

# York Charter Township

Washtenaw County, Michigan



## Zoning Ordinance

Adopted December 9, 1997  
Effective January 1, 1998  
As Amended: January 29, 2018



**THE CHARTER TOWNSHIP  
OF  
YORK**

**ZONING ORDINANCE**

**Ordinance No. 65**

**PUBLISHED: December 17, 1997**

**EFFECTIVE: January 1, 1998**

**AS AMENDED: January 29, 2018**



## THE CHARTER TOWNSHIP OF YORK

Dated: January 1, 1998

I, Jo-Anne Girbach, Clerk of York Charter Township, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of York Charter Township Ordinance No. 65, which was duly adopted by the Board of Trustees of York Charter Township at a Special Meeting of said Board, held on December 9, 1997 and that public notice of said meeting was given pursuant to Act 261, Public acts of Michigan, 1968, at which all members of said Board were present. That after duly notice of public hearing upon such proposed Zoning Ordinance, the Planning Commission of said Township theretofore held such public hearing and following such public hearing such proposed zoning ordinance was submitted to the Planning Commission of said County, all in accordance with Act 184, Public Acts of Michigan, 1943, as amended.

I further certify that Member Joseph Zurawski moved for adoption of said Ordinance, and that Member Bill Dean seconded said motion.

I further certify that the following Members voted for adoption of said Ordinance: David J. Potter, Jo-Anne Girbach, Sally B. Donahue, Fonda Heikka, and Jane Kartje and the following Members voted against adoption of said Ordinance: None.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

Jo-Anne Girbach, Clerk  
Charter Township of York, Clerk



## SUMMARY TABLE OF AMENDMENTS

Ord. No.	Effective Date	Amended Section(s)	Description
79	04/13/2000	Sections 2.03, 3.04, 3.15, 3.18, 3.19, 3.20, 3.26, 11.02, 13.02, 13.03, 50.05, 50.08, 50.11, 50.13, 50.19, 50.31, 51.01, 51.02, 53.05, 53.06, 53.07, 53.08, 53.09, 53.10, 53.11, 54.05, 54.06, 54.11, 54.13, 54.14, 54.15, 54.16, 54.17, 54.18, 54.19, 54.20, 54.21, 54.22, 54.23, 54.24, 54.25, 54.26, and 58.03	Multiple deletions, additions, and revisions.
84	12/20/2001	Article 44	Research Park District Ordinance (RPD)
87	05/23/2002	Sections 3.35, 3.36, and 57.09	Ingress/Egress Walkways, Vermin Control, and Violations.
88	05/31/2002	Zoning Map	A-2 to R-1
89	11/13/2002	Zoning Map	A-2 to R-1
90	12/13/2002	Zoning Map	A-2 to MHP
92	01/31/2003	Zoning Map	C-P to PUD
97	05/06/2004	Sections 2.03, 3.28, 10.01, 12.01, 43.05, 50.13, 50.32, 53.05, 54.02, 54.03, 54.04, and 54.10.	Multiple deletions, additions, and revisions.
99	07/30/2004	Articles 33, 34, 35, 36, and 45.	Hamlet Center District, Residential/Office Park District, Office Park District, Commercial Commons Park, and Urban Service District Regulations
101	09/10/2004	Zoning Map	A-2 to C-P
102	12/10/2004	Zoning Map	A-2 to R-1
103	01/28/2005	Zoning Map	A-2 to R-1
104	05/27/2005	Zoning Map	A-2 to R-1
105	07/29/2005	Zoning Map	A-2 to RPD
106	10/28/2005	Zoning Map	A-2 to R-1
108	01/27/2006	Zoning Map	A-2 to R-1
109	01/27/2006	Zoning Map	A-2 to R-1
115	12/29/2006	Sections 2.03, 3.01, 3.20, 3.23, 3.26, 3.28, 3.36, 10.01, 11.02, 11.03, 12.02, 12.03, 13.02, 13.03, 20.02, 20.04, 21.02, 43.03, 43.05, 45.02, 50.08, 50.13, 50.19, 50.20, 50.21, 53.05, 53.11, 54.04, 54.13, and 58.04, and Article 40	Multiple deletions, additions, and revisions.
116	01/27/2007	Zoning Map	CP to PUD
118	06/29/2007	Sections 1.03, 1.06, 2.03, 3.04, 3.31, 43.05, 50.14, 53.05, 53.06, 53.11, 56.01, 56.02, 56.04, 56.06, 56.08, 56.10, 56.11, 56.13, 56.14, 56.15, 56.16, 57.10, 58.03, and 58.07	Multiple deletions, additions, and revisions.
121	02/29/2008	Zoning Map	C-3 to PUD
127	08/28/2008	Sections 2.03, 50.28, 50.33, and 56.02	Definitions, Wireless Communications Facilities, Wind Energy Conversion Systems, and Membership and Terms
129	05/01/2009	Zoning Map	A-2 to C-P
132	04/30/2010	Articles 2, 3, 10, 11, 12, 13, 20, 21, 22, 23, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, and 45; and Sections 43.03, 43.05, 44.01, 44.02, 44.03, 44.04, 44.05, 44.07, 44.09, 45.03, 50.03, 50.04, 50.10, 50.12, 50.14, 50.15, 50.16, 50.17, 50.18, 50.19, 50.22, 50.24, 50.25, 50.27, 53.01, and 56.08	Multiple deletions, additions, and revisions.
133	07/30/2010	Section 50.33	Wind Energy Conversion Systems
136	04/29/2011	Sections 2.03 and 40.204	Definitions and Home Occupations and Home Businesses

(Summary Table of Amendments continues on the following page)

**SUMMARY TABLE OF AMENDMENTS (continued)**

138	10/28/2011	Sections 3.18 and 40.207, and Article 45	Accessory Structures and Uses, Single-Family Dwellings, Detached, and Urban Service District Regulations
140	03/30/2012	Zoning Map	CP to PUD
141	10/05/2012	Sections 2.03, 3.18, 30.203, 50.05, 51.01, 52.03, 52.09, 54.13, and 56.11	Definitions, Accessory Structures and Uses, Yard Standards, Parking and Storage of Vehicles, General Provisions for Off-Street Parking, Signs Permitted in All Zoning Districts, Sign Exemptions, Standards for Site Plan Review, and Variances
142	08/30/2013	Sections 2.03, 20.02, 40.607, 43.05, 43.07, 43.09, 50.28, 54.01, 54.02, 54.03, 54.04, 54.05, 54.06, 54.07, 54.08, 54.09, 54.11, and 54.13	Definitions, Volatile Farm-Based Biofuel Production, typographical errors, Wireless Communications Facilities, and Site Plan Review
145	04/25/2014	Sections 2.03, 3.28, 43.03, and 57.10	Definitions, Private Road Standards, District Regulations, and Public Hearing Procedures
149	10/23/2017	Section 20.02	Table of Permitted Uses by District
150	01/29/2018	Several Sections, including reorganizing and renumbering of most existing sections.	Multiple deletions, additions, and revisions.

