(2)	Automobile quick oil change	Two stacking spaces for each service stall, rack or pit plus one for each employee.
	(3)	Auto wash	One for each one employee. In addition, stacking spaces equal in number to five times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 24.
	(4)	Auto wash (self service or coin operated)	Two stacking spaces for each washing stall in addition to the stall itself plus one for each drying space.
	(5)	Beauty parlor or barbershop	Two for each beauty or barber chair plus one for each employee.
	(6)	Dry Cleaners	One (1) per five hundred (500) square feet of useable floor area
	(7)	Laundromats and coin-operated dry cleaners	One for each two washing and/or dry-cleaning machines.
	(8)	Mortuary establishments	One for each 50 square feet of usable floor area.
	(9)	Motel, hotel or other commercial lodging establishments	One for each one occupancy unit plus one for each employee plus spaces as required for accessory uses such as a bar, restaurant, meeting rooms, etc.
	(10)	Adult entertainment facility	
	(a)	Adult book/video store	One for each 75 square feet of usable floor space.

	(b)	Adult motion picture theater	One for each two seats plus one for each theater employee.
	(c)	Adult mini-motion picture theater	One for each one seat or viewing station plus one for each employee.
	(d)	Cabaret	One for each 75 square feet of usable floor space.
	(11)	Massage establishment	One for each massage table or station, plus one for each 20 square feet of waiting room, plus one for each employee.
	(12)	Self-storage mini-warehouse	One for each 20 storage units plus two for manager's residence
	(13)	Video Rental Establishments	One per 150 square feet of useable floor area.
<i>g.</i>	<i>Recreation Uses</i>		
	(1)	Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus one per employee. In those instances where memberships are provided for, not less than one per each five memberships shall be provided plus one per employee or one for each two clothing lockers plus one per employee whichever is the larger.
	(2)	Amusement arcade	One for each one game table and one for each amusement device.
	(3)	Bowling alleys	Five for each one bowling lane plus spaces required for accessory uses such as a bar or restaurant.
	(4)	Commercial outdoor recreation facilities (such as archery ranges, batting cages, etc.)	Two for each batting cage, archery range or similar activity.
	(5)	Dancehalls, pool or billiard parlors, roller or	One for each three persons allowed within

		skating rinks, exhibition halls, and assembly halls without fixed seats	the maximum occupancy load as established by local, county or state fire, building or health codes or one for each 200 square feet of gross floor area, whichever is greater.
	(6)	Golf courses, open to the general public, except miniature or "par-three" courses	Six for each one golf hole and one for each one employee, plus spaces required for each accessory use such as a restaurant or bar.
	(7)	Golf driving range	Two for each driving tee plus three spaces for employees.
	(8)	Ice skating or roller rink	One for each seat or six feet of benches, or one for each 150 square feet of skating area, whichever is the greater.
	(9)	Miniature or "par-three" golf courses	Two for each one hole plus one for each one employee.
	(10)	Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
	(11)	Stadium, sports arena or similar place of outdoor assembly	One for each four seats or eight feet of benches.
	(12)	Tennis club, paddle-ball club, racquetball club and othersimilar uses	Six per court, plus such additional spaces as may be required herein for affiliated uses such as restaurants, plus one per employee.
	(13)	Theaters and auditoriums	One for each three seats plus one for each two employees.
<i>h.</i>	<i>Industrial</i>		
	(1)	Industrial or research establishments and related accessory offices	Five plus one for every one and a half employees in the largest working shift or one for each 500 square feet of usable floor area in those

			instances where shift size is not known. Space on the site shall also be provided for all construction workers during periods of plant construction.
	(2)	Telephone exchange buildings	One for every one employee on the largest working shift.
	(3)	Warehouses and wholesale establishments and related accessory offices	Five plus one for every one employee in the largest working shift, or five plus one for every 1,700 square feet of usable floor space, whichever is the greater.

3. *Number of Spaces.*

- a. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.
- b. For the purpose of computing the number of parking spaces required, the definition of "useable floor area" in article II, "Definitions," sec. 201 shall govern.
- c. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- d. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, except as provided below.
- e. The planning commission may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to one or more of the following:
  - (1) Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. Where uses are on separate lots, the lots shall be adjacent, pedestrian, and vehicular connections shall be maintained between the lots and shared parking agreements shall be filed with the county register of deeds and the township.
  - (2) Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
  - (3) Availability of other forms of travel such as transit. The planning commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.
- f. Where the conditions of subsection e. above are not met, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the planning commission may defer

some of the parking, provided the site plan designates portions of the site for future construction of the required parking spaces. Areas reserved for future parking shall be maintained in a landscaped appearance and not used for building area, storage, or other accessory use. The deferred parking shall be required to meet ordinance requirements if constructed and may not occupy required greenbelts. Construction of the deferred parking area to add parking spaces may be initiated by the owner or required by the community and economic development director, based on parking needs or observation, and shall require administrative approval of an amended site plan.

- g. In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than 20 percent shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
4. **Accessible Parking.** Accessible parking shall comply with the provisions of the American's With Disabilities Act (ADA). The number and layout of spaces required shall comply with ADA accessibility guidelines including the following:

Accessible Parking Spaces* (Required Minimum)			AccessibleSpaces
1	to	25	1
26	to	50	2
51	to	75	3
76	to	100	4
101	to	150	5
151	to	200	6
201	to	300	7
301	to	400	8
401	to	500	9
501	to	1,000	2**
1,001	and	over	20***
*Accessible spaces are required to be eight feet zero inches wide, with an adjacent access aisle five feet zero inches wide. One in every eight accessible spaces shall have an access aisle eight feet eight inches wide (rather than five feet) and shall be signed "van accessible."			
**Percent of total			
***Plus one space for each 100 over 1,000			

5. **Parking location.**
- a. Off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in this ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback, except in the office, business and industrial districts (OS-1, B-1, B-2, B-3, IRO, I-1, I-2, I-3, I-C). In the office, business and industrial districts, off-street parking may be permitted in the required front yard provided a minimum unobstructed and landscaped setback of 20 feet is provided. The setback is measured from the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the thoroughfare plan of the master plan of future land use.
  - b. Off-street parking shall be set back a minimum of ten feet from all lot lines in all zoning districts.
  - c. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the

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nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

- d. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve, and subject to the provisions of section 2103, accessory buildings and accessory uses, of this article. Front yard parking on other than a driveway or in an established apron between a curb and property line shall be prohibited.

6. *Off-street parking space layout, and construction.* Whenever the off-street parking requirements in this section require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- a. No parking lot shall be constructed unless and until a permit therefore is issued by the building official. Applications for a permit shall be submitted to the township in such form as may be determined by the building official and shall be accompanied with two sets of plans for the development and construction of the parking lot showing the provisions of this section will be fully complied with.

Notwithstanding the provisions of section 2115 of this article, in those instances where an existing building use has provided adequate parking under this ordinance and a change of use is proposed wherein parking requirements for such proposed new use are equal to or lesser than those available on the site, site plan review by the planning commission shall not be required. Such parking lot shall receive the review of the building official.

- b. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. Parking lots shall meet the following dimensional requirements:

Parking pattern	Maneuvering lane width	Parking space width	Parking space length	Total width of one tier of parking spaces plus maneuvering lane	Total width of two tiers of spaces plus maneuvering lane
0° (parallel parking)	12 ft.	8 ft. 6 in.	24 ft.	20 ft.	28 ft.
30° to 53°	14 ft.	9 ft.	18 ft.	30 ft.	50 ft.
54° to 74°	17 ft.	9 ft.	18 ft.	34 ft. 6 in.	56 ft.
75° to 90°	24 ft.	9 ft.	18 ft.	42 ft.	60 ft.

- c. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 pattern may permit two-way movement.
- d. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- e. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.

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- f. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the township engineer. The parking area shall be surfaced prior to the issuance of a certificate of occupancy, or, in case of seasonal difficulties, a guarantee acceptable to the township. In those instances where a parking area is nonconforming with respect to paving, the expansion of the use of land or structure shall require the paving of such parking area in conformity with this section. The planning commission may approve alternative paving materials, such as permeable/grass pavers, for overflow, seasonal or low usage parking, based upon the review and recommendation of the township engineer.
  - g. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
  - h. Off-street parking shall be provided with concrete curbs, where necessary to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Sidewalks abutting parking spaces shall be seven feet wide. Plantings shall be set back sufficient distance from curbs to allow for bumper overhang.
  - i. To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped with paint. Except for parallel parking spaces, each stall shall be delineated with four-inch wide double yellow lines 24 inches apart. The width of the parking stall may be computed from the centers of the double striping.

7. *Landscaping and screening.*

- a. The parking area shall be so designed as to provide a landscape plan in accord with section 2108 of this article.
- b. When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- c. Where an off-street parking area is located within a yard that adjoins a residential zoning district, the off-street parking area shall be provided with a continuous obscuring wall on all sides facing the residential district.
  - (1) The wall shall be constructed of brick and be not less than four feet six inches in height measured from the surface of the parking area. The planning commission may approve alternative masonry materials that are compatible with the architecture of the building or wood privacy fencing where provisions are made to protect the fence from vehicle damage.
  - (2) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
  - (3) The planning commission may modify the screening wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section or where the planning commission determines that landscape screening would be more appropriate.
- d. Where an off-street parking area is located within a front yard, a landscape berm or continuous hedge row shall be provided within the greenbelt between parking area and the road right of way.



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8. *Lighting.* All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only and meet the requirements of section 2110.
  9. *Maintenance and storage.*
    - a. All parking areas shall be maintained in a safe condition by the property owner free of snow and ice. The parking lot design shall provide a location for snow storage that does not encroach into required parking spaces.
    - b. The storage of merchandise, motor vehicles for sale, trucks, refuse the repair of vehicles is prohibited. The use of semi-trailers for storage purposes on the premises for five or more consecutive days is prohibited.

(Ord. No. 2004-343, 9-21-04; Ord. No. 2018-476 , § 22, 2-20-18; Ord. No. 2020-491 , § 4, 7-21-20)

### **Sec. 2105. Reserved.**

Editor's note(s)—Ord. No. 2004-343, adopted Sept. 21, 2004, repealed § 2105 in its entirety. Former § 21-5 pertained to off-street parking space layout, standards, construction and maintenance and derived from Ord. No. 74, adopted May 17, 1994 and effective on May 18, 1994.

### **Sec. 2106. Off-street loading and unloading:**

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All spaces shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of said alley. In OS districts off-street loading may take place in undesignated places in parking lots provided such loading is of a short term nature.

( Ord. No. 2018-476 , § 22, 2-20-18)

### **Sec. 2107. Trash and recycling receptacles:**

A space for the location of a separate trash and recycling receptacle, paved and with minimum dimensions of 16 feet wide and 12 feet deep, shall be provided for each zoning lot in the nonresidential districts (OS-1, B-1 through B-6, FS, IRO, I-1 through I-3, I-C, RM-1 through RM-5 and nonresidential uses proposed within a PD district) regardless of whether or not the use of a trash and recycling receptacle is intended, trash and recycling receptacles are permitted provided that:

1. The trash and recycling receptacles are located in a rear yard or interior side yard and are clearly accessible to servicing vehicles.
2. Trash and recycling receptacles shall be screened from view on all sided. Such screening shall consist of walls constructed of a brick or finished concrete materials or earth mound either of which are less than six feet in height or at least one foot above the height of the enclosed trash and recycling receptacles whichever is greater. Gates providing access shall also provide screening and may consist of an approved treated wood material. When possible, trash and recycling receptacles screening should be constructed of the same material type as the main building facade.

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3. In those districts mentioned above, trash and recycling receptacles and their screening enclosures shall be located as far as practical from any adjoining residential district or use and shall in no instance be located within 20 feet of any single-family residential property line or district.
  4. 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 community and economic development director, or of the planning commission when the planning commission reviews the site plan.

( Ord. No. 2018-476 , § 22, 2-20-18)

Editor's note(s)—Ord. No. 2018-476 , § 22, adopted Feb. 20, 2018, repealed § 2107 in its entirety and enacted new provisions to read as herein set out. Former § 2107 pertained to uses not otherwise included within a specific use district, and derived from Ord. No. 95-137, adopted Oct. 17, 1995; Ord. No. 2000-245, § II, adopted March 21, 2000; Ord. No. 2001-266, § 3, adopted May 15, 2001.

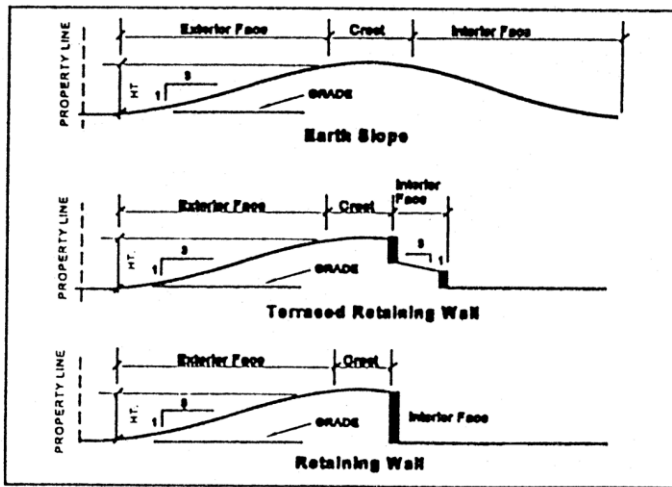
### **Sec. 2108. Landscape requirements.**

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. In cases where a site plan is submitted for alterations or additions to an existing building, all of the standards set forth herein shall be met. Landscape plans shall be approved by the planning commission prior to the issuance of a building permit and shall be prepared in accordance with the following:

1. *Planting plan specifications.*
  - a. Minimum scale of one inch = 50 feet.
  - b. Existing and proposed contours with contour interval not to exceed two feet.
  - c. The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required greenbelt or landscaped area.
  - d. 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.
  - e. Significant construction details to resolve specific site conditions, e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
  - f. Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.
  - g. Planting plans shall be prepared by a registered landscape architect.
2. *Landscaping design standards.*
  - a. *General landscaping.* Except for those areas occupied by buildings, loading areas, parking areas, patios and walkways, all areas of a site shall remain in lawn area. Unless specified otherwise in this appendix, within such areas the following minimum plant material shall be provided:
    - i. A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 1,000 square feet or fraction thereof of lawn area, plus
    - ii. One shrub for every 500 square feet or fraction thereof of lawn area.
  - b. *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:

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- i. A minimum of one large deciduous tree shall be planted for each 40 lineal feet of frontage, or portion thereof, plus
  - ii. A minimum of one ornamental tree shall be planted for each 100 lineal feet of frontage or portion thereof, plus
  - iii. A minimum of one shrub shall be planted for each ten lineal feet of frontage, or portion thereof.
  - iv. In the B-5 and B-6 district, sites are exempt from the ornamental tree planting requirement. In addition, one shrub shall be planted for each 20 feet of frontage, or portion thereof.
- c. *Landscape buffer.* A landscape buffer may be provided as a screening device at the discretion of the petitioner or as required by the planning commission. Where allowed or required, landscape buffers shall conform to the following standards:
- i. A landscape buffer may be interrupted only to provide for roads or driveways for vehicular access.
  - ii. For the purpose of determining required plant material, landscape area length shall be measured along the exterior periphery of the landscape buffer area. Within the landscape buffer, plant material shall be provided as follows:
    - a) A minimum of one evergreen tree per 25 lineal feet or fraction thereof, plus
    - b) A minimum of one deciduous tree per 50 lineal feet or fraction thereof, plus
    - c) A minimum of one shrub per ten lineal feet or fraction thereof.
  - iii. Landscape buffers shall have a minimum width of not less than 20 feet.
  - iv. Landscape buffers shall be located on the property line, unless otherwise provided for in this ordinance or by the planning commission.
  - v. In the B-4, B-5 and B-6 districts, a landscape buffer may be required by the planning commission along any property line that abuts a residential district or existing residential use. This buffer shall consist of a solid fence or decorative wall up to six feet in height to be erected parallel to any common lot line, with a ten-foot wide planting strip along the base of the wall or fence that consists of one evergreen tree and one canopy tree per 30 lineal feet along the property line.
- d. *Landscaped berms.*
- i. Berms shall be at least three feet above the grade elevation, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal with at least a two 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.
  - ii. 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.
  - iii. Within a landscape berm, plant material shall be provided as follows:
    - a) A minimum of one evergreen tree per 50 lineal feet or fraction thereof, plus
    - b) A minimum of one deciduous tree per 100 lineal feet or fraction thereof, plus

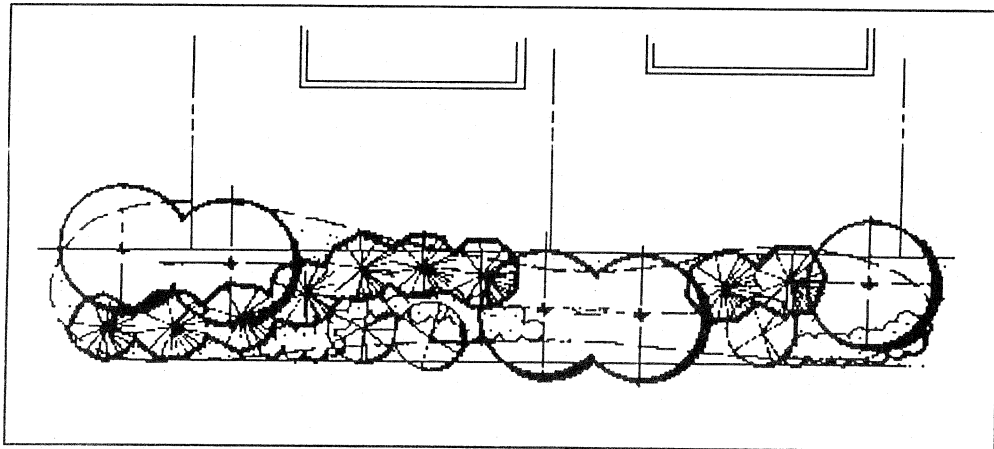
- c) A minimum of one shrub per 20 lineal feet or fraction thereof.



