

MEMORANDUM

To: Washington Township Planning Commission

From: Joe Tangari, AICP

Date: 3/1/2023

Re: Ordinance Amendment Discussion – Round 1 Updated

Introduction

At our February meeting, we discussed each of the topics below. Language presented in this memo reflects the policy set at that time.

RLUIPA Conflicts

In our review of the ordinance at the time of the Clearzoning conversion, we identified two potential conflicts with the Religious Land Uses and Institutionalized Persons Act, and we recommend addressing them now. To resolve the two conflicts in our ordinance, we agreed upon the following courses of action:

- In the IND district, stadiums and auditoriums are permitted as a special land use, while places of worship are not permitted at all. We agreed to remove auditoriums and stadiums from the district's special land use list.
- The O-1 district permits "Club, Lodge or Fraternity" as a special land use, but not places of worship. We agreed to remove clubs, lodges and fraternities from the district's list of special land uses.

Amending ordinance language:

Amend Section 3.14 (O-1 General Office district), subsection C, to remove item 7 and renumber subsequent items accordingly.

Amend Section 3.15 (IND Industrial district), , subsection C, to remove item 4 and renumber subsequent items accordingly.

Residential Entrances and Clear Vision Areas

Section 5.3 Residential Developments. Item C. Residential Entryways discusses placement of entry signs for subdivisions—this standard should explicitly reference and require compliance with Section 5.14 Clear Vision.

Amending ordinance language:

Amend Section 5.3.C to read as follows:

In all residential developments, so called entranceway structures and landscaping including, but not limited to, walls, columns and decorative security shelters marking entrances to residential developments shall be required and may be located in a required setback, provided that such entranceway structures shall comply with all codes and ordinances of the Township and be approved by the Planning Commission. Residential entranceway structures may exceed the maximum height requirements of a fence but shall not maintain an average height of greater than six (6) feet. All landscape designs shall be prepared and sealed by a registered landscape architect. Entryway features, signs, and landscaping shall comply with Section 5.14 Clear Vision. Subdivisions and site condominium subdivisions shall also meet the standards of Section 181.705 "Landscape Easement/Common Area" in the Land Division Ordinance.

Deferral of Parking

Currently, deferral of spaces is offered for multitenant shopping centers, but not for other uses. We agreed in February to apply this concept more broadly.

Section 5.12, item C.2.b will be eliminated and replaced with item 5.12.C.3 as follows:

3. An applicant may propose, and the Planning Commission may approve, the deferral of the construction of a portion of required parking spaces, provided that a land bank for those deferred spaces is provided on the site plan. The applicant shall provide, in writing, the rationale for the request to defer construction of spaces. Landbanked parking shall meet the following requirements:
 - a. The number of off-street parking spaces required for the use or uses shall be more than ten (10).
 - b. Area of sufficient size to meet the parking space requirements of this section shall be retained as open space. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
 - c. The applicant shall provide a written legal agreement, approved by the City Attorney and recorded at Macomb County, to construct the deferred parking at the direction of the approving body, based on observed usage, within six (6) months of being informed of such request in writing by the Community Development Department; the applicant may also inform the Township of the need to construct the parking, whereupon its construction may be approved administratively, subject to any necessary engineering approvals based on conditions at the time.

Solar Energy

See the accompanying memo and language in the solar memo.