**(End of Summary Table of Amendments)**



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**CHARTER TOWNSHIP OF YORK  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE #65**

**AN ORDINANCE ESTABLISHING ZONING DISTRICTS WITHIN THE TOWNSHIP OF YORK, WASHTENAW COUNTY MICHIGAN**

**WHEREAS**, by virtue of the laws of the State of Michigan, the Township Board of the Charter Township of York is solely vested with power and authority to provide by ordinance for the establishment of zoning districts of said township within which the uses of land may be encouraged, regulated or prohibited; and

**WHEREAS**, the Charter Township of York Planning Commission did, in accordance with the procedures specified in Act 168 of the Public Acts of 1959, as amended [superceded by the Michigan Planning Enabling Act, Act 133 of the Public Acts of 2008, as amended], make and adopt a basic plan as a guide for the development of The Charter Township of York; and

**WHEREAS**, said basic plan has been designated to promote the public health, safety and general welfare, to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; and to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation, education and other public improvements; and

**WHEREAS**, the Charter Township of York Planning Commission did prepare a zoning map establishing zoning districts based upon said basic plan, which zoning map was designated to encourage the use of lands in accordance with their character and adaptability and to limit the improper uses of land; to provide adequate light and air; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration, among other things, to the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land building and population development; and

**WHEREAS**, the Charter Township of York Planning Commission did adopt and file with the Charter Township of York Board recommendations as to (1) a plan for The Charter Township of York as a whole, (2) a zoning map establishing zoning districts including the boundaries thereof, (3) the text of a zoning ordinance with the necessary provisions and zoning regulations, and (4) the manner of administering and enforcing the zoning ordinance, after having noticed and held a public hearing thereon and having submitted said proposed zoning ordinance and maps to the Washtenaw County Metropolitan Planning Commission of Washtenaw County, Michigan, for recommendation in accordance with the procedures specified in Act 184 of the Public Acts of 1943, as amended [superceded by the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended];

**NOW, THEREFORE, THE CHARTER TOWNSHIP OF YORK ORDAINS:**

## **Article 1.0 Title, Purposes and Legal Causes**

### **Section 1.01 Title**

This ordinance shall be known and may be cited as “The Zoning Ordinance of The Charter Township of York Number 65.”

### **Section 1.02 Repeal of Ordinance**

The Charter Township of York Zoning Ordinance adopted on January 30, 1980, and all amendments thereto are hereby repealed effective coincident with the effective date of this ordinance.

### **Section 1.03 Purposes**

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 of the Michigan Zoning Enabling Act. This Ordinance is based on the Township’s Growth Management Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

- A. Promoting and protecting the public health, safety and general welfare;
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and industrial areas within the Charter Township of York and promoting the orderly and beneficial development of such areas;
- C. Providing adequate light, air, privacy and convenience of access to property;
- D. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- E. Lessening and avoiding congestion in the public highways and streets;
- F. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
- G. Promoting healthful surroundings for family life in residential and rural areas;
- H. Fixing reasonable standards to which buildings and structures shall conform;
- I. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts;
- J. Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;
- K. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, electro-magnetic radiation, and other nuisances and hazards, including toxins, in the interest of the public health, safety and general welfare;

- L. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- M. Conserving the taxable value of land, buildings, and structures throughout the Township;
- N. Providing for the completion, restoration, reconstruction, extension or substitution of non conforming uses;
- O. Creating a Board of Appeals and defining the powers and duties thereof;
- P. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this ordinance;
- Q. Providing for the payment of fees for building permits; and
- R. Providing penalties for the violation of this ordinance.

#### **Section 1.04      Validity and Severability Clause**

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

#### **Section 1.05      Conflict With Other Laws**

- A. Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

#### **Section 1.06      Effective Date**

This ordinance was adopted by the Township Board of the Charter Township of York, Washtenaw County, Michigan at a Regular Meeting held on December 9, 1997, and ordered published on December 17, 1997 in the Milan News and Saline Reporter, newspapers having general circulation in said Township. This ordinance shall become effective January 1, 1998 after publication as is provided by law.

## **Article 2.0     Definitions**

### **Section 2.01     Purpose**

For the purpose of this Ordinance certain terms are herewith defined.

### **Section 2.02     Rules of Construction**

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

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases which have acquired a particular and appropriate meaning in the law or within this Ordinance shall be construed and understood according to such particular and appropriate meaning.
- B. The particular shall control the general.
- C. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural shall include the singular, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive as determined by the Planning Commission, Zoning Inspector, the Board, or the ZBA, whichever is responsible for interpretation of the permissive regulation.
- E. All measurements shall be to the nearest integer, unless otherwise specified herein.
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
- G. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
- H. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
- I. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- J. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Words or terms not defined herein shall have the meaning customarily assigned to them in land use planning nomenclature.
- K. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "and/or," or "either/or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
  4. "And/or" indicates that either the conjunctive or the disjunctive may apply, as appropriate in the circumstances.
- L. Words or phrases in headings shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
- M. Where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
- N. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

### Section 2.03 Definitions

- A. Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:
1. **Access Drive.** A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.
  2. **Access Management.** A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.
  3. **Accessory Use, Building, or Structure.** A use, building, or structure that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related. An accessory structure shall not include dwellings, or be used for residential or lodging purposes or sleeping quarters for human beings.
  4. **Accessory Dwelling.** See "Dwelling, Accessory."
  5. **Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection for up to 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include dependent housing facilities, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons

released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- a. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.
  - b. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
  - c. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
6. **Adult Regulated Uses.** The following are definitions for those uses defined as "Adult Regulated Uses" herein (also see "**Controlled Uses**"):
- a. **Adult Arcade.** 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 maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas."
  - b. **Adult Book or Video Store.** An establishment having a substantial portion equaling more than twenty percent (20%) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
  - c. **Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.
  - d. **Adult Model Studio.** Any place where models who display "specified anatomical areas" are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

- e. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
- (1) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
  - (2) Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or
  - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

- f. **Adult Motion Picture Theater.** An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "**Specified Sexual Activities**" or "**Specified Anatomical Areas**" for observation by patrons therein.
- g. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

- (1) Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.
- (2) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;
- (3) Establishments which offer massages performed by certified massage therapists;
- (4) Gymnasiums, fitness centers and health clubs;
- (5) Electrolysis treatment by a licensed operator of electrolysis equipment;



- (6) Continuing instruction in martial or performing arts or in organized athletic activities;
  - (7) Hospitals, nursing homes, medical clinics or medical offices;
  - (8) Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
  - (9) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity;"
  - (10) Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.
- h. Adult Physical Culture Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of an Adult Physical Culture Establishment:
- (1) establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
  - (2) electrolysis treatment by a licensed operator of electrolysis equipment;
  - (3) continuing instruction in martial or performing arts or in organized athletic activities;
  - (4) hospitals, nursing homes, medical clinics, or medical offices;
  - (5) barbershops, beauty parlors, or salons which offer massages to the scalp, face, neck, and shoulders only; and
  - (6) therapeutic massage establishments as defined and regulated by this Ordinance.
- i. Adult Supply Store.** Premises used for the sale, distribution, display, or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia, videos, or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "**Specified Sexual Activities**" or "**Specified Anatomical Areas.**"
- j. Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities."
- (1) **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where

the images displayed depict, describe or relate to “specified sexual activities” or “specified anatomical areas.”