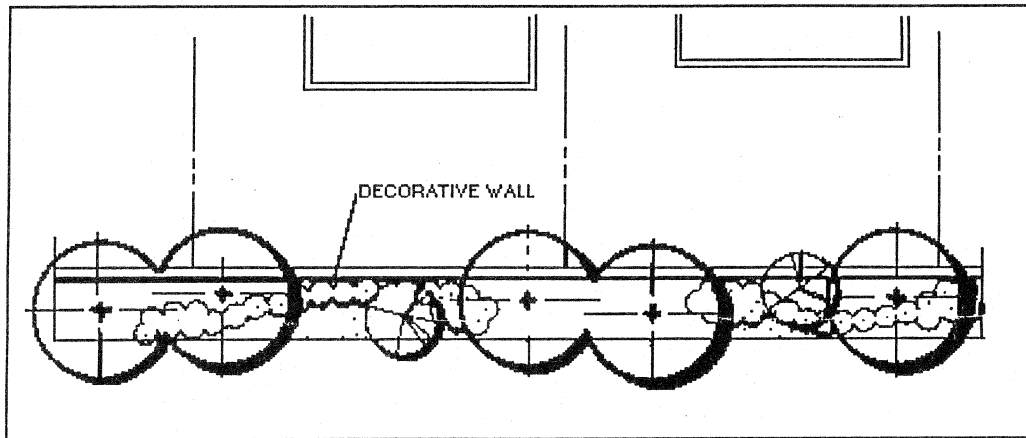
Berm Illustrations

#### BERM ILLUSTRATIONS

- e. *Detention/retention pond landscaping.*
- f. *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 subdivision. The applicant has the option of either constructing a landscaped earth berm or a decorative wall with landscaping as described below. 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.



*Landscaped earth berm.*



*Decorative wall with landscaping.*

- g. *Parking lot landscaping.*
  - h. *Storefront pedestrian landscaping.* Between any building and any parking lot or circulation aisles, the following standards shall apply:
    - i. *Trash receptacle screening.* See section 2107.
  - 3. **Materials standards and specifications.** Except as otherwise specified in the general requirements for each zoning district, all plant and nonplant material shall be installed in accordance with the following standards:
  - 4. **Waivers.** The planning commission may waive or modify any of the standards of this section in the following situations:
- (Amd. of 5-2-95; Ord. No. 98-183, 2-17-98; Ord. No. 2001-288, 12-18-01; Ord. No. 2018-476 , § 22, 2-20-18)

## **Sec. 2109. 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 chapter 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. 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) *General.* Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare.
    - (2) *Public safety.* Protect public safety by prohibiting signs that:
      - i. Are structurally unsafe or poorly maintained;
      - ii. Cause unsafe traffic conditions because they unreasonably distract motorists, have similarities to official traffic signs or hinder vision; and
      - iii. Impede safe movement of pedestrians or safe ingress and egress from buildings or sites.

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- (3) *Protect aesthetic quality of districts and neighborhoods.* Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. Prevent proliferation of signs in residential areas and eliminate abandoned signs and sign structures on unused properties. Avoid glare and light trespass through selection of proper fixture type(s) and location, lighting technology, and control of light levels.
  - (4) *Free speech.* Ensure that the constitutionally guaranteed right of free speech is protected and allow signs as a means of communication.
  - (5) *Reduce conflict.* Reduce conflict among signs and light and between public and private information systems.
  - (6) *Business identification.* Allow for adequate signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
  - (7) *Foster economic development.* Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the city.
- 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 attract general public attention. Such shall be a single sign whenever the proximity, design, content or continuity reasonably suggest a single unit, regardless of any physical separation between parts. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.
- For purposes of this ordinance, the following additional definitions shall apply:
- (a) *Abandoned sign:* A sign that is accessory to or associated with a legal use that has been discontinued or terminated.
  - (b) *Bench sign:* A bench or chair or an attachment to a building which provides a bench, chair or seating device which has been painted, or in any other way has attached to it, a sign.
  - (c) *Billboard:* A nonaccessory sign, other than an off-premises directional sign, which does not pertain to the principal use of the premises on which it is located.
  - (d) *Building-mounted sign:* A display sign which is painted on, adjacent to or attached to a building wall, door, window or related architectural feature. Such signs would include, but are not limited to canopy, marquee, wall, window or temporary signs.
  - (e) *Canopy sign:* A sign which is painted on or attached to an awning or canopy.
  - (f) *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 building official.
  - (g) *Decorative display:* A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
  - (h) *Entrance sign:* Multiple-family residential, condominium, mobile home park and single family residential subdivisions with more than 20 dwelling units or lots may erect signs bearing the name of the development. Such signs shall contain no advertising or information other than the name of the development, status of occupancy, management organization and contact information.
  - (i) *Erect:* To build, construct, attach, hang, place, suspend, affix or paint.

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- (j) *Front face area*: The area of the front wall, including doors and windows, of the principal building facing a public street and where the address or primary public entrance is located. Buildings on corner lots may have up to two front faces if each face satisfies the above criteria. If the building is devoted to two or more uses or businesses, the front face area for each use or business shall be determined by the building official based upon the proportionate share of the building occupied by each use or business.
  - (k) *Ground sign*: A display sign supported by one or more columns, uprights or braces in or on the ground surface. Such signs shall have a maximum of seven feet and minimum of three feet clearance above ground level.
  - (l) *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.
  - (m) *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.
  - (n) *Marquee sign*: A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods or braces.
  - (o) *Nameplate*: A wall sign denoting the name of the occupant in a residential dwelling unit or denoting only the name and profession of the occupants in a commercial, public or other institutional building.
  - (p) *Noncombustible material*: Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
  - (q) *Off-premises directional sign*: A sign which provides direction to a location within the township.
  - (r) *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 zoning lot to another.
  - (s) *Roof sign*: A display sign which is erected, constructed and maintained on or above the roof of the building.
  - (t) *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.
  - (u) *Sign, accessory*: A sign which pertains to the principal use of the premises.
  - (v) *Sign copy*: Portion of a sign which describes the business or service establishment, including, but not limited to, the name, type of, and nature of said establishment.

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- (w) *Sign, nonaccessory*: A sign which does not pertain to the principal use of the premises.
  - (x) *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, but not including decorative displays for holidays or public demonstration.
    - i. Construction: Signs advertising the lots and/or buildings erected in any subdivision or multiple-family development. Display signs for the construction or remodeling of nonresidential buildings, such as, but not limited to, churches and schools. Such signs shall be removed upon completion of construction or upon cessation of work for a period of six months.
    - ii. Garage sale: Garage sale signs may be used to advertise a garage sale and shall be promptly removed upon completion of the garage sale.
    - iii. Real estate: Signs advertising the rental, sale or lease of the property upon which they are located.
    - iv. Sale of produce: Such signs may be erected for the period of the local harvest season for the produce being sold. Written permission of the property owner on whose property such sign is located shall be submitted to the office of community standards.
    - v. Special events: Banners and pennants may be erected for special events, including but not limited to "open houses" for new homes or businesses. No banner shall be strung across any public right-of-way except as authorized by the township board and county road commission for special community events only. Banners found to be in a torn, damaged or unsafe condition shall be removed by the owner immediately.
    - vi. Political campaign signs: Signs announcing the candidacy of persons running for public office or issues to be voted upon at an election and other information pertinent to elections are permitted provided permission to locate such signs on private property has been obtained from the owner or occupant of the property on which such signs are located.
  - (y) *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.
  - (z) *Wall sign*: A display sign which is painted on, adjacent to or attached to a building wall, door, window or related architectural feature and projecting not more than 18 inches from the wall.
  - (aa) *Window sign*: A sign affixed to 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. Wood products shall be of wolmanized or equal treatment. A lightning grounding device shall be provided where required. All letters, figures, characters or representation in cutout or irregular form, shall be safely and securely built or attached to the sign structure. All signs of a greater area than 24 square feet shall have a surface or facing of noncombustible material. All signs shall be attached by means of metal anchors, bolts or expansion screws. In no case shall any sign be secured with wire, strips of wood or nails.



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- b. *Accessory to principal use:* All signs which direct attention to a business, entertainment, service or commodity must be accessory to the business, entertainment, service or commodity offered, conducted or sold on the premises on which the sign is located, except real estate signs, off-premises directional signs and non-accessory signs specifically allowed in specified districts.
  - c. *Wind pressure and dead load requirements:* Ground, projecting, wall and marquee signs shall be designed and constructed to withstand wind pressure and shall be constructed to receive dead loads as required in the township building code or other ordinances of the township.
  - d. *Illumination:* Internally and externally lighted, reflectorized, glowing and other forms of illumination shall be permitted on all signs. All illumination shall be concentrated on the area of the sign to prevent glare upon the street or adjacent property. No sign shall be illuminated by other than electrical means or devices. All illuminated signs must be in compliance with section 2110 and shall not be of a flashing or intermittent flashing type.
  - e. *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. At street intersections, no signs other than municipal traffic control signs shall be located within eight feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 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 \$25.00 before recovering the sign. If any sign is not claimed within 14 days, said sign shall be disposed of.
  - i. *Sign setbacks:* All permitted ground and-temporary signs shall be set back not less than 15 feet from all property lines and existing street right-of-way lines unless otherwise specified herein.
  - j. *Glass in signs:* Glass sheets used in any sign for which a permit is required, and in which wire mesh is not imbedded, shall not be less than three-sixteenth-inch thick and shall not exceed 100 square inches in area for any one piece. Provided, however, that pieces of glass not less than one-eighth-inch thick, covered with metal except for area cut in form letter, numerals, or figures may be used, but the area of such piece of glass shall not exceed 340 square inches. Glass in sheets shall not exceed 720 square inches in area.
3. *Permitted accessory signs by use or type of sign:*
- a. *Residential uses:*

Sign Type/Purpose	Ground Entrance	Wall Name Plate
Sign permit required	Yes	No
Maximum number of signs	Footnote 1	1
Maximum sign face area (sq. ft.)	24	2
Maximum number of sign faces per sign	1	1

Maximum sign height	6	—
Setback from property line/right-of-way (feet)	10	—
Setback from structures (feet)	50	—
May be illuminated (sec. 2110)	No	No
Maximum length of time for display (days)	—	—

Footnotes:

- (1) One sign per entrance from a collector road or thoroughfare.
- (2) One ground-mounted sign per side of lot with frontage on a public street and one building-mounted sign per side of building with a public entrance.

**b. Non-residential building-mounted signs:**

Sign Type	Wall	Canopy	Marquee	Window
Sign permit required	Yes	Yes	Yes	No
Maximum sign face area (sq. ft.)	Footnote(s) 1, 5	Footnote 1	Footnote 1	Footnote 4
Maximum number of sign faces per sign	1	—	3	2
Maximum sign height	Footnote 2	Footnote 2	Footnote 3	—
Minimum height above ground (feet)	—	7	9	—
Setback from property line/right-of-way (feet)	—	5	5	—
May be illuminated? (sec. 2110)	Yes	Yes	Yes	No

Footnotes:

- (1) The sign face area of all building-mounted signs shall not exceed ten percent of the area of the front face of the building space occupied by the use associated with the sign, up to a maximum of 240 square feet. For multiple-tenant non-residential buildings, written permission from the building owner to install a sign shall be supplied to the office of community standards, and a minimum of four square feet of available sign face area shall be reserved for each tenant or use, up to the maximum permitted by section 2109.3.b.
- (2) Wall and canopy signs shall not extend higher than the height of the face of the building upon which they are located.
- (3) Marquee signs may extend up to 15 percent above the height of the face of the building upon which they are located.
- (4) Temporary or permanent window signs shall be permitted to be installed on the inside of a building in a manner visible from the public way provided that such signs or graphics do not exceed two signs per window and further do not cover more than 20 percent of the window surface area. Window signs shall be limited to the company name and or logo occupying the given space. Signage shall not include the advertisement of products, services or other non-company affiliated graphics. Hours of operation and street numbers are exempt from this requirement.
- (5) One illuminated time and temperature sign, not exceeding 24 square feet in area, may be included as part of a sign, subject to the requirements of section 2110.

**c. Non-residential ground signs:**

Maximum height (feet)	Minimum setback required (feet)	Maximum sign face area (sq. ft.) footnotes (2), (3)	Maximum number of signs
6.0	6.0	24.0	Footnote (1)
6.5	6.5	25.5	
7.0	7.0	27.0	
7.5	7.5	28.5	
8.0	8.0	30.0	
8.5	8.5	31.5	
9.0	9.0	33.0	
9.5	9.5	34.5	
10.0	10.0	36.0	

Footnotes:

- (1) Not more than one ground sign may be erected accessory to any development parcel or zoning lot, except where otherwise provided for herein. A maximum of two ground signs may be permitted if the development parcel or zoning lot has a minimum of 500 feet of frontage on a collector road or thoroughfare, or a minimum of 700 feet of total frontage on two collector roads or thoroughfares, provided that all ground signs related to the use or uses of the development parcel or zoning lot are in compliance with this ordinance.
- (2) The sign face area of one ground sign associated with a non-residential use may be increased to 150 percent of the maximum permitted by section 2109.3.c. if the sign abuts a collector road or thoroughfare with a road right-of-way width of 100 feet or more (or one-half right-of-way width of 50 feet or more).
- (3) The sign face area of one ground sign associated with a development parcel or zoning lot that has been improved with a multiple-tenant non-residential building containing five or more separate tenants or uses may be increased to 150 percent of the maximum permitted by section 2109.3.c., provided that written permission from the property owner shall be supplied to the office of community standards for each tenant or use to install sign copy on this sign, and provided that all ground signs related to the use or uses of the development parcel or zoning lot are in compliance with this ordinance.

d. *Temporary signs:*

Sign Type/Purpose	Temporary Construction	Temporary Garage Sale	Temporary Special Event	Temporary Real Estate	Temporary Sale of Produce	Temporary Builder Directional	Temporary Political
Sign permit required	Yes	No	No	No	No	No	No
Maximum number of signs	Footnote 1	Footnote 2	Footnote 2	1	1	Footnote 5	--
Maximum sign face area (sq. ft.)	24	4	Footnote 4	4	16	3	16
Maximum number of sign faces per sign	2	2	2	2	2	2	2

Maximum sign height	6	—	—	6	6	3	—
Setback from property line/right-of-way (feet)	10	5	5	5	5	5	—
Setback from structures (feet)	50	—	—	—	—	25	—
May be illuminated? (sec. 2110)	No	No	No	No	No	No	No
Maximum length of time for display (days)	Footnote 3, 6	14 days/year Footnote 3, 6	30 days/year Footnote 3, 6	Footnote 3, 6	120 days/year Footnote 3, 6	Footnote 3, 6	—

Footnotes:

- (1) One sign per entrance from a collector road or thoroughfare.
- (2) One sign per side of lot with frontage on a public street and one sign per side of building with a public entrance.
- (3) A removal agreement or security bond to guarantee removal of the sign may be required. The sign must be removed within three days after completion of the activity for which it was erected.
- (4) Up to ten percent of the area of the front face of the building space occupied by the use associated with the sign.
- (5) Temporary signs, if located on a building, shall not extend higher than the height of the front face of the building.
- (6) Temporary signs shall be located so as to provide adequate traffic circulation and emergency vehicle access, and shall not reduce the number of off-street parking spaces by more than ten percent.

4. *Nonaccessory 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 300 square feet per sign face or of a greater overall height above ground than 35 feet or the bottom surface of which extends to within less than three feet above the ground surface.
- (2) *Location:* Billboards may be erected only in I-2, I-3, I-C districts. No billboard may be erected within 500 feet of any residential use or district, hospital, public park, recreation ground, public reservation, bridge, school, library or church, nor within 50 feet of street right-of-way lines at any street intersection and shall have a minimum setback of 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 1,000 feet.
- (3) *Material required:* All billboards shall have a surface or facing of noncombustible material. No wood products or other combustible materials shall be permitted to support such signs.
- (4) *Limitations:* No billboard shall be approved at any time when there are 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 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 672 square feet per sign face or of greater overall height above ground than 50 feet or the bottom surface of which extends to within less than three feet above the ground surface.
- (2) *Location:* Billboards may be erected only in I-1, I-2, I-3 or I-C zoning districts. No billboard may be erected within 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 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 another than 1,000 feet on the same side of the given thoroughfare.
- (3) *Material required:* All billboards shall have a surface of facing of noncombustible material. No wood products or other combustible materials shall be permitted to support such signs.
- (4) *Limitations:* No billboard shall be approved at any time when there are 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 nonconforming billboard faces.

5. *Electronic changeable message signs and billboards:*

- a. Such signs shall contain static messages only and shall not have movement 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.
- b. Each display on an electronic changeable sign shall remain fixed for a minimum of ten seconds.
- c. When a message on an electronic changeable sign is changed, said change shall be accomplished immediately. No fading of the copy shall be permitted.
- d. No auditory message or mechanical sounds may be emitted from the sign.
- e. Electronic changeable message signs may not operate at brightness levels of more than 0.30 foot candles above ambient light level as measured at the following distances:

Sign Square Feet	Distance (feet)
<300	150
301—378	200
379—672	250
>672	350

- f. The owner of said electronic changeable message sign shall arrange for an annual certification of the foot-candles showing compliance by a certified independent contractor and supply said certification to the Ypsilanti Township Office of Community Standards.
- g. Each sign shall have a light sensing device that will adjust to the brightness of the display as the natural ambient light conditions change.
- h. All electronic changeable message signs shall conform to all Michigan Department of Transportation rules and regulations.

6. *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.

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- b. Portable signs, swinging 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.
  - d. Any sign unlawfully installed, erected or maintained.
  - e. Signs on trees, 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, except where otherwise permitted herein.
  - 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 three 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.
7. *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 and the required permit fees have been paid to the township according to the schedule established by resolution of the township board.
- a. *Signs for which a permit is not required:*
    - (1) Repairs to an existing sign: Repair of a sign damaged by winds, vandalism, fire or an act of God provided that the sign is in conformance with the current zoning ordinance standards, that the sign is restored to its original design and that all work is in compliance with necessary structural and electrical codes.
    - (2) Service on an existing sign: Painting, servicing or cleaning of existing signs shall not require a sign permit unless a structural change or any change to the sign box or enclosure is made.
    - (3) Nameplates, not exceeding two square feet in area.
    - (4) Memorial signs or tablets, building names and dates of construction when cut into any masonry surface or when constructed of bronze or aluminum.
    - (5) Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the township.
    - (6) Gasoline price signs not exceeding six square feet on pump islands.
    - (7) Political campaign signs in conformance with section 2109.3.
    - (8) Directional signs: Signs regulating on-site traffic and parking of not more than four square feet in area. One such sign for each public entrance from a collector or arterial street up to a maximum of two such signs per zoning lot or development parcel.
    - (9) Posting of no more than one "Private Property" or similar notice per side of a residential zoning lot with frontage on a public street, provided that the lot is greater than one acre in size. Such signs shall be no more than 1.5 square feet in area and located a minimum of five feet from any lot line or right-of-way line.
    - (10) Flags bearing the official design of a nation, state, municipality, educational institution or organization as approved by the building official.
    - (11) Barber poles when a minimum of seven feet above the pedestrian right-of-way.

