

ARTICLE XI. - SPECIFIC USE PROVISIONS<sup>[7]</sup>

Sec. 1100. - Intent:

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

Sec. 1101. - Detached single-family dwelling units:

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

1. Dwelling units shall conform to all applicable Township Codes and Ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling. Dwelling units shall be constructed to the requirements of the Michigan Construction Code Act of 1972, Public Act 230 of 1972, as amended (MCL 1125.1501-125.1531 et. seq.) and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
2. The setbacks, gross floor area and lot coverage of any proposed single-family dwelling unit shall comply with the standards for the zoning district where proposed set forth in Article 4 or Article 5, as applicable by zoning district.
3. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction, and necessary foundations below the frostline. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
4. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
5. Dwelling units shall be oriented on the lot to be consistent with the configuration of dwelling units on adjacent properties and in the surrounding residential neighborhood. All dwelling units shall have width to depth and depth to width ratio that does not exceed three to one (3:1). All dwelling units shall have a minimum width dimension of twenty-four (24) feet.
6. Dwelling units shall be oriented toward the public right-of-way such that the facade that faces the street is manifestly designed as a front facade containing a door, windows, and other architectural features customary of the front facade of a residence. There shall be a minimum of two exterior doors with one facing the street. All entrances shall be provided with steps, a stoop or porch that is permanently attached, on a frost depth foundation, to the perimeter wall.
7. Any such home shall be anchored by an anchoring system approved by the Township.
8. The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to subsections 4 and 5, above. The Planning Commission shall review the proposed dwelling at a hearing where notice of such hearing shall be provided to all occupants of dwellings within three hundred (300) feet of the lot to contain the proposed dwelling. The Zoning

Administrator or Planning Commission shall not seek to discourage architectural variation but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the Township at large. In reviewing any such proposed dwelling unit, the Zoning Administrator may require the applicant to furnish such plans, elevations, and similar documentation as the Zoning Administrator deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within three hundred (300) feet. If the area within three hundred (300) feet does not contain any such homes, then the nearest twenty-five (25) similar type dwellings shall be considered.

9. The provisions of this Section shall not apply to manufactured homes situated in licensed manufactured housing communities.

Sec. 1102. - Home occupations:

1. Home occupations are limited to those who legally reside in the residence.
2. All home occupations/home offices, with the exception of agricultural operations, shall be in single-family residences subject to the following requirements:
  - A. Incidental and Secondary. A home occupation/home office must be clearly incidental and secondary to the primary use of a dwelling unit and conducted by a resident of the dwelling.
  - B. Outside Appearance. A home occupation/home office shall not change the character or appearance of the structure or the premises, or other visible evidence of conduct of such home occupation/home office. There shall be no external or internal alterations not customary in residential areas or structures. A home occupation/home office shall be conducted within the dwelling unit or within a building accessory thereto. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation/home office, with the exception of a nameplate sign as set forth in Article 15.
  - C. Creation of Nuisance. A home occupation/home office use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, and/or fire hazards. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
  - D. Percentage. The home occupation/home office shall utilize no more than twenty percent (20%) of the total floor area of any one (1) story of the residential structure therein located or up to two hundred (200) square feet of a detached structure. Said detached structure shall meet all required accessory structure provisions.
  - E. Number of Customers. No more than two (2) customers or clients shall be permitted to visit the site at any given time. Adequate off-street parking shall be provided for customers or clients.
  - F. Vehicular Traffic Creation. There shall be no vehicular traffic permitted for the home occupation/home office, other than as is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.

- G. Employee. A home occupation shall be allowed up to one (1), non-family, employee provided that one (1) parking space is provided for the employee.
- H. Parking. Parking for the home occupation/home office shall not exceed two (2) spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in Section 1205, Parking Requirements. Parking spaces shall not be located in the required front yard.
- I. Commodities. No Article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- J. Storage. The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation/home office, shall be prohibited.

Sec. 1103. - Keeping of chickens:

The keeping of up to four (4) hens on those parcels of land separately owned outside the boundaries of either a proprietary, supervisor's plat or site condominium and having an area of not less than one (1) acre; subject to the health and sanitation provisions of the Township of Ypsilanti subject to the following:

1. The principal uses of the property where the hens are to be kept is as a single-family dwelling as defined by this Ordinance.
2. Hens may only be kept by a person permanently residing at the subject residence.
3. The keeping of roosters shall be prohibited.
4. Chickens shall be provided with a secure, well-ventilated, roofed, and lockable structure (heretofore referred to as a "hen house") which shall not exceed twenty-five (25) square feet in area.
5. A covered enclosure or fenced enclosure, constructed in a workmanlike manner, shall be erected around the hen house to prevent the hens from leaving the enclosed area.
6. No enclosure shall be located closer than twenty (20) feet from a property line nor shall it be located closer than forty (40) feet to any adjacent residential structure.
7. Both the hen house and the fenced pen, run, or enclosure must be located in the rear yard.
8. All enclosures for the keeping of chickens shall be constructed or repaired to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
9. All food shall be stored indoor and within a rodent-proof container.
10. The slaughtering of hens shall be prohibited.
11. Waste materials (feed, manure, and litter) should be disposed of in an environmentally responsible manner. The materials can be composted or bagged and disposed of in the trash. It is not acceptable to pile waste materials on the property.

Sec. 1104. - Institutional or community recreation centers and nonprofit swimming pool clubs:

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

1. Front, side, and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
2. Off-street parking shall be provided so as to accommodate not less than one-half (1.5) of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases, wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.
3. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

Sec. 1105. - Golf courses:

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

1. Accessory Uses and Buildings. Golf courses may also include accessory uses such as, but not limited to, clubhouses, restaurants, driving ranges, pro shops, and maintenance buildings. Any accessory uses and buildings associated with the golf course, and any buildings on the site shall conform to setback and dimensional requirements of the underlying zoning district.
2. Layout. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.
3. Off-Street Parking. All off-street parking shall be in compliance with the standards set forth in Section 1205, Parking Requirements to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, and other activities.
4. Storage, Service, and Maintenance Areas. All storage, service, and maintenance areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 1301.3.H.
5. In residential zoning districts where golf courses are allowed, development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. All principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
6. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

Sec. 1106. - Colleges and universities:

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

1. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area and shall not be permitted on any portion of a recorded subdivision plat.
2. No building shall be closer than eighty (80) feet to any property line.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1107. - Bed and breakfasts operations:

1. The proprietor shall reside at the Bed and Breakfast operation.
2. Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one (1) year.
3. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that an accessory dwelling in existence as of the effective date of this Section and located on the same parcel as a Bed and Breakfast may be utilized for sleeping rooms, in accordance with this Section.
4. The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
5. Lavatory and bathing facilities must be available to all persons using any leasable sleeping room.
6. There will be no separate cooking facilities available to persons using any leasable sleeping room.

Sec. 1108. - Public riding and/or boarding stables:

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

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

Sec. 1109. - Private stables:

Private stables may be permitted for not more than one (1) horse on a lot where said lot is not less than four (4) acres in area and provided further, that for each additional horse stabled thereon one (1) acre of land shall be provided. All confinement areas and/or stable buildings shall in all instances be located in the rear yard and shall not be less than one hundred (100) feet from any property line.

Sec. 1110. – Commercial Greenhouses and plant material nurseries in one (1) family residential districts:

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

1. *Minimum size:* The minimum site size shall be five (5) acres and so located as to provide all ingress and egress directly onto a major thoroughfare.
2. *Required yards:* All required yards shall be not less than fifty (50) feet wide when abutting any residential district.
3. *Permanent sales office:* If retail sales are permitted on site, a permanent sales and office building shall be located on site. The building or buildings may also include activities which are ancillary to the principal use, such as indoor storage of equipment and materials and equipment repair.
4. *Outdoor storage:* Outdoor storage of equipment and materials shall be subject to the standards set forth in Section 1157 Outdoor Storage of Goods and Contractors/Landscapers Yard.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1111. - Cemeteries:

Cemeteries may be permitted subject to the following conditions:

1. Landscaping screening meeting the standards set forth in Section 1301.3.H shall be provided where a cemetery abuts a residential Zoning District or use.
2. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required parking.
3. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
4. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

Sec. 1112. – Community supported agriculture:

1. *Application of regulations:*

- A. Community supported agriculture or associated distribution/pickup center, u-pick operations, and farm markets occupying less than one thousand five hundred (1,500) square feet shall be reviewed administratively. The administrative review process shall be conducted as follows:

- (1) A property survey, drawn to scale with dimensions, and showing property lines and all structures and other improvements shall be submitted to the Township with an application for zoning compliance.
  - (2) The Zoning Administrator shall review the application and supporting materials, using the standards of this Section and other applicable provisions of the Zoning Ordinance. The Zoning Administrator shall provide approval or denial within one hundred and thirty-five (135) days from the date the complete application was submitted. If the application is denied, the Zoning Official shall notify the applicant in writing of such action and reasons for such rejection.
- B. Community supported agriculture or associated distribution/pickup center, u-pick operations, and farm markets occupying one thousand five hundred (1,500) square feet or more shall require review and approval from the Planning Commission.
2. *Standards:*
- A. *Locally/Regionally Grown Farm Products.* Agriculture products distributed or sold at such facility shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than one hundred (100) miles from the facility. For value-added products sold at any facility, at least fifty percent (50%) of the products' "namesake" ingredient must be produced by a Michigan farm within one hundred (100) miles of the facility.
  - B. *Minimum Lot Area.* Minimum lot area shall be two and one-half (2.5) acres.
  - C. *Setbacks.* Facilities or areas used for CSA or farm markets shall be setback a minimum of one hundred (100) feet from any adjacent residential structure.
  - D. *Parking.* Adequate parking for the maximum number of expected patrons must be provided on site and outside of any road right-of-way. Parking lot and maneuvering lane surfaces shall be adequate for the number and types of vehicles accessing the facility.
  - E. *Hours of Operation.* The facility shall operate any time between the hours of 7:00 am to 7:00 pm.
  - F. *Lighting.* Lighting used in the operation of the CSA and/or farm market shall be downward facing and shielded to minimize light trespass onto adjacent properties. Lights, other than those needed only for security, shall not be turned on when the CSA, or farm market facility is not in use.
  - G. *Nuisances.* The CSA or farm market facility shall not create nuisances for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust or odors, and/or traffic that cannot be accommodated on site.
  - H. *Other Permits.* All other required permits shall be obtained.
3. *Other marketing strategies:* Other marketing strategies, activities, and services designed to attract and entertain customers while they are at the CSA or farm market require additional review by the Township, the Planning Commission, and/or the Township Board.

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1113. - Keeping of more than four (4) dogs in one-family residential districts:

The keeping of more than four (4) dogs owned by the resident of a property as pets not boarded for others subject to the following conditions:

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

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1114. - Convalescent homes and nursing homes:

Convalescent homes or nursing homes must meet following conditions:

1. *Site area:* All such facilities shall be developed on sites having a minimum area of one (1) acre, or two thousand (2,000) square feet of site area for each one (1) bed in the facility, or for each person cared for in the facility, whichever is greater. Within this area, a minimum of five hundred (500) square feet of contiguous open space shall be provided, apart from areas required for vehicular uses, for each bed or for each person cared for within the capacity of the building.
2. *Ingress and egress:* The proposed site shall have at least one (1) property line abutting and restricting all vehicular ingress and egress to a major thoroughfare .
3. *Yards:* All yards shall be a minimum of forty (40) feet in width shall be kept free of parking and shall be landscaped.
4. *Loading and service areas:* Delivery loading and service areas and parking areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 1207, Off-street loading and unloading.
5. *Façade:* The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets(projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
6. *Facilities:* Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.



[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1115. – Mortuaries and funeral homes:

Mortuaries and funeral homes must provide adequate assembly area off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the building in business and form-based districts. A crematorium shall only be permitted as an accessory use of a funeral home and shall only be approved a special conditional use.

Sec. 1116. - Veterinary clinics:

1. Veterinary clinics when such use is conducted entirely within an enclosed building. No animal kennels or animal runs shall be allowed outside the principal building. Animal kennels or runs within a principal building shall provide no windows which can be opened to the outside. All buildings are set back at least one hundred (100) feet from abutting residential district on the same side of the street.
2. All narcotics must be kept secure in a locked area.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1117. - Veterinary hospitals:

All activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least one hundred (100) feet from abutting residential district on the same side of the street. All narcotics must be kept secure in a locked area.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1118. - Drive-in and drive-through facilities:

1. *On-site stacking.* Adequate on-site stacking space for vehicles shall be provided for each drive-in or drive-through window so that vehicles will not interfere with vehicular circulation or parking maneuvers on this site. Access to and egress from the site will not interfere with peak hour traffic flow on the street serving the property. On-site vehicle stacking for drive-in windows shall not interfere with access to, or egress from the site or cause standing of vehicles in a public right-of-way.
2. *Traffic control.* Projected peak hour traffic volumes which will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
3. *Ingress and egress.* Ingress and egress to drive-through facilities shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular operation and safety.

- A. Drive-Through Locations. Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.
- B. When abutting or adjacent to residential districts, a six (6) foot high, completely obscuring wall, fence or landscaping shall be provided. The Planning Commission may require screening for other uses. The height of the wall/landscaping/fence shall be measured from the surface of the ground. The wall/landscaping/fence shall extend only to the front yard setback line.
- C. Stacking Space Requirements. Each drive-through facility shall provide stacking space meeting the following standards:
  - (1) Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
  - (2) If proposed, an escape lane shall be a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.
  - (3) The number of stacking spaces per service lane shall be provided for the uses as listed in the Minimum Stacking Spaces Table. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined at the discretion of the Zoning Administration, shall apply.