- (2) **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities or “specified anatomical areas.”
- (3) **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- k. **Escort Service.** An establishment that provides the services of escorting members of the opposite sex for payment of a fee.
- l. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or “specified sexual activities” while appearing in a “state of nudity,” “simulated nudity” or while displaying “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- m. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a “state of nudity,” “simulated nudity” or displays “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- n. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one or more of the persons is in a “state of nudity” or “simulated nudity” and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
- o. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to “specified anatomical areas” or as part of, in connection with or related to “specified sexual activities” (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.
- p. **Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:
- (1) **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
- (2) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:

- (a) Genitals, whether or not in a state of sexual arousal;
    - (b) Pubic region or pubic hair;
    - (c) Buttock(s);
    - (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
    - (e) Any combination of the above.
  - (3) **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual “state of nudity.”
  - (4) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person’s body or of any object, into the genital or anal openings of another’s body.
  - q. **Specified Anatomical Areas.** Portions of the human body defined as follows:
    - (1) Less than completely and opaquely covered;
      - (a) Human genitalia and pubic region;
      - (b) Buttock and anus; or
      - (c) Female breast below a point immediately above the top of the areola.
    - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  - r. **Specified Sexual Activities.** The explicit display of one or more of the following:
    - (1) Human genitals in a state of sexual stimulation or arousal;
    - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;
    - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation oral copulation, sexual intercourse or sodomy;
    - (4) Human excretory functions as part of or as related to, any of the activities described above;
    - (5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.
  - s. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.
7. **Agriculture.** The use of land for the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities operated on contiguous,

neighboring, or associated land as a single unit carried on by the owner-operator, manager, or tenant farmer by his or her own labor or with assistance of members or his or her household or hired employees. See also **Farm**.

8. **Agricultural Service Establishment.** A facility for the performing of corn shelling; grain storage; hay baling and threshing; sorting, grading, and packing fruits and vegetables for the grower; farm produce milling and processing for the grower; grain cleaning; and similar animal husbandry, horticultural, and farm-support services.
9. **Aircraft Landing Strip, Private.** The use of land solely by the owner of the property for the landing or takeoff of aircraft, and which may provide facilities and services for the shelter, supply or care of privately-owned aircraft, but does not include the regular receiving or discharging of passengers or cargo for remuneration. The landing strip shall be limited to a single runway, with no storage of aircraft other than owned by the property owner upon whose land the landing strip is located, and not for any type of commercial purpose.
10. **Alterations.**
  - a. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
  - b. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
  - c. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.
11. **Amusement Center.** Business from which the proprietor's primary income is derived from the operation of pool tables, billiard tables, or amusement devices, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not generate the proprietor's primary income.
  - a. **Amusement Device.** Any device, machine or apparatus operated by a patron which plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term includes pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges a flat rate to use the device. This term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddie rides, juke boxes, bowling alleys, or pool tables.
  - b. **Arcade.** A place of business that has in operation an excess of five (5) mechanical or electronic amusement devices; electronic tables featuring bowling, basketball, football, or the like; or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations; or similar activities for hire or amusement.

- 12. Animal, Domestic.** An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:
- a. Bird (caged)
  - b. Cat (domestic)
  - c. Prairie Dog (bred)
  - d. Chinchilla
  - e. Dog
  - f. Fish (non-biting or non-poisonous)
  - g. Lizard (non-poisonous)
  - h. Marmoset (bred)
  - i. Primate (only as a trained aide for a disabled person)
  - j. Rodent (bred)
  - k. Snake (non-poisonous)
  - l. Spider (non-poisonous)
- 13. Animal, Wild or Exotic.** Any animal not indigenous to the Township; incapable of being completely domesticated; requiring the exercise of art, force, or skill to keep it in subjection; or that a person is prohibited from possessing by law. Wild or exotic animals shall include, but not be limited to, the following:
- a. Alligator and crocodile (family)
  - b. Badger
  - c. Bear
  - d. Bird (wild)
  - e. Cat (wild family)
  - f. Wolf or coyote
  - g. Deer (family)
  - h. Ferret
  - i. Fish (biting and or poisonous)
  - j. Lemur
  - k. Lizard (poisonous)
  - l. Marten
  - m. Opossum (family)
  - n. Primate (family)
  - o. Raccoon
  - p. Snake and other reptile (poisonous)
  - q. Skunk
  - r. Spider (poisonous)
  - s. Weasel (family)
  - t. Wild boar or swine (family)
- 14. Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.
- 15. Architectural Feature.** The architectural style, design, general arrangement, and components of the exterior surfaces of a building, including the type, color, and texture of building material(s),

cornices, eaves, gutters, belt courses, sills, lintels, bays, ornaments, windows, doors, lights, and other surface or raised details and fixtures appurtenant to the building.

16. **Automobile Service and Repair.** See “Motor Vehicle Repair Station” and “Motor Vehicle Service Center.”
17. **Awning.** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.
18. **Balcony.** An exterior floor projecting from and supported by a structure without additional independent supports.
19. **Bar.** An establishment licensed by the State of Michigan and principally used for the retail sale and service of beer, wine or intoxicating liquor for consumption by patrons on the premises; where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers. Also see “**Controlled Uses.**”
20. **Basement.** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story except as provided for in the definition of “**Story.**” (also see “**Basic Structural Terms,**” [Figure 4. Basic Structural Terms](#)).
21. **Bed and Breakfast Inn.** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only.
22. **Bedroom.** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.
23. **Berm.** See “**Landscaping.**”
24. **Big Box.** A principal building designed, intended, or used by one (1) or more COMMERCIAL USES, as specified in [Article 5.0 \(Land Use Table\)](#), and with 50,000 square feet or more of ground floor area.
  - a. **Big Box COMMERCIAL USE.** A COMMERCIAL USE, as specified in [Article 5.0 \(Land Use Table\)](#) that occupies or is intended to occupy 50,000 square feet or more of ground floor area in a principal building.
25. **Biofuel.** A renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including but not limited to ethanol and bio-diesel; and not including methane or any other fuel product from an anaerobic digester.
26. **Block.** The property abutting one (1) side of a road and lying between the two (2) nearest intersecting roads; railroad right-of-way; alley; un-subdivided acreage; lake, river or stream;

boundary lines of the Township; or any other barrier to the continuity of development (also see “Block,” [Figure 5. Block](#)).

- 27. Brewpub.** A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCLA 436.31b and 436.31c.
- 28. Buffer, Land Use.** A transitional land use for the purpose of limiting the impact of one land use on another (such as but not limited to a greenbelt, planting strip, undeveloped zone of defined width, or combination thereof) which is placed as a separating element between different land uses or between new development and abutting rural areas.
- 29. Buffer, Wetland or Watercourse.** A land area of defined width consisting of or improved with native or natural vegetation, abuts a water course or wetland, and which is intended or designed to impact water temperature, reduce soil erosion, filter surface water runoff or intercept contaminants that would otherwise degrade water quality or wildlife habitat.
- 30. Building.** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building. A building shall not include such structures as signs, or fences, or structures not normally accessible for human occupation, such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.
  - a. Principal Building.** A building or, where the context so indicates, a group of buildings, which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.
- 31. Building Envelope.** The portion(s) of a lot located outside of all road and other rights-of-way, utility and other easements, and required perimeter yard setback areas. The building envelope shall not include any areas determined to be unbuildable due to soil conditions, slopes, wetlands or other factors (also see “**Building Envelope**,” [Figure 2. Building Envelope](#)).
- 32. Building Line.** The line formed by the junction of the plane of the outer surface of the building with the plane of the finish grade or surface of the adjoining ground (also see “**Accessory Structure**,” [Figure 6. Accessory Structure](#)).
- 33. Building Inspector.** The person or persons designated by the Township to administer and enforce the State Construction Code.
- 34. Bulk.** The size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following:
  - a.** the size and height of a building or structure;
  - b.** the location of the exterior wall of a building in relation to a lot line, street or other building;