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- (12) Non-illuminated window signs on the inside of windows in non-residential districts that do not obstruct vision by more than 20 percent.
  - (13) Menu boards at drive-through restaurants with a maximum size of 60 square feet.
  - b. *Permits required:*
    - (1) Sign permit: see section 2109.3.a—d.
    - (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 building official and shall contain or have attached thereto the following information:
    - (1) Name, address and telephone number of the applicant.
    - (2) Sketch plan: Three copies of a sketch plan in compliance with section 2115 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: Three 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.
    - (4) A photometric grid that is in conformance with section 2110 must be overlaid on the sketch plan showing the location of each proposed sign and the overall light intensity (in foot-candles) from all existing and proposed sources of illumination throughout the area affected by the proposed sign.
    - (5) Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the township. Provided, further, that where the building official deems it advisable, he may require the approval of the structural design by a registered architect or engineer.
    - (6) Name of person, firm, corporation or association erecting the sign or sign structures.
    - (7) Written and notarized consent of the owner where the sign is to be erected on vacant land.
    - (8) Insurance policy or bond as required by section 2109.8.
    - (9) Removal agreement: The township may require a signed removal agreement satisfactory to the township attorney for the removal of certain signs as applicable. A bond or other acceptable surety to guarantee such removal may also be required.
    - (10) Other information that the building official may require to show full compliance with this and all other township ordinances.
  - d. *Sign permit issued if application in order:* It shall be the duty of the building official, upon the filing of a complete application for a sign permit, to examine the plans and specifications and other data. If the proposed structure is in compliance with all requirements of the zoning ordinance and applicable building and electrical codes, the appropriate permits shall be issued within 30 days.

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- e. *Sign permit revocability:* All work associated with a sign permit shall be completed within six months after date of issuance. Such rights and privileges accrued under the provision of this ordinance are mere licenses and may be immediately revoked upon the violation of any of the conditions contained herein.
8. *Insurance:* Every person, before engaging or continuing in the business of erecting, servicing, repairing or dismantling signs in Ypsilanti Township, shall first furnish the township a public liability insurance policy in an amount of no less than \$1,000,000.00 in a form that is satisfactory to the township attorney. This policy must indemnify the Charter Township of Ypsilanti and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for or on account of injuries or damages to persons or property received or sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees in the erection, repair, service or dismantling of any sign. Said policy shall contain a clause whereby it cannot be canceled or changed until after a written notice of intention to cancel has been filed with the township clerk and building official at least 30 days prior to the date of cancellation.
9. *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. The zoning official may permit a reduction of the minimum required setback for ground signs from property lines and street rights-of-way to allow changes to an existing legal nonconforming ground sign, subject to the following:
- a. The sign is located outside of any street right-of-way.
  - b. The sign is in compliance with section 2109.2 (general requirements for all signs).
  - c. The sign is in compliance with section 2109.3 maximum height and sign face area standards.
10. *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 2102.3 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.
11. *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.
12. *Removal of abandoned, damaged, illegal or unsafe signs:*
- a. *Abandoned signs:*
    - (1) Any sign located on property in the township that has been vacant for more than 120 days, and any sign that pertains to a use or activity that no longer exists on property in the township, shall be presumed to have been abandoned.
    - (2) At such time as the building official 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



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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 60 days from the date of the notice, file a written response to the building official stating facts which rebut the presumption of abandonment and demonstrate the intent not to abandon the sign.
- (4) At the end of such 60-day period, if a written response stating facts to rebut the presumption of abandonment has not been submitted to the building official, 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 building official, and if the response demonstrates in the discretion of the building official 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 building official 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 days of such determination, and a failure to do so shall constitute a violation of this section.

The building official 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 building official and has not done so within 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 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 building official at the expense of the sign owner after said owner has been ordered in writing to remove said sign by the building official and has not done so within ten 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 building official at the expense of the sign owner after said owner has been ordered in writing to remove said sign by the building official and has not done so within 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 24 hours, the unsafe signs may be removed by the building official 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.
13. *Sign maintenance:* The building official 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 building official at the expense of the sign owner after said owner has been ordered in writing to remove said sign by the building

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official and has not done so within 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.

( Ord. No. 2017-472 , §§ I, II, 3-21-17)

Editor's note(s)—Ord. No. 2017-472 , § I, adopted March 21, 2017, repealed § 2109 in its entirety, and section II of said ordinance enacted new provisions to read as herein set out. Former § 2109 pertained to similar subject matter, and derived from Ord. No. 2015-446 , adopted Aug. 8, 2015; and Ord. No. 2016-457 , adopted April 19, 2016.

## **Sec. 2110. Exterior lighting:**

It is the intent of this ordinance to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems are designed, constructed, and installed to control glare and light trespass, minimize obtrusive light, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

- [1.] *Submittal requirements* - The following information must be included for all preliminary nonresidential site plan submissions, final preliminary plats, and final residential site plans for approval by the planning commission and township board. Where formal site plan approval is not required as described in section 2115, some or all of the items may be required to be reviewed by the building official/zoning administrator prior to lighting installation:
  - [a.] Location, type and height of all freestanding, building-mounted and canopy light fixtures, and all existing and proposed sign lighting, shall be shown on the site plan and building elevations.
  - [b.] Photometric grid overlaid on the proposed site plan indicating the overall light for intensity throughout the site (in footcandles).
  - [c.] Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
  - [d.] Use of fixture proposed.
  - [e.] Any other information deemed necessary by the building official/zoning administrator.
- [2.] *General provisions* - The design and illumination standards of this ordinance shall apply to all exterior lighting sources and other light sources visible from the public way or adjacent parcels, except where specifically exempted herein.
  - a. Exterior lighting shall be fully shielded and directed downward, and shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.

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- b. Intensity: The intensity of light within a site shall not exceed 10.0 footcandles within any site and 1.0 footcandles at any zoning lot boundary or street right-of-way line. Where a zoning lot abuts a residential district or existing residential use, the intensity shall not exceed 0.5 footcandles at the zoning lot boundary. The planning commission or zoning official may permit a maximum intensity of 20.0 footcandles for lighting under a gas station pump island canopy or within the outdoor sales and display space of an automobile dealership, provided that such lighting is otherwise in compliance with this ordinance.
  - c. Measurement: Light intensity levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of any zoning lot boundary or street right-of-way line at a height of five feet above grade level.
  - d. Lamp options: Metal halide lamps with a maximum wattage of 250 watts per fixture are recommended for use in the township to maintain a unified lighting standard and to minimize light pollution and 'sky glow.' The planning commission or zoning official may permit the use of other lamp-types and wattages up to 400 watts maximum for fully shielded fixtures, provided that such lighting is otherwise in compliance with this ordinance.
  - e. Decorative light fixtures: The planning commission or zoning official may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution. Such fixtures may utilize incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps with a maximum wattage of 100 watts per fixture.
  - f. The use of laser light sources, searchlights or any similar high intensity light source for outdoor advertisement or entertainment is prohibited.
  - g. Lighting shall not be of a flashing, moving or intermittent type.
  - h. Unshielded luminous tube or fluorescent lighting that is visible from any property line or street right-of-way is prohibited, except where otherwise provided for herein.
  - i. All exterior lighting fixtures in non-residential districts shall be turned off between the hours of 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.

[3.] *Freestanding pole lighting* - The following standards shall apply to all freestanding pole-mounted light fixtures:

- a. Maximum overall height (as measured from grade level to the highest point of the fixture):
  - (1) Fifteen feet high, where such fixtures are located within 50 feet of a residential district or residential use.
  - (2) Twenty feet high, where such fixtures are located more than 50 feet from a residential district or residential use.
  - (3) Twenty-five feet high, where such fixtures are located more than 300 feet from a residential district or residential use.
- b. Coordination with decorative streetlighting: The use of decorative pole lighting is strongly encouraged in areas where decorative streetlighting has been installed within the public right-of-way, or proposed as part of future streetscape improvements. The design, type and color of pole light fixtures should coordinate with the existing or proposed decorative streetlight fixtures.

[4.] *Building-mounted lighting* - Luminous tube or exposed lamp fluorescent lighting is prohibited as an architectural detail on all buildings, including, but not limited to areas along roof lines, cornices and eaves or around and within window and door openings. The planning commission may approve internally illuminated

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architectural bands or similar shielded lighting accents as part of a site plan, provided that such lighting accents would enhance the aesthetics of the site and would not cause off-site glare or light pollution.

[5.] *Window lighting*

- [a.] Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- [b.] Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of section 2109 of this ordinance.

[6.] *Sign lighting*

- [a.] *Canopy signs:* Canopy signs shall be illuminated from above using a maximum 100-watt, fully shielded metal halide, tungsten-halogen or incandescent light fixture. The zoning official may permit the canopy to be internally illuminated using one single-tube fluorescent fixture, provided that the fixture is recessed and the canopy material is opaque except for any permitted sign copy area.
- [b.] *Wall and marquee signs:* Wall and marquee signs shall be illuminated from above using a maximum 100-watt, fully shielded metal halide, tungsten-halogen or incandescent light fixture that is directed downward. The zoning official may permit wall or marquee signs to be internally-illuminated, provided that more than 50 percent of the sign face area is covered by semi-opaque colors and materials that have a color value and saturation of 50 percent or higher.
- [c.] *Ground signs:* Ground signs shall be illuminated from above or below using a maximum 100-watt, fully shielded metal halide, tungsten-halogen or incandescent light fixture that is directed downward. The zoning official may permit ground signs to be illuminated from below, provided that the light is tightly focused to prevent spillage of excess light beyond the edge of the sign face. The zoning official may permit ground signs to be internally-illuminated, provided that a minimum of 50 percent of the sign face area is covered by semi-opaque colors and materials that have a color value and saturation of 50 percent or higher.
- [d.] *Billboard signs:* Billboard signs shall be illuminated from above using light fixtures that are tightly focused to prevent spillage of excess light beyond the edge of the sign face and directed downward to prevent off-site glare and minimize light pollution.

[7.] *Exemptions* - The following are exempt from the lighting requirements of this section, except that the building official/zoning administrator may take steps to eliminate the impact of the below exempted items when deemed necessary to protect the health, safety and welfare of the public:

- [a.] Sports fields.
- [b.] Swimming pools.
- [c.] Holiday decorations.
- [d.] Window displays without glare.
- [e.] Shielded pedestrian walkway lighting.
- [f.] Soffit lighting.
- [g.] Residential lighting with no-offsite glare.
- [h.] Street lights.

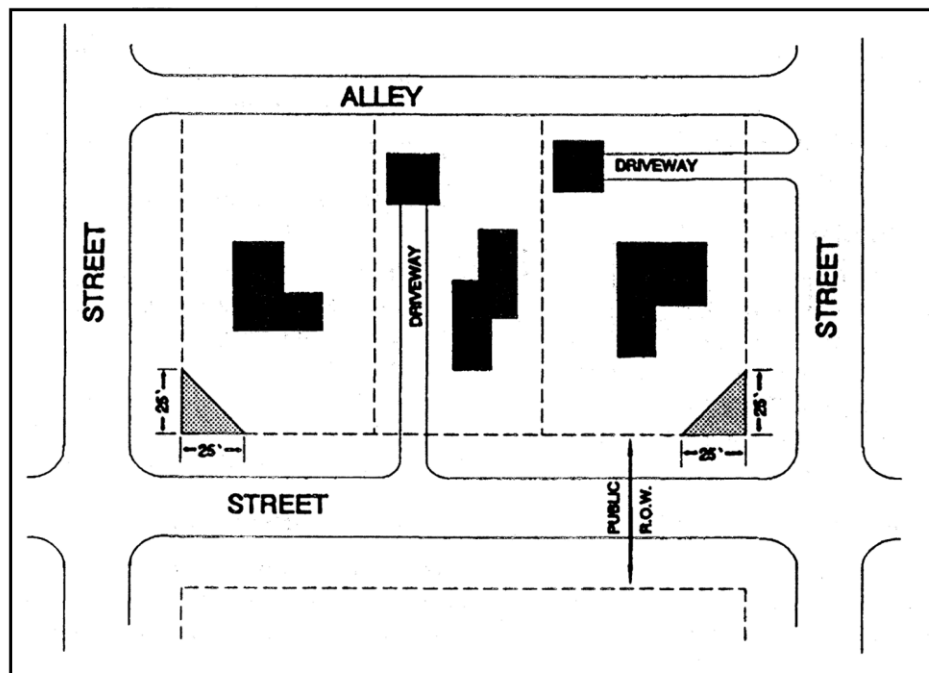
[8.] *Lamp or fixture substitution* - Should any light fixture regulated under this ordinance or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official/zoning administrator for their approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

**Sec. 2111. Residential entranceway:**

In all residential districts, so-called entranceway structures including but not limited to: walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in section 2112, "Corner Clearance," provided that such entranceway structures shall comply to all codes of the Township of Ypsilanti, and shall be approved by the building department and a permit issued.

**Sec. 2112. Corner clearance:**

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection.



**Sec. 2113. Reserved.**

Editor's note(s)—Ord. No. 2000-260, adopted Dec. 19, 2000, repealed § 2113, walls, in its entirety. The former provisions derived from Amd. of 9-19-1995.

**Sec. 2114. Fences and walls.**

1. *Definitions:* The following definitions are related to fences and walls:

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- a. Fences and walls: Linear structures, partitions or continuous hedgerows maintained for the purpose of enclosing an area.
- (1) *Chain-link fence*: A fence constructed of galvanized steel or similar materials as approved by the building official for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.
  - (2) *Industrial fence*: A chain-link or ornamental fence constructed of materials approved by the building official for the purpose of enclosing or securing an industrial use.
  - (3) *Living fence*: A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
  - (4) *Ornamental fence*: A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than 40 percent. Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
  - (5) *Privacy fence*: A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than 40 percent for the purpose of obscuring or screening an area from public view.
  - (6) *Rail fence*: A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than 40 percent.
  - (7) *Temporary fence*: A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the building official for the purpose of enclosing or securing an area for a limited period of time.
    - (a) *Construction*: A fence erected for the purpose of securing a construction site against unauthorized access. The building official may require such fences as part of an approved permit.
    - (b) *Special events*: A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across public rights-of-way except as authorized by the township board and the Washtenaw County Road Commission for special community events only.
  - (8) *Decorative wall*: A masonry wall consisting of brick, stone or similar materials as approved by the building official and constructed with a design that includes specific pattern elements or ornamentation.
  - (9) *Obscuring wall*: A masonry wall consisting of brick, stone or similar materials as approved by the building official and constructed for the purpose of enclosing, obscuring or screening an area from view.
  - (10) *Damaged fence or wall*: A fence or wall that is not properly secured, in danger of collapse or has otherwise been found by the building official to be in a damaged condition.
  - (11) *Illegal fence or wall*: A fence that was illegally erected or installed, or a fence that is not in compliance with the provisions of this article and does not meet the definition of a legal nonconforming fence.

- (12) *Legal nonconforming fence or wall*: A fence or wall which was legally erected or installed but is no longer in compliance with the provisions of this article. Such fences or walls must be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.

2. *General requirements for fences and walls*:

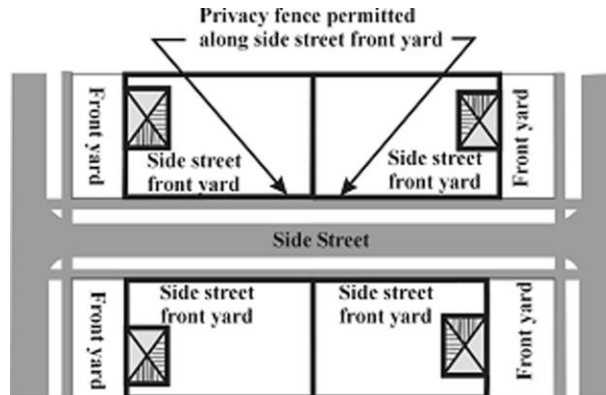
- a. Construction and maintenance: Fences and walls shall be securely constructed in conformance with this article and all applicable building codes and shall consist of durable, weather-resistant materials as approved by the building official. Masonry piers may be used as part of a fence installation 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 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.

3. *Height and location requirements*:

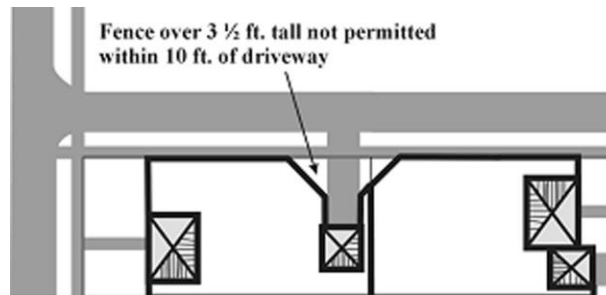
Type of Fence or Wall	Maximum Height (feet) (a)			Minimum Yard Setback (feet) (a)		
	Front	Side	Rear	Front(d)	Side	Rear
Chain-link fence	(c)	4	4	(c)	(b)	(b)
Living fence	-	-	-	0	(b)	(b)
Ornamental fence	3 ½	6	6	0	(b)	(b)
Privacy fence	(c)	6	6	(c)	(b)	(b)
Rail fence	3 ½	5	5	0	(b)	(b)
Industrial fence	(c)	8	8	20	(b)	(b)
Decorative wall	2	4	4	0	(b)	(b)
Obscuring wall	(c)	6	6	(c)	5	5

- (a) All required setbacks for fences and walls shall be measured from the property line or existing street right-of-way line. Height of such fences or walls shall be measured from the grade level to the highest point of the fence or wall.

- (b) Fences and walls located within required side and rear yards may be erected on the property line with the submission of written consent from all adjacent property owners or a certified survey verifying the location of lot boundaries.