Minimum Stacking Spaces Table

| Use  | Stacking Spaces per Service Lane* |
|--|-----------------------------------|
| Banks, Pharmacy, Photo Service, and Dry Cleaning   | 4                                 |
| Restaurants with Drive-Through   | 10                                |
| Vehicle Use Quick Oil Change   | 2                                 |
| Auto Washes (Self-Service)   |                                   |
| Entry  | 2                                 |
| Exit   | 1                                 |
| Auto Washes (Automatic)  |                                   |
| Entry  | 8                                 |
| Exit   | 2                                 |
| *The Planning Commission, based on a recommendation from the Zoning Administrator, may require more stacking spaces for a specific user, if it is determined that said user, based on their specific operation requires additional stacking for a typical day. |                                   |

Sec. 1119. – Open Air Business:

- 1. *Outdoor display and sales:* Outdoor Display and Sales are subject to the following standards and conditions:

- A. Outdoor Display and Sales is not permitted as a principal use of a property.
  - B. An Outdoor Display and Sales that is as an accessory use to the principal use conducted on the premises is permitted within the GC District, and regional form-based corridors after obtaining a Zoning Compliance Permit from the Zoning Administrator. In the administration of these provisions, the Zoning Administrator may refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
  - C. The exterior of the premises shall be kept clean, orderly, and maintained.
  - D. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury that may occur as a result of an outdoor display.
  - E. The location of the outdoor display shall meet all required setbacks and shall be approved by the Zoning Administrator.
  - F. An outdoor display shall not occupy or obstruct the use of any fire lane, roadway, drive aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this Ordinance.
  - G. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 1301.3.H.
  - H. Only those products that are sold or are similar to the products sold within the principal building on the same lot may be permitted to be sold or displayed outdoors.
2. *Seasonal sales:* The outside sale of seasonal items such as Christmas trees, flowers and plants, pumpkins, and other such seasonal items that are grown shall require a permit from the Zoning Administrator subject to the following standards and conditions:
- A. Seasonal sales may be located within any required side or rear yard and shall be no closer to a public road right-of-way than the required front yard setback or existing building, whichever is less. Where outdoor displays abut residentially zoned property, landscape screening in accordance with Section 1301.3.H shall also be provided.
  - B. Seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this Ordinance.
  - C. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance.
  - D. Such sales shall be permitted for a period not to exceed ninety (90) days.
  - E. Upon discontinuance of the seasonal use, any temporary structure shall be removed.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1120. - Sidewalk and outdoor cafes:

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

1. *Parking lot:* Outdoor cafes may be permitted in parking lots provided that the following:
  - A. No handicapped parking may be used or blocked
  - B. Maintain safe traffic flow
  - C. Maintain sufficient parking
  - D. Provide a secure barrier from cars
2. *Permits:* Sidewalk or outdoor cafe permits may be issued if it is determined that the occupancy will not:
  - A. Interfere with the use of the street for pedestrian or vehicular travel.
  - B. Unreasonably interfere with the view of, access to or use of property adjacent to said street.
  - C. Reduce any sidewalk width to less than six (6) feet.
  - D. Interfere with street clearing or snow removal activities.
  - E. Cause damage to the street or to sidewalks, trees, benches, landscaping, or other objects lawfully located therein.
  - F. Cause a violation of any state or local laws.
  - G. Be principally used for off-premises advertising.
  - H. Be attached to or reduce the effectiveness of or access to any utility pole, sign, or other traffic control device.
  - I. Cause increased risk of theft or vandalism.
  - J. Be in or adjacent to property zoned exclusively for residential purposes.
3. All businesses selling food or beverages to be consumed in a public sidewalk area or outdoor area adjacent to the business shall enclose the area with a temporary structure approved by the Building Inspector. All construction shall conform with existing building codes and regulations of the Township. Such plans shall also include the location of adequate trash receptacles.
4. Prior to the issuance of a sidewalk or outdoor cafe permit, the applying business must provide the Township with a certificate of liability insurance in an amount to be determined solely by the Township. The certificate of insurance must be in effect for at least the period of the permit to be issued. In addition, the applying business shall, by written agreement with the Township, indemnify and hold harmless the Township from all claims or damages incident to the establishment and operation of a sidewalk cafe.
5. Prior to the issuance of a permit, a fee as specified from time to time by resolution of the Township Board, shall be paid by the requesting business for the period of the permit. The period of a sidewalk or outdoor cafe permit shall not exceed one hundred ten (110) days. The dates and duration shall be specified on the permit. The permit shall be subject to immediate revocation for failure to properly maintain the area being used as a sidewalk or outdoor cafe, or for any other violation of this Section or any other Section.

Sec. 1121. - Dealership for sale of new or used vehicles, boats, house trailers or rental of trailers and/or vehicles:

1. Outdoor sales space for sale of new or used vehicles, boats, house trailers or rental of trailers and/or vehicles, all subject to the following:
  - A. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
  - B. Minor vehicle repair or major refinishing shall be permitted as a special use.
  - C. All lighting shall be shielded from adjacent residential districts.
  - D. Vehicle delivery shall be conducted on the premises and shall not interfere with vehicular traffic on a public road.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1122. - Motels:

Motels are subject to the following conditions:

1. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.
2. Each unit shall contain not less than two hundred-fifty (250) square feet of floor area.
3. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.
4. Hourly rates are prohibited.
  - A. No person owning, controlling, managing, or having charge of any motel within the Township shall allow or permit an hourly charge for any room within said establishment.
  - B. No person owning, controlling, managing, or having charge of any motel within the Township shall allow or permit any room or rooms within said establishment to be rented more than twice in any twenty-four (24) hour period commencing at 12:01 am.

Sec. 1123 – Hotels:

Hotels are subject to the following conditions:

1. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.
2. Hourly rates are prohibited.
  - A. No person owning, controlling, managing, or having charge of any hotel within the Township shall allow or permit an hourly charge for any room within said establishment.
  - B. No person owning, controlling, managing, or having charge of any hotel within the Township shall allow or permit any room or rooms within said establishment to be rented more than twice in any twenty-four (24) hour period commencing at 12:01 am.

Sec. 1124 – Extended stay hotels:

Extended stay hotels are subject to the following conditions:

1. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.
2. No occupant shall be permitted to stay in any unit of an extended stay hotel or extended stay motel in excess of six (6) months each calendar year.
3. Hourly rates are prohibited.
  - A. No person owning, controlling, managing, or having charge of any extended stay hotel within the Township shall allow or permit an hourly charge for any room within said establishment.
  - B. No person owning, controlling, managing, or having charge of any extended stay hotel within the Township shall allow or permit any room or rooms within said establishment to be rented more than twice in any twenty-four (24) hour period commencing at 12:01 am.

Sec. 1125. – Building material sales, garden centers, and similar uses:

Building material sales, garden centers, and similar uses which are characterized by outdoor storage and sales, unless otherwise specified herein, shall be subject to the following standards:

1. A permanent sales and office building shall be located on site. The building or buildings may also include activities which are ancillary to the principal use, such as indoor storage of equipment and materials and equipment repair.
2. The exterior of the premises shall be kept clean, orderly, and maintained.
3. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury that may occur as a result of an outdoor display.
4. The location of the outdoor display shall meet all required setbacks and be approved by the Zoning Administrator if all requirements of this Ordinance are met.
5. An outdoor display shall not occupy or obstruct the use of any fire lane, roadway, drive aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this Ordinance.
6. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 1301.3.H.

Only those products that are sold or are similar to the products sold within the principal building on the same lot may be permitted to be sold or displayed outdoors.
7. Outdoor storage of equipment and materials shall be subject to the standards set forth in Section 1157, Outdoor storage, and contractors/landscaper's yard.
8. The outside sale of seasonal items such as Christmas trees, flowers and plants, pumpkins, and other such seasonal items that are grown shall require a permit from the Zoning Administrator subject to the following standards and conditions:
  - A. Seasonal sales may be located within any required side or rear yard and shall be no closer to a public road right-of-way than the required front yard setback or existing building, whichever

is less. Where outdoor displays abut residentially zoned property, landscape screening in accordance with Section 1301.3.H shall also be provided.

- B. Seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this Ordinance.
- C. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance.
- D. Such sales shall be permitted for a period not to exceed ninety (90) days.
- E. Upon discontinuance of the seasonal use, any temporary structure shall be removed.

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1126. - Vehicle fueling/multi-use station:

Vehicle fueling stations for the sale of gasoline, oil, and minor accessories only and where incidental repair work is done; provided, however, that other uses permitted and as regulated in the business or form-based districts may be established in conjunction with such vehicle fueling station, subject to the following conditions:

1. Vehicle fueling/multi-use stations shall directly abut a major thoroughfare.
2. The minimum lot area for vehicle fueling stations shall be fifteen thousand (15,000) square feet for stations having no more than two (2) service bays and no more than two (2) pump islands. There shall be added three thousand (3,000) square feet for each additional service bay and one thousand five hundred (1,500) square feet for each additional pump island. At least one (1) street lot line shall be at least one hundred fifty (150) feet in length along one (1) major thoroughfare. The lot shall be so shaped, and the station so arranged, as to provide ample space for vehicles which are required to wait.
3. The driveway or curb cuts for access to a fueling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be located no less than ten (10) feet from an adjoining property line, twenty-five (25) feet if adjacent to residential districts, as extended to the curb or pavement. Entrances shall also be no less than twenty-five (25) feet from an intersection street right-of-way line extended to the curb or pavement.
4. *Setbacks:* The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with Fueling/Multi-Use:

| Setback | Canopy Support | Pump Islands | Canopy Ede |
|---------|----------------|--------------|------------|
| Front   | 35 feet        | 30 feet      | 25 feet    |
| Side    | 20 feet        | 20 feet      | 10 feet    |
| Rear    | 30 feet        | 20 feet      | 20 feet    |

5. *Fueling areas site arrangement:* All fueling areas shall be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.

6. *Canopy structures:* Canopy structures shall be designed and constructed in a manner which is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building unless can be demonstrated that the design of the building and canopy in combination would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.
7. *Fire protection:* Required fire protection devices under the canopy shall be architecturally screened so that the tanks are not directly visible from the street. The screens shall be compatible with the design and color of the canopy.
8. *Canopy lighting:* Canopy lighting shall be recessed so that the light source is not visible from off site.
9. *Pedestrian and vehicular safety:* Vehicle fueling/multi-use stations shall be designed in a manner which promotes pedestrian and vehicular safety. The parking and circulation system within each development shall accommodate the safe movement of vehicles, bicycles, pedestrians and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.
10. *Repair and services:* All repair and maintenance activities shall conform with the standards set forth in Section 1127, Minor vehicle repair. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.
11. *Accessory vehicle wash:* If a vehicle wash is proposed, it must comply with the standards set forth in Section 1129, Automobile car wash, and stacking space requirements in Section 1118, Drive-in, and drive-through facilities.
12. A six (6) foot tall completely obscuring wall shall be provided where abutting to a residential district. Alternative screening materials may be approved by the Planning Commission.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1127. - Minor vehicle repair:

Minor vehicle repair businesses are subject to the following conditions:

1. Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street.
2. Access to and from such use shall not be cause for traffic to utilize residential streets.
3. No storage of outdoor parts or materials shall be allowed.
4. Vehicles shall not be allowed to be stored outside the building for more than forty-eight (48) hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle.
5. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
6. All vehicle servicing or repair, except minor repairs such as, but not limited to, tire changing and headlight changing, shall be conducted within a building.
7. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.



8. A six (6) foot tall completely obscuring wall shall be provided where abutting to a residential district. Alternative screening materials may be approved by the Planning Commission.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1128. - Temporary sidewalk, outdoor and tent sales for principal use:

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

1. For all uses, the following conditions must be met:
  - A. Signs shall be limited to sizes and locations in keeping with Article 15.
  - B. All temporary buildings, tents and structures shall be constructed, used, occupied, and maintained in compliance with the provisions of the state construction code and all Ordinances of the Township.
  - C. Building and Fire Code requirements shall be complied with.
  - D. The sale shall not interfere with the use of the sidewalk or street for pedestrian or vehicular travel. Sidewalk width must remain at least six (6) feet wide.
  - E. The sale shall not unreasonably interfere with the view of, access to or use of property adjacent to the street or neighboring businesses or properties.
  - F. The sale shall not interfere with street clearing or snow removal activities.
  - G. The sale shall not cause damage to the street or to sidewalks, trees, benches, landscaping, or other objects lawfully located on the property.
  - H. Sales areas shall be located so as to provide adequate access for fire and safety vehicles.
  - I. A permit shall be required. The proprietor of the property shall provide a sketch plan drawn to scale showing the location of the sale, existing and proposed temporary and permanent structures on the entire parcel, parking areas, and parking calculations.
  - J. Copies of permits required by any other agencies for the use must be included with the permit application.
2. Seasonal sale of produce from tents, stands or display racks subject to the following conditions:
  - A. Permits may be issued for up to six (6) month periods.
  - B. Off-street parking shall be provided in keeping with standards of Section 1205, Parking requirements. In those instances where usable floor area cannot be effectively measured, the sales space utilized shall be measured as usable floor area.
3. Sidewalk sales areas may be permitted subject to the following:
  - A. The sidewalk sales area shall abut the building and shall not be placed abutting a parking area or vehicle travel lane.
  - B. Sidewalk sales areas shall not be fenced or enclosed in any manner.

- C. Sidewalk sales shall be conducted for no more than fourteen (14) consecutive days and permits shall not be issued for consecutive tent sales beyond a fourteen (14) day period.
- 4. Tent sales may be permitted subject to the following:
  - A. No more than three (3) tent sales shall be permitted for a business location within a single calendar year.
  - B. A tent sale shall be conducted for no more than fourteen (14) consecutive days and permits shall not be issued for consecutive tent sales beyond a fourteen (14) day period.
  - C. Tent sales when proposed to be conducted on parking areas shall not reduce required parking spaces by more than fifteen percent (15%).
  - D. All tents shall be removed within forty-eight (48) hours of expiration of the period for which the permit is issued.
  - E. Equipment and products used in the event do not pose a fire or other hazard.