- c. the floor area of a building in relation to the area of the lot on which it is located;
  - d. the open spaces allocated to and surrounding a building; and
  - e. the amount of lot area per dwelling unit.
35. **Cabaret.** See “Cocktail Lounge.”
36. **Caliper-inch.** The measurement of the diameter of a tree trunk. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.
37. **Car Wash.** A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks or other motor vehicles or recreational vehicles are automatically or manually cleaned.
38. **Caretaker’s Residence.** See “Dwelling, Accessory.”
39. **Carport.** A partially open accessory structure and shelter for housing of one (1) or more motor or recreational vehicles.
40. **Cemetery.** Land used for the burial of the dead, including columbiums and mausoleums.
41. **Certificate of Zoning Compliance.** Authorization given by the Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. This term is synonymous with the term “Zoning Permit.”
42. **Child Day Care Home.** See “Day Care Center.”
43. **Church, Temple, Place of Worship or Religious Institution.** A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including religious education classes, and offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.
44. **Civic Club.** A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit. See also **Lodge**.
45. **Clinic, Medical.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.
46. **Cocktail Lounge.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages,



dance floors, standing-room areas, pool tables and similar mechanical amusement devices. Also see “**Controlled Uses.**”

- 47. Commercial Shooting Range.** A business that is established with the goal of making a profit by providing individuals with a place to participate in organized or casual target shooting. This does not include recreational shooting by private property owners and their guests on their privately owned property.
- 48. Commercial Vehicle.** Any motor vehicle or trailer whose characteristics are described below:
- a. Used for the transportation of passengers for hire;
  - b. Constructed or used for the transportation of goods, wares, or merchandise for hire or sale;
  - c. Designed and used for carrying, towing, or pulling other vehicles;
  - d. A commercial vehicle capable of attaching to and propelling semi-trailers and similar units, and which is not customarily operated without an attached trailer;
  - e. A semi-trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height;
  - f. A cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches;
  - g. Construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles; and
  - h. Any vehicle that has or requires commercial license plates.
- 49. Common Land.** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.
- 50. Common Open Space.** An unoccupied area within a development which is reserved primarily for the leisure and recreational use of all the residents, owners and occupants in the development, and generally owned and maintained in common. See definition for “**Open Space**”.
- 51. Composting.** A controlled process of degrading compostable organic material by microorganisms.
- a. **Compostable Material.** Compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four

(4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.

- b. **Composting Methods.** Composting may be achieved by several methods:
- (1) **Mechanical.** A method in which the compost is continuously and mechanically mixed and aerated;
  - (2) **Ventilated cell.** Compost is mixed and aerated by being dropped through a vertical series of ventilated cells; and,
  - (3) **Windrow.** An open-air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed. The process may be anaerobic or aerobic, however, for purposes of this Ordinance only aerobic is permitted. Furthermore, sheet composting is not permitted.
- c. **Composting Support Service Facility.** Those structures and spaces necessary for the operation of a composting facility. Such support services shall be devoted exclusively to the facility to which they are adjacent.
- d. **Sheet Composting.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.
52. **Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.
- a. **Condominium Act.** Act 59 of the Michigan Public Acts of 1978, as amended.
  - b. **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
  - c. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
  - d. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
  - e. **Site Condominium.** All allocation or division of land permitted under the Condominium Act, which permits single-family detached housing pursuant to a master deed.
  - f. **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

- g. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act.
- h. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot” for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
- (1) **Front Yard Setback.** The distance between the public road right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall equal two hundred percent (200%) of the minimum required setback for the zoning district, and shall be measured from the nearest pavement edge to the foundation of the unit.
  - (2) **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
  - (3) **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.
- i. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
- j. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.
- k. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.
- l. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.

m. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

53. **Construction.** The mass grading and similar site work conducted upon land in preparation for a new use, establishment of necessary site improvements for a new use, and development of a new structure, relocation of a structure, or addition to an existing structure on land in the Township.

54. **Controlled Uses.** Certain uses that are recognized as an impediment to stable growth and development because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential zones. The following uses are defined as controlled uses for the purposes of this Ordinance:

Adult regulated uses, as defined in [Section 2.03 \(Definitions\)](#).

a. Bars, cabarets, cocktail lounges, or night clubs.

b. Pawnshops or collateral loan and/or exchange establishments.

c. Pool or billiard halls and other amusement centers where beer, wine, or intoxicating liquor is sold for consumption on the premises.

d. Specially designated distributor's establishment (SDD).

e. Specially designated merchant's establishment (SDM).

55. **Convenience Store.** A retail store designed to attract a large volume of stop-and-go customer traffic, and stocked primarily to sell food, beverages, and other household supplies to customers who purchase only a relatively few items per visit.

56. **Corner Clearance Zone or Area.** A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.

57. **Cul-de-Sac.** A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.

58. **Curb Cut.** The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

59. **Day Care Center.** A non-residential facility, as licensed by the State of Michigan, receiving one (1) or more adults or preschool or school age children for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian. This includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This shall not include a facility or program operated by a religious organization where children are cared for while their parents or guardians attend associated religious services. This facility is also described as a childcare center, day nursery, nursery school, parent cooperative preschool or drop-in center.

- a. **Adult Day Care Facility.** A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
  - b. **Family Child Day Care Home.** A private residential dwelling, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the resident family by blood, marriage or adoption.
  - c. **Group Child Day Care Home.** A private residential dwelling, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the resident family by blood, marriage or adoption.
60. **Dealership.** A building or premises used primarily for the sale or rental of new and used motor vehicles, recreational vehicles, or trucks.
61. **Dedicated Open Space.** See definition for **"Open Space"**.
62. **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
63. **Demolition.** An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.
64. **Density.** The number of dwelling units per net acre of land.
65. **Detention basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
66. **Development.** The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the site work conducted upon land in preparation for a new use. See also **"Construction."**
67. **Development Agreement.** An agreement, as required under this Ordinance, entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place.
68. **Diameter Breast Height (D.B.H.).** The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.
69. **Distribution Center.** A use which typically involves both warehouse and office/administrative functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

- 70. District.** A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term “**Zoning District.**”
- 71. Downshielded.** See “**Lighting.**”
- 72. Drive-In Establishments.** A business establishment that provides facilities or spaces for the purpose of serving patrons in or momentarily stepped away from their motor vehicles, or to facilitate consumption within motor vehicles.
- 73. Drive-Through Lanes or Establishments.** Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure.
- 74. Driveways.** A hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle. Driveway access to a parcel shall have an unobstructed width of not less than twelve (12) feet, unless otherwise provided in this Ordinance.
- 75. Dwelling.** A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.
- a. Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit.
  - b. Accessory Dwelling.** A dwelling unit for one (1) family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. “mother-in-law” apartment).
    - (1) Caretaker’s Residence.** A type of accessory dwelling unit intended for use by person(s) responsible for looking after the principal facility or use(s) on the site.
  - c. Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
  - d. Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.
  - e. Detached Dwelling.** A dwelling unit that is not attached to any other dwelling unit by any means.
  - f. Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
    - (1)** The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.

- (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
- (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- g. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport.
- h. **Multiple Family Housing.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families.
- i. **Site Built Dwelling.** A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.
- j. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.
- k. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane. Each dwelling unit is capable of individual use and maintenance, and access, utilities, and service facilities are independent for each dwelling.
- l. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.
- m. **Two-Family or Duplex Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.
76. **Earth-Sheltered Home.** A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.
77. **Easement.** A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.
78. **Elderly Housing.** See “Senior Housing.”
79. **Enforcement Official.** The person or persons designated by the Township to be responsible for enforcing and administering this Ordinance. The Enforcement Official may be referred to as the Building Inspector, Zoning Inspector, Township Planner, Township Engineer, or their agents.

Such titles do not necessarily refer to a specific individual, but rather indicate the office to which the person or persons may hold.