- (c) Fences, and walls above three and one-half feet in height and all chain link fences, privacy fences, and obscuring walls are not permitted within the required front yard of any zoning lot except where otherwise specified herein. On residential corner lots, a chain link fence up to four feet in height or privacy fence up to six feet in height is permitted within a front yard of a side street provided the residences on the adjacent lot and opposing lot also do not front on such side street. Such chain link fence or privacy fence shall not extend beyond the front building line into the front yard of the street that the front of the dwelling faces. On nonresidential lots, a privacy fence or an obscuring wall up to six feet in height shall be permitted within a front yard only where necessary for buffering from adjacent uses and approved on a site plan by the planning commission.



- (d) On all lots, fences or walls over three and a half (3½) feet in height shall not be permitted within ten (10) feet of the intersection of a driveway with the road right-of-way. Such requirement shall apply to driveways on the same lot as the fence and driveways located on adjoining lots. On corner lots, fences and walls located within a front yard shall maintain the roadway corner clearance requirement of section 2112.

4. **Prohibited fences and walls:** The following fences and walls are prohibited within the township:
- 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.
  - Wire fences, except where such fences are located on parcels of not less than four acres in size with a minimum road frontage of 200 feet.
  - Any fence or wall unlawfully installed, erected or maintained.
5. **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 feet in height.
- Fences and walls for which a fence permit is not required:



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- (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 feet in width in an existing fence or wall with no structural changes.
  - (4) *Short lengths of new fence*: Construction of less than eight 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 acres in size with a minimum road frontage of 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.
  - (4) Other information that the building official may require to show full compliance with this and all other township ordinances.
6. *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. A legal nonconforming chain-link fence up to four feet in height, located within the required front yard of a platted lot in the R-5 (single-family residential) zoning district, may be extended with the approval of the zoning official.
7. *Removal of illegal or damaged fences or walls*: Damaged or illegal fences or walls shall be immediately repaired, replaced or removed by the owner, agent or person having the beneficial use of the building or structure upon which said fence or wall shall be found. Upon identification of a damaged or illegal fence or wall, the building official shall order the property owner to remove such or make repairs within ten days. If the damaged fence or wall is not removed or repaired as ordered, the township board may authorize the township attorney to pursue court approval for the removal or repair at the expense of the property owner. All expenses related to the removal or repair shall be placed upon the tax roll for the property to which the fence is associated unless immediately reimbursed by the property owner.

(Ord. No. 2000-260, § 4, 12-19-00; Ord. No. 2001-292, 11-20-01; Ord. No. 2004-347, 10-19-04)

Editor's note(s)—Ord. No. 2000-260, adopted Dec. 19, 2000, repealed § 2114, fences, in its entirety, and replaced it with similar material as herein set out. The former provision derived from Amd. of 9-19-95.

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**Sec. 2114.5. Sidewalks, safety paths:**

- (a) Concrete paved sidewalks not less than five feet wide shall be required in all subdivisions and site condominium subdivisions.
- (b) Concrete paved sidewalks not less than five feet wide shall be required along all access drives in cluster housing and multiple-family developments.
- (c) Concrete paved safety paths for bicycles and pedestrians not less than eight feet wide shall be provided on both sides of all major and secondary thoroughfares as designated on the master plan of future land use.
- (d) The planning commission may vary the width and location of safety paths in those instances where strict adherence to these provisions cannot be met due to conditions such as restriction of space, improper soil conditions or other physical impairment to the location and construction of safety paths.
- (e) In lieu of provisions of construction of safety paths, funds may be required to be placed in escrow for construction at a later date.

(Ord. No. 97-166, 5-20-97)

**Sec. 2115. Site plan review.**

- (1) *Intent.* The site plan review procedures and standards set forth herein provide a consistent and uniform method for review of proposed development plans, to ensure full compliance with the standards contained in this section, other applicable local ordinances, standard engineering practices, and county, state, and federal rules, and laws. The procedures set forth herein are further intended to:
  - (a) Achieve efficient use of the land;
  - (b) Protect natural resources;
  - (c) Minimize adverse impacts on adjoining or nearby properties;
  - (d) Provide a mechanism for review of new development and redevelopment or reuse of existing sites to ensure compliance with current standards; and,
  - (e) Encourage cooperation and consultation between the township and the applicant to facilitate development in accordance with the township's land use objectives.
- (2) *Site plan review applicability and type.* A building permit shall not be issued until a site plan or sketch plan is approved in accordance with the procedures and standards set forth herein and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into five types in the table below (Table 2115.1).
  - (a) *Exempt:* Select projects, such as single family homes on an individual lot, are exempt from site plan review given their relatively low level of impact on adjacent land uses, and given that compliance with applicable building and fire code and zoning regulations can be addressed during the building permit review process.
  - (b) *Full site plan:* The most involved process for larger and more intense projects, including most new developments and major expansions.
  - (c) *Sketch plan:* Smaller scale projects and expansions or changes in use to existing sites are permitted to provide less detailed information than a full scale site plan review. The level of information is intended to be proportionate to the extent of the change and yet insure adequate review for compliance with applicable standards. Sketch plans shall still undergo a formal review by the planning commission.

- (d) *Administrative review:* Select smaller scale projects and expansions or changes in use to existing sites, which are required to provide a sketch plan, do not require review by the planning commission; but instead shall undergo a formal review for approval by the township community and economic development department.
- (e) *Site condominiums and planned developments:* Site plans for site condominiums and planned developments shall follow the procedure as provided in sections 2116 and 1903 respectively. Plats for subdivisions shall follow the procedures of the township subdivision regulations ordinance number 44 and the Michigan Land Division Act. Site condominiums shall be required to meet the same design standards as subdivision plats, in accordance with the township zoning ordinance, subdivision regulations ordinance and all other applicable township regulations.
- (f) *Multiple-family and condominiums:* Site plans for multiple-family and condominium developments shall require the review and approval of both preliminary and final plans by the planning commission and township board.

TABLE 2115.1  
TABLE OF ELIGIBLE USES AND REQUIRED REVIEW PROCESS

SITUATION/USE	REQUIRED REVIEW			
	Site Plan	Sketch Plan PC Rev <sup>1</sup>	Admin. Review <sup>2</sup>	Exempt <sup>3</sup>
NEW DEVELOPMENT:				
Construction of one single-family dwelling unit on one lot in a residential zoning district.				✓
Construction of more than one principal residential building on a single lot, such as site condominiums.	✓			
Construction of any multiple-family residential or nonresidential principal building.	✓			
Any use or development for which the submission of a site plan is required by any provision of this ordinance.	✓			
Any use in an RM, MH, PD, OS, B, FS, IRO, I or P district.	✓			
All uses not otherwise included within a specific use district, per Sec. 2107.	✓			
Establishment of special conditional uses in all zoning districts, except where specifically noted elsewhere in this table.	✓			
Construction of essential public service buildings and storage areas.	✓			
Golf courses and public/private parks.		✓ <sup>4</sup>		

Minor changes during construction such as changes in landscape species to a similar variety, realignment of a driveway or road due to an unanticipated and documented constraint during construction, or to improve safety or protect natural features as required by outside agencies.			✓	
Construction of cellular and similar communication towers <sup>7</sup> .		✓		
Co-location of new antennas on an existing approved tower <sup>7</sup> .			✓	
Installation of new antennas on an existing building <sup>7</sup> .		✓		
Installation of new antennas on light poles or other structures <sup>7</sup> .		✓		
EXPANSIONS:				
Expansion of one single-family dwelling unit on one lot in a residential zoning district.				✓
An increase in the floor area up to 1,000 square feet or ten percent of the existing floor area, whichever is less, based on the cumulative total of the proposed expansion and any expansion within the last five years, as determined by the township community and economic development department.		✓		
An increase in the floor area greater than that specified above.	✓			
An increase in parking or loading area of up to ten percent or 6,000 square feet of pavement area without any building changes.			✓ <sup>5</sup>	
An increase in parking or loading area over ten percent or 6,000 square feet of pavement area.		✓ <sup>5</sup>		
Construction of any multiple-family residential or nonresidential accessory building.		✓		
Changes to building height that do not add additional floor area.			✓	
CHANGES IN USE:				
Any change in the use of land or a building to a more intensive use, in	✓			

terms of parking needs, noise, traffic volumes, and similar impacts, as determined by township.				
A change in use for a site that does not comply with current site design standards (such as landscaping, signage, lighting or drainage). (Refer to nonconforming regulations)		✓		
A change in use to a similar or less intense use provided the site shall not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, bikepaths or sidewalks.			✓	
Improvements to outdoor recreational uses and parks that are permitted uses.			✓	
A change from a nonconforming use, building or site, to a more conforming situation.		✓		
OTHER TYPES OF PROJECTS:				
Accessory open-air businesses.		✓		
Accessory buildings and structures constructed or erected accessory to a permitted single-family dwelling unit; and those up to 100 square feet in area in other districts.				✓ <sup>4</sup>
Accessory buildings and structures greater than 100 square feet associated with a non-single-family residential use in any zoning district.			✓	
Accessory keeping of animals.				✓
Architectural changes to a non-single-family residential structure (an elevation plan describing changes and construction materials is required).			✓	
Bikepath, pathway or sidewalk construction or relocation.			✓ <sup>5</sup>	
Construction of an entrance feature associated with a non-single-family residential use (walls, landscaping, etc.).		✓		
Fences associated with a non-single-family residential use, installed or improved.			✓ <sup>5</sup>	

Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area up to 100 square feet, provided such activity is normally and customarily incidental to single-family uses on the site.				√ <sup>6</sup>
Grading, excavation, filling, soil removal, creation of ponds or clearing of trees other than that specified above.		√ <sup>5, 6</sup>		
Home occupations.		√		
Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site which meets all site design standards of the ordinance.				√
Landscape changes to similar species and that are consistent with the standards of this ordinance.			√	
Modifications to upgrade a non-single-family residential building to improve barrier-free design, or to comply with the Americans with Disabilities Act or other federal, state or county regulations.				
Parking lot improvements provided the total number of spaces shall remain constant.			√ <sup>5</sup>	
Residential care facilities licensed by the state that require special land use approval.		√		
Sign relocation or replacement provided it meets the dimensional and location standards of this ordinance.			√	
Site improvements such as installation of walls, fences, lighting or curbing consistent with ordinance standards.			√	
Temporary uses, sales and seasonal events.		√		
Utility system improvements.				√ <sup>5</sup>
Waste receptacle relocation to a more inconspicuous location or installation of screening around the waste receptacle.			√	

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Footnotes:

1. Requires review and approval by the planning commission (see section 2115(3)).
  2. The township community and economic development department has authority for approval (see section 2115(4)). If the modifications are not deemed minor, then normal site plan review by the planning commission shall be required. Planning commission review shall be required for all site plans that involve a request for a variance, a special conditional use, or discretionary decisions.
  3. A building permit, plot plan, grading and engineering review is still required.
  4. For a golf course, a general layout of holes, ball trajectory and natural features is required; full site plan review is required for buildings, structures and parking areas that illustrate the area around such facilities.
  5. Construction, grading, drainage and erosion control plans must be approved by the township engineer.
  6. See also the township natural features ordinance.
  7. See Section 2107.1 Wireless communication towers and antennas.
- (3) *Planning commission site plan review procedures and requirements.* Site plans and sketch plans must be submitted in accordance with the following procedures and requirements. Plans are reviewed and approved following a process of pre-conceptual review, preliminary site plan review by the planning commission and final site plan review by the community development department.
- (a) *Applicant attendance:* The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of said owner. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled due to lack of representation. Absence at two consecutive meetings without prior notice to the township community and economic development department shall result in denial of the application. The township office of community standards may recommend to the planning commission chairperson that the applicant's architect or engineer be required to be present at the meeting in order to address technical matters related to the application.
  - (b) *Pre-application meeting:* The applicant is encouraged to schedule a meeting with the township office of community standards to discuss the project, submittal requirements and review procedures. The purpose of this meeting is to discuss applicable standards and technical issues, and to determine the appropriate type of review process based on Table 2115.1. If the project is determined to be eligible for administrative approval, the procedures of section 2115(4) shall be followed; in other cases, the process shall proceed as described below.
  - (c) *Preliminary site plan or sketch plan submittal:* The applicant shall submit five paper copies and a single digital copy of the following to the office of community standards no more than 20 business days prior to the planning commission meeting that the site plan is tentatively scheduled for:
    1. A complete application form supplied by the township.
    2. A complete site plan or sketch plan that includes the information listed in section 2115(5), submittal requirements.
    3. Any additional information the planning commission finds necessary to make the determinations required herein.
  - (d) *Technical (staff) reviews:* The township office of community standards shall forward the application and site plan(s) to the township planning, traffic and engineering consultants, the fire chief, and police chief. All reviews shall be submitted back to the township office of community standards.

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- (e) *Planning commission consideration of preliminary site plan:* Following technical review and comment, and compliance with administrative procedures, the site plan shall be placed on the agenda of the planning commission. The planning commission shall review the application for site plan approval, together with the reports and recommendations from staff, consultants and other reviewing agencies, as appropriate. The planning commission shall then make a determination based on the requirements and standards of this section. The planning commission is authorized to postpone, grant approval, approval subject to revisions or denial as follows:
1. *Postpone:* The application may be postponed if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the technical review, an ordinance interpretation or variance is needed from the zoning board of appeals, or that revisions are necessary to bring the site plan into compliance with applicable standards and regulations. The planning commission shall direct the applicant to prepare additional information, revise the site plan or direct the township staff to conduct additional analysis. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, certified as such by the applicant's design professional. Full sets of plans must be resubmitted. Amended plans or other material which show a diligent effort to address all reasons for tabling shall be placed on the agenda of the planning commission for further review and action.
  2. *Approval:* Upon determination that all requirements for site plan approval, as set forth herein, are met and a recommendation for approval has been forwarded to the planning commission by all reviewing agencies of the township, approval shall be granted subject to the applicant providing copies of all required outside agency approvals. In those instances where approval authority is vested with the township board, a recommendation shall be made by the planning commission to the township board.
  3. *Approval subject to revisions:* Upon determination that a site plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall be given the opportunity to correct the site plan prior to applying for final site plan approval. The applicant shall submit with the final site plan a complete list of all changes, certified by the applicant's design professional, to the township office of community standards for final approval after said revisions have been completed. At its discretion, the planning commission may require the right to review the revised final site plan.
  4. *Denial of approval:* Upon determination that a site plan does not comply with standards and regulations set forth in this section, requires extensive revision in order to comply with said standards and regulations, or the applicant has not satisfactorily addressed all reasons for site plan tabling, site plan approval shall be denied. The applicant must revise the plans and resubmit if the applicant is still interested in pursuing the project. A re-submittal shall be considered a new site plan and be required to re-initiate the full site plan review process. Any person aggrieved by the decision of the planning commission in denial of a site plan shall have the right to appeal the decision to the zoning board of appeals. A site plan, by request of the applicant, needs an official denial by the planning commission in order to gain access to the zoning board of appeals.
- (f) *Multiple-family and condominiums preliminary approval:* Site plans for multiple-family and condominium developments shall require the review and approval of both preliminary and final plans by the planning commission and township board. The planning commission shall make a recommendation to the township board to approve, approve with conditions or deny the preliminary site plan. Following receipt of the planning commission's recommendation, the preliminary site plan shall be considered by the township board. The township board shall take action on the request following the same standards as subsection (f) above.
- (g) *Effect of preliminary site plan review action:* Any preliminary site plan approved under this provision shall expire after one year from the date of such approval. If construction has not commenced within



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one year of site plan or sketch plan approval by the planning commission or the township office of community standards (as applicable), approval becomes null and void and a new application for site plan or sketch plan review shall be required. The applicant may request a one-year extension by the planning commission, provided a written request is received before the expiration date and the site plan complies with current standards (i.e. any amendments to the zoning ordinance since the site plan was approved). This limitation shall not apply to preliminary PD site plans accompanying approved PD rezonings.

- (h) *Final site plans (detailed construction and engineering plans)*: Except where otherwise set forth in this section, final site plan approval may be given administratively when all conditions set forth herein for final site plans are complied with except the planning commission may, at the time of preliminary site plan approval, require final site plan approval by the commission as well. The township office of community standards shall grant final site plan approval where the following requirements are met:
1. That all local, county and state requirements as may apply to the proposed use are met. The applicant shall be required to obtain all other necessary agency permits from the Michigan Department of Environmental Quality, the Washtenaw County Road Commission, Drain Commission and Health Department, and all applicable utility companies. Copies of applications and approvals from all applicable outside agencies shall accompany submission of the application and final site plan to the township.
  2. All applicable engineering requirements are met. Complete engineering plans shall be submitted for approval by the township engineer.
  3. The design shown on the final site plan shall remain unchanged from the approved preliminary site plan. Upon determination that the final site plan does not comply with the conditions of preliminary site plan approval or that required engineering plan revisions alter the site plan configuration approved by the planning commission, the applicant shall be required to revise the site plan and engineering plans and resubmit the site plan to the body that approved the site plan for review and approval as an amended site plan.
- (i) *Multiple-family and condominiums*: Final site plans for multiple-family and condominium developments shall require the review and approval by the township board based upon a review and recommendation by the planning commission.
- (j) *Final site approval*: Final site plan approval, except as specifically permitted in subsections 1. and 2. below, shall not be given until all the above requirements are met. No work shall commence on any site, except as specifically permitted herein, or any buildings requiring site plan approval and no permits shall be issued until after final site plan approval is granted.
1. Upon request, the township may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the movement of soil on the site, prior to final site plan approval, provided:
    - a. A grading and soil erosion and sedimentation control plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved.
    - b. A soil erosion permit, when required, has been secured.
  2. Upon request, the township may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the layout of footings and the construction of foundation walls prior to final site plan approval, provided:
    - a. A grading and soil erosion and sedimentation control plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved.
    - b. A soil erosion permit, when required, has been secured.