Sec. 1129. – Vehicle wash:

Vehicle wash operations are subject to the following:

- 1. All buildings shall have a front yard setback of not less than fifty (50) feet.
- 2. All washing facilities shall be within a completely enclosed building.
- 3. Vacuuming and drying areas may be located outside the building but shall not be in the required front yard and shall not be closer than twenty-five (25) feet from any residential district.
- 4. All vehicles required to wait for access to the facilities shall be provided space off the street right-of-way and parking shall be provided in accordance with Section 1205, Parking Requirements, and Section 1118, Drive-in, and drive-through facilities.
- 5. All off-street parking and stacking spaces shall be hard-surfaced and dust free.
- 6. All automatic vehicle wash facilities must provide a demonstrated means at the exit ramp for each wash bay to prevent pooling of water or freezing.
- 7. All lighting shall be shielded and directed away from adjacent residential districts.
- 8. A six (6) foot tall completely obscuring wall shall be provided where abutting to a residential district. Alternative screening materials may be approved by the Planning Commission.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1130. - Commercial outdoor recreational space for children's amusement parks, miniature golf courses, golf driving ranges, batting cages, archery ranges and similar activities:

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

- 1. *License required:* All activity, parking and buildings shall not be permitted within one hundred and fifty (150) feet of any residentially zoned property.

2. *Physical barriers and setbacks:* Such facilities that include paintball, archery, golf driving ranges, shooting ranges or similar uses where projectiles are used shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit. The Planning Commission may require setbacks or physical barriers in order to protect the safety of those on adjacent parcels. The use shall be fenced on all sides with a four (4) foot wall or fence. A six (6) foot tall completely obscuring wall shall be provided where abutting to a residential district. Alternative screening materials may be approved by the Planning Commission.
3. Devices for transmission or broadcasting of voices or music shall be directed or muffled to prevent said sound or music from being audible beyond the property line of the site. Noise levels shall not exceed seventy (70) decibels at the property line of the site.
4. Hours of operation shall be limited to 8:00 am to 10:00 pm.

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1131. - Smoking lounges:

Smoking lounges subject to the following:

1. *License required:* A valid smoking lounge business license issued by the Township Clerk for the premises.
2. *Off-street parking:* Smoking lounges shall provide off-street parking per the standard for Restaurants & Cafes, Standard Restaurant in Section 1205, Parking requirements.
3. *Mechanical ventilation required:* Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge are prohibited. The air supplied to the smoking lounge shall be exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code.
4. *Hours of operation; and outdoor activities prohibited:*
  - A. Businesses operating a licensed smoking lounge shall be closed between the hours of Midnight to 10:00 am.
  - B. All smoking lounge business activities shall be conducted wholly indoors, unless otherwise approved by the Township Board.
5. *Notice on exterior:* A clearly visible notice shall be posted by the entry door to the premises that:
  - A. Indicates that it contains a smoking lounge;
  - B. Indicates that it is a smoking lounge;
  - C. Indicates that it is not a food service establishment;
  - D. States that no loitering is permitted on the premises; and
  - E. States that no minors are permitted on the premises.
6. *Setbacks:* It shall be unlawful to operate a smoking lounge within five hundred (500) feet of any of the following: a) A place of worship. b) A school or childcare facility. c) A public park (not including public trails). d) Another smoking lounge.

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

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1132. – Incidental sales and services:

1. *Within wholesale establishments*: Within wholesale establishments, retail sales of items that are the same or are related by use or design to such wholesale items that are sold on premises shall be permitted, provided that the total amount of retail sales shall not exceed twenty-five percent (25%) of the annual wholesale sales on the premises. Retail sales shall be strictly incidental to wholesale sales.
2. *Within multi-family developments, elderly housing, hospitals, and convalescent centers*: Incidental services for convenience of the buildings' residents, such as newsstands, delicatessens, restaurants, personal service shops, and similar uses shall be permitted, provided the following standards are met:
  - A. Not more than two percent (2%), including hallway space, of the total floor area devoted to dwelling units within the apartment building(s) shall be so used.
  - B. All such incidental services shall be situated within the interior of a so that no part thereof shall be directly accessible from any street or other public or private way.
  - C. No sign or window display shall be discernible or visible from a sidewalk, street, or other public or private way.
  - D. Such incidental service shall not be located on any floor above the first or ground floor.
3. *Within business, research, and/or industrial park*: Within Business, Research, and/or Industrial Park, incidental services allowed provided that:
  - A. Such facilities shall be of the kinds needed to serve customers and employees of the business, research, and/or industrial park, such as but not limited to restaurants, but not including drive-ins, auto service stations, auto washes, gift shops, offices, and motels.
  - B. Such facilities shall be concentrated in a center and the layout of the site shall be such that the center is clearly oriented to the business, research and/or industrial park and not to the general public.

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1133. - Airports:

Airports subject to all state and federal regulations and subject to all Township codes and Ordinances and further subject to the following conditions:

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

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1134. – Self-Storage Facilities:

1. *Incidental uses:* Incidental accessory uses such as the sale of boxes, locks, and other supplies shall be permitted.
2. *Standards:*
  - A. The storage of any toxic, corrosive, flammable, or hazardous materials is prohibited.
  - B. Other than the storage of recreation vehicles, all storage and accessory uses shall be contained within a building. All recreational vehicle storage shall be screened from the view of residentially zoned or used property and public roads in accordance with the standards set forth in Section 1301.3.H.
  - C. Exterior walls of all storage units shall be of masonry construction.
  - D. Adequate maneuvering space for fire safety vehicles shall be provided.

Sec. 1135. - Indoor recreational facility:

1. All recreational activities shall be conducted within an enclosed building.
2. Structures shall be set back one hundred (100) feet from any abutting residential district, except the Planning Commission may reduce the setback to fifty (50) feet where the adjacent residentially zoned property is a public park or recreation area.
3. The off-street parking, passenger loading/unloading and general size layout and its relationship to the surrounding land uses and roads shall be reviewed by the Planning Commission, who may impose reasonable restrictions or requirements to insure contiguous residential areas will be adequately protected.

4. A parking study shall be prepared to determine the required number of parking spaces. The study shall indicate to the maximum capacity of the facility, the maximum number of participants that can be involved in the events, with an overlap between two (2) consecutive events, and the maximum number of spectators. Such study shall utilize parking generation estimates based upon the Institute of Transportation Engineers Parking Generation Manual and also a comparison of three (3) similar facilities in the area.
5. The applicant shall provide documentation showing that the size of the site is adequate, using national facility standards.
6. Operational hours may be restricted by the Planning Commission in consideration of adjacent land uses and zoning. All outdoor activities, including floodlighting, public address systems, etc. must cease at 11:00 pm.
7. All buildings shall be permanent structures. Inflated domes are not permitted.

Sec. 1137. - Junkyards:

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

1. All Ordinances of the Township, county and state as applied to these activities are complied with.
2. No such use shall be allowed within two hundred (200) feet of a residential used or zoned property.
3. Burning of materials or the burning of junk cars shall be prohibited.
4. Storage areas shall be obscured from public view and the storage area shall be entirely enclosed by an eight-foot obscuring wall or fence.
5. A site plan in full detail and drawn to scale shall be submitted in accordance with Section 910, Submittal requirements of the Township zoning Ordinance.

Sec. 1138. - Outdoor theaters:

Outdoor theaters subject to the following conditions:

1. The proposed internal design shall receive approval from the Building Official and the Township engineer as to adequacy of drainage, lighting, and other technical aspects.
2. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
3. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
4. Outdoor theaters shall abut major thoroughfares and points of ingress and egress shall be available only from such major thoroughfare.
5. Use shall be screened from the view of residentially zoned or used property and public roads in accordance with the standards set forth Section 1301.3.H.

## Sec. 1139. – Sexually oriented businesses:

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

Certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment. See, e.g., *Heideman v. South Salt Lake City*, 348 F.3d 1182, 1195 (10<sup>th</sup> Cir. 2003) (“[T]he Ordinance applies to all ‘sexually oriented businesses,’ which include establishments such as ‘adult motels’ and ‘adult novelty stores,’ which are not engaged in expressive activity.”); *Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977) (upholding ban on commercial distribution of sexual devices), dismissed for want of a substantial federal question, 435 U.S. 982 (1978).

Sexually oriented businesses have often manipulated their inventory or business practices to avoid regulation while retaining their “adult” nature. See, e.g., *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding retail adult store’s “argument that it is not an adult entertainment establishment” to be “frivolous at best”); *People ex rel. Deters v. The Lion’s Den*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that adult store manager’s testimony was “less than candid” and “suggested an intention to obscure the actual amount of sexually explicit material sold”); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999) (documenting manipulation of inventory to avoid regulation); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that “the nonadult video selections appeared old and several of its display cases were covered with cobwebs”). The manner in which an establishment holds itself out to the public is a reasonable consideration in determining whether the establishment is a sexually oriented business. See, e.g., *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360, 365 (6<sup>th</sup> Cir. 2009) (“A prominent display advertising an establishment as an ‘adult store,’ moreover, is a more objective indicator that the store is of the kind the Act aims to regulate, than the mere share of its stock or trade comprised of adult materials.”); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 261 (1991) (Scalia, J., concurring in part and dissenting in part) (“[I]t is most implausible that any enterprise which has as its constant intentional objective the sale of such [sexual] material does not advertise or promote it as such.”); *Patterson v. City of Grand Forks*, Case No. 18-2012-CV-00742 (Nov. 1, 2012) (upholding sex paraphernalia store location restriction which exempted stores in regional shopping malls because malls are on large parcels that buffer sensitive land uses, have their own security personnel, and limit signage and hours of operation). The Township intends to regulate such businesses as sexually oriented businesses through a narrowly tailored Ordinance designed to serve the Township’s content-neutral substantial interest in preventing the negative secondary effects of sexually oriented businesses, and its regulations shall be narrowly construed to this end. The purpose and intent of this Section is to regulate sexually oriented businesses, in order to promote the health, safety, and general welfare of the citizens of the Township, and to establish

reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

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



Reading, Inc. v. Jackson County, 2009 WL 792492 (W.D. Mo. March 24, 2009); MJG Restaurant, LLC v. Horry County, 2014 WL 1314445 (D.S.C. Mar. 28, 2014); Cricket Store 17, LLC v. City of Columbia, --- F.Supp.2d ---, 2014 WL 526339 (D.S.C. Feb. 10, 2014); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion’s Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Warren Gifts, LLC v. City of Warren, No. 2:02-cv-70062, R. 26 (E.D. Mich. June 21, 2002) (denying motion for preliminary injunction); Patterson v. City of Grand Forks, Case No. 18-2012- CV-00742, Memorandum Decision and Order (Grand Forks Cnty. Dist. Ct. Nov. 1, 2012); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, “Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD,” Journal of Urban Health (2011); “Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?” Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984, 2009; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General’s Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; “Rural Hotspots: The Case of Adult Businesses,” 19 Criminal Justice Policy Review 153 (2008); “Strip clubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits(Adult Cabarets in Forest Park, GA and Sandy Springs, GA), the Township Board finds:

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

exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Township's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the Township. The Township finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to said secondary effects.

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

3. *Definitions:* For the purpose of this Ordinance, the following additional definitions shall apply:
- A. **ADULT BOOKSTORE OR ADULT VIDEO STORE:** A commercial establishment which, as one (1) of its principal business activities, offers for sale or rental for any form of consideration any one (1) or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:
- (1) At least thirty-five percent (35%) of the establishment's displayed merchandise consists of said items, or
  - (2) At least thirty-five percent (35%) of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or
  - (3) At least thirty-five percent (35%) of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
  - (4) The establishment maintains at least thirty-five percent (35%) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in floorspace" maintained for the display, sale, or rental of said items); or
  - (5) The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items); or
  - (6) The establishment regularly offers for sale or rental at least two thousand (2,000) of said items; or
  - (7) The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."
- B. **ADULT CABARET:** A nightclub, club, bar, juice bar, restaurant, bottle club or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

- C. ADULT MOTION PICTURE THEATER: A commercial establishment where films, motion pictures, video cassettes, compact discs, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas” are regularly shown to more than five persons for any form of consideration.
- D. CHARACTERIZED BY: Describing the essential character or quality of an item. As applied in this Ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.
- E. ESTABLISH OR ESTABLISHMENT: In regard to sexually oriented business, means and includes any of the following:
  - (1) The opening or commencement of any sexually oriented business as a new business;
  - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - (3) The addition of sexually oriented business to any other existing sexually oriented business; or
  - (4) The relocation of a sexually oriented business.
- F. FEATURE: To give special prominence to.
- G. FLOOR SPACE: The floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.
- H. NUDITY: The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.
- I. PERSON: An individual, proprietorship, partnership, corporation, association, or other legal entity.
- J. PREMISES: The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.
- K. REGIONAL SHOPPING MALL (ENCLOSED): A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty (40) acres in size and flanked by two (2) or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.
- L. REGULARLY: The consistent and repeated doing of an act on an ongoing basis.
- M. SEMI-NUDE OR SEMI-NUDITY: The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast but shall not include any portion of the cleavage of the human female breasts

- exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.
- N. SEMI-NUDE MODEL STUDIO: A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:
- (1) By a college, junior college, or university supported entirely or partly by taxation;
  - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  - (3) In a structure:
    - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
    - b. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class.
- O. SEXUAL DEVICE: means any three (3) dimensional objects designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- P. SEX PARAPHERNALIA STORE: A commercial establishment that regularly features sexual devices. This definition shall not be construed to include any:
- (1) pharmacy, drug store, medical clinic, or any establishment or entity primarily dedicated to providing medical or healthcare products or services; or
  - (2) any establishment located within an enclosed regional shopping mall.
- Q. SEXUALLY ORIENTED BUSINESS: An “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theater,” a “semi-nude model studio,” or a “sex paraphernalia store.”
- R. SPECIFIED ANATOMICAL AREAS:
- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, and female breasts below a point immediately above the top of the areola; and/ or
  - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- S. SPECIFIED SEXUAL ACTIVITIES:
- (1) Intercourse, oral copulation, masturbation, or sodomy; or
  - (2) Excretory functions as part of or in connection with any of the activities described in a.

4. *Standards:*

- A. It shall be unlawful to operate or cause to be operated a sexually oriented business within one thousand (1,000) feet of any of the following:
  - (1) A place of worship.
  - (2) A school or childcare facility.
  - (3) A public park (not including public trails).
  - (4) Any residential zoning district or any parcel used for residential purposes.
  - (5) It shall be unlawful to cause or permit the operation of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
- B. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection 4 above. If the sexually oriented business is located in a multitenant structure, the distance shall be measured from the closest part of the tenant space occupied by the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection 4 above.
- C. A sexually oriented business lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential district, or a residential lot within one thousand (1,000) feet of the sexually oriented business. However, if the sexually oriented business ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the Ypsilanti Township Ordinances.