- 80. Erect.** To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.
- 81. Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.
- a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
  - b. Wireless communication facilities, wind energy conversion systems (WECS), solar energy systems, private community wastewater treatment and disposal systems (PCWS), and utility buildings and storage yards shall not be considered essential services under this Ordinance.
- 82. Excavation.** Any act by which an amount in excess of fifty (50) cubic yards of any soil or rock which is cut into, dug, quarried, uncovered, removed, displaced, or relocated in any calendar year is excavated or removed except excavation in connection with the construction of a building or within public highway rights-of-way.
- 83. Extractive Operation.** Any pit, excavation or mining operation for the purposes of searching for or removing any earth, sand, gravel, clay, stone or other non-metallic mineral in excess of 50 cubic yards per calendar year. The term shall not include an oil well or excavation preparatory to the construction of a structure, road or pipeline.
- 84. Exception.** An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.
- 85. Exotic Animals.** Include a specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. Animals of this nature that can or may be hazardous to human health or safety or the environment are prohibited.
- 86. Facade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.
- 87. Family.** Means either of the following:
- a. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal



occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by appeal of the Zoning Inspector's determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.

**88. Farm Market.** A principal or temporary use that may include the sale of agricultural, horticultural, or aquacultural farm products including but not limited to perennials, annuals, bulbs, herbs, fruits, vegetables, seeds, mulch, dried flowers, honey, and similar products.

**89. Farm Products Direct Marketing Business.** A business operation accessory to an active farm operation for sales, trade, and delivery of farm produce, herbs, flowers, seeds, fruits, vegetables, Christmas trees, and other agricultural products directly to the end user, but which does not include an on-site store or retail sales to the general public. Examples: direct sales and deliveries of fruits and vegetables to area restaurants; and cooperatives with regular deliveries of produce in season to co-op owners.

**90. Farming and Active Agricultural Uses.** See also "Agriculture."

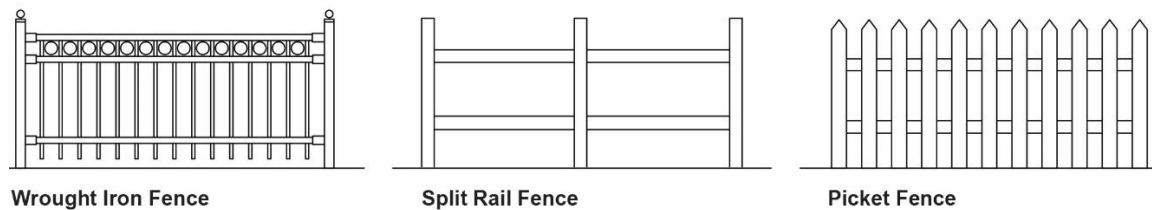
- a. **Farm.** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.
  - (1) Farms shall not include establishments for keeping or raising fur-bearing animals, private riding arenas or boarding stables, kennels, or greenhouses; except where such RURAL USES are permitted by this Ordinance.
  - (2) A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those ANIMAL AND AGRICULTURAL USES permitted by this Ordinance or incidental to the active agricultural use.

- b. **Farm Buildings.** Any structure constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations, including barns, silo, granary, milkhouse, and similar structures, but not including any building used as a dwelling.
- c. **Farm Labor Housing.** Temporary facilities provided for the housing of workers who are employed in the seasonal planting, harvesting, or processing of crops. This term is synonymous with “migratory labor camp.”
- d. **Feed Lot.** Includes any of the following facilities:
  - (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; and
  - (2) any structure, pen, or corral wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.
- e. **Livestock or Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.

91. **Fence.** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.

92. **Fence, Ornamental.** A fence that is designed and constructed of material commonly utilized for the construction of decorative fencing, consistent and in harmony with other uses in the zoning district in which it is located to achieve a decorative effect. Examples of ornamental fences include split rail fences, wrought iron fences, and picket fences with at least twenty-five percent (25%) of the area of its vertical plane open to light and air. See [Figure 1](#). Ornamental fences do not include chain link fences, cyclone fences, and similar types of fencing.

**Figure 1. Ornamental Fence Examples**



93. **Filling.** Filling shall mean the depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

94. **Fixed costs and expenses.** Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for

telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, facility construction, maintenance and repair, postage, and publication.

- 95. Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of Inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
- a. Flood, 100-Year.** A flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.
  - b. Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:
    - (1)** That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year flood.
    - (2)** Principal estuary courses of wetland areas that are part of the river flow system.
    - (3)** Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.
- 96. Floor Area.** The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage areas, recreational rooms, boiler rooms, and other areas within or contiguous to the structure. The measurement shall include the floor space of all accessory buildings measured similarly.
- a. Floor Area Ratio.** The ratio of the floor area of a building to the area of the lot on which it is located, calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, if a floor area ratio of sixty percent (60%) is specified and the lot area is 10,000 square feet, the maximum permitted floor area on the lot is 6,000 square feet. Subject to the provisions of this Ordinance regarding height and story limitations, the building area may be 3,000 square feet for each of two (2) stories, or 2,000 square feet for each of three (3) stories.
  - b. Ground Floor Area.** The gross horizontal floor area of the street level or first floor of a building, as measured to the exterior face of the exterior walls; including all enclosed porches, and all stairways, breezeways, storage areas, and other areas within or contiguous to the street level or first floor of the building. Also known as the “building footprint.”
- 97. Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- 98. Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or

adoption, are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

- 99. Frontage.** A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.
- 100. Garage.** An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.
- 101. Garbage.** Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables; including spoiled food, dead animals, animal manure and fowl manure.
- 102. Garden Center.** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.
- a. Garage Sale.** See “Yard Sale”.
- 103. Golf Course or Country Club.** The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.
- a. Par-3 Golf Course.** A golf course consisting of shortened fairways, typically no longer than 200 yards. Par-3, eighteen-hole golf courses typically occupy 50 to 60 acres.
- 104. Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- a. Grade, Average.** The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a structure.
- b. Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
- c. Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.
- 105. Greenbelt.** See “Landscaping.”
- 106. Greenhouse.** A glass or similar transparent or translucent structure in which plants are grown that need protection from cold weather.
- a. Residential Greenhouse.** A greenhouse structure accessory to a single-family dwelling in which plants are grown by the dwelling occupants for personal use or other activities permitted in the zoning district.

- 107. Groundwater.** Water stored in, and slowly filtering through, geologic formations.
- 108. Groundwater Recharge Area.** A land surface and subsurface with limited filtering and purification capabilities and of high permeability that readily permits water to move downward into an aquifer to a depth where it is likely to be tapped by wells.
- 109. Growth Management Plan.** The adopted comprehensive land use and master plan for the Charter Township of York, including any portions, supplements or amendments to such plan, and consisting of graphic and written text indicating the Township's development goals and objectives, planned future uses of all lands in the Township, general location for roads and other transportation infrastructure, public and community facilities, parks and recreation facilities, agriculture and open space preservation areas, and all physical development.
- 110. Height.** The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front (also see "**Building Height**," [Figure 3. Building Height](#)).
- 111. Hazardous Materials.** Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):
- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate and/or final disposition of the material, dose-response toxicity, or adverse impact on natural resources.
  - b. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
  - c. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
  - d. "Petroleum" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
- 112. Health Club or Fitness Center.** A facility that provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, swimming pool, or gymnasium, but does not include spectator seating or facilities for sporting events.
- 113. Hobby.** An incidental activity, not meeting the definition of a home occupation, carried on by the occupant of the premises for personal enjoyment, amusement or recreation; where the articles produced or constructed are not sold, other than incidental sales.