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- c. Detailed engineering plans for all aboveground and belowground utilities shall be submitted for review and approval.
  - d. Footing and foundation design plans have been approved by all applicable state, county, local departments and consultants.
  - e. A resolution absolving the Township of Ypsilanti of any liability has been submitted by the applicant and approved by the township.
- (k) *Completion of site design in accordance with approved site plan.*
- 1. Following approval of the site plan or sketch plan and final approval of the engineering plans by the township engineer and the office of community standards, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable township, utility, county, or state permits prior to issuance of a building permit.
  - 2. The approval of any site plan under this provision, other than subdivisions (subdivision shall follow the procedures of the Land Division Act) shall expire one year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one year period, then such approval shall continue for a period of five years from the date thereof; provided, however, that a lapse of more than one year in continuous substantial construction and development does not occur, in which event, said approval shall expire. The township building official shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired unless such plan has received an extension from the planning commission or township board. Fees for review of expired site plan may be waived or reduced in those instances where no substantial change in conditions of the site plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired site plans shall be the same as for the initial submittal. Any preliminary site plan approved under this provision shall expire after one year from the date of such approval.
  - 3. It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval is sought. Such maintenance shall include all building and site elements depicted on the site plan including parking configuration, lighting and landscaping. Any property owner who fails to maintain a site as approved shall be deemed in violation of the applicable use provisions of this section and shall be subject to penalties.
  - 4. A development agreement with suitable guarantee may be required by the township to assure compliance with an approved final site plan.
- (4) *Administrative plan review.* For uses and projects eligible for administrative review, as identified in Table 2115.1, the following procedure shall apply:
- (a) *Submittal requirements:* Five paper copies and a single digital copy of the sketch plan that contains the information listed in section 2115(5) shall be submitted to the township office of community standards.
  - (b) *Review:* The office of community standards shall review and either approve the sketch plan, approve the sketch plan with a condition that certain revisions be made, or deny the sketch plan.
  - (c) *Appeal:* Either the township office of community standards or the applicant shall have the option to request sketch plan review by the planning commission.

- (d) *Issuance of building permit:* A building permit shall be issued following review and approval of any engineering or construction plans by the building department and township engineer, as appropriate.
- (5) *Submittal requirements.* The following information shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review. Each category of site plan items ((a), (b), (c), etc.) shall be included on a separate sheet. Applications considered to be incomplete by the office of community standards may not be reviewed by the planning commission.

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

Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings;	-	✓	-
Zoning classification of petitioner's parcel and all abutting parcels;	✓	✓	✓
Proximity to section corner and major thoroughfares; and,	-	✓	-
Net acreage (minus rights-of-way) and total acreage.	✓	✓	✓
(c) <i>Site Analysis:</i>			
An aerial photograph of the entire development area with all environmental features labeled on the photo in a "bubbled" fashion to include woodlands, wetlands, groundwater recharge areas, drains, creeks, surface water, severe changes in topography, erodible soils, and floodplains. Sheet size of the aerial photograph shall be at least 24 × 36 inches.	✓		
Environmental impact analysis and natural features protection documentation meeting the requirements of Chapter 26 of the Municipal Code, Environment.	-	✓	✓
Survey of existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site;	-	✓	✓
Survey of on parcels more than one acre, topography on the site and within 100 feet of site at two-foot contour intervals, referenced to a U.S.G.S. benchmark;	-	✓	-
Surrounding land uses and zoning;	-	✓	-
Inventory of the location, sizes, and types of existing trees, hedgerows and landmark trees as required by the township woodlands ordinance and the general location of all other existing plant materials;	-	✓	✓
Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations;	-	✓	✓
Surface drainage flows including high points, low points and swales;	-	✓	✓
Soils and watertable;	-	✓	-
All existing easements;	-	✓	✓
Existing roadways and driveways within 250 feet of the site;	-	✓	✓
Existing sidewalks and nonmotorized pathways;	-	✓	✓
Cultural resources and indication of human activities, such as paths;	-	✓	-
(d) <i>Site Plan:</i>			
Proposed lot lines, lot dimensions, property lines and setback dimensions;	✓	✓	✓

Structures, and other improvements;	✓	✓	✓
Proposed easements;	-	✓	✓
Location of exterior lighting (site and building lighting) in accordance with site lighting standards;	-	✓	-
Location of trash and recycling receptacle(s) and transformer pad(s) and method of screening;	-	✓	✓
Extent of any outdoor sales or display area;	-	✓	✓
<i>(e) Access and Circulation:</i>			
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements;	-	✓	✓
Opposing driveways and intersections within 250 feet of site;	✓	✓	-
Cross section details of proposed roads, driveways, parking lots, sidewalks and nonmotorized paths illustrating materials and thickness;	-	✓	-
Dimensions of acceleration, deceleration, and passing lanes;	-	✓	-
Dimensions of parking spaces, islands, circulation aisles and loading zones;	-	✓	✓
Calculations for required number of parking and loading spaces;	-	✓	✓
Designation of fire lanes;	-	✓	✓
Traffic regulatory signs and pavement markings;	-	✓	-
Location of existing and proposed sidewalks/pathways within the site or right-of-way;	-	✓	✓
Location, height, and outside dimensions of all storage areas and facilities.	-	✓	✓
<i>(f) Landscape Plans:</i>			
Location, sizes, and types of existing trees as required by the township woodlands ordinance and the general location of all other existing plant materials, with an identification of materials to be removed and preserved;	-	✓	✓
Description of methods to preserve existing plant materials;	-	✓	-
The location of existing and proposed lawns and landscaped areas;	✓	✓	✓
Planting plan, including location and type of all proposed shrubs, trees, and other live plant material;	-	✓	-
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity;	-	✓	-

Proposed dates of plant installation; and,	-	✓	-
Landscape maintenance schedule.	-	✓	-
<i>(g) Building and Structure Details:</i>			
Location, height, and outside dimensions of all proposed buildings or structures;	-	✓	✓
Building floor plans and total floor area;	-	✓	-
Details on accessory structures and any screening;	-	✓	-
Location, size, height, and lighting of all proposed site and wall signs;	-	✓	✓
Location, size, height and material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required;	-	✓	✓
Building facade elevations for all sides, drawn at an appropriate scale; and,	option	✓	-
Description of exterior building materials and colors (samples may be required).	-	✓	-
<i>(h) Drainage, Soil Erosion and Sedimentation Control:</i>			
Location and size of existing and proposed storm sewers;	-	✓	✓
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls;	-	✓	✓
Stormwater drainage and retention/detention calculations;	-	✓	✓
Indication of site grading, drainage patterns and stormwater management measures, including sediment control and temperature regulation; and,	-	✓	✓
Soil erosion and sedimentation control measures.	-	✓	✓
<i>(i) Information Concerning Utilities:</i>			
Location of sanitary sewers and septic systems, existing and proposed;	-	✓	-
Location and size of existing and proposed water mains, well sites, water service and fire hydrants;	-	✓	-
Location of existing and proposed gas, electric and telephone lines, above and below ground;	-	✓	-
Location of transformers and utility boxes; and,	-	✓	-
Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.	-	✓	-
<i>(j) Lighting Plan</i>			
Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations;	-	✓	✓

Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot-candles);	-	✓	-
Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding; and,	-	✓	✓
Use of the fixture proposed.	-	✓	✓
<i>(k) Additional Information Required for Residential Development</i>			
The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.);	✓	✓	-
Density calculations by type of residential unit (dwelling units per acre);	✓	✓	-
Garage and/or carport locations and details, if proposed;	-	✓	-
Mailbox cluster location and design, if required by post master;	-	✓	-
Location, dimensions, floor plans and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable;	-	✓	-
Swimming pool fencing detail, including height and type of fence, if applicable;	-	✓	-
Location and size of recreation and open space areas; and,	-	✓	-
Indication of type of recreation facilities proposed for recreation area.	-	✓	-
Where the site is located within 500 feet of the I-94 right-of-way, delineate that area of the site with sound levels of 61 dBA or greater.			
<i>(l) Traffic Impact Study</i>			
Traffic impact study as required by subsection (6) below.	-	✓	-

(6) *Reserved.*

(Ord. No. 99-219, 8-3-99; Ord. No. 2001-266, § 4, 5-15-01; Ord. No. 2002-306, 12-17-02; Ord. No. 2003-329, 1-20-04; Ord. No. 2018-476, § 22, 2-20-18)

## **Sec. 2116. Site condominium review:**

Pursuant to authority conferred by section 141 of the Condominium Act, Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended, all condominium subdivision plans shall be reviewed and approved by the township planning commission and township board. In determining whether to approve a condominium subdivision plan, the planning commission and township board shall consult with the township attorney, township engineer, and township planner regarding the adequacy of the master deed,

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deed restrictions, utility systems and streets, subdivision layout and design and compliance with all requirements of the Condominium Act.

1. *Site condominium—General requirements:*

- a. *Condominium lots.* For the purposes of this section, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot nor shall a dwelling unit be located on a condominium lot with any other principal structure or use.
- b. *Revision of condominium subdivision plan.* If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the planning commission before any building permit may be issued, where such permit is required.
- c. *Amendment of master deed or bylaws.* Any amendment to a master deed or bylaw that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the planning commission before any building permit may be issued, where such permit is required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- d. *Development agreement.* The planning commission may require, as a condition of approval, that the applicant enter into a development agreement with the planning commission and the township, incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the register of deeds for Washtenaw County.
- e. *Relocation of boundaries.* Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in section 48 of the Condominium Act, Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended, shall comply with all regulations of the zoning district in which located and shall be approved by the building inspector. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- f. *Subdivision of lots.* Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in section 49 of the Condominium Act, Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended, shall comply with all regulations of the zoning district in which located and shall be approved by the building inspector. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- g. *Public streets.* All site condominium developments shall utilize internal public streets that conform to the design standards of the township subdivision regulations ordinance, and other conditions set forth by the township board and Washtenaw County Road Commission.
- h. *Road right-of-way.* Road right-of-way shall be parcels separate from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining and replacing of public utilities. The developer shall dedicate easements of the township for all public water and sanitary sewer lines and appurtenances.
- i. *Easement for utilities.* The site condominium subdivision plan shall include all necessary easements granted to the Township of Ypsilanti for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including



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conveyance of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structure.

- j. *Monuments.* Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The township engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the township clerk cash, a certified check, or an irrevocable bank letter of credit in an amount as determined from time to time by resolution of the township board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required within the time specified. If the developer defaults, the township board shall promptly require a registered surveyor to set the monuments and irons in the ground, as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

- k. *As-built drawings.* A dimensionally stable copy of the as-built drawings shall be submitted to the township clerk and a second dimensionally stable copy shall be recorded with the Washtenaw County register of deeds.

2. *Site condominium—Plan requirements:*

- a. The name, address and telephone number of:
- (1) All persons, firms, or corporation with an ownership interest in the land on which the condominium project will be located, together with a description of the nature of each entity's interest (for example, fee owner optionee or land contract vendee).
  - (2) All engineers, attorneys, architects or registered land surveyors associated with the project.
  - (3) The developer or proprietor of the condominium project.
- b. The legal description of the land on which the condominium project will be developed, together with appropriate tax identification numbers.
- c. The acreage content of the land on which the condominium project will be developed.
- d. The purpose of the project (for example, residential, commercial, industrial, etc.).
- e. Number of site condominium units to be developed on the subject parcel.
- f. A survey plan of the site condominium subdivision.
- g. The site condominium subdivision plan shall show the size, location, area[,] vertical boundaries and volume for each unit composed of enclosed air space. A number shall be assigned to each condominium unit. The site condominium subdivision plan shall include the nature, location and approximate size of common elements.
- h. A utility plan showing all sanitary sewer, water, and storm sewer lines, and easements granted to the township for installation, repair and maintenance of all utilities.
- i. A street construction, paving and maintenance plan for all streets within the proposed site condominium subdivision.
- j. A storm drainage and stormwater management plan, including all lines, swales, drains, basins and other facilities.

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- k. A detailed site grading plan of all site condominium subdivision units, common areas, road rights-of-way and all other land areas within the proposed development.
3. *Site condominium—Plan review:*
- a. *Preliminary site plan:*
    - (1) A preliminary site plan shall be filed for review with the township. Preliminary site plans shall be reviewed and approved or denied approval by the township planning commission and the township board.
    - (2) The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
    - (3) The preliminary site plan shall include all information required herein, except in the case of single-family detached dwelling units. Dwelling units and required yards shall be shown on the preliminary site plan. In those instances where dwelling unit plans are not known, the plan may show the building envelope, provided such building envelope meets all side, front and rear setback requirements of the zoning district.
    - (4) The approval of any preliminary site condominium plan shall expire one year after such date of approval unless such plan has received an extension by the planning commission or township board. Fees for review of expired site plans may be waived in those instances where no substantial change in conditions of the site condominium plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired site condominium plans for new site condominium plans shall be the same as for the initial submittal.
  - b. *Final site plan:*
    - (1) A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan. Final site plans shall be reviewed and approved or denied by the township planning commission.
    - (2) A final site plan for any phase of development shall not be filed for review by the planning commission unless a preliminary site plan has been approved by the planning commission and township board and is in effect.
    - (3) A final site plan shall include all information required by section 66 of the Condominium Act, Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.), as amended, and the master deed and bylaws. The final site plan shall also include all information required herein, except in the case of single-family detached dwelling units, the location and dimensions of condominium units shall be shown on the site plan.
    - (4) The applicant shall provide proof of approvals by all county and state agencies required to review the condominium subdivision plan, including, but not limited to, the county road commission, county drain commissioner, county health department and the Michigan department of natural resources. The township planning commission shall not approve a final site plan until all county and state agencies required to review the condominium subdivision plan have approved the condominium subdivision plan.
4. *Condominium subdivision design and approval:*
- a. All site condominium subdivision plans shall conform to the design, layout and improvements standards of township subdivision regulations ordinance, as amended. The requirements for subdivision approval in the township subdivisions regulations ordinance shall not apply to condominium subdivision plans, except that a deposit in the form of cash, certified check or

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irrevocable bank letter of credit acceptable to the township board shall be made with the Township of Ypsilanti to guarantee the installation and completion of any required public sanitary sewer, water supply, drainage facilities and street and walkway improvements within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the planning commission.

- b. No permits for erosion control, building construction, grading, or installation of water or sanitary sewage facilities shall be issued for property in a site condominium development until a final site plan therefor has been approved by the planning commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums, as defined in the Condominium Act, Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.), as amended.
  - c. The approval of any final site condominium plan under this provision shall expire one year after the date of such approval, unless actual construction and development has been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said two-year period, then such approval shall continue for a period of five years from the date thereof; provided, however, that a lapse of more than one year in continuous, substantial construction and development does not occur, in which event, said approval shall expire. The township building official shall not issue a building permit for any type of construction on the basis of the approved site condominium plan after such approval has expired unless such plan has received an extension by the planning commission or township board. Fees for review of expired site plans may be waived in those instances where no substantial change in conditions of the site condominium plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired site condominium plans for new site condominium plans shall be the same as for the initial submittal.
  - d. All site improvements, including sanitary sewers, water mains, storm sewers, retention basins, site grading and street improvements, shall meet or exceed the minimum design standards of the Charter Township of Ypsilanti and the Ypsilanti Community Utilities Authority, as published in the "Engineering Design Specifications for Site Improvements" adopted by the township board on October 6, 1981, and any subsequent amendments thereto.
  - e. A final survey plan of the site condominium subdivision or phase thereof shall be submitted, together with a closure sheet of the external boundary and internal common areas, condominium land units, blocks of condominium units, street rights-of-way and all other land units, for review and approval by the township engineer. The exact length and bearing of all external and internal boundaries shall be clearly shown on the plan. The bearing source of orientation of the survey plan shall conform with that of an existing adjacent recorded subdivision or other established survey.
5. *Notice of proposed action:* The notice required by section 71, of the Condominium Act, Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.), as amended, to be filed with Ypsilanti Township and other agencies.

(Ord. No. 2001-290, 11-20-01)

### **Sec. 2117. Frontage on a public street:**

No lot shall be used for any purpose permitted by this ordinance unless said lot abuts a public street, unless otherwise provided for in this ordinance or other ordinances of the township.

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## **Sec. 2118. Reserved.**

Editor's note(s)—Ord. No. 2020-491 , § 5, adopted July 21, 2020, repealed former § 2118 which pertained to access to major thoroughfares or collector street, and derived from Ord. 74, adopted May 17, 1994.

## **Sec. 2119. Special land uses:**

1. Whenever a special land use, namely, a use permitted subject to special conditions, is requested pursuant to sections 402, 502, 602, 802, 903, 1003, 1102, 1302, 1402, 1501(4), or 1702 of this ordinance, then the provisions and conditions of this section shall apply in addition to the provisions and conditions of the other aforesaid sections.
2. The township planning commission shall have the authority to grant special land use permits and to attach conditions to a permit. Only those uses listed in sections 402, 502, 602, 802, 903, 1003, 1102, 1302, 1402, 1501(4), or 1702 of this ordinance shall be considered for special land use permit review and approval.
3. Application for a special land use permit shall be made by filing the application form, required information, and required fee with the building official. The fee shall be set by resolution by the township board, except that no fee shall be required for a special land use permit application for the construction of a single-family residence or of any governmental body or agency. No part of the fee shall be returnable to the applicant. The building official shall transmit a copy of the application and submitted information to the township planning commission.
4. 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, if requested by the planning commission, which plan shall meet all the requirements of section 2115 herein.
5. The planning commission 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 the ordinance. The planning commission shall find and report adequate data, information, and evidence showing that the proposed use meets all required standards and:
  - a. Will be harmonious, and in accordance with the objectives, intent, and purpose of this ordinance; and
  - b. Will be compatible with a natural environment and existing and future land uses in the vicinity; and
  - c. Will be compatible with the township master plans; and
  - d. 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

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- e. Will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare; and
  - f. Will not create additional requirements at public costs for public facilities and services that will be detrimental to the economic welfare of the community.
6. The planning commission shall approve, approve with conditions, or deny special land use permit application. 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.
  7. In granting a special land use permit, the planning commission shall impose any conditions it deems necessary to achieve the objective and standards of this ordinance, the standards of the Township Rural Zoning Act, Act No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq.), as amended, and the public health, safety, and welfare of the township. Failure to comply with such conditions shall be considered a violation of the ordinance. An approved special land use permit, including all tax conditions, shall run with the parcel in the approval and shall remain unchanged except upon the consent of the planning commission. Any such changes shall be entered into township records and recorded in the minutes of the planning commission meeting at which the action occurred. The procedures required for an original application shall be followed with respect to any proposed changes.
  8. An application for a special land use permit which has been denied wholly or in part by the planning commission should not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the planning commission to be valid.
  9. A special conditional use approval runs with the land until such time as the use designated in the "approval" is changed by the occupant. The land then reverts back to only the uses permitted in that specific zoning district.
  10. The decision of the planning commission with respect to a special land use permit shall not be appealable to the board of appeals.