Sec. 1140. – Massage therapy regulations:

- 1. *Standards:* A massage therapist must be licensed by the Department of Licensing and Regulatory Affairs, Bureau of Health Professions.
- 2. *Authorized locations:* Massage Therapy may only be performed in and in conjunction with a beauty salon, health club, athletic club, medical office, or physical therapy clinic.
- 3. *Massage therapy in a beauty salon, spa, health club, or athletic club:* Massage therapy performed in and in conjunction with a beauty salon, spa, health club, or athletic club is subject to the approval of a special use permit and the following conditions:
  - A. Massage therapists must meet the qualifications established in this Section.
  - B. Floor area for massage therapy shall not exceed twenty percent (20%) of the total floor area.
  - C. All licenses shall be prominently displayed on the premises. Upon request of any officer of the Township licenses shall be provided for review and verification.
  - D. Any additional conditions required by the Planning Commission such as hours of operation, and massage therapy workspace visibility.

4. *Massage therapy in a medical office or physical therapy clinic:* Massage therapy performed in, and in conjunction with, a medical office or physical therapy clinic is exempt from the special use process, but the conditions of subsections 1 and 2 above apply.

Sec. 1141. - Pawnbroker, secondhand dealer, and junk dealer:

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

1. No pawnbroker, secondhand dealer or junk dealer business shall be permitted within one thousand (1,000) feet of a district zoned for residential purposes.
2. Storage of all pawned property, secondhand goods and junk shall be within an enclosed building or within a secured area located on the zoning lot of the principal building.
3. The distances provided in this Section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel line upon which the proposed use is to be located or the zoning district boundary, or major thoroughfare right-of-way line from which the proposed land use is to be separated.
4. A license shall be required in keeping with Chapter 22, Article III of the Charter Township of Ypsilanti Code of Ordinances as amended Pawnbrokers, junk, and secondhand dealers.

Sec. 1142. - Automobile mechanical component dismantling and recycling:

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

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

Sec. 1143. - Parole or probation offices:

Parole or probation offices subject to the following conditions:

1. No parole or probation supervisory office facilities shall be permitted within one thousand (1,000) feet of a church or a public or private school property.
2. No such office facility shall be permitted within one thousand (1,000) feet of a district zoned for residential use.
3. No parole or probation supervisory office facilities shall be permitted within one thousand (1,000) feet of a state licensed childcare facility.
4. All other requirements regarding height, area, setback, screening walls, signs, and similar mass and area requirements, shall be consistently maintained.

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

Sec. 1144. - Wireless communication towers and antennas:

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Township Board under the conditions specified, and after public hearing by the Planning Commission held in accord with Section 310, Public hearing notice requirements, and further shall be reviewed as provided in Article 10 and after a recommendation has been received from the Planning Commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any residential districts unless otherwise specified.

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

1. *Wireless communication towers and antennas:*

- A. Purpose: The purpose of this Section is to establish general guidelines for the location of wireless communications towers and antennas. The objectives of this Section are to encourage the co-location of multiple antennas on a single tower, to consider public health and safety in the location and operation of such towers and antennas, to protect residential areas and land uses from potential adverse impacts of towers and antennas, to limit visual impacts by promoting innovative design and screening of towers and to avoid potential damage to adjacent properties from tower failure by requiring careful engineering and proper location of tower structures.

- B. Definitions:

- (1) *Abandoned tower or antenna:* An antenna that is not operated for a continuous period of twelve (12) months, or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- (2) *Alternative tower structure:* Manmade trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
- (3) *AM array:* One (1) or more tower units with a supporting ground system that functions as one (1) AM broadcasting antenna shall be considered as one (1) tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.
- (4) *Antenna:* Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.

- (5) *Amateur radio communications antenna*: An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
- (6) *Backhaul network*: The lines that connect a provider's towers or antennas to one (1) or more switching offices, long-distance providers, or public-switched telephone network.
- (7) *Satellite dish*: An antenna structure designed to receive from or transmit to orbiting satellites.
- (8) *Tower*: A structure, and any support thereto, designed primarily for the purpose of supporting one (1) or more antennas for wireless communication purposes.

C. Required conditions:

- (1) *Reviews and approvals*: Construction, installation, replacement, co-location or enlargement of wireless communication towers and antennas shall be reviewed and approved as indicated in the Wireless Communication Towers and Antennas Required Review/Approval Table. Towers and antennas requiring Planning Commission review shall be subject to special land use approval in accordance with Article 10, special land uses. Applications, reviews and approvals for wireless communication towers and antennas shall be in accordance with the following:
  - a. The application is considered to be complete when the Zoning Administrator or his or her designee makes that determination fourteen (14) business days after the Zoning Administrator or his or her designee receives the application, whichever is first.

If the Zoning Administrator or his or her designee notifies the applicant before the expiration of the fourteen (14) day period, that the application is not complete, specifying the information necessary to make the application complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period shall be tolled until the applicant submits to the Zoning Administrator or his or her designee the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
  - b. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered complete for wireless communication antennas co-located on an existing tower or ninety (90) days for a new wireless communication tower unless an extension in time is mutually agreed to between the applicant and the Planning Commission. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved.
  - c. A building permit shall not be issued until special use approval and site plan approval have been granted by the Planning Commission. If no building permit is required, a certificate of occupancy or business license shall not be issued until special use approval and site plan approval have been granted by the Planning Commission.
  - d. The wireless communication tower or antenna shall not be authorized by the Township Board until special use approval and site plan approval have been granted by the Planning Commission, if required.
  - e. After approval for a special use has been granted, no change in that use may be made, nor may any addition or change in the building or improvements on the property take



place until a new request for approval has been filed with the Planning Commission and the Planning Commission has approved the request for change.

- f. After approval of a special use has been granted by the Planning Commission, application for a building permit, or if no building permit is required, application for a certificate of occupancy or business license shall be filed with the building department within one hundred -twenty (120) days thereafter, or such approval shall automatically be revoked unless an extension is granted. The Planning Commission may grant an extension of the first approval for good causes for a period not to exceed six (6) months.

Wireless Communication Towers and Antennas  
Required Review/Approval Table

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

- (2) State or federal requirements: Towers and antennas shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and any other agency of the state or federal government with regulatory authority. Failure to maintain a tower or antenna in compliance with current state and federal standards, or failure to bring such towers or antennas into compliance with revised standards within six (6) months of their effective date, shall constitute grounds for removal of the tower or antenna at the owner's expense.
- (3) Site requirements and setbacks for wireless communication towers: The following shall apply to all wireless communication towers, and to antennas located on such towers:
  - a. Permitted locations by district: Wireless communication towers shall be permitted in non-residential zoning districts. Such towers may be located in residential zoning districts only on parcels of land over twenty (20) acres in area occupied by an institutional or a public recreational use.
  - b. Height: The maximum height of the new or modified support structures and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structures. However, no towers shall exceed one hundred-fifty (150) feet in height as measured from grade-level to the highest point of the tower. The accessory building to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
  - c. Lot boundaries: Towers shall be set back from all zoning lot boundaries not less than one hundred percent (100%) of the height of the tower or antenna. Anchoring cables and associated accessory structures shall satisfy minimum zoning district setback requirements with a minimum setback of twenty (20) feet. If located on the same zoning lot with another permitted use, such towers or structures shall not be located in a front yard or side yard abutting a street.
  - d. Residential dwellings: Towers shall be set back a minimum of three hundred (300) feet from the boundary of a parcel with an existing dwelling, except were separated by an interstate highway or otherwise provided for herein.
- (4) Site requirements and setbacks for antennas located on buildings or similar structures:
  - a. The principal use is a conforming use in a multiple-family or non-residential zoning district and the building is a conforming structure in the district.
  - b. The height of the building or similar structure shall be a minimum of fifty (50) feet and the antenna and support structure shall not exceed the height of the building by more than ten (10) feet.
  - c. The antenna and support structure shall be set back from the outermost vertical wall or parapet of the building a minimum distance equal to one hundred fifty percent (150%) of the height of the antenna and support structure.
  - d. The antenna and support structure shall be securely mounted to the building in a permanent manner.

- (5) Site requirements and setbacks for amateur radio communications antennas: The following shall apply to all amateur radio communications antennas:
    - a. One (1) such antenna, with a maximum height of sixty (60) feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height, shall be permitted per zoning lot.
    - b. Such antennas shall be accessory to a primary structure on the same zoning lot and shall be located in the rear yard of the zoning lot.
  - (6) Site requirements and setbacks for satellite dish antennas: The following shall apply to all satellite dish antennas:
    - a. One (1) such antenna, with a minimum setback from all lot boundaries equal to one hundred fifty percent (150%) of the height of the antenna and support structure, shall be permitted per zoning lot and shall be accessory to a primary structure on the lot.
    - b. Such antennas shall be located in the side or rear yard of the zoning lot or permanently installed upon the primary structure in a manner not visible from any public right-of-way.
- D. Required information: The following information shall be provided with an application for a tower or antenna, in addition to that required for site plans by Section 910, Submittal requirements and for special land uses required by Section 1002.2:
- (1) Site plan: The petitioner shall submit a site plan, and elevation drawings of all structures, for review in accordance with Section 910, Submittal requirements. For multiple locations, the plan shall show the location of all equipment, antennas or towers and shall provide a detail of typical site arrangements. Exterior treatments of all accessory structures shall comply with Ordinance requirements for the zoning district in which it is located.
  - (2) Permission to locate: The petitioner shall submit copies of a signed lease or other proof, satisfactory to the Township attorney, of permission to locate a tower or antenna on the site.
  - (3) Co-location agreement: Towers shall be designed and operated in a manner that encourages the co-location of multiple antennas on a single tower. The petitioner for a new tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna locations shall be indicated on the site plan.
  - (4) Insurance certificate: The petitioner shall submit a valid certificate of insurance, to be renewed annually, listing the Charter Township of Ypsilanti as the certificate holder, and naming the Charter Township of Ypsilanti, its past, present, and future elected officials, representatives, employees, boards, commissions, and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty (30) days' written notice to the Township as certificate holder. The petitioner shall supply a \$1,000.00 cash bond to the Township, which may be used to reimburse Township administrative expenses in the event the certificate is allowed to lapse.
  - (5) Removal agreement: The petitioner shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township attorney, for the removal of

towers or antennas as applicable. The petitioner shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Township in the event that the petitioner, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Article.

- (6) Tax-related information: The petitioner shall supply to the assessor all tax-related information as requested by the assessor's office for assessment purposes. The assessor's office shall provide notice to the community and economic development department that this condition has been satisfied.
  - (7) Engineering certification: Signed certification by a professional engineer, licensed by the State of Michigan, specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure and verifying that the setback area provided would accommodate the structure and provide a reasonable buffer from adjacent parcels.
  - (8) Backhaul network information: The petitioner shall identify the entities providing the backhaul network for the towers or antennas described in the application and other sites owned or operated by the applicant in the Township.
- E. Criteria for approval of new towers and antennas: The following criteria for approval shall be found to exist for all tower or antenna installations:
- (1) Operating requirements: The petitioner shall demonstrate that operating requirements necessitate locating within the Township and the general area and shall provide evidence that existing towers, structures, or alternative technologies cannot accommodate these requirements.
  - (2) Engineering requirements: The petitioner shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements or are not located in a geographic area that meets these requirements.
  - (3) Impact on adjacent residences: Nearby residential districts and uses will not be negatively influenced by the location of the tower or antenna.
  - (4) Site characteristics: Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of towers or antennas on the site.
  - (5) Site design: Tower design, lighting, color, construction materials, landscaping, screening, and other design elements are in compliance with Township Ordinances and established land use policies. Wireless communication towers and associated ground equipment shelter areas shall be designed, constructed, and maintained in a manner that accommodates the co-location of multiple antennas on a single tower.
  - (6) There shall be unobstructed access to the support structure for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will be needed to access the site.

- (7) The design and appearance of the support structure and all accessory buildings, shall be reviewed and approved so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
    - (8) The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
    - (9) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
  - F. Security: Wireless communication towers and associated ground equipment shelter areas shall be secured against unauthorized entry and shall be completely enclosed by an ornamental or industrial fence of not less than six (6) feet in height.
2. *Standards and conditions:* Applications for wireless communication facilities, which may be approved as special land uses, and in addition to review requirements as set forth in Article 10, Special Land Uses, shall be reviewed, and if approved, constructed, and maintained, in accordance with the standards and conditions set forth herein.
  - A. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:
    - (1) Proximity to an interstate or major thoroughfare.
    - (2) Areas of population concentration.
    - (3) Concentration of commercial, industrial, and/or other business centers.
    - (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
    - (5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
    - (6) Other specifically identified reason creating need for the facility.
  - B. The proposal shall be reviewed in conformity with the collocation requirements of this Section.
3. *Collocation:*
  - A. Feasibility of collocation. Collocation shall be deemed to be “feasible” for purposes of this Section where all of the following are met:
    - (1) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
    - (2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
    - (3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

- (4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards set forth herein.
- B. Requirements for collocation.
  - (1) An approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
  - (2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
4. *Tower address:* Each tower shall be designated with a specific and unique mailing address.
5. *Existing towers and antennas:* A tower or antenna for which a building permit has been properly issued prior to the effective date of this Ordinance shall be allowed to continue to be used as it presently exists, provided that such towers or antennas are maintained in a structurally safe condition, in accordance with state and federal requirements and in compliance with Township Ordinances and conditions of approval in effect when the building permit was issued.
6. *Removal of abandoned towers and antennas:* Abandoned towers or antennas shall be removed by the owner within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure by the owner to remove abandoned towers or antennas shall be grounds for the Township to seek court approval for such removal at the owner's expense.
7. *Rescinding approval of a wireless communication tower or antenna:* Failure of the owner, operator or lease holder of an approved tower or antenna to renew or replace any required bonds or insurance certificates, to maintain and operate the tower or antenna in compliance with state and federal requirements, approved permits, site plans or conditions of special land use approval or to provide information to the Township about the tower or antenna as required by this Section or conditions of special land use approval shall be grounds for the Township Board to rescind any previous approval to construct or operate the tower or antenna. Such action shall be subject to the following:
  - A. *Public hearing:* Such action may be taken only after a public hearing has been held pursuant to reasonable advance notice, at which time the owner, operator or lease holder of the tower or antenna shall be given an opportunity to present evidence in opposition to rescission.
  - B. Subsequent to the hearing, the Township Board's decision with regard to the rescission shall be made and written notification provided to said owner, operator or lease holder of the tower or antenna.