- 114. Home-Based Business.** A business use conducted for compensation incidental to a dwelling and/or an active farm operation by the persons residing within the dwelling and a limited number of non-resident employees, which:
- a. is clearly incidental to the principal use of the lot as an active farm operation or a residence; and
  - b. is limited to activities of a predominantly service nature that are primarily conducted off-site. See [Section 7.204](#) for additional regulations.
- 115. Home Occupation.** An occupation or profession customarily conducted entirely within a dwelling by the persons residing within the dwelling and not more than one person who does not reside within the dwelling, and where such use is clearly incidental to the principal use of the dwelling as a residence.
- 116. Home Office.** A designation and use of a portion of a dwelling for limited and defined office activities conducted for compensation by persons residing within the dwelling, which:
- a. is clearly incidental to the use of the structure as dwelling unit;
  - b. is limited to receiving or initiating telephone calls, mail, facsimiles or electronic-mail, preparing or maintaining business records, word or data processing, and similar office activities; and
  - c. includes no representation of any non-residential activities visible from outside the dwelling.
- 117. Hospital.** An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.
- 118. Hotel or Inn.** One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.
- 119. Improvements.** Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.
- 120. Ingress and Egress.** Used in this Ordinance in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.
- 121. Institutional Uses.** The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:
- a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.

- b. Auditoriums, theaters, concert halls, and similar places of assembly.
- c. Libraries, museums, and similar centers for cultural activities.
- d. Churches, temples, and other places of worship.
- e. Post offices.
- f. Private clubs, fraternal organizations, and lodge halls.

**122. Junk.** Building debris, scrap material, or any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

**123. Kennel.** Any building, lot or premises where four (4) or more dogs or cats over twelve (12) weeks of age are kept; or any structure, lot or premises used, designed, or arranged for the boarding, breeding, grooming, or care of dogs, cats, pets, fowl, or other domestic animals for remuneration. This definition shall not include the raising of animals for agricultural purposes, or premises used for residential purposes, where the occupant keeps personal pets.

**124. Laboratory.** A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

**125. Landfill.** A tract of land that is used to collect and dispose of "solid waste" as defined and regulated under the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

**126. Landscaping.** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- a. **Berm.** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.
- b. **Greenbelt.** A combination of natural plant materials planted and maintained within a designated land area, which may include natural groundcovers, deciduous and/or evergreen shrubs, deciduous and/or evergreen trees, and/or deciduous ornamental trees.
- c. **Groundcover.** Low-growing perennial plants that form a dense, extensive growth after one (1) complete growing season, and that tend to prevent weeds and soil erosion.
- d. **Hedge.** A row of closely planted shrubs or low growing trees which commonly form a continuous visual screen, boundary, or fence.

- e. **Screen or Screening.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such materials shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- f. **Shrub.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
- g. **Sod.** An area of grass-covered surface soil held together by matted roots.
- h. **Tree.** A self-supporting woody, deciduous, or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in Washtenaw County, Michigan. Types of trees are defined as follows:
  - (1) **Deciduous Tree.** A variety of tree that has foliage that is shed at the end of the growing season.
  - (2) **Evergreen Tree.** A variety of tree that has foliage that persists and remains green throughout the year.
  - (3) **Ornamental Tree.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about twenty-five (25) feet or less.
  - (4) **Shade Tree.** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of 15 feet or greater in Washtenaw County, Michigan, having a trunk with at least five (5) feet of clear stem at maturity.
- i. **Vine.** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

**127. Landscaping Business or Seasonal Maintenance Operation.** A COMMERCIAL USE that is characterized by the use of trucks, trailers, grading equipment, and tree-moving equipment for installation of plants, soils, and other landscaping materials at off-site locations, or for ongoing, regular maintenance of established off-site landscaping improvements. This use may also include on-site retail sales of plants, soils, and other landscaping materials; and storage and use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations.

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

- a. **Downshielded.** The method by which light from an outdoor lighting fixture is directed at the surface to be lighted, using interior or exterior shields to prevent light, glare, or reflection from illuminating adjacent properties or the area above the height of the light fixture.
- b. **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.



- c. **Floodlight.** A fixture or lamp designed to direct light over a broad area.
- d. **Footcandle.** Lumination produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.
- e. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
- f. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- g. **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
  - (1) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
  - (2) **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.
  - (3) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
  - (4) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
  - (5) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
- h. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
- i. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
- j. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one (1) lumen per square foot. One lux is one lumen per square meter.
- k. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

129. **Livestock.** See "Farming."

130. **Loading Space, Off-Street.** Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**131. Lot.** A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road (also see “**Corner, Interior & Double Frontage Lots,**” [Figure 8. Corner, Interior & Double Frontage Lots](#)).

- a. **Corner Lot.** A lot located at the intersection of two (2) roads or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less.
- b. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel roads.
- c. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
- d. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. “Single ownership” may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
  - (1) Single lot of record.
  - (2) Portion of a lot of record.
  - (3) Combination of lots of record, or portion(s) thereof.
  - (4) Condominium lot.
  - (5) Parcel or tract of land described by metes and bounds.

**132. Lot Area.**

- a. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands, watercourses, and bodies of water.
- b. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.

**133. Lot Coverage.** The total ground floor area of the principal and all accessory buildings, divided by the net lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is also referred to as ground floor coverage.

**134. Lot Depth.** The mean horizontal distance measured from the front road right-of-way line to the rear lot line (also see “**Yard Terms,**” [Figure 7. Yard Terms](#)).

**135. Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place.

- a. **Front Lot Line.** The line separating a lot from a road right-of-way.
  - (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.
  - (2) Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.
  - (3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.
- b. **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- c. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

**136. Lot Of Record.** A parcel of land that meets any of the following conditions:

- a. An existing lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Washtenaw County Register of Deeds and the Township Assessor;
- b. An existing lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Washtenaw County Register of Deeds and the Township Assessor;
- c. An existing lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan, recorded with the Washtenaw County Register of Deeds and the Township Assessor.

**137. Lot Split or Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds recorded with the Washtenaw County Register of Deeds and the Township Assessor.

**138. Lot Measurements.**

- a. **Lot Depth.** The horizontal distance between the rear lot line and the front lot line or road right-of-way line (whichever is closer to the rear lot line), measured along the median between the side lot lines.
- b. **Lot Width.** The horizontal straight-line distance between the two (2) points where the minimum front yard setback line intersects the side lot lines; and the horizontal distance between the side lot lines along the road right-of-way line of any public or private road (also see "Yard Terms," [Figure 7. Yard Terms](#)).

**139. Manufactured Housing Park.** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore,

together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act (Public Act 96 of 1987, as amended) and the Manufactured Housing Commission General Rules.

a. **Manufactured Home.** See “**Dwelling.**”

b. **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

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

**141. Massage Therapist.** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

a. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer’s body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

**142. Material Recovery Facility.** A place, structure, or use of land where used, discarded, or salvaged or salvageable materials are processed for recycling or reuse. A Material Recovery Facility shall not include motor vehicle storage or dismantling activities.

**143. Mezzanine.** An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story (also see “**Basic Structural Terms,**” [Figure 4. Basic Structural Terms](#)).

**144. Michigan Planning Enabling Act.** Act 33 of the Michigan Public Acts of 2008, as amended. This statute is the successor to the former Township Planning Act, Act 168 of the Michigan Public Acts of 1959, as amended.

**145. Michigan Zoning Enabling Act.** Act 110 of the Michigan Public Acts of 2006, as amended. This statute is the successor to the former Township Zoning Act, Act 184 of the Michigan Public Acts of 1943, as amended.

**146. Mixed Use.** A structure or project containing residential and nonresidential uses.

**147. Mobile Home.** See “**Dwelling; Manufactured Dwelling.**”

a. **Mobile Home Park.** See “**Manufactured Housing Park.**”

**148. Motor Vehicle Fueling Station.** A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

**149. Motor Vehicle Repair, Major Repair.** Engine and transmission overhauling, rebuilding, or replacement; valve and piston repair; transmission repair; axle and universal joint repair;

collision services, such as body repair, painting, and refinishing, and frame or fender straightening or repair; and similar servicing or repairs.

- 150. Motor Vehicle Repair, Minor Repair.** Engine tune-ups and servicing of brakes, electrical systems, suspension systems, air conditioning, and exhaust systems; oil change or lubrication; tire replacement and wheel alignment or balancing; steam cleaning, undercoating and rust-proofing; and diagnostic services or similar servicing or repairs that do not normally require any significant disassembly.
- 151. Motor Vehicle Repair Station.** An enclosed building where minor and major motor vehicle repair services may be carried out.
- 152. Motor Vehicle Service Center.** A place where motor oil and lubricants are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair only of motor vehicles.
- 153. Multiple-Family Housing.** See “**Dwelling, Multiple-Family Housing.**”
- 154. Natural Area.** A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered “natural” even though excavation, filling or other similar activity may have previously occurred.
- 155. Natural Features.** Include, but are not limited to, soils, wetlands, floodplains, water bodies and channels, groundwater recharge areas, topography (including steep slopes), hedgerows, trees and other types of vegetative cover, and geologic formations.
- 156. Night Club.** See “**Cocktail Lounge**”
- 157. Noise.**
- a. **Decibel (db).** A unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.
  - (1) **dba.** A unit for describing sound levels using an A-weighting network. This network modifies the measured sound pressure level at the various frequencies to account for differences in the sensitivity of the human ear to sounds of different frequency.
  - b. **Impulsive noise.** Noises of relatively short duration generally produced by striking two (2) or more objects so as to be heard as separate distinct noises.
  - c. **Noise.** A subjective description of an undesirable, unwanted, or un-warranted sound (also see definition of “**sound**”).
  - d. **Sound.** Rapid fluctuations of atmospheric pressure that are audible to the human ear.

- e. **Sound level meter.** An instrument for measuring the overall sound pressure level which complies with the standards set forth in the “American Standard Specification for General Purpose Sound Level Meters,” American National Standards Institute (ANSI S1. 4-1961).
- f. **Noise measurement.** Noise shall be measured with a sound level meter at the lines of the property from which the noise is being emitted. The instrument shall be set to the A-weighted response scale, and the meter to slow response. Measurements shall be conducted with the “American Standard Method for the Physical Measurements of Sound,” American National Standard Institute (ANSI S1. 2-1962). When more than one (1) sound level applies the more stringent one shall control.

**158. Nonconformities:**

- a. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
- b. **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- c. **Nonconforming Sign.** See “**Sign; Nonconforming Sign.**”
- d. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- e. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, regulations and codes.
- f. **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, and regulations.
- g. **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
- h. **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.

- 159. Noxious.** An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.
- 160. Nuisance.** Any offensive, annoying, or disturbing emission, practice, or object, which prevents the free use or comfortable enjoyment of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.
- 161. Nursery.** The use of land or greenhouses to grow plants intended to be transplanted for use in agriculture, forestry, or landscaping; or a space or structure where live trees, shrubs, or other plants used for gardening and landscaping are propagated, stored, or otherwise prepared for off-site installation.
- a. The definition of nursery does not include the on-site retail sale of fruits, vegetables, Christmas trees, soils, or landscape materials.
  - b. The definition of nursery does not include ongoing regular maintenance of established landscape improvements, or storage or use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations. See also "Landscape Business or Seasonal Maintenance Operation."
- 162. Nursing Home.** See "Senior Housing."
- 163. Obscene Material.** As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].
- 164. Occupancy or Occupied.** The purpose for which a building or part thereof is used or intended to be used. The term "occupied" includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited."
- 165. Occupancy Load.** The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.
- 166. Open Air Business.** Any business that is conducted primarily out-of-doors.
- 167. Open Space.** All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.
- a. **Conservation easement.** A legal agreement and a conveyable interest in land in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.
    - (1) A conservation easement provides limitation on the use of land or a body of water or development of structures or site improvements.
    - (2) A conservation easement defines the responsibilities of all parties for retaining or maintaining the land or body of water predominantly in its natural, scenic, or open

condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

(3) A conservation easement may require or prohibit certain acts on or with respect to the land or body of water.

(4) Also see definition of “conservation easement” in Section 2140 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended)].

b. **Development rights.** The rights to develop land to the maximum intensity of development authorized by law.

c. **Greenway.** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

d. **Restrictive covenant.** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.

e. **Undeveloped state.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be dedicated to the use of the public.

**168. Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building. See also “**Open Air Business.**”

**169. Outdoor Storage.** An open area where goods, equipment, merchandise, components awaiting assembly, finished products, building materials, and similar items are kept or stored for use on-site or later distribution or shipment off-site. The term does not include uses established entirely within enclosed buildings, motor vehicle storage or dismantling yards or drop-off stations for recyclables.

**170. Outdoor Motor Vehicle Storage or Dismantling Yard.** An open area used for any of the following purposes:

a. Purchase, sales, exchange, storage, disassembly or handling of used parts of motor vehicles.

b. Any business and any place of storage or deposit which includes two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation.

c. Where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals,



paper, rags, rubber tires, and bottles, glass, cordage, and other waste, used or secondhand material.

- d. This facility is also described as a junkyard, wrecking yard or automobile scrap yard, and includes any area of more than 200 square feet for storage, keeping or abandonment of junk.
- e. "Motor vehicle storage or dismantling yard" does not include uses established entirely within enclosed buildings and drop-off stations for residential recyclables.

**171. Outlot.** A parcel of land designated on a site plan for future development. This definition applies only to site plan developments under this Ordinance as distinguished from the definition of "Outlot" under the Land Division Act.

**172. Parcel.** See "Lot."

**173. Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.

**174. Parking Lot.** A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

**175. Parking Space.** A space set aside for the sole purpose of parking an automobile on a temporary basis.

**176. Pavement Or Hard Surface.** Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.

**177. Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

**178. Permitted Use.** See "Use."

**179. Person.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

**180. Pet.** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other animal that is commonly available and is kept for pleasure or companionship, and not including "Exotic Animals."

**181. Planning Commission.** The Planning Commission for the Charter Township or York, Washtenaw County, Michigan, as authorized by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

**182. Plat.** A map or chart of a subdivision of land.

- 183. Pond.** A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, groundwater or a public or private water distribution system.
- 184. Porch.** A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.
- 185. Pool or Billiard Hall.** An establishment wherein a substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.
- 186. Premises.** A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses that are not separated by intervening roads, alleys, utility or railroad rights-of-way or other interruptions.
- 187. Private Community Wastewater System (PWS).** A Sanitary Sewer System which is owned by a non-governmental entity and which is proposed to serve more than one dwelling unit or structure. The PWS shall be deemed to include any individual septic tanks, pumps, lines and appurtenances serving each dwelling unit or structure, in addition to the central treatment facility, drainfield, reserve field, any approved lift stations, lines, sewers and appurtenances that serve more than one dwelling unit.
- 188. Principal Use.** See “Use.”
- 189. Property Line.** The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also “Lot Line.”
- 190. Pub.** See “Brewpub” and “Tavern.”
- 191. Public Utility.** See “Utility.”
- 192. Publicly Owned and Operated Sanitary Sewerage System.** A Sanitary Sewer System owned and operated by the Township, the Ypsilanti Community Utilities Authority (YCUA), or another municipality.
- 193. Quarry.** See “Extractive Operation.”
- 194. Recognizable and Substantial Benefit.** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.
- 195. Recreation Area.** Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.

- 196. Recreational Facility, Indoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.
- 197. Recreational Facility, Outdoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children’s amusement parks.
- 198. Recreational Vehicle.** A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:
- a. **Boats and Boat Trailers.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. “Boats and “boat trailers” shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
  - b. **Folding Tent Trailer.** A folding structure, mounted on wheels and designed for travel and vacation use.
  - c. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis, containing facilities for cooking and/or overnight lodging for one (1) or more persons, and designed, constructed or occupied for use as temporary living quarters for recreational, camping, travel or seasonal use purposes. The term “motor home” does not include “manufactured home.”
  - d. **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
  - e. **Travel Trailer.** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
  - f. **Horse Trailer.** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.
  - g. **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.
  - h. **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.

- 199. Recycling Collection Facility.** A location or operation for the collection and temporary storage of recyclable material intended for transportation to a processing center, or for reclamation, repair, and re-use.
- 200. Repair and Maintenance, Ordinary.** Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.
- 201. Restaurant.** Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.
- a. Carry-Out Restaurant.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design and method of operation include:
- (1)** Food and beverages are usually served in edible containers or in paper, plastic or other disposable containers.
  - (2)** The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and the restaurateur strictly enforces such prohibition.
- b. Restaurant, Drive-In.** Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design and method of operation include:
- (1)** Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means that eliminates the need for the customer to exit the motor vehicle.
  - (2)** The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.
- c. Drive-Through Restaurant.** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

- 202. Retail Stores and Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.
- a. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
  - b. Included in this definition are convenience stores, department stores, variety stores, “big-box” stores, supermarkets, wholesale club stores, shopping centers and shopping malls.
  - c. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
  - d. This definition does not include temporary uses, temporary outdoor display or sales areas or adult uses and sexually-oriented businesses.
- 203. Retention Basin.** A pond, pool, or basin used for the long-term storage of water runoff.
- 204. Rezoning.** The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.
- 205. Riding Arena or Boarding Stable, Private.** All stables and facilities for the private rearing, schooling, breeding or housing of horses, mules, ponies and similar equine riding animals, which may include private boarding of one (1) or more equine riding animals by the property owner in exchange for monthly, seasonal or annual compensation from the animal’s owner(s).
- 206. Riding Stable, Public or Commercial.** All stables and facilities regularly accessible to the general public for the rearing, schooling, riding, driving, and housing of horses, mules, ponies and similar equine riding animals available or intended for public lessons, riding academies, hire on a per diem, hourly or weekly basis, or similar use by the public.
- 207. Right-Of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.
- 208. Road.** A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.
- a. **Marginal Access Road.** A service roadway parallel to a feeder road, which provides access to abutting properties and protection from through traffic.
  - b. **Private Road.** A route or access right of way that provides vehicular access to a lot or lots, and which has not been dedicated to public use.
- 209. Roadside Stand.** A temporary building or structure operated for the purpose of selling natural, unprocessed produce, plants, and other farm products at least fifty percent (50%) of which is

raised or produced on the same premises, or on land which is part of the same farm operation. A roadside stand shall not make a commercial district, nor shall its use be deemed a commercial activity. See [Section 7.111](#), "[Roadside Stands](#)"

- 210. Room.** For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.
- 211. Sale, Incidental Residential.** See "Yard Sale".
- 212. Sanitary Sewer System.** Facilities for transportation, collection, processing, or treatment of sanitary sewage serving or intended to serve more than one principal dwelling unit, principal use, or principal building; including all treatment and disposal facilities, pumps, lines, lift stations, and appurtenances. See also "**Private Community Wastewater System (PWS)**" and "**Publicly-Owned and Operated Sanitary Sewer System.**"
- 213. Screen.** See "[Landscaping.](#)"
- 214. Secondhand Store.** A retail store for the sale of secondhand clothing, secondhand furniture, or secondhand household goods. This definition shall not include antique stores, bookstores, pawnshops, or junkyards.
- 215. Self-Storage Warehouse.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.
- 216. Senior Housing.** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older. Housing for the elderly may include:
- a. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
  - b. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
  - c. **Convalescent or Nursing Home.** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.
  - d. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.

- e. **Elderly Housing.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
  - f. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.
- 217. Separate Ownership.** Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.
- 218. Setback.** The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or road rights-of-way (also see “**Yard Terms**,” [Figure 7. Yard Terms](#)).
- a. **Building Setback.** The line parallel to the front lot line or road right-of-way line that defines the separation distance required from the road right-of-way or front lot line.
  - b. **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
  - c. **Required Setback.** The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.
- 219. Shopping Center.** A group of commercial establishments, primarily consisting of retail uses, that are compatible with each other and are mutually supportive, in one (1) or more buildings, on a site that is planned, developed, and managed as one (1) operating unit, with common driveways, parking areas, identification signs, and other common facilities and services.
- 220. Single-Family Housing.** See “**Dwelling, Single-Family.**”
- 221. Site Condominium.** See “**Condominium.**”
- 222. Site Plan.** A plan showing all salient features of a proposed development, as required by pertinent portions of this Ordinance, so that it may be evaluated to determine whether it meets the provisions of this Ordinance and the Growth Management Plan.
- 223. Special Event.** An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit community group, organization, club, or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment and which is open to the public. Special events typically run for a short period of time [less than two (2) weeks] and are unlike the customary or usual activities generally associated with the property where the special event is to be located.
- 224. Special Use.** See “**Use, Special.**”
- 225. Specially Designated Distributor's Establishment.** A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor,

licensed by the state liquor control commission to distribute alcoholic liquor and operating in compliance with the Township's Liquor Control Ordinance, other than wine under twenty percent (20%) alcohol by volume, and beer, in the original package for consumption off the premises. Also see “**Controlled Uses.**”

- 226. Specially Designated Merchant's Establishment.** A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to sell beer and/or wine for consumption off the premises and operating in compliance with the Township Liquor Control Ordinance. Also see “**Controlled Uses.**”
- 227. Sportsman’s Club.** A facility owned by an organization or group of individuals, established with the goal of organized or casual target shooting. This does not include recreational shooting by private property owners and their guests on their privately owned property.
- 228. Stacked Flats.** See “**Dwelling, Stacked Flats Building.**”
- 229. State Licensed Residential Facility.** A structure or facility constructed for residential purposes to provide resident services and 24 hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended).
- 230. Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (also see “**Basic Structural Terms,**” [Figure 4. Basic Structural Terms](#)).
- a. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
  - b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.
- 231. Story, Half.** An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.
- 232. Street.** See “**Road.**”
- 233. Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.
- a. **Accessory Structure.** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory



structures shall include garages, garden equipment sheds, small greenhouses, and swimming pools (also see “**Accessory Structure**” illustration).

- b. Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.

**234. Subdivision Plat.** The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Land Division Act (P.A. 288 of 1967, as amended) and Township Subdivision Regulations.

**235. Swimming Pool.** Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.

**236. Tavern.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other amusement devices.

**237. Theater.** A building, room, or outdoor structure for the presentation of performances or motion pictures. See also “**Motion Picture Cinema.**”

**238. Total Buildable Area.** An area calculated by subtracting from the gross site acreage, the areas comprised of existing and proposed right-of-ways and easements for public and private roads, flood plains, wetlands, and stream corridors, and lands to be purchased for public use. This is the area used to compute the allowable maximum density for an Open Space Preservation Residential Development.