## **Sec. 2120. Performance standards:**

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

1. *Smoke:* It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as no. 2 on the Ringelmann chart; provided that the following exceptions shall be permitted:
  - a. Smoke, the shade or appearance of which is equal to but not darker than no. 3 on the Ringelmann chart for a period, or periods, aggregating four minutes in any 30 minutes.
  - b. Smoke, the shade or appearance of which is equal to but not darker than no. 3 of the Ringelmann chart for a period or periods, aggregating three minutes in any 15 minutes, when building a new fire or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable.

*Method of measurement:* For the purposes of grading the density of smoke, the Ringelmann chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this ordinance, shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with Ringelmann's chart.

2. *Dust, dirt and fly ash:* No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning

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of coal or other natural or synthetic fuels, without maintaining and operating while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

*Method of measurement:* For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code of dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

3. *Glare and radioactive materials:* Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not be seen from any point beyond the property line, and as not to create a public point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
4. *Fire and explosive hazards:*
  - a. In the I-1 industrial district, the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the fire marshal, is permitted, subject to compliance with all other performance standards above mentioned.
  - b. The storage, utilization, or manufacture of materials, goods, or products ranging from free to active burning to intense burning, as determined by the fire marshal is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and provided that the following conditions are met:
    - (1) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having combustible exterior walls, which meet the requirements of the building code.
    - (2) All such buildings or structures shall be set back at least 40 feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
    - (3) The storage and handling of flammable liquids, liquified petroleum gases, and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.), as amended.
5. *Noise:* The emission of measurable noises from the premises shall not exceed 60 decibels as measured at the boundary property lines, except where normal street traffic noises exceed 60 decibels during such periods, the measurable noise emanating from such premises may equal, but not exceed, such traffic noises. This provision shall apply in all districts except as hereinafter specified for the IRO, I-1, I-2, I-3 and IC districts.

IRO, I-1, I-2, I-3 and IC districts: The measurable noise emanating from the premises used for activities permitted shall not exceed 75 decibels during the normal work periods of between the hours of 6:00 a.m. and 10:00 p.m. and shall not exceed 70 decibels during the sleeping hours of 10:00 p.m. and 6:00

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a.m., as measured at the property lines. Noises shall be muffled so as not to become objectional due to intermittence, beat frequency or high frequency.

6. *Vibration*: Machines or operations which cause vibration shall be permitted in industrial districts, but no operation shall cause a displacement exceeding 0.003 of one inch as measured at the property line.
7. *Odors*: Creation of offensive odors shall be prohibited.

#### **Sec. 2121. Reserved.**

#### **Sec. 2122. Reserved.**

Editor's note(s)—Ord. No. 2018-476 , § 22, adopted Feb. 20, 2018, repealed former § 2122, which pertained to state-licensed residential child and adult care facilities, and derived from Ord. No. 2006-369, adopted Jan. 16, 2007; and Ord. No. 2016-468 , § II, adopted Oct. 18, 2016.

#### **Sec. 2123. Access management and driveway standards.**

Uses permitted in this section shall be subject to the following conditions:

- (1) In those instances where the planning commission finds that an excessive number of ingress or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, or where the township master plan designates thoroughfares for the provision of marginal service roads, the commission may require the provision of marginal service roads and to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one property to another without reentering the public thoroughfare.
- (2) The pavement of the marginal service road shall be located 30 feet from the future right-of-way line of the thoroughfare and shall be at least 24 feet wide and shall be constructed in accord with "Engineering Design Specifications for Site Improvements," section 6, unless otherwise provided herein. Such service road shall be an easement which will permit the use of the service road for traffic circulation from one property to another. Such easement shall be in a written form acceptable to the township board and approved by the township board prior to the issuance of a building permit. No permanent structures such as curbs shall be permitted within the easement. Each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the county register of deeds prior to the issuance of an occupancy permit.
- (3) In reviewing the site plan, the planning commission may permit parking in the easement area, provided that the layout is such that parking can be removed at a later date when the marginal service road is needed for access to adjacent properties without disrupting the layout of the parking area. Temporary parking spaces permitted within the marginal service road easement shall not be included in computing the minimum off-street parking requirements under section 2104.
- (4) Where marginal service roads are required, the planning commission shall recommend that the entire 24 foot area be paved up to the abutting properties. Backing from parking spaces onto the marginal service road shall not be permitted except on a temporary basis. The site plan shall indicate the proposed elevation of the marginal service road at the property line and the building inspector shall maintain a record of all marginal service road elevations so that their grades can be coordinated. Marginal service road elevations shall conform to elevations established by the Township or, if not so established be not more than one foot above or below the elevation of the adjoining property. Paving of the marginal service road shall meet construction specifications set by the township.

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- (5) The 30-foot setback area between the future road right-of-way and the marginal service road shall be kept in grass and landscaped in accordance with plans approved by the planning commission. The maintenance of the grass and the landscaped area shall be the obligation of the abutting property owner.
- (6) Temporary entrances and exits may be approved for individual sites provided money is placed in escrow to assure elimination of temporary entrances and exits. Occupancy permits shall not be issued until monies have been deposited with the township. As a guideline, the national highway institute standards may be utilized by the planning commission in determining spacing for temporary entrances and exits.

Highway Speed (mph)	Minimum Spacing (feet)
20	85
25	105
30	125
35	150
40	185
45	230
50	275

- (7) In determining which entrances and exits will be permanent and which shall be temporary, the planning commission shall generally be guided by a minimum distance of 600 feet between entrances and exits and by the location of existing or approved drives on the opposite side of the street.
- (8) Before obtaining a building permit for a permitted use, the owners of all property shall submit to the township a properly executed and witnessed license agreement which gives the township board the authority to open and close marginal service roads and driveways whenever necessary in order to guarantee, to the satisfaction of the township board, a safe and efficient movement of traffic. The license may be recorded in the office of register of deeds of Washtenaw County, Michigan. Acceptance of this license shall in no way obligate the township to build, repair, maintain or clear the marginal service roads and no public funds may be spent by the township to build, repair, maintain or close the marginal service roads. The intent of this subsection is to require owners to construct a marginal service drive across the front of their property and to allow the township to enforce its traffic ordinances movement of traffic. All necessary pavement markings, signs and signals will be provided in accord with acceptable traffic engineering standards by the adjacent property owners.
- (9) For any residential subdivision or site condo development, cluster housing or multiple-family development access shall be provided from a major or secondary thoroughfare by means of not less than two entrances (streets or drives) for properties of more than 700 feet in depth from such major or secondary thoroughfare or where a cluster housing or multiple-family development will contain more than 70 dwelling units.

(Ord. No. 99-220, 7-20-99)

**Sec. 2124. Reserved.**



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## **Sec. 2125. Exterior building wall design.**

The purpose of this section is to provide a set of exterior 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.

1. This section shall apply to all construction, except single family residential structures, for all exterior building walls and shall consist of those materials and combinations of materials as set forth in this section.
2. The use of exterior wall materials shall be in compliance with the maximum percentages permitted in the "Schedule Regulating Exterior Building Wall Materials."
3. The application of these standards should promote integration and mixture of materials where more than one material is used on a building. If only one 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.
4. When building walls are 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:
  - a. Recess and projections along the building facade. Variations in depth should be a minimum of ten feet.
  - b. Architectural details or features.
  - c. Enhanced ornamentation around building entryways.
  - d. Landscaping.
  - e. Streetscape elements.
  - f. Variations in building height.
5. 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.
6. 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.
7. 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.
8. 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.

Schedule Regulating Exterior Building Wall Materials

Building Material	Maximum Percent of Wall to be Covered by Certain Building Materials by Zoning District <sup>1</sup>																			
	RM Districts				RM-5 District				B-5 and B-6 Districts				OS-1 <sup>2</sup>			Commercial Districts <sup>2</sup>				1
	100	75	50	25	100	75	50	25	100	75	50	25	100	75	25	100	75	50	25	2
Masonry/Stone					•				•											
Face brick or ceramic	•				•				•				•			•				•
Split face or ribbed block			•					•				•			•				•	
Stone	•						•			•			•			•				•
Precast concrete				•										•				•		
Concrete formed in place				•										•				•		
Metal <sup>3</sup>				•								•			•			•		
Glass								•			•									
Tinted and reflective			•											•			•			
Glass block			•											•				•		•
Wood (fire resistant only)		•					•				•									
Wood siding (beveled, lap, TEG, batten)		•					•				•			•			•			
Finishes <sup>4</sup>			•					•				•		•				•		

2. All walls exposed to public view from adjacent residential, office, or business districts, or from a street, shall be constructed of not less than 75 percent masonry or stone, not to include unfinished concrete block. Metals, if utilized, shall be ribbed panels or other decorative finish in suitable colors.

3. Flat sheets and seamed or ribbed panels include aluminum, porcelain, stainless steel, etc.

4. Includes drivit, 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.

5. Not permitted.

(Ord. No. 98-184, 2-17-98; Ord. No. 2001-288, 12-18-01)

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### **Sec. 2126. Essential services:**

Essential services shall be permitted as authorized under any franchise in effect with the township, subject to regulations as provided in any law of the State of Michigan or in any ordinance of the township provided it is the intent of this section to ensure conformity of all structures and uses to the requirements of this zoning ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or township ordinance. In the absence of such conflict, the zoning ordinance shall prevail.

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

### **Sec. 2127. Voting place:**

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

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

### **Sec. 2128. Lots adjoining alleys:**

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this ordinance, one-half of the width of such alley abutting the lot shall be considered as part of such lot.

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

### **[Sec. 2129. Ford Lake waterfront access:]**

1. *Purpose.* It is the intent of this section to promote the integrity of Ford Lake within any zoning district in the township while preserving the quality of recreational use of the lake; to protect the quality of Ford Lake by discouraging excessive use; to promote the ecological health of Ford Lake and its wetlands by limiting incompatible land use of the wetlands associated with Ford Lake; and to maintain the beauty of Ford Lake by minimizing man-made adjustments to the current shorelines.
2. *Regulations.* In any zoning district where a parcel of land is contiguous to Ford Lake, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two or more dwelling units located away from the waterfront only if the following conditions are met:
  - a. That said parcel of land shall contain at least 70 lineal feet of property contiguous to Ford Lake and a lot depth of at least 100 feet for each dwelling unit or each single family unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
  - b. That in no event shall water frontage of such parcel of land consist of a swamp, marsh or bog as shown on the most recent U.S. geological survey maps, or as shown on the Michigan Resources Information System map (MIRIS); as shown by the National Wetlands Inventory; as determined to be wetland by the Michigan DEQ; or as shown on the Washtenaw County Wetlands Coverage Map; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
  - c. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.

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- d. That access property, as provided for in and meeting the conditions of this section, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

(Ord. No. 2004-333, § 2, 4-20-04)

**[Sec. 2130. Marina and public launch access:]**

- A. *Short title.* This section shall be known as the Marina and Public Access Launch Site Ordinance.
- B. *Purpose.* To promote the health, safety and welfare of township residents by regulating the development of marinas and public access launch sites on Ford Lake in Ypsilanti Township.
- C. *Expansion of existing facilities.*
  - i. Approval of the planning commission shall be required for any increase in the number of watercraft allowed to be docked or moored at an existing marina over and above that allowed by the state department of environmental quality at the time of adoption of the ordinance from which this section is derived.
  - ii. Approval of the planning commission shall be required for any increase in the size, capacity or utilization of an existing public access launch site, including the number of watercraft allowed to be launched from the site and the number of watercraft trailers allowed to be parked at the facility over and above the size, capacity and utilization of any such site allowed by the state department of environmental quality at the time of adoption of the ordinance from which this section is derived.
- D. *Approval required for new facilities.* Approval of the planning commission shall be required for the development and construction of all new marinas and public access launch sites on Ford Lake. The planning commission in giving such approval shall specify the maximum number of watercraft that can be docked or moored at and launched from such facility and the maximum number of watercraft trailers that can be parked or stored on the site.
- E. *Application for permits and standards.* An application for a permit to develop and construct a new marina or public access launch on Ford Lake shall be filed with the planning commission.

An application for a permit to expand an existing marina or public access launch site on Ford Lake shall be filed with the planning commission.

The planning commission shall consider the environmental impact and recreational carrying capacity of the proposed new marina, public access launch site, expansion of a marina or expansion of a public access launch site. The planning commission may refer an application to the water conservation advisory commission for its recommendation on the proposed development. A permit shall not be granted if it is determined that:

- 1. The water quality of Ford Lake would be adversely impacted; or
  - 2. The proposed addition or expansion of a marina or public access launch site would cause congested, unsafe conditions on the waters of Ford Lake due to the additional numbers of watercraft.
- F. *Right of appeal.* Appeal may be taken as provided in sections 2402 through 2405 to the zoning board of appeals by any person, firm entity or corporation or by any officer, department, board or bureau affected by a decision of the planning commission with respect to the subject matter of this section.
  - G. *Enforcement.*
    - i. All persons who violate any of the provisions of this section whether as owner, lessee, licensee, agent servant, or employee shall be liable as principals.

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- ii. In addition to, or in lieu of, seeking to enforce this section by issuance of municipal civil infraction(s), the township may institute an appropriate action in a court of competent jurisdiction seeking equitable relief including, but not limited to, an order to remove the structure.
  - iii. Any persons who shall violate any provision or provisions of this section shall be responsible for a municipal civil infraction which shall be punishable by a fine of \$500.00 and provided further that each day's violation of this section shall constitute a separate offense.

(Ord. No. 2004-334, § 2, 4-20-04)

## **ARTICLE XXII. NONCONFORMITIES<sup>7</sup>**

### **Sec. 2201. General provisions:**

- 1. *Intent:* Nonconformities are lots, structures, sites or uses of land that do not conform to one or more provisions of this ordinance, but which were lawfully established prior to the date of adoption or amendment of this ordinance. Regulations are hereby established to govern the completion, restoration, reconstruction, extension and substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

The objectives of this ordinance are as follows:

- a. To permit nonconforming structures and uses of land to remain until discontinued or removed.
- b. To encourage the upgrading of site improvements that were developed in compliance with the standards in force at the time of their construction, but which do not meet the site design standards of this ordinance.
- c. To promote the combination of contiguous lots of record to create lots that conform to current standards for minimum lot width, lot area and street frontage.
- d. To eliminate nonconforming uses of land that are incompatible with and more intense than permitted uses in a particular zoning district, or to encourage their redevelopment into more compatible uses.
- e. To allow for the perpetuation of certain nonconforming structures or uses of land that do not significantly depress the value of nearby properties and are not contrary to the public health, safety and welfare.
- f. To terminate and remove illegal structures or uses of land.

- 2. *Definitions:*

- a. *Nonconforming structure:* A structure or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto that does not conform to ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and township laws, ordinances, regulations and codes.

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<sup>7</sup>Editor's note(s)—Ord. No. 2001-273, adopted Aug. 21, 2001, repealed the former Art. XXII, and enacted a new article as set out herein. The former Art. XXII, §§ 2200—2206, 2209, and 2210, pertained to general exceptions and derived from Ord. No. 74, adopted May 17, 1994, and Ord. No. 2000-245, § III, adopted Mar. 21, 2000.

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- b. *Nonconforming use of land*: A use that lawfully occupied a parcel or contiguous parcels of land or structure and land in combination at the effective date of this ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located, or does not have special land use approval in accordance with section 2119 (special land uses) where provisions of this ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and township laws, ordinances, regulations and codes.
  - c. *Nonconforming lot*: A platted or unplatted parcel of land lawfully existing at the effective date of this ordinance or amendments thereto that does not conform to ordinance provisions for the district in which it is located.
  - d. *Nonconforming sign*: See section 2109 (signs).
  - e. *Nonconforming site*: A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current zoning ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
  - f. *Class A nonconforming designation*: A nonconforming structure or use of land that has been designated by the planning commission to be allowed to be perpetuated and improved in accordance with the provisions of this article and an approved site plan.
  - g. *Class B nonconforming status*: Nonconforming structures or uses of land, other than those designated as Class A, are considered to be Class B and are allowed to continue within the restricted provisions of this ordinance.
  - h. *Illegal structure*: A structure or portion thereof, which is not a conforming or a nonconforming structure, or is not in compliance with all applicable federal, state, county and township laws, ordinances, regulations and codes.
  - i. *Illegal use of land*: A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or a nonconforming use, or is not in compliance with all applicable federal, state, county and township laws, ordinances, regulations and codes.
  - j. *Cessation*: To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this ordinance, would prevent the use from being resumed.
- 3. *Determinations*: The zoning official shall determine the status of a structure, lot or use of land as conforming, nonconforming or illegal in accordance with the definitions and provisions of this ordinance.
  - 4. *Change of tenancy or ownership*: There may be a change of tenancy, ownership or management of any existing nonconforming structure or use of land.
  - 5. *Appeals*: All appeals of actions, orders, requirements, permits, decisions or refusals made by an administrative official charged with enforcement of any of the provisions of this section shall be made to the zoning board of appeals in accordance with Article 24 (XXIV) of this ordinance.

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

## **Sec. 2202. Class A nonconforming designation:**

- 1. *Public hearing*: Upon petition, the planning commission shall hold a public hearing for consideration of a Class A designation for a nonconforming structure or a use of land.
- 2. *Conditions for approval of a Class A designation*: Subsequent to a public hearing, the planning commission may grant a Class A designation upon finding that all of the following conditions exist:
  - a. A determination that the structure or use of land is nonconforming as defined in this ordinance.