Sec. 1145. - Railroad lines, rail spurs and similar rail transport access facilities:

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

1. The Planning Commission, after public hearing, shall recommend and the Township Board shall determine that operating requirements necessitate the locating of said facilities in the district in order to adequately service the Township.

2. The proposed design, location, drainage, and other technical aspects of such facility shall be approved by the Township engineer.
3. When such facilities are proposed to be located within any district, the Planning Commission shall review and recommend and the Township Board shall determine that such facilities insure a satisfactory and harmonious relationship between such development and adjacent land uses, both existing and proposed.
4. In reviewing such development and prior to approval, the Township Board may require the development of such screening devices, access roads, and setbacks as will assure safe and convenient vehicular circulation and sound land use arrangements.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1146. - Private or public recreation vehicle campgrounds:

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

1. *Locational requirements:*
  - A. A recreation vehicle campground shall not be bounded on more than three (3) sides by a single-family residential district, except that the Planning Commission and Township Board may waive this requirement where it can be shown that the abutting property will be developed for nonresidential purposes or for another recreation vehicle campground.
  - B. The site shall have direct access to a major thoroughfare, and with appropriate frontage thereon to provide for the design of entrances and exits.
2. *Site conditions:* Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
3. *Uses permitted:* Uses such as, but not limited to, campground sites, management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, parking areas and other uses and structures customarily found incidental to this use, shall be permitted. Such uses shall be restricted in their use to occupants of the site, except that temporary storage of recreational vehicles may be permitted upon the site when it can be clearly demonstrated that such storage is

ancillary to the recreation vehicle campgrounds and subject to the conditions set forth under subsection 7, items E of this Section.

4. *Height and area requirements:*

- A. No building or structure hereafter erected or altered in a recreation vehicle campground shall exceed a height of two (2) stories or twenty-five (25) feet.
- B. Recreation vehicle campgrounds shall be permitted only on parcels of twenty-five (25) acres or more.
- C. Each campground site shall have a minimum forty (40) foot road frontage and a minimum area of at least two thousand four hundred (2,400) square feet.

5. *Yard and setback requirements:*

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

6. *Buffers and landscaping:*

- A. A greenbelt twenty (20) feet in width and six (6) feet in height shall be located and continually maintained along all campground borders. Where the campground borders a residential district, this greenbelt will provide a total obscuring effect. This greenbelt shall consist of such materials as trees and shrubs to provide privacy to occupants of the site and to visually shield the recreation vehicle campgrounds from surrounding property. Earthen berms are encouraged to be used to achieve this purpose.
- B. A chain-link fence of not less than four (4) nor more than six (6) feet in height shall be erected on the boundary line where any portion of the campgrounds abuts or is adjacent to a single-family residential district.

7. *Other conditions:*

- A. All sanitary sewage and water facilities including connections provided to individual campground sites, shall meet the requirements of the Ypsilanti Township sewer and water departments and the Michigan State Health Department.
- B. Entrances and exits from county or state highways shall have the prior written approval of the highway authority having jurisdiction within the Township.
- C. The campgrounds shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools.
- D. All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.
- E. Areas provided for the storage of recreational vehicles may be permitted subject to the following:
  - (1) The area shall be enclosed with a chain-link fence of not less than five (5) feet in height.



- (2) A minimum setback distance of two hundred fifty (250) feet is maintained from any abutting or adjacent residential district.
  - (3) Any areas established for this purpose shall not be more than ten percent (10%) of the total campgrounds.
  - F. Occupants of any rented campground site shall not remain in the same recreation vehicle campground for more than fifteen (15) consecutive days within any calendar year.
  - G. The licensee shall provide a sufficient number of containers for the storage of garbage and other refuse, and provide for the transportation of garbage and refuse, not less than once each week at the licensee's own expense to a licensed sanitary landfill.
  - H. All recreational vehicle campground developments shall further comply with Part 125 of the Michigan Public Health Code, Public Act 368 of 1978 as amended (MCL 333.12501...333.12563 et. seq.).
8. *Procedures, permits and occupancy:* To construct a recreation vehicle campground of facilities herein, a person shall:
- A. Obtain a health permit from the Michigan State Health Department.
  - B. Present a plot plan to be approved by the Planning Commission and Township Board. No variance from this plan may be made without the approval of the Planning Commission and Township Board.
  - C. Obtain a campground construction permit from the Michigan Department of Environment, Great Lakes and Energy in the manner prescribed by Section 12505 of the Michigan Public Health Codes, Public Act 368 of 1978, (MCL 333.12505et seq.), as amended.
  - D. Obtain necessary building permit from Township Building Inspector.
  - E. Obtain an annual license from the Michigan State Health Department in the manner prescribed by Section 12506 of the Michigan Health Code, Public Act of 368 of 1978 (MCL 333.12506 et seq.), as amended from time to time.
  - F. Obtain from the Township Building Inspector a certificate of occupancy and compliance as provided for in Section 302.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1147. - Storage of recreation vehicles:

- 1. *Locational requirements:*
  - A. Recreational vehicle storage may be allowed in the MH mobile home park district when such district abuts an established mobile home park. Such MH district utilized for recreational vehicles storage shall not be bounded on more than two (2) sides by any single-family residential district, except that the Planning Commission and Township Board may waive this requirement where it can be shown that the abutting property will be developed for nonresidential purposes or for a mobile home park.
  - B. The site for recreational vehicle storage shall have direct access to a major thoroughfare.
  - C. Recreational vehicle storage shall not be permitted within a mobile home park.

2. *Uses permitted:* The storage of unoccupied recreational vehicles shall be permitted.
3. *Height requirements:* No building or structure shall hereafter be erected which shall exceed a height of one (1) story or fourteen (14) feet.
4. *Yard and setback requirements:*
  - A. No recreational vehicle storage shall be located closer than one hundred (100) feet to the right-of-way line of a major thoroughfare and one hundred (100) feet to the district boundary where it abuts or is adjacent to a residential district. Where the vehicle storage on the site abuts or is adjacent to a nonresidential district or to an MH district, no vehicle storage shall be located closer than twenty (20) feet.
  - B. No service building or any other similar structure shall be located closer than one hundred (100) feet to a major thoroughfare or MH district boundary.
5. *Buffers and landscaping:*
  - A. A greenbelt twenty (20) feet in width and six (6) feet in height shall be located and continually maintained along all borders. Where the storage area borders a residential district, this greenbelt will provide a total obscuring effect. This greenbelt shall consist of such materials as trees and shrubs to visually screen the recreational vehicle storage area from surrounding property. Said greenbelt shall be located inside fences which enclose the storage area.
  - B. A chain-link fence or other secure fence of not less than five (5) and no more than eight (8) feet in height shall be erected to completely enclose the recreational vehicle storage area.
6. *Other conditions:*
  - A. All sanitary sewage and water facilities shall meet the requirements of the Ypsilanti Community Utilities Authority, Ypsilanti Township, and the Michigan State Health Department.
  - B. Entrances and exits from county or state highways shall have the prior written approval of the highway authority having jurisdiction within the Township.
  - C. The recreational vehicle storage area shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools.
  - D. All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.
  - E. The site plan shall receive the review and approval of the fire department for access lanes for firefighting equipment.
7. *Review and permit:*
  - A. A site plan shall be submitted for review and approval of the Township, all in accord with Article 9 of this Ordinance.
  - B. A building permit and certificate of occupancy shall be required for a recreational vehicle storage area.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1148. – Extraction of natural resources:

1. *General intent:*

This Section 5.12 of the Zoning Ordinance is intended to provide the procedure and standards for review and approval of applications seeking permission to conduct the land use of extracting natural resources in Ypsilanti Township in accordance with Michigan Zoning Enabling Act, Public Act 113 of 2011, as amended (MCL 125.3205(3), et seq. referred to as "Act 113" in this Section). As described and explained in this Section, approval of an application shall require special land use approval based on the ultimate determination of whether the proposed extraction operation would result in "very serious consequences" as that term is understood in Act 113. Therefore, the special standards in this Section shall apply rather than the usual standards in this Zoning Ordinance for the review of special land use applications.

In conformance with Act 113, the application and approval process under this Section shall be divided into two (2) parts:

- A. First, a preliminary hearing will be held to determine the extent of need for and public interest in the natural resource(s) sought to be extracted on the applicant's property. This part of the process is required as explained by the Michigan Court of Appeals in order to determine the precise calibration for the standard of review under the "very serious consequences" test (as explained in greater detail below in this Section).
- B. After the preliminary proceedings are completed, a public hearing and review shall be conducted at the request of an applicant to determine whether the special land use for the extraction of natural resources proposed in the application would result in "very serious consequences." The Planning Commission shall conduct the public hearing and make findings and a recommendation to the Township Board, and the Township Board shall make the final special land use determination.

2. *Findings by Township Board as a foundation for this ordinance section:*

The Township Board recognizes that, as the Michigan Supreme Court observed in *Kyser v Kasson Township*, 486 Mich 514, 518 (2010) ("*Kyser*"): the exercise of the zoning authority under MCL 125.3201(1) and (3) is an empowerment of the Township Board to plan and zone for a broad range of purposes. These provisions reveal the comprehensive nature of the Michigan Zoning Enabling Act. It defines the fundamental structure of a zoning Ordinance by requiring a zoning plan to take into account the interests of the entire community and to ensure that a broad range of land uses is permitted within that community. These provisions empower a Township to plan for and regulate a broad array of land uses, taking into consideration the full range of planning concerns that affect the public health, safety, and welfare of the community.

The provisions of Act 113 direct that:

In subsection (3), it is directed that an Ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this Section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

In subsection (4), it is directed that a person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market

served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources

Act 113 further specifies that the standards in *Silva v Ada Township*, 416 Mich. 153 (1982) ("*Silva*") shall be applied in reviewing an application to permit the extraction of natural resources.

Based on the authority provided to the Township Board in MCL 125.3202(1) to "provide by Ordinance for the manner in which the regulations and boundaries of districts or zones shall be determined and enforced or amended," the Township Board finds that review and approval of a special land use for the extraction of natural resources would be most effective and efficient if based on the procedures and terms of this Section.

The Township Board finds that a careful review process, based on standards understood by the Planning Commission, Township Board, the applicant, and the general public, is critical to protecting the public health, safety, and welfare as intended in the Michigan Zoning Enabling Act.

3. *Preliminary review process to determine the extent of need for and public interest in the natural resources proposed to be extracted:*

A. The purpose for having a preliminary hearing and review is founded on direction given by the Michigan Supreme Court and Michigan Court of Appeals with regard to the "very serious consequences" standard, which was codified as part of Act 113 in MCL 125.3205(4) with the specification that a showing of "Need" for the resources to be extracted is to be the *initial burden* that must be met by the applicant. While it might be argued that a showing of need is not required until a party challenges a zoning decision denying a proposed use, the Michigan Court of Appeals explains that the "need" issue must be ascertained in advance in order to know how to apply the "very serious consequences" standard. In the adoption of the "no very serious consequences" standard in its *Silva v Ada Township* opinion, the Michigan Supreme Court discussed a *variable level of public interest*, that is, need for the resources proposed to be extracted: "[t]he public interest of the citizens of this state who do not reside in the community where natural resources are located in the development and use of natural resources requires closer scrutiny of local zoning regulations which prevent development." 416 Mich at 160. A more detailed explanation on this point was as provided by the Court of Appeals in *American Aggregates Corp v Highland Township*, 151 Mich App. 37, 42-46 (1986), where it was clarified that the public interest, that is, the "Need" factor, is required to inform the ultimate decision on "no very serious consequences," noting that the entire foundation of the stricter "no very serious consequences" test (as compared to the standard that applies to nearly all other uses) rests on the important public interest involved in extracting and using natural resources. Therefore, the degree and extent of need and demand for the extraction of the specific natural resources located on the applicant's land is a relevant factor in reviewing the "no very serious consequences" issue. The Court referred to this as a sliding scale determination of whether "very serious consequences" exist in the landowner's specific situation. If the Need for a specific landowner's resource is very high, the consequences resulting from the extraction of the resource will not reach the level of "very serious" as readily as in the case where Need in the specific resource is relatively low. Accordingly, this Section makes provision for a preliminary determination on the extent of need for the applicant's resources in order to inform the ultimate decision on whether the applicant's proposal would result in "very serious consequences."

B. This preliminary proceeding shall be commenced by the applicant filing an application for a determination with regard to the extent of Need for the Natural Resources proposed to be

- extracted on the property, including a determination on the duration of the need. Act 113 specifies that the "Need" for the natural resources shall be determined with regard to the need for the resources by the person or in the market served by the person. Need must be reviewed based on the extent that the particular natural resources proposed to be extracted from applicant's property can be reasonably supplied from other viable sources within the geographic area expected to be served by the property at issue, that is, within the geographic area in which there would be other extractive operations already providing a supply of the same natural resources. The geographic area for this analysis is to be determined by considering factors including, but not limited to the economic feasibility of transporting the natural resources to the locations of demand, as well as other factors relevant to feasibly providing a supply of the natural resources to the locations of demand.
- C. The application form for the need analysis for the preliminary hearing and review shall be approved by resolution of the Township Board and shall require the applicant to provide sufficient information for use by the Township in reviewing the matter of need.
  - D. An application for special land use approval for the proposed operation, including haul route, shall include:
    - (1) A Use Plan, which shall provide a plan reflecting the intended location and use of the property which is the subject of the application.
    - (2) A plan showing the location of all proposed haul routes.
    - (3) A description of each type of natural resource proposed to be mined.
    - (4) A description of the names and locations of all places anticipated to create the need, that is the demand, for the natural resources from the property within the foreseeable future, including the type of use to be made by the resources, such as building construction, road building, and the like.
    - (5) A description of the names and locations of all properties and operations which exist, or have been approved, for the extraction of any of the natural resources proposed to be extracted on the property, along with a specification with regard to each property of the type of natural resource extracted, and an estimate of the remaining useful life for the particular natural resource on each of such other properties and operations.
    - (6) Calculations and facts leading to a conclusion on the extent of need which is not being met, and could not be met, from the existing sources for each type of natural resource proposed to be extracted on the property. This calculation must apply past experience and take into account that new properties and operations will likely to be approved in the foreseeable future on other properties within the market area.
    - (7) A fact-based estimate of the expected duration of the proposed extraction operation on the property.
    - (8) The average and maximum number of loaded trucks per day anticipated to leave the proposed operation on a full business day during the operating season.
  - E. For purposes of this preliminary administrative review process, the Planning Commission shall conduct a hearing on the application. Prior to the hearing, the Township shall review the application and documentation submitted in support of the application and report any deficiencies to the applicant within a reasonable time. The hearing shall not be noticed until the applicant has cured the deficiencies found to exist in the application.