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- b. The nonconformity does not significantly depress the value of nearby properties.
  - c. The nonconformity is not contrary to the public health, safety and welfare.
  - d. No useful purpose would be served by the strict application of requirements for such a nonconformity under this ordinance.
  - e. Signage: Signage associated with the use shall be in compliance with section 2109 (signs).
  - f. Plan for site improvements: A plan for site improvements has been submitted in accordance with section 2115 (site plan review) and section 2206 (nonconforming sites) that is satisfactory to the planning commission. The planning commission may require improvements to landscaping, site design and layout, pedestrian access, building materials, screening, off-street parking, exterior lighting or other improvements as deemed necessary to protect surrounding uses.
  - g. Other conditions may be attached to the approval to assure that the structure or use of land does not become contrary to the public health, safety or welfare, or the spirit and purpose of this ordinance.
- 3. *Effect of approval of a Class A designation:* Class A nonconforming uses of land shall be permitted to be perpetuated and expanded in accordance with an approved plan and under the provisions of this ordinance. Class A nonconforming structures shall be permitted to be perpetuated, expanded, improved or replaced if damaged or destroyed in accordance with an approved plan and under the provisions of this ordinance.
  - 4. *Effect of denial of a Class A designation:* An application for a Class A designation that has been denied wholly or in part by the planning commission may not be appealed to the zoning board of appeals, but may be resubmitted for planning commission consideration after a minimum of 365 days have elapsed from the date of denial.
  - 5. *Cessation or removal of Class A nonconforming structures or uses of land:* When a Class A nonconforming structure is permanently removed, or when a Class A nonconforming use of land is replaced by a conforming use, the designation shall be deemed removed. Any subsequent structure or use of land shall conform to ordinance provisions for the district in which it is located.
  - 6. *Rescinding approval of a Class A designation:* Failure of the property owner, or the owner, operator or person having beneficial use of land occupied by a Class A designated nonconforming structure or use of land to maintain or improve the site in accordance with this ordinance, an approved site plan or any conditions of approval shall be grounds for the planning commission to rescind a previously-approved Class A designation. Such action shall be subject to the following:
    - a. Public hearing: Such action may be taken only after a public hearing has been held pursuant to reasonable advance notice, at which time the property owner, or the owner, operator or person having beneficial use of land occupied by a Class A designated nonconforming structure or use of land shall be given an opportunity to present evidence in opposition to rescission.
    - b. Subsequent to the hearing, the planning commission's decision with regard to the rescission shall be made and written notification provided to said property owner, or the owner, operator or person having beneficial use of land occupied by a Class A designated nonconforming structure or use of land.
  - 7. *Class A designations for existing single family residential dwellings:* Single-family residential dwellings, which are so used and so existing in non-residential zoning districts before the effective date of this ordinance or amendments thereto, are hereby designated as Class A nonconforming structures and Class A nonconforming uses of land. Such dwellings and accessory buildings may be repaired, expanded or replaced if destroyed, subject to the following conditions:
    - a. The expansion of the dwelling or accessory structures shall conform with all applicable yard dimensions, setbacks and other requirements for the R-4 (single-family residential) zoning district.

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- b. If an existing structure is destroyed, the replacement dwelling or accessory structure shall conform with all applicable yard dimensions, setbacks and other requirements for the R-4 (single-family residential) zoning district.
  - c. The use of the dwelling and associated parcel of land shall conform with the use district provisions of the R-4 (single-family residential) zoning district.
  - d. The dwelling and accessory structures shall conform to all other applicable federal, state, county and township laws, ordinances, regulations and codes.

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

### **Sec. 2203. Nonconforming lots:**

1. *Division of nonconforming lots:* Parcels shall not be divided in a manner that increases nonconformity, causes an existing structure or site improvement to become nonconforming or creates one or more nonconforming lots.
2. *Use of a nonconforming lot:* Any nonconforming lot shall only be used as permitted in the district in which it is located. A single nonconforming lot may be developed or improved with a principal building, and customary accessory structures, provided that the following conditions have been met:
  - a. The structures and lot shall conform with all applicable yard dimensions, setbacks and other requirements, other than minimum lot width and lot area, for the district in which the lot is located.
  - b. A lot of the same or smaller lot area and lot width, with frontage on the same street or a connecting street within 200 feet of the lot in question, has been lawfully developed with a principal building.
  - c. The lot is not under contiguous single ownership with other lots that could be combined into one or more conforming lots.
  - d. The lot and principal building shall be served by public water and public sanitary sewer.
3. *Use of contiguous nonconforming lots under the same ownership:* Two or more contiguous, nonconforming lots under the same ownership shall be considered one parcel and may only be independently improved with principal buildings, and customary accessory structures under the following conditions:
  - a. A lot that has been developed with a principal building must meet the minimum ordinance requirements for its own lot to allow the independent development of the adjacent lots under the same ownership.
  - b. All lots shall conform with all applicable ordinance requirements, including minimum lot width and lot area, for the district in which the lot is located.

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

### **Sec. 2204. Nonconforming structures:**

1. *Class A nonconforming structures:* See section 2202.
2. *Class B nonconforming structures:* No such structure may be enlarged or altered in a way that increases its nonconformity, except as provided for herein. Such structures may be enlarged or altered in a manner that does not increase its nonconformity.
3. *Normal repairs and maintenance:* Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in Class B nonconforming structures may be



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permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure or an expansion of a nonconforming use of land, and provided that the cost of such improvements does not exceed the assessed value or, if higher, 50 percent of the market value of the property.

4. *Buildings under construction:* Nothing in this ordinance shall require a change in the plans, construction or designated use of any building for which construction was lawfully begun prior to the effective date of this ordinance or amendments thereto and diligently carried on until completion. Construction shall include the placement of materials in a permanent manner or demolition and removal of an existing structure preparatory to rebuilding in accordance with an approved site plan.
5. *Damaged or unsafe structures:* Class B nonconforming structures that are declared to be physically unsafe by the building official, or otherwise damaged or destroyed by any means to an extent greater than the assessed value or, if higher, 50 percent of the market value of the property shall not thereafter be restored, repaired or rebuilt except in conformity with the provisions of this ordinance.
6. *Active farm operations:* Class B nonconforming structures used in active farm operations may be expanded if approved by the zoning official, subject to the following requirements:
  - a. Farming shall be a permitted use and the intended use of the structure shall be a permitted use in the district in which it is located.
  - b. The expansion shall meet all requirements of the zoning district in which it is located. The existing structure and the expansion shall not exceed the ground floor coverage or floor area ratio limits of the district in which they are located.
7. *Single-family dwellings:* See section 2202.7.

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

## **Sec. 2205. Nonconforming uses of land:**

1. *Class A nonconforming uses of land:* See section 2202.
2. *Class B nonconforming uses of land:* Such uses may continue after the effective date of this ordinance or amendments thereto, subject to the following conditions:
  - a. The property owner, or the owner, operator or person having beneficial use of land occupied by a Class B nonconforming use of land shall demonstrate that the use is maintained in compliance with all other applicable federal, state, county and township laws, ordinances, regulations and codes. Failure to do so, or failure to bring the use into compliance with revised laws, ordinances, regulations and codes within six months of their effective date, shall constitute grounds for the township to seek court approval to terminate or remove the use at the owner's expense.
  - b. The use shall not be enlarged or increased, extended to occupy a greater area of land or moved in whole or in part to any other portion of the parcel or structure. No additional signage shall be permitted.
  - c. If the use ceases for a period of more than 180 days, the use shall not be resumed and subsequent uses of such land shall conform to ordinance provisions for the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
  - d. No additional structures may be constructed in association with the nonconforming use. If the structure associated with a nonconforming use is removed or destroyed, the nonconformity shall be deemed removed and subsequent uses of such land shall conform to ordinance provisions for the district in which it is located.

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- e. If the use is superseded by a permitted use, subsequent uses of such land shall conform to ordinance provisions for the district in which it is located.
3. *Determination of status of a use of land as nonconforming:* A determination of the status of a use of land as nonconforming shall be made by the zoning official only upon finding that the following conditions have been met:
- a. A finding that the use of land does not conform to the use regulations of the district in which it is located.
  - b. A finding that the use of land is in compliance with all other applicable federal, state, county and township laws, ordinances, regulations and codes.
  - c. A finding that evidence from a minimum of three of the following sources clearly demonstrates that the use of land was legally established as a conforming use prior to the date of adoption of this ordinance or amendments thereto:
    - (1) Local and county government files or records: Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of township officials, agents, representatives or employees.
    - (2) The "R.L. Polk City Directory" or other dated telephone directories serving Washtenaw County.
    - (3) Utility records, including, but not limited to telecommunication service providers, Detroit Edison, Michigan Consolidated Gas Co. or the Ypsilanti Community Utilities Authority.
    - (4) Dated advertising or other information published in a newspaper or magazine serving Washtenaw County.
    - (5) Dated aerial photos from Washtenaw County governmental departments, the Southeastern Michigan Council of Governments (SEMCOG) or other sources as approved by the zoning official.
    - (6) *Other relevant information, as may be accepted by the zoning official:* Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.
4. *Determination of cessation of a nonconforming use of land:* A determination that a Class B nonconforming use of land has ceased shall be made by the zoning official only upon finding that a minimum of three of the following statements are true:
- a. Local and county government files or records provide clear evidence that the nonconforming use of land has ceased. Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of township officials, agents, representatives or employees.
  - b. The "R.L. Polk City Directory" or other dated telephone directories serving Washtenaw County provide clear evidence that the nonconforming use has ceased. Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.
  - c. Utility records, including, but not limited to telecommunication service providers, Detroit Edison, Michigan Consolidated Gas Co. or the Ypsilanti Community Utilities Authority, provide clear evidence that the nonconforming use has ceased. Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.

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- d. Dated advertising or other information published in a newspaper or magazine serving Washtenaw County provides clear evidence that the nonconforming use of land has ceased. Such evidence may include, but shall not be limited to a "going out of business sale," "moving sale," or "grand opening" event at a new location.
  - e. Dated aerial photos from Washtenaw County governmental departments, the Southeastern Michigan Council of Governments (SEMCOG) or other sources as approved by the zoning official provides discernible evidence that the nonconforming use of land has ceased.
  - f. Other relevant information, as may be accepted by the zoning official, provides clear evidence that the nonconforming use of land has ceased. Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.
5. *Substitution of nonconforming uses of land:* Upon petition, the planning commission shall hold a public hearing for consideration of a request to substitute one nonconforming use for another nonconforming use on the same parcel. Subsequent to a public hearing, the planning commission may grant approval of such a request upon finding that all of the following conditions exist:
- a. The proposed nonconforming use is equally appropriate or more appropriate to the district than the existing nonconforming use. Where a nonconforming use is changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
  - b. Signage: Signage associated with the proposed nonconforming use shall be in compliance with section 2109 (signs).
  - c. Plan for site improvements: A plan for site improvements has been submitted in accordance with section 2115 (site plan review) and section 2206 (nonconforming sites) that is satisfactory to the planning commission. The planning commission may require improvements to landscaping, site design and layout, pedestrian access, building materials, screening, off-street parking, exterior lighting or other improvements as deemed necessary to protect surrounding uses.
  - d. Other conditions may be attached to the approval to assure that the use of land does not become contrary to the public health, safety or welfare, or the spirit and purpose of this ordinance.

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

## **Sec. 2206. Nonconforming sites:**

The purpose of this section is to encourage improvements and minor modifications to nonconforming sites by establishing standards for prioritizing site improvements that are designed to gradually bring the site into compliance with the site design requirements of this ordinance. Nonconforming sites shall not be improved or modified in a manner that increases noncompliance with this ordinance. Nonconforming sites subject to review in accordance with section 2115 (site plan review) may be improved or modified without a complete upgrade of all site elements under the following conditions:

1. The proposed site improvements shall include exterior lighting, landscaping, screening and building improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other improvements.
2. The proposed site improvements resolve public safety deficiencies, including building and fire code violations, emergency access and pedestrian/vehicle conflicts.
3. The proposed site improvements include the installation, restoration or expansion of sidewalks and non-motorized paths within and through the site consistent with the provisions of this ordinance.

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4. A reasonable timeline for completion of site improvements may be approved as part of any site plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of the approved site plan.

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

## ***ARTICLE XXIII. ADMINISTRATION AND ENFORCEMENT***

### **Sec. 2300. Enforcement:**

The provisions of this ordinance shall be administered and enforced by the building official or by such deputies of his department as the building official may delegate to enforce the provisions of this ordinance.

### **Sec. 2301. Duties of building official:**

The building official shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the building official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this ordinance.

The building official shall record all nonconforming uses existing at the effective date of this ordinance for the purpose of carrying out the provisions of section 2102.

Under no circumstances is the building official permitted to make changes to this ordinance nor to vary the terms of this ordinance in carrying out his duties as building inspector.

The building official shall not refuse to issue a permit when conditions imposed by this ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

### **Sec. 2302. Plot plan:**

The building official shall require that all applications for building permits for uses not covered in section 2115 shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

### **Sec. 2303. Permits:**

The following shall apply in the issuance of any permit:

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1. *Permits not to be issued:* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this ordinance.
  2. *Permits for new use of land:* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
  3. *Permits for new use of building:* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
  4. *Permits required:* No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township of Ypsilanti building code, housing law or this ordinance, except for minor repairs or changes not involving any of the aforesaid features.

#### **Sec. 2304. Certificates:**

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

1. *Certificates not to be issued:* No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this ordinance.
2. *Certificates required:* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
3. *Certificates including zoning:* Certificates of occupancy as required by the township building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this ordinance.
4. *Certificates for existing buildings:* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this ordinance.
5. *Record of certificates:* A record of all certificates issued shall be kept on file in the office of the building official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
6. *Certificates for dwelling accessory buildings:* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
7. *Application for certificates:* Application for certificates of occupancy shall be made in writing to the building official on forms furnished by that department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this ordinance. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid five-day period.

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### **Sec. 2305. Final inspection:**

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure or part thereof, shall notify the building official immediately upon the completion of the work authorized by such permit, for a final inspection.

### **Sec. 2306. Fees:**

Fees for zoning change review, site plan review for projects requiring review under sec. 2115, uses permitted subject to special conditions, inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance may be collected by the building official in advance of issuance. The amount of such fees shall be established by resolution of the township board and shall cover the cost of inspection and supervision resulting from enforcement of this ordinance.

### **Sec. 2307. Security for completion of improvements:**

Approval of a preliminary plat or site condominium plan shall be conditioned upon the execution of a development agreement which secures the completion of improvements required on the plat or site condominium plan. Where the timing or nature of improvements require such security, the approval of a site plan may be conditioned upon the execution of a development agreement. Unless designated as optional, all improvements shown on the site plan shall be completed prior to the issuance of a certificate of occupancy. However, where it would be impractical to delay occupancy prior to the completion of certain improvements, a certificate of occupancy can be issued upon the approval of the building official if an adequate guarantee as required in section 2308 is presented to the township to secure the improvements.

### **Sec. 2308. Guarantee:**

Guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond shall be provided in a form acceptable to the township. The amount of such guarantee shall cover all improvements not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, acceleration/deceleration lanes, bypass lanes and other traffic control devices, etc. The guarantee shall include a schedule of costs assigned to the different improvements. Monies may be released to the applicant in proportion of work completed on the different elements after inspection of work and approval of the building official. Any partial release of funds shall be less than ten percent which shall be retained by the township until all work has been completed and subsequently inspected and approved by the building official.

If more than one bond or guarantee is involved in construction of the improvements required in this section, each such assurance shall be treated as a separate agreement and the ten-percent holdback may be released upon satisfactory completion of such phase of construction and approval of the building official.

In instances where all improvements, as required in this section, are not completed, and a temporary certificate of occupancy is requested, the estimated cost of such improvement shall be verified by the building official, particularly with respect to any delay to another construction season. In those instances where the estimated cost has changed, then a revised guarantee, acceptable to the township, shall be filed with the clerk covering such improvements.

### **Sec. 2309. Establishment of a planning commission with zoning authority:**

1. *Scope, purpose and intent.* This ordinance is adopted pursuant to the authority granted the Charter Township of Ypsilanti Board (hereinafter township board) under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et

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seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

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

2. *Establishment.* The township board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., of the Ypsilanti Township Planning Commission (hereinafter planning commission) formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321 et seq. The planning commission shall have seven members. Members of the planning commission as of the effective date of this ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the township board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq.
3. *Appointments and terms.* Subject to approval by a majority vote of the elected and serving members of the township board, the township supervisor shall appoint all members of the planning commission, including one member of the township board who shall serve as an ex officio member with full voting rights. The planning commission members, other than the ex officio member, shall serve for terms of three years each. The ex officio member's term shall expire with his or her term on the township board. A planning commission member shall hold office until his or her successor is appointed. A vacancy shall be filled by appointment to the unexpired term in the same manner as the original appointment. Other than the ex officio member, no other elected officer or employee of the township is eligible to be a member of the planning commission.
- Planning commission members shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.
4. *Removal.* The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
5. *Conflict of interest.* The planning commission shall in its bylaws provide rules regarding what constitutes a conflict of interest.
6. *Compensation.* The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.
7. *Officers and committees.* The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be one year, with opportunity for reelection as specified in the planning commission bylaws.

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The planning commission may also appoint advisory committees whose members are not members of the planning commission.

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

The planning commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

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

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

9. *Annual report.* The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

10. *Authority to make master plan.* Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction. The procedure for adoption or amendment of a master plan shall be as prescribed in Article III of the Act, MCL 125.3831 through 125.3851.

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

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

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

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

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

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967, MCL 560.101 et seq. The planning commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the



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plat is submitted to the planning commission unless the plat proprietor waives this requirement and consents to an extension of the 63-day period. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

(Ord. No. 2011-04, §§ I—XII, 6-21-11)

Editor's note(s)—Ord. No. 2011-414, §§ I—XII, adopted June 21, 2011, has been treated as superseding § 2309, Township planning commission, to read as herein set out. Former § 2309 derived from the original codification.

## ***ARTICLE XXIV. BOARD OF ZONING APPEALS***

### **Sec. 2400. Creation and membership:**

1. There is hereby established a zoning board of appeals, which shall perform its duties and exercise its powers as provided in Act No., 110 of 2006, as amended, MCL 125.3101, et seq., and in such a way that the objectives of this ordinance shall be observed, public safety, and welfare secured and substantial justice done.
2. The zoning board of appeals shall be composed of five members. The first regular member of the Zoning Board of Appeals shall be a member of the Planning Commission. The remaining members shall be selected from the electors of Ypsilanti Township residing outside of the City. The members selected shall be representative of the population distribution and of the various interests present in the Township. One regular member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
3. The township board may appoint not more than two alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called upon as specified herein to sit as a regular members of the zoning board of appeals in the absence of a regular member if a regular member is absent from or unable to attend one or more consecutive meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate having been appointed shall serve in the case until a final decision has been made. While serving, the alternate member shall have the same voting rights as a regular member of the zoning board of appeals.
4. Terms shall be for the three years, except for members serving because of their membership on the planning commission, or township board, whose terms shall be limited to the time they are members of the planning commission, or township board, respectively, and the period stated in the resolution appointing them, a successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

(Ord. No. 2008-385, 10-7-08)

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### **Sec. 2401. Meetings:**

1. The zoning board of appeals shall adopt rules and regulations to govern its procedures. The zoning board of appeals shall elect a chairman, vice-chairman and secretary from its membership.
2. A concurring vote of a majority of the members of the zoning board of appeals shall be necessary for any decision. The zoning board of appeals shall not conduct business unless a majority of its members is present.
3. Any person may appear on his or her behalf at a hearing or may be represented by an agent or attorney.
4. The zoning board of appeals shall decide upon all matters within a reasonable time, not to exceed 90 days from the filing date. The decision of the zoning board of appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by agreement between the applicant or appellant and the zoning board of appeals.
5. Meetings of the zoning board of appeals should be held at the call of the chairman and at such times as the zoning board of appeals and its rules and regulations may specify. Minutes shall be kept of each meeting and the zoning board of appeals shall record into the minutes all findings, conditions of approval, facts, and other relevant factors and all of its official actions. A vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting. All meetings and records shall be open to the public. All minutes shall be filed in the office of the township clerk.