- F. This preliminary hearing shall begin with an introduction by the person designated by the Planning Commission chairperson. The applicant shall then be given the opportunity to present proofs on the need issue consistent with the application submitted. At the completion of the applicant's presentation the Township, through its representatives, may address and offer evidence or argument on these issues. Members of the public shall then have the opportunity to address and offer evidence or argument on these issues. If requested, the applicant shall be provided with an opportunity to rebut evidence and argument presented, but for efficiency purposes shall not be permitted to duplicate evidence on matters included in applicant's earlier presentation. Likewise, any new matters addressed by the applicant may be rebutted by representatives of the Township and members of the public. The hearing shall then be closed.
  - G. Following completion of the hearing, either at the same meeting at which the hearing was held, or at a later meeting, the Planning Commission shall, based on the record made, adopt findings and recommendations on the extent of need demonstrated by the applicant. Township representatives may assist the Planning Commission with the articulation of its findings and recommendations.
  - H. The Planning Commission shall forward its findings and recommendation on the degree of need for the applicant's natural resources to the Township Board which shall, taking into consideration the evidence from the hearing and the Planning Commission's recommendation, then make its own findings and conclusions on the extent of need demonstrated. The Township Board may conduct a further hearing at its discretion.
  - I. Because the matter of the extent of need for the natural resources is relevant to the ultimate determination of "very serious consequences," the findings and conclusions made by the Township Board may be appealed by the applicant or other interested party to the circuit court prior to the next part of the process at which the Township must determine the issue of "very serious consequences."
4. *Determination of whether the proposed extraction of natural resources would result in very serious consequences:*
- A. Once the Township Board has completed its decision making on the extent of need for the natural resources proposed to be extracted in accordance with subsection 3, above, the applicant may apply for special land use approval under this subsection 4.
  - B. The standards for determining whether the proposed extraction of natural resources would result in "very serious consequences" shall be the Silva standard, as articulated in Act 113.
    - (1) Act 113 specifies that the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless it would result in very serious consequences. The applicant shall have the initial burden of showing that no very serious consequences would result from the extraction, by mining, of the natural resources. In determining under this Section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied, as directed in Act 113.
    - (2) The applicable standards are explained in the holdings in cases interpreting *Silva v Ada Township*, such as, *American Aggregates Corp. v. Highland Township*, 151 Mich App. 37 (1986).

- (3) The standards provided in this subsection 4 that are the standards in Act 113, with explanations to assist in the understanding of the applicable considerations by the Planning Commission, Township Board, the applicant, and the public, and shall guide interpretation and decision of "no very serious consequences" with regard to an application for special land use approval under this Section.
- C. Act 113 Standards of Review: The following guiding standards are provided. These standards are based on the framework provided in Act 113, MCL 125.3205(5) (a)- (f) for the purpose of determining whether the applicant has proven that "no very serious consequences" would result from the applicant's proposed extractive operation and haul route. These standards are intended to assist the Township in reviewing an application under the Act 113 and shall guide decision making on the ultimate decision on whether the applicant has proven that "no very serious consequences" would result from the applicant's proposed extractive use and haul route. The weight and relevance of each of these standards shall be determined by the Township Board, in its discretion, taking into consideration the extent of Need and public interest in the specific natural resources on applicant's property, as well as all other relevant facts and circumstances.
- (1) Existing land uses:
    - a. The relationship and impact of applicant's proposed use and associated activities with and upon existing land uses anticipated to be impacted, particularly those properties in the vicinity of the property and along the haul route(s).
    - b. The impact upon the public health, safety, and welfare from the proposed use, including haul route(s), considering, among other things, the proposed design, location, layout, and operation in relation to existing land uses.
  - (2) Property values:
    - a. The impact of applicant's proposed use and associated activities on property values in the vicinity of the property and along the proposed haul route(s) serving the property.
    - b. The effect on the general demand for and value of properties in the Township anticipated to be caused by the proposed use, including use of the haul route(s).
    - c. The impacts considered in this subsection b. may be taking into consideration: the number and type of vehicles proposed; machines and equipment to be used in the operation; location and height of buildings, equipment, stockpile, or structures; location, nature and height of walls, berms, fences, and landscaping; and all other aspects of the proposed use.
  - (3) Pedestrian and traffic safety:
    - a. The impact of the proposed use and associated activities on pedestrian and traffic safety in the vicinity of the property and along the proposed haul route(s) serving the property.
    - b. Consistency with and authorization of the proposed use and haul route(s) under state, county, and/or local regulations that have been established for roadways, including regulations applicable to the use of roads for proposed haul route(s).

- c. The impact of the proposed use, including haul route(s), on vehicular and pedestrian traffic, particularly in relation to hazards reasonably expected in the district(s) impacted, taking into consideration the number, size, weight, noise, and fumes of vehicles, vehicular control, braking, and vehicular movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and driveways and other means of access, off-street parking and provisions for pedestrian traffic. Consideration shall be given to the interaction of heavy vehicles used for the use with children, the elderly and the handicapped.
  - d. Whether the proposed use and associated activities would result in a hazard to children attending schools or other activities within the Township.
  - e. Overall, the impact of the proposed use, including haul route(s), on children, older persons, and handicapped persons, with consideration to be given to the extent to which such persons shall be required to forego or alter their activities.
- (4) Identifiable health, safety, and welfare interests:
- a. If the property has been designated in the Master Plan as an appropriate site for heavy industrial use, this shall weigh in favor of the applicant under this provision, subject to consideration of the specific scope and impact of the operation and associated activities. Similarly, if the property has been designated in the Master Plan for non-industrial use, this shall weigh in favor of determining that the proposed Use would result in a very serious adverse consequence.
  - b. The impact of applicant's proposed use and associated activities on identifiable health, safety, and welfare interests in the Township.
  - c. The impact of the proposed use, including haul route(s), upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light, and/or vibration. In determining whether a proposed use amounts to a very serious consequence, the standards for the stated impacts contained within the Township's regulatory Ordinance, as the same may be amended, will be considered, along with any one (1) or a combination of components proposed for the use that have unique qualities relating to these impacts (such as crusher noise and vibration).
  - d. The extent of impact of the proposed use, including haul route(s), on economic development and on the character and features that defines the community, or on development in other units of government that will be impacted by the use, including haul route(s).
  - e. The impacts of the proposed use on the planning, functioning and spirit of the community, factoring into such consideration whether the proposed use would be likely to render the applicable regulations in the Zoning Ordinance on other properties in the area unreasonable. This review shall analyze whether the heavy industrial nature of the proposed use would undermine reciprocity of advantage by creating impacts and character that would raise a reasonable question whether residential zoning restrictions on area property would represent arbitrary limitations on the use and enjoyment of such area property.
  - f. The operation of the proposed use, including the haul route(s), shall be evaluated in light of the proposed location and height of buildings or structures and location,



nature and height of stockpiles, walls, berms, fences and landscaping, and all other proposed aspects of the overall use, including whether such improvements would interfere with or discourage the appropriate development and use of adjacent land and buildings.

- g. The extent to which the proposed use, including haul route(s), would be likely to cause limitations on the use and enjoyment of other property in the vicinity (zoning district or districts, as impacted) in which it is to be located and along the haul route(s), and the extent to which the proposed use would likely be detrimental to existing and/or other permitted land uses and future redevelopment in the manner specified in the Master Plan.
  - h. The extent to which the proposed use, including haul route(s), would likely be detrimental to the development of new land uses in the zoning districts impacted.
  - i. The burden from the proposed use, including haul route(s), on the capacity of public services, infrastructure, or facilities.
  - j. The burden of the proposed use, including haul route(s), on retail uses, arts and culture, equestrian activities, non-motorized vehicle travel or recreation, school use, parks, playgrounds, residential uses, and the likely creation of physical vulnerability or degradation of any uses and resources, including the creation of the need for added public or private expenditures for maintenance of buildings, structures, and infrastructure.
  - k. The extent to which the proposed use, including haul route(s), would cause diesel fumes, dust, truck noise or physical/mental health issues, including along the haul route(s).
  - l. The nature and extent of impact from the proposed use, including haul route(s), in relation to environmental resources in the Township, including air, ground water, surface water, soils, and wetlands. In determining impacts, the cumulative effect upon all environmental resources shall be evaluated.
- (5) Overall public interest in the proposed extraction:
- a. The overall public interest in the extraction of the specific natural resources on the property both in absolute terms and in relative terms in relation to the need for resources and the adverse consequences likely to occur.
  - b. Public interest in the proposed use, as measured against any inconsistencies with the interests of the public as are proposed to be protected in Master Plan for the area to be impacted by the use and haul route(s).
  - c. Public interest in the proposed extraction, as measured against any inconsistencies with regard to physical, historic, and economic interests in relation to the use and haul route(s).
  - d. Public interest in the proposed extraction, as measured against any likely creation of valid environmental concerns, including without limitation impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.

- e. Public interest in the proposed extraction, as measured against public costs likely to be caused by the proposed use, including haul route(s), considering alternative supplies of natural resources.
- D. Application for special land use approval:
- (1) The applicant shall submit a separate application in the form approved by resolution of the Township Board for purposes of seeking review and approval to determine whether “very serious consequences” would result from the proposed use. The application shall address all of the Act 113 standards, as stated above in this Section 5.12.
  - (2) The application shall also include the following:
    - a. The name, address, and other contact information for the owner as well as the operator of the proposed site, along with a boundary survey of the property proposed to be mined, sealed by a registered land surveyor or engineer, and a general description of the materials, methods, and techniques that will be utilized for the mining operations.
    - b. A site plan, at a scale of at least one (1) inch per two hundred (200) feet, drawn on a topographic map with the same scale, showing the location of the perimeter of the site, buildings, equipment, processing area, parking for equipment, area for truck stacking and loading, stockpiles, roads, berms, or other features necessary to the mining operations. The site plan shall also include an aerial photograph showing the property in substantially the condition as on the date of the application, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals six hundred and sixty (660) feet. The date of the aerial photograph shall be shown and shall have been flown at such time as the foliage shall be off of on-site trees. The site plan shall show or demonstrate all of the following:
      - i. A setback of the mining area from the nearest public roadway or adjoining property line of not less than two hundred (200) feet.
      - ii. All of the following minimum setbacks of equipment used for screening and crushing:
        - a) Not less than three hundred (300) feet from the nearest public roadway.
        - b) Not less than two hundred (200) feet from the nearest adjoining non-residential property line, and four hundred (400) feet from the nearest residential property line.
        - c) Not less than five hundred (500) feet from the nearest residential dwelling on adjacent property as of the date of submittal of the plan for extraction.
      - iii. A setback of one hundred and fifty (150) feet from the perimeter of the site to internal roads, and three hundred (300) feet from the perimeter of the site to all stockpiles and processing equipment, including wash plant.
      - iv. A description of all proposed haul routes to be used to transport natural resources from the mining area to all freeways or state trunk line highways proposed to transport natural resources to destinations, other than for local deliveries. All extraction operations shall be located near an all-season primary

road, and best efforts shall be made to minimize the increase in truck traffic through areas developed primarily for residential purposes. In this regard trucks used to transfer the natural resources shall follow a route that poses the least interference with other traffic, minimizes traffic through residential areas, and uses public streets constructed for high volumes of heavy truck traffic. Truck traffic shall comply with any truck route Ordinances and all road commission regulations.

- v. The maximum number of trucks leaving the extraction property on any one (1) day shall be certified by the applicant in the application.
- c. Stockpiling is the component of a mining operation that allows the operator to have a ready supply of extracted material. No stockpile shall be higher than twenty-five (25) feet above the grade of the area situated between the stockpile and adjoining property; provided, the height of a stockpile and the nature of the materials stockpiled shall not result in materials recurrently blowing from a stockpile onto adjacent property.
- d. Description and location of berms or other equivalent screening and buffering of the active mining area shall be established along the boundary lines of the premises where such lines abut a public highway, abut privately owned property which is improved for residential or commercial purposes, and at such places as are necessary to screen or buffer processing equipment from the view and impact of a person standing at ground level on any parcel of land improved for residential purposes located adjacent to or which fronts on any of the roads forming the boundaries of the mining site. When constructed along public highways, the berm shall be of a sufficient height to screen processing equipment from the view of the general public using the highway.
- e. A description of processing activities shall be provided, including, but shall not limited to, washing, screening, transporting, crushing, and blending of stone, sand, gravel, and other materials. In describing the wash plant, the design, and other specifications, including depth and water transportation facilities, and the amount, depth, and source of water to be utilized in processing, and the anticipated means and location of disbursement of such water following use.
- f. A general description and location of each type of natural resources deposits proposed to be extracted.
- g. The sequence of mining, including proposed phasing, if applicable.
- h. Surface overburden removal and storage plans.
- i. A description of the minimum and maximum depth from grade level from which each type of natural resource will be excavated, with each location and depth shown on the site plan referenced above.
- j. The estimated and maximum period of time to complete operations, including reclamation, recognizing that market conditions will impact such estimate.
- k. A plan for the post-mining reclamation of the property, including:
  - i. A detailed plan for reclamation, including:
    - a) A general plan shown on an aerial photograph;
    - b) A reclamation contour map; and

- c) A description of reclamation methods and materials proposed for renewal of topsoil and replanting, including a proposed sequence of reclamation, indicating the time sequence within which each area to be mined will be reclaimed as mining operations progress.
    - ii. The general plan for reclamation shall be presented on a series of drawings showing the conditions before commencing operations and also showing the alterations to be made. The drawings shall have the same scale as the vertical aerial photograph (required in the application under Section 302, showing the acreage for each item shown:
      - a) Each phase of reclamation, reflecting the sequence of each phase in relation to all others;
      - b) Location and boundaries of all permanent water areas; and
      - c) Distances of all reclamation areas and water areas from property boundaries.
      - d) A restoration contour map shall be prepared to the same base as site plan required above to indicate the grade and slopes to which excavated areas shall be reclaimed, and a general indication of the distance of such reclaimed areas from the property boundaries. Such grade and slope designations shall be included with respect to areas proposed to be beneath the surface of permanent water areas. Side slopes around the active extraction-area perimeter shall have a grade not exceeding one (1) vertical foot per three (3) horizontal feet. The banks adjacent to any submerged areas shall have a grade not exceeding one (1) vertical foot per five (5) horizontal feet, out to a depth of five (5) feet.
      - e) A description of the methods and materials proposed for reclamation shall include topsoiling and the amount and type of plantings.
      - f) Reclamation shall be implemented in a manner that prevents washout and erosion, using appropriate grading, turf, vegetation, soil, overburden, shrubs, and trees, as necessary, and performed in accordance with the approved reclamation plan. Topsoil shall not be removed from the site unless authorized in the permit.
- E. Decision on Special Land Use Application:
- (1) A decision on the special land use application shall be made based on the Act 113 standards, above.
  - (2) The decision may consist of an approval, an approval with conditions, or a denial.
  - (3) An approval, with or without conditions, shall be deemed to incorporate the site plan and associated specifications in the record approved by the Planning Commission, including the materials submitted in accordance with subsection D, above (as modified in the approval), and all representations made by the applicant in the review proceedings.
  - (4) An approval shall state a termination date for the effect of the approval consistent with the application and proceedings conducted in response to the application.
  - (5) The decision shall include a statement of reasons why the applicant has been approved, or why it has failed to satisfy its burden of proof based on the standard of "no very serious consequences."

F. Review Process at the Planning Commission:

- (1) Prior to conducting a public hearing on the application, the Township shall review the application and documentation submitted in support of the application and report any deficiencies to the applicant and the Planning Commission within a reasonable time. The public hearing on the application shall not be noticed until the applicant has cured the deficiencies found to exist in accordance with this procedure. The Planning Commission may request a preliminary presentation for informational purposes prior to conducting a public hearing.
- (2) The Planning Commission shall conduct a public hearing on the application to determine whether the applicant can and does satisfy the applicant's burden of proof that "no very serious consequences" shall result from applicant's use of the property and haul route(s) based on the Act 113 standards above. The hearing shall begin with an introduction by the Planning Commission chairperson, or a person designated by the chairperson. The applicant shall then be given the opportunity to make the showings required in this Ordinance. At the completion of the applicant's presentation, either at the same meeting or at a subsequent meeting if additional time is needed in order to thoroughly address the subject matter, the Township, through its representatives, may address and offer evidence or argument on the issues. Members of the public shall then have the opportunity to address and offer evidence or argument on the issues. If requested, the applicant shall be provided with an opportunity to rebut evidence and argument presented, but for efficiency purposes shall not be permitted to duplicate evidence on matters included in applicant's earlier presentation. Likewise, any new matters addressed by the applicant may be rebutted by representatives of the Township and members of the public. The public hearing shall then be closed.
- (3) After the public hearing has been closed, either at the same meeting at which the public hearing was completed, or at a later meeting held within a reasonable time, the Planning Commission shall, based on the evidence presented, adopt findings and recommendations on whether the applicant has made a sufficient showing on whether there would be "no very serious consequences" as a result of the proposed use, including haul route(s), applying the Act 113 standards, above, as interpreted in accordance with applicable principles and law. Township representatives may assist the Planning Commission with the articulation of such findings and recommendations.
- (4) Following all of the hearing procedures and requirements specified above, the Planning Commission shall forward to the Township Board its findings and recommendations on whether the proposed special land use should be approved.

G. Review Process at the Township Board

- (1) The Township Board shall, taking into consideration the evidence from the public hearing, the Planning Commission's recommendation, and any additional evidence presented to the Township Board, act on the application for special land use approval.
- (2) The Board's action may consist of approval, approval with conditions, or denial, and the Board shall state the reasons for its decision, which shall be based on the evidence in the record.
- (3) An approval shall also state in detail the specifications of the approval.

5. *Effect of approval:*

- A. The approval under this Section shall expire following a period of two (2) years from the date of the minutes in which the approval is granted, unless:
  - (1) The period for securing the license, permits and commencing bona fide construction is extended by the Township Board for good cause within the effective period; or
  - (2) Approved bona fide development for the approved operation pursuant to building and other required permits and license issued by the Township under this Section and Township's Ordinances, commences within such two (2) year period, and proceeds diligently and in good faith as required by this Ordinance to completion.
- B. In the event that bona fide development has not commenced within the permissible period of time calculated under sub-paragraph 2 above, the special land use shall be void and of no effect.

6. *Fees:*

The applicant for a special land use under this Section shall pay as a fee the Township's costs and expenses incurred in the review and evaluation of and action on the application. An escrow shall be established in an amount specified by Township Board resolution, and additional reasonable amounts shall be contributed as required in order to complete the process of review and approval. Any unexpended amounts from such escrow shall be returned to the applicant.

Sec. 1149. - Farms with agricultural commercial and tourism:

- 1. *Uses permitted:* The following agricultural commercial and tourism businesses may be permitted after Special land use review:
  - A. Cider mills or wineries selling product, in a tasting room, containing at least fifty percent (50%) of crops or produce grown on-site.
  - B. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
  - C. The processing storage and retail or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation if at least fifty percent (50%) of the stored or processed, or merchandised products are produced by the farm operator.
  - D. U-pick operations.
  - E. Uses 1 through 4 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the business is maintained and the income from these activities represents less than fifty percent (50%) of the gross receipts from the business.
    - (1) Value-added agricultural products or activities such as education tours of processing facilities, etc.
    - (2) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
    - (3) Petting farms, animal display, and pony rides.
    - (4) Wagon, sleigh, and hayrides.

- (5) Nature trails.
  - (6) Open air or covered picnic area with restrooms.
  - (7) Educational classes, lectures, seminars.
  - (8) Historical agricultural exhibits.
  - (9) Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least fifty percent (50%) produce grown on site.
  - (10) Gift shops for the sale of agricultural products and agriculturally related products. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to twenty-five percent (25%) of gross sales.
- F. Other commercial/tourism business that are complementary and accessory to the primary agricultural land use of the subject property including but not limited to:
- (1) Small-scale entertainment (e.g., music concert, car show, art fair).
  - (2) Organized meeting space (e.g., for use by weddings, birthday parties, and corporate events.).
  - (3) Designated, permanent parking for more than twenty (20) vehicles.
2. *Standards:*
- A. Minimum lot area of ten (10) acres.
  - B. A two hundred (200) foot open buffer shall be provided on all sides of the property not abutting a roadway. Agricultural commercial and tourism business activities shall not be allowed within this buffer area. Where possible crops, shall remain within this buffer area to help maintain the agricultural character of the site.
  - C. Buffer plantings shall be provided along the property line where there is an abutting residence. Greenbelt plantings are intended to screen views of the proposed operation from the adjacent home or property. Buffer plantings shall meet the standards of Section 1301.3.H.
  - D. Off-street parking must be provided to accommodate use as outlined in Article 12.
    - (1) Parking facilities may be located on a grass or gravel area for seasonal uses such as roadside stands, u-pick operations, and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.
    - (2) All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
    - (3) Parking shall not be located in required setback or buffer areas. Paved parking areas must meet all design, and landscape screening requirements as set forth in this Zoning Ordinance.
  - E. The following additional operational information must also be provided as applicable:
    - (1) Ownership of the property.
    - (2) Months (season) of operation.
    - (3) Hours of operation.
    - (4) Anticipated number of customers.

- (5) Maintenance plan for disposal, etc.
  - (6) Any proposed signs.
  - (7) Any proposed lighting.
  - (8) Maximum number of employees at any one time.
  - (9) Restroom facilities.
  - (10) Verification that all required permits have been granted, i.e., Federal, State, and local permits.
- F. All areas of the property to be used including all structures on site must be clearly identified.
  - G. Noise levels shall not exceed sixty-five (65) decibels at the property line of the farm where adjacent property has a dwelling unit within two hundred (200) feet of the property line, nor shall it exceed a maximum of seventy-five (75) decibels at any other property line.
  - H. Hours of operation of any outdoor entertainment facilities may be limited by the Planning Commission.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1150. - Racetracks (including midget auto and karting tracks) and dirt tracks:

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

1. A site size of not less than twenty (20) acres shall be provided.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided from roads which have a right-of-way of not less than one hundred twenty (120) feet in width.
4. All sides of the development not abutting a major thoroughfare one hundred twenty (120) foot right-of-way or greater shall be provided with a twenty (20) foot greenbelt planting and fence, wall, or earth berm so as to obscure from view all activities within the development. The planting shall be in accord with Section 1301.3.H.
5. A track shall not be located closer than five hundred (500) feet to any residence on property other than the site on which the tract is located.
6. Dust shall be controlled so as not to be noticeable beyond the property line of the property on which the track is located.
7. Noise levels shall comply with Section 1400, subsection 6, Noise of this Ordinance.
8. The track area shall be fenced.



9. Grading on the site which involves one (1) or more acres shall require a building permit and shall comply with Part 91 Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, as amended (MCL 324.9101...324.9123a et. seq.) and with applicable Ypsilanti Township Ordinance.

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1151. - Outdoor spat ball, simulated war games and similar activities:

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

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

Sec. 1152. - Garbage, refuse and rubbish transfer stations:

Garbage, rubbish and refuse transfer stations may be permitted in the L-M district. The Township Board may grant a use permit under such conditions as it deems necessary for the protection of the public health, safety, and general welfare, including but not limited to the following:

1. The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
2. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such

that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard, the Township Board shall consider amongst other things: convenient routes for traffic; the relationship of the proposed use to main traffic thoroughfares and to streets and road intersections; vehicular turning movements in relation to routes of traffic flow; location and access of off-street parking and the general character and intensity of the existing and potential development of the neighborhood. All driveways and parking areas on the site should be hard surfaced to specifications of engineering department.

3. The location and height of buildings or structures and the location, nature, and height of doors, walls and fences must be such that the proposed use will not have a detrimental effect upon the neighboring property or the neighboring area in general, nor impair the value of neighboring property, nor interfere with or discourage the appropriate development and use of adjacent land or buildings or unreasonably affect their value. Such building shall be completely enclosed.
4. The standards of density and required open spaces for the proposed use shall be at least equal to those required in the L-M zoning district or at least equal to those prescribed in the special requirements relating to the proposed use, whichever is the greater.
5. The location, size, intensity, site layout and periods of operation of any such proposed use must be designated to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration smoke or lights.
6. The proposed use must provide for proper yard space, parking facilities loading space, percentage of lot coverage, protective walls, size of buildings, lot area and width and other requirements of this Ordinance.
7. The proposed use must be in accord with the spirit and purpose of this Ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this Ordinance and principles of sound planning.
8. The following conditions shall be prohibited:
  - A. Incineration or open burning in the building or on the site shall be prohibited.
  - B. Overnight storage of any refuse material in the building shall be prohibited.
  - C. Dumping or storage of any material on the site outside the building at any time shall be prohibited.
9. The Township Board may impose such reasonable conditions as it deems necessary to protect the public health, safety, and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of such transfer station.
10. The Township Board may impose additional conditions and safeguards as it deems necessary to minimize the adverse effects of such an installation on the character of the surrounding area.

Sec. 1153. - Lighted outdoor commercial sports centers:

Because lighted outdoor commercial sports centers, including baseball and other intense activities, possess the unique characteristic of often being used late into the night while attracting large numbers of

spectators and attendant vehicular traffic in conjunction with ingress and egress to parking areas, these uses subject to the following conditions:

1. Lighted outdoor commercial sports centers are permitted only upon parcels of land which abut a major thoroughfare of one hundred twenty (120) feet of right-of-way or greater.
2. In determining the number of parking spaces required to accommodate the lighted outdoor commercial sports center, the Township Board may take into account the hours of operation and types of activities conducted upon the site. The minimum parking requirements for baseball facilities shall be no fewer than seventy-five (75) spaces for each of the first four (4) baseball diamonds plus fifty (50) spaces for each additional baseball diamond.
3. The proposed internal site design of the facility shall meet all standards of the Township and other affected governmental agencies, including but not limited to those standards pertaining to proper drainage, lighting, hard surfacing, and other engineering standards.
4. Points of ingress and egress shall be available to the complex only from abutting major thoroughfares of one hundred twenty (120) feet of right-of-way or greater. The site shall comply with all standards of the Township and other affected governmental agencies relative to driveways, acceleration and deceleration lanes, and related items.
5. The use and parking area shall be screened from adjacent major thoroughfares with berms and other approved landscaping.
6. All lighting used to illuminate the area shall be installed so as to be confined within and directed upon the site.
7. Devices for the transmission of broadcasting of voices or music shall be so directed as to prevent said sound from being audible beyond the lot lines of the site.
8. Storage buildings, restroom facilities, facilities for the sale and consumption of food, beverages and refreshments and other similar accessory uses shall comply with all standards of the Township and other affected governmental agencies. Such accessory facilities shall operate only during the hours of operation of the principal use of the property.

Sec. 1154. - Wastewater treatment plants:

The Planning Commission may grant a use permit for a wastewater treatment plant under such conditions as it deems necessary for the protection of the public health, safety, and general welfare, including but not limited to the following:

1. There shall be a demonstrated need in the community for such facility.
2. The proposed plant shall be designed and located within an area where the impacts shall be limited in terms of visual impacts, odors, and surrounding land use character.
3. The location, size, operation, and design shall utilize measures to eliminate any possible nuisance likely to emanate therefrom, which might be noxious to the occupants of any other nearby use, whether by reason of odors, fumes, or lights. Such measures shall include implementation of odor control measures.
4. Any such use shall conform to current standards established by the U.S. Environmental Protection Agency and the Michigan Department of Environment, Great Lakes, and Energy.