(Ord. No. 2008-385, 10-7-08)

### **Sec. 2402. Appeals:**

Appeals may be taken by the person, firm or corporation aggrieved or by any officer, department, board, agency, or bureau of the township or, state governments. In addition, a variance in the zoning ordinance may be applied for and granted under section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54, and as provided under the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq. The zoning board of appeals shall state the grounds of any determination made by the board.

(Ord. No. 2008-385, 10-7-08)

### **Sec. 2403. Fees:**

The township board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals. A fee shall be paid to the township treasurer at the time of filing the appeal and shall be deposited in the township's general fund.

(Ord. No. 2008-385, 10-7-08)

### **Sec. 2404. Jurisdiction:**

The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this ordinance, but does have power to act on those matters where this ordinance provides for an administrative review, interpretation, exception or to authorize a variance as defined in this section and laws of the State of Michigan. Said powers include:

1. *Administrative review:* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by an administrative official or body charged with enforcement of any of the provisions of this ordinance.

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Appeals shall be filed within 60 days of the decision in question. The appeal shall be filed with the township clerk and a copy shall be filed with the zoning board of appeals, and a copy shall be filed with the person or body whose decision is appealed. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the zoning board of appeals to submit additional information to clarify the appeal. The administrative person or body appealed from shall transmit to the zoning board of appeals copies of all papers constituting the record upon which the action appealed from was taken.

2. *Variance:* To authorize, upon an appeal, a variance from the strict application of the provisions of this ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this ordinance or amendments to this ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the zoning board of appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this ordinance. A violation of any condition imposed shall be a violation of this ordinance under section 3100 herein and shall result in revocation of any variance granted. In granting a variance, the zoning board of appeals shall state the grounds upon which it justifies the granting of a variance.
  - a. An application for a variance shall be filed with the Community and Economic Development Department by the record owner of the property in question or by a person authorized to act on the record owner's behalf. The applications shall consist of a completed application form, fee, and the information required. The Community and Economic Development Department shall transmit the application and information to the zoning board of appeals and to the township clerk.
  - b. An application for a variance shall contain the following information:
    - (1) Legal description, address, and tax parcel number of the subject property.
    - (2) An accurate scale drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; and all existing and proposed structures and uses on the property; and dimensions of structures and the dimensional locations; lot area calculations necessary to show compliance with the regulations of this ordinance; and location of drives, sidewalks, and other paved areas on the property and on the adjacent streets.
    - (3) Location and dimensions of the nearest structures on adjacent properties.
    - (4) Name and address of the applicant, property owner, and the interest of the applicant in the property.
  - c. The filing fee for a variance as determined by the Ypsilanti Township board shall be paid to the township treasurer at the time of the filing of the application for variance and shall be deposited in the township's general fund.
  - d. The zoning board of appeals may grant a dimensional or non-use variance only upon a finding that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty and unreasonably prevent the use of the property. A finding of practical difficulty shall require demonstration that all the following conditions are met:

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- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of uses in the same zoning district. Exceptional or extraordinary circumstances or conditions include but may not be limited to:
    - (a) exceptional narrowness, shallowness or shape of a specific property;
    - (b) exceptional topographic conditions;
    - (c) any other physical situation on the land, building or structure deemed by the zoning board of appeals to be extraordinary; or,
    - (d) development characteristics of land immediately adjoining the property in question that creates a exceptional constraint.
  - (2) That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;
  - (3) That the authorizing of such variance will not be a substantial detriment to adjacent property and will not materially impair the purposes of this ordinance or the public interest; and
  - (4) The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors.
  - e. An application for variance which has been denied wholly or in part by the zoning board of appeals shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or changed conditions found by the zoning board of appeals to be valid.
  - f. A variance granted shall not be the basis of a request for a further variance.
  3. *Exceptions and special approvals:* To hear and decide in accordance with the provisions of this ordinance, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this ordinance specifically authorizes the zoning board of appeals to pass. Any exception or other matter on which this ordinance specifically authorizes the zoning board of appeals to pass shall be subject to such conditions as the zoning board of appeals may require in order to preserve and promote the character of the zone district in question and otherwise promote the purpose of this ordinance, including the following:
    - a. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
    - b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission.
    - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
    - d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development of physical characteristics, that it cannot otherwise be appropriately improved without such modification.
    - e. Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the township and for periods not to exceed six months in developed sections.

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- f. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of 12-month extensions being permissible: Uses which do not require the erection of any capital improvement of a structural nature.

The zoning board of appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
- (2) The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Ypsilanti, shall be made at the discretion of the zoning board of appeals or township planning commission as the case may be.
- (4) In classifying uses as not requiring capital improvement, the zoning board of appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- (5) The use shall be in harmony with the general character of the district.
- (6) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this ordinance.

(Ord. No. 2008-385, 10-7-08)

#### **Sec. 2405. Orders:**

In exercising the above powers, the zoning board of appeals may reverse or affirm wholly or partly, or may condition or modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought be to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal is taken.

(Ord. No. 2008-385, 10-7-08)

#### **Sec. 2406. Miscellaneous:**

No order of the zoning board of appeals permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Use variances as described in Act 110 of 2006, as amended, MCL 125.3101, et seq., shall not be permitted in the Township. In the event an application is made for such a use variance, the zoning board of appeals shall deny the application and advise the applicant that use variances are prohibited in the Township by the Act.

(Ord. No. 2008-385, 10-7-08)

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**Sec. 2407 Notice:**

Notice shall be provided for each variance, appeal of an administrative decision, exception or special approval in advance of a zoning board of appeals meeting in accordance with the provisions of the Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et. seq.

(Ord. No. 2008-385, 10-7-08)

## ***ARTICLE XXV. ZONING COMMISSION***

**Sec. 2501. Zoning commission:**

The township planning commission is hereby designated as the commission specified in section 11, of Act No. 168 of the Public Acts of Michigan 1959 (MCL 125.321 et seq.), and shall perform the zoning duties of said commission as provided in the statute in connection with the amendment of this ordinance.

## ***ARTICLE XXVI. PLANNING COMMISSION APPROVAL***

**Sec. 2601. Planning commission approval:**

In cases where the township planning commission is empowered to approve certain use of premises under the provisions of this ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said commission for the proper consideration of the matter.

The planning commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The planning commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this ordinance.

Any approval given by the planning commission, under which premises are not used or work is not started within six months or when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect unless otherwise provided for in this ordinance.

State law reference(s)—Township planning commission, MCL 125.323, MSA 5.2963(103).

## ***ARTICLE XXVII. CHANGES AND AMENDMENTS<sup>8</sup>***

**Sec. 2701. Initiation of amendments:**

The township board may from time to time, on recommendation from the planning commission, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein.

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<sup>8</sup>Editor's note(s)—Ord. No. 2003-327, adopted Jan. 20, 2004, repealed the former § 2701 of art. XXVII and enacted new §§ 2701—2704 as set out herein. The former § 2701 pertained to changes and amendments and derived from the original zoning ordinance, Ord. No. 74, adopted May 17, 1994.

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Amendments to the provisions of this ordinance (i.e. ordinance text amendment) may be initiated by the township board, the planning commission or by petition from one or more residents or property owners of the township. An amendment to the official zoning map (i.e. rezoning) may be initiated by the township board, the planning commission or by the owner or owners of the property that is the subject of the proposed amendment. All proposed amendments to the provisions of this ordinance or the official zoning map shall be referred to the planning commission for public hearing and recommendation to the township board, prior to consideration thereof by the township board pursuant to the authority and procedure established in Act. No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq.) Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended.

(Ord. No. 2003-327, 1-20-04; Ord. No. 2019-486 , § 1, 6-18-19)

## **Sec. 2702. Application procedure:**

An amendment to this ordinance text or the official zoning map shall be initiated by submission of a completed application on a form supplied by the community and economic development director, including an application fee, which shall be established by resolution of the township board. Amendments initiated by the township board or planning commission do not require an application or fee.

- (a) In the case of an amendment to the official zoning map, the application shall be accompanied by the following:
  - (1) The name and address of the owner of the subject property and a statement of the applicant's interest in the subject property, if not the owner in fee simple title;
  - (2) A legal description and street address of the subject property;
  - (3) A written description of how the requested rezoning satisfies the requirements identified in section 2703;
  - (4) A site analysis plan, the scale of which shall be no less than one inch = 200 feet and includes the following information:
    - a. A title indicating the nature of the rezoning request, the applicant's name and the site address or general location;
    - b. A legend indicating the owner of record, the engineer, surveyor or drafter, as applicable, the date of submission, scale and north arrow;
    - c. A boundary survey of the subject property;
    - d. The location of existing site boundary lines, buildings, structures or other improvements, parking areas, driveways, points of ingress and egress for the site and adjacent parcels;
    - e. The location, width and names of existing streets and public or private easements adjacent to the site;
    - f. The location of existing and proposed man-made features, including but not limited to drainage or utility structures or improvements;
    - g. The location of existing natural features, including but not limited to the location of existing drainage courses, regulated floodplains or wetlands and other relevant information the planning commission has determined to be necessary and essential to making an informed recommendation to the township board; and
    - h. Existing and proposed zoning classification(s) of the site and adjacent parcels.

(Ord. No. 2003-327, 1-20-04)

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**Sec. 2703. Amendment procedure—Public hearing and notice:**

- (a) Upon certification by the community and economic development department that the application for amendment is complete, the item shall be scheduled before the planning commission to set a public hearing.
- (b) In all cases of a text amendment or rezoning of individual or multiple properties, the planning commission shall conduct a public hearing to present the request and to receive comments. Notice of the hearing shall be given in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. An affidavit of mailing shall be maintained.
- (c) If an individual property or several adjacent properties are proposed for rezoning, the township shall give separate notice for each property for which approval is being considered. Such notice shall be consistent with the notice required by paragraph (b) above.
- (d) A sign shall be placed on the subject property to inform the public that a request for rezoning has been filed, and to indicate the location of information regarding the request. The sign shall be placed in a conspicuous location where it is readable from the public road, not less than 15 days prior to the date the application will be considered for approval. The sign shall meet the following requirements:
  - (1) The sign shall be three feet by three feet in area, painted white with black lettering.
  - (2) The sign shall state "This property petitioned for rezoning from XX to XX" with four-inch tall block letters. The sign shall also state "If you have any questions call the Charter Township of Ypsilanti Community Development Department at 734-485-3943" and indicate the rezoning identification number assigned by the township with two-inch tall block letters.
- (e) Following the public hearing, the planning commission shall identify and evaluate factors relevant to the petition and the criteria in this article and shall make its recommendation to the township board.
- (f) The community and economic development department shall forward a copy of the application, planning commission recommendation and minutes of the public hearing to the township board and request the township clerk to place the application on the agenda of the next regularly scheduled meeting of the township board.
- (g) Following receipt of the findings and recommendation of the planning commission, the township board shall consider the proposed amendment. The township board shall conduct two readings on the proposed amendment. The township board then shall approve or deny the amendment, based on the criteria contained in this article.

(Ord. No. 2003-327, 1-20-04; Ord. No. 2008-386, 10-7-08)

**Sec. 2704. Criteria for amendment of the official zoning map:**

In considering any petition for an amendment to the official zoning map, the planning commission and township board shall consider the following criteria in making its findings, recommendations and decision:

- (a) Consistency with the goals, policies and future land use map of the Charter Township of Ypsilanti Master Plan, including any sub-area or corridor plans. If conditions have changed since the master plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
- (b) Compatibility of the site's physical, geological, hydrological and other environmental features with all uses permitted in the proposed zoning district compared to uses permitted under current zoning.
- (c) Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one of the uses permitted under the current zoning.



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- (d) The compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning.
  - (e) The capacity of township utilities and services sufficient to accommodate all the uses permitted in the requested district without compromising the "health, safety and welfare" of the township.
  - (f) The capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. A traffic impact study in accordance with the requirements of the township traffic impact study ordinance shall be provided if the proposed rezoning district permits uses that could generate 100 or more directional trips during the peak hour, or at least 1,000 more trips per day than the majority of the uses that could be developed under the current zoning, as determined by the community and economic development department.
  - (g) The apparent demand for the types of uses permitted in the requested zoning district in the township, and surrounding area, in relation to the amount of land in the township, and surrounding area, currently zoned and available to accommodate the demand.
  - (h) The boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the zoning district listed in article XX, schedule of regulations.
  - (i) If a rezoning is appropriate, the requested zoning district shall be more appropriate from the township's perspective than another zoning district.
  - (j) The requested rezoning will not create an isolated and unplanned spot zone.
  - (k) The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.
  - (l) Other criteria as determined by the planning commission or township board which would protect the health and safety of the public, protect public and private investment in the township, and enhance the overall quality of life in Charter Township of Ypsilanti.

(Ord. No. 2003-327, 1-20-04)

### **Sec. 2705. Conditional amendment of the official zoning map:**

The township board shall have the authority to place conditions on an amendment to the official zoning map, commonly referred to as a conditional rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the township board. In exercising its authority to consider a conditional rezoning, the township is also authorized to impose the following limitations:

- (a) An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
  - (1) The owner's offer of conditions may not authorize uses or developments not permitted in the requested zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
  - (2) A conditional rezoning that would also require approval of a conditional use, variance or site plan under the terms of this ordinance shall not be effective until approval for a conditional use, variance or site plan is ultimately granted in accordance with the provisions of this ordinance.

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- (b) The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the township board, provided that, if such withdrawal occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation.
- (c) The procedure for consideration of conditional rezoning request by the planning commission and township board shall be the same as provided in section 2702 for all other requests for amendments to the official zoning map. The following additional information shall also be required:
- (1) A conditional rezoning request shall be initiated by the submission of a proposed conditional rezoning agreement. A conditional rezoning agreement shall include the following:
    - a. A written statement prepared by the applicant that confirms the conditional rezoning agreement was proposed by the applicant and entered into voluntarily.
    - b. A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
    - c. A list of conditions proposed by the applicant.
    - d. A timeframe for completing the proposed improvements.
    - e. A legal description of the land.
    - f. A sketch plan in sufficient detail to illustrate any specific conditions proposed by the applicant.
  - (2) The notice of public hearing on a conditional rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
  - (3) A conditional rezoning may be approved upon the criteria set forth in section 2704 and a finding and determination that all of the following are satisfied:
    - a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
    - b. The conditions, proposed development and/or proposed use are not in material conflict with the master plan, or, if there is material conflict with the master plan, such conflict is due to one of the following:
      - i. A change in township policy since the master plan was adopted.
      - ii. A change in conditions since the master plan was adopted.
      - iii. An error in the master plan.
    - c. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the conditional rezoning agreement.
    - d. The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.
- (d) Upon approval by the township board of a conditional rezoning request and a conditional rezoning agreement, as provided by this section, the zoning map shall be amended to reflect a new zoning

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classification along with a relevant designation that will provide reasonable notice of the conditional rezoning agreement.

- (e) A conditional rezoning approval shall expire following a period of time from the effective date of the rezoning established by the township board, unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the township.
  - (1) In the event the conditional rezoning expires, the rezoning and the conditional rezoning agreement shall be void and of no effect.
  - (2) If the conditional rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:
    - a. The property owner seeks a new rezoning classification for the property; and/or
    - b. The township initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
- (f) Recording. A conditional rezoning approval shall not become effective until the conditional rezoning agreement is recorded with the Washtenaw County Register of Deeds and a certified copy of the agreement is filed with the township clerk.
- (g) Violation of conditional rezoning agreement. If development and/or actions are undertaken on or with respect to the property in violation of the conditional rezoning agreement, such development and/or actions shall constitute a violation of this ordinance and deemed a nuisance per se. In such case, the township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the conditional rezoning agreement, the township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

( Ord. No. 2019-486 , § 1, 6-18-19)

## ***ARTICLE XXVIII. REPEAL OF PRIOR ORDINANCE***

### **Sec. 2801. Repeal of prior ordinance:**

The zoning ordinance adopted by the Township of Ypsilanti, on November 19, 1974, and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

## ***ARTICLE XXIX. INTERPRETATION***

### **Sec. 2901. Interpretation:**

In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above-described zoning ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law

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relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this ordinance shall control.

## ***ARTICLE XXX. VESTED RIGHT***

### **Sec. 3001. Vested right:**

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

## ***ARTICLE XXXI. ENFORCEMENT, PENALTIES AND OTHER REMEDIES***

### **Sec. 3100. Violations, civil infractions:**

Any person, firm or corporation violating any provision of this ordinance shall be responsible for a civil infraction and shall be subject to a fine as follows:

- (1) The fine for any first violation shall be \$100.00;
- (2) The fine for any violation which the violator has, within the past two years, been found in violation of once before, shall be \$250.00;
- (3) The fine for any violation which the violator has, within the past two years, been found in violation of twice before, shall be \$500.00.

(Ord. No. 96-151, 6-18-96)

### **Sec. 3101. Public nuisance per se:**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

### **Sec. 3102. Owners knowingly assisting:**

Any person, firm or corporation which owns a building, structure, or premise or part thereof, where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be responsible for a civil infraction and shall be subject to a fine as set forth in section 3100(1), (2), and (3).

(Ord. No. 96-151, 6-18-96)

### **Sec. 3103. Each day a separate civil infraction:**

A separate civil infraction shall be deemed committed upon each day during or when a violation occurs or continues.

## ***ARTICLE XXXII. SEVERANCE CLAUSE***

### **Sec. 3201. Severance clause:**

Sections of this ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

## ***ARTICLE XXXIII. EFFECTIVE DATE***

### **Sec. 3301. Effective date:**

Public hearing having been held hereon, the provisions of this ordinance are hereby given immediate effect upon its publication, pursuant to the provisions of section 11, of Act No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq.), as amended.

Made, passed and adopted by the township board of the Charter Township of Ypsilanti, Washtenaw County, Michigan on this 18th day of May, 1994.