5. The Planning Commission may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from obnoxious and unhealthy odors, visual impacts, and any detrimental effects to the character of the surrounding area.

Sec. 1155. - State-licensed residential child and adult care facilities:

1. State-licensed child and adult care facilities, as defined in Section 201, Definitions, shall meet the following regulations:
  - A. These facilities, except for adult/child family day care homes, shall be registered with Ypsilanti Township and shall continually have on file with the Township documentation of a valid license as required by the state.
  - B. Since the state law preempts in this area, these facilities shall be brought into compliance with all state building and fire codes pursuant to State Licensing Rules R400.1131—R400.1135. Documentation of such compliance with state requirements shall be provided.
  - C. The site shall comply with the sign provisions of Section 2109.
  - D. Off-street parking shall be provided for the number of employees on site at any one time.

Site Development Regulations:

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

- (5) One (1) off-street parking space per employee and/or caregiver and one (1) visitor be provided.
  - (6) Appropriate licenses with the State of Michigan shall be maintained.
- D. Adult foster care congregate facilities serving more than twenty (20) persons.
- (1) A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
  - (2) A site plan, prepared in accordance with Article 9 shall be required.
  - (3) The subject parcel shall meet the minimum lot area requirements for the zoning in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
  - (4) The property is maintained in a manner that is consistent with the character of the neighborhood.
  - (5) One (1) off-street parking space per employee and/or caregiver and one (1) visitor shall be provided.
  - (6) Appropriate licenses with the State of Michigan shall be maintained.
  - (7) The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
  - (8) Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1156. - Towing services:

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

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

Sec. 1157. – Outdoor storage and contractors/landscapers’ yard:

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

1. *General Regulations:*

- A. Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under the subsection.
- B. Location and Size.
  - (1) The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the special land use permit application and indicated on a site plan, as set forth in Article 10 and Article 9.
  - (2) Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and to the right-of-way; in any required side or rear yard; or in any required transition strip.
  - (3) Such storage shall not be located in any required parking or loading space.
- C. Screening. The area for such storage shall be screened from view on all sides. Screening shall be constructed of wood or masonry materials. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening. The screen shall not be less than the maximum height of the product being stored.

2. *Contractors/landscapers yard:*

- A. The contractor’s office building shall be of permanent construction.
- B. Outdoor storage shall be accessory to the contractor’s principal office use of the property. Such outdoor storage shall not be located within the front yard and shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 1301.3.H.
- C. All travel surfaces shall be paved as a condition of approval.
- D. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.

Sec. 1158. – Garage and yard sales:

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

Sec. 1159 – Artisan food and beverage production:

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

Sec. 1160 – Senior assisted and independent living:

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

| Dwelling Site              | Site Area Required Per Unit                           |
|----------------------------|---|
| Efficiency/One (1) bedroom | Two thousand (2,000) square feet                      |
| Two (2) bedrooms           | Two thousand five hundred (2,500) square feet         |
| Each additional bedroom    | Five hundred (500) additional square feet per bedroom |

- B. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.
2. *Height, lot coverage, and setbacks:* Height, lot coverage and setback requirements of the RM-MD Districts as set forth in Section 408 shall apply.
3. *Parking:* Parking is not allowed in any required front yard. Parking is permitted in the side and rear yards provided a minimum twenty (20) foot setback is observed.
4. *Façade:* The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
5. *Drop-off and pickup area:* A separate drop-off and pickup area shall be required adjacent to the main building entrance, located in a manner that will not create congestion on the site or within a public roadway.

Sec. 1161 – Commercial kennel/pet day care regulations:

1. *Application of regulations:*

A. Special land use required.

(1) Training classes shall be permitted only if specifically authorized in the special land use permit.

(2) In districts other than AG, the kennel shall not be operated for breeding purposes, unless specifically authorized in the Special Use Permit.

B. The special land use permit shall establish a limit on the number of animals that may be boarded at one (1) time.

C. The special land use permit may limit the specific species of animals that are permitted.

D. The special land use permit may establish a limit on other measures of the intensity of use.

2. *Standards:*

A. Kennel shall be subject to the permit and operational requirements of State and County regulatory agencies.

B. Pet grooming (including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar treatment) shall be permitted for animals being boarded; for animals not being boarded, pet grooming shall be permitted if specifically authorized in the special land use permit.

C. The sale of pet and veterinary products shall be incidental to the kennel unless specifically authorized in the special land use permit.

D. Veterinary care shall be incidental to the kennel unless specifically authorized in the special land use permit.

E. Structures in which animals are kept, as well as animal runs and exercise areas, shall not be located in any required front or rear setback area and shall be located at least fifty (50) feet from any dwelling or building used by the public on adjacent land.

3. *Operations:*

A. All animals shall be kept in an enclosed structure, except for walking and outdoor exercise when accompanied and controlled by an employee of the kennel. The special land use permit may limit the time during which the animals are permitted out of the building.

B. An operations and maintenance plan shall be submitted that specifically addresses how noise will be attenuated and waste handled.

C. In districts other than AG Districts, facilities must be connected to public utilities where available.

D. Applicant shall include a waste management plan.



Sec. 1162 – Mobile home parks:

1. *Locational requirements:*

- A. Access to any mobile home park shall be to a major thoroughfare. The intent being to avoid higher density traffic movements through existing or planned single-family developments. An emergency means of ingress and egress to a mobile home park, not used for general access, may be permitted to other than a major thoroughfare.
- B. Mobile home parks shall not be permitted on parcels of less than fifteen (15) acres in area.

2. *Area, height, and bulk requirements:*

No mobile home shall be permitted to occupy any mobile home park site if the home and/or site fails to comply with the following requirements:

- A. All mobile homes shall comply with the Michigan Manufactured Housing Commission requirements with respect to the space between homes and other facilities.
- B. All mobile home sites shall contain at least five thousand five hundred (5,500) square feet of site area. This site area, however, may be reduced to not less than four thousand four hundred (4,400) square feet; provided, that for each square foot of reduction in site area, at least a corresponding amount of open space land be established for common use.
- C. A setback of at least fifty (50) feet shall be provided between any mobile home and an office building, community center or service building and any abutting public thoroughfare right-of-way line. This area shall be maintained in an open landscaped area. A setback of at least twenty-five (25) feet, the computation of which shall include the ten (10) foot required distance established in rule 944(1) of the Manufactured Housing Commission rules, shall be provided between any mobile home, office building, community center or service building and any other exterior property line. This latter setback area may be used as yard areas for permitted buildings. This area may also be used for parking subject to the screening requirements of Section 1301.3.H. This area may also be part of the required open space when it is part of a functionally usable open space area.

3. *Required conditions:*

- A. All mobile home park development shall further comply with the Mobile Home Commission Act, Public Act 96 of 1987, as amended (MCL 2303 et. seq.).
- B. Mobile home parks shall provide land for open space use by residents of the park. These areas shall be so located and arranged that they functionally serve the residents to be served and meet or exceed the Manufacturing Housing Commission rules, as adopted.
- C. The outside storage of household effects, other than normal patio furniture, etc., is prohibited. The storage of recreational vehicles, i.e., boats, campers, trailers, motor homes or snowmobiles, on mobile homes sites and/or required parking spaces for longer than forty-eight (48) hours is also prohibited.

The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the mobile home park, shall be in accordance herewith. The storage of the vehicles or items in the mobile home development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.

- D. All utility connections shall comply with state and local codes.
- E. The proposed site plan for the mobile home park shall be submitted to the Planning Commission for their review and approval prior to any consideration. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the Township. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the state Manufacturing Housing Commission for their consideration in reviewing the proposed mobile home park plans.
- F. The Township engineer shall also review the proposed park plans with respect to drainage patterns to adjacent properties, water and sewage needs which would be generated and the Township's ability to accommodate such mobile home park needs. In addition, any connections to municipal facilities shall meet applicable Township engineering design requirements. A copy of any deficiencies noted shall be transmitted immediately, with the recommendations of the Planning Commission, to the state mobile home commission.
- G. Each occupied mobile home shall be skirted and anchored with materials meeting Manufacturing Housing Commission specifications.
- H. A mobile home, in a mobile home park, shall only be made available for human occupancy on a lot approved for such occupancy by the Charter Township of Ypsilanti and the Michigan Manufacturing Housing Commission, in accordance with the approved plans for the mobile home park. Every mobile home proposed, to be located on a lot in a mobile home park, shall be certified to comply with the requirements of the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (HUD) under the provisions of 24 CFR 3280 as the same are from time to time amended. Additionally, all mobile homes shall meet or exceed all applicable roof, snow load, and strength requirements. Compliance with the mobile home construction and safety standards shall be shown by a HUD seal affixed to the mobile home and evidence of the existence of a HUD seal shall be presented to the Township Planning Department prior to the issuance of a land use permit for a mobile home.
- I. The selling of new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied within the mobile home park may be sold by a licensed dealer and/or broker. This Section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development, provided the development permits the sale.

Sec. 1163 – Townhouses:

In form-based districts, townhouses shall meet the requirements for that district. For townhouse development outside of form-based zoning districts, all townhouse residential must comply with the following design standards:

1. *Dimensional standards:* All principal buildings shall meet the following dimensional requirements:
  - A. Minimum front yard setback: fifteen (15) feet.
  - B. Minimum spacing between buildings: fifteen (15) feet.

- C. Minimum rear yard setback: twenty (20) feet.
- D. Minimum setback from side and rear perimeter of site: twenty (20) feet.
- E. Minimum setback from adjacent single-family zoning district: thirty (30) feet.
- F. Maximum percent of lot area covered by buildings: forty-five percent (45%).
- G. Maximum height of structures: Two (2) stories and twenty-five (25) feet.\*
- H. Minimum ground floor area per unit: one thousand (1,000) square feet.

\*The Township Board may permit buildings up to three (3) stories and thirty-five (35) feet in height where the building is setback from existing adjacent single-family lots a distance equal to the height of the building and landscape screening is provided along the lot line adjoining an existing single-family residential use.

2. *Building layout and architecture:* The following architectural standards shall be met for all structures.

- A. *Style.* Buildings shall have a traditional style of architecture characteristic of the mid-western United States. Design guidelines and typical building elevation drawings shall be presented with the preliminary site plan and be referenced in the development agreement. Detailed architectural plans for each building will be included with the final site plans.
- B. *Street Facade.* Buildings shall be oriented towards the street. The facade of buildings facing the public street shall include doors, porches, windows, and other architectural detailing consistent with the front facade of a traditional dwelling. The front facade of all buildings shall be constructed of brick.
- C. *Porches.* All main entrances to the units shall have a porch or stoop at least thirty (30) square feet in area facing the street.
- D. *Roofs.* All buildings shall have pitched roofs. The roofline may also include varying lines customary with gable or hip style roofing and dormer window features are encouraged. Permitted roofing materials include asphalt shingles, cedar shake and slate.
- E. *Garages.* All units shall provide garages accessed from the rear or side of the building. This may be accommodated by an attached rear-entry garage, a garage that is access via a rear service drive or a detached garage located in the rear yard. Garages facing towards the front lot line may be permitted where the front of the garage is located at least twenty (20) feet behind the front wall of the dwelling.

3. *Circulation:*

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

- at least twenty (20) feet wide, measured face to face of curb, and the central green shall be no less than twenty (20) feet at its narrowest dimension and be landscaped.
- C. Rear service drives. Rear service drives or alleys may be provided to serve as access to rear yard garages within a minimum pavement width of at least twenty (20) feet. In addition to a rear drive, all residential structures shall have frontage along a public street or private road, except the Township Board may allow dwellings to front onto a common green or pedestrian right-of-way, where the fire department determines that adequate emergency vehicle access is provided.
  - D. Pedestrian circulation. Sidewalks shall be provided on both sides of streets through the development. All developments shall provide pedestrian linkages between public sidewalks and the building entrances. Sidewalk and pathway connections may be required to adjacent uses and activity areas.
- 4. *Parking:* All units shall be provided with individual garages. Guest parking spaces shall not be located in the front yard of the site and any off-street parking spaces must be screened from view of any public road or pedestrian path, by a street wall or hedge along the frontage. Street walls shall be three (3) feet in height and constructed of brick or stone.
  - 5. *Lighting:* A consistent type of pedestrian scale ornamental lighting shall be provided along all streets and sidewalks and within any off-street parking lots. Such lighting shall be provided at a frequency and height to provided desired light levels.
  - 6. *Open space:* A minimum if twenty percent (20%) of the gross area of the site shall be dedicated open space held in common ownership. Open space areas shall offer a source of passive and/or active recreation, in accordance with the intended character of the neighborhood. Passive recreational areas may include features such as formal seating areas and open lawn areas. Active recreational areas may include specific recreation elements such as playgrounds, tennis courts and swimming pools or less formal features such as open play fields and walking paths.

Sec. 1164 – Common household gardening:

Common household gardening, as defined in Section 201, Definitions under “Accessory Use” may only occur in the rear yard or nonrequired side yard in a residential district.

Sec. 1165. - Private clubs, fraternal organizations, and lodge halls:

Private clubs, fraternal organizations, and lodge halls must meet the following conditions:

- 1. The site abuts a major thoroughfare, as defined in Section 201 of this Ordinance.
- 2. Access to and from the site can be safely provided to the satisfaction of the Washtenaw County Road Commission.
- 3. No building or parking area shall be located closer than fifty (50) feet to a property line.
- 4. All parking shall be screened from view of all abutting residential districts.
- 5. Outdoor lighting of a type and location which will not be a nuisance to abutting residential districts shall be provided and any outdoor lighting shall conform with the guidelines set forth in Section 1303, Exterior lighting.

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

Sec. 1166. – Food trucks:

1. Food trucks may be a temporary use in the NB, GB, NC, and RC zoning districts.
2. Applicant must obtain a zoning compliance permit. The property owner of site of proposed food truck shall sign zoning compliance permit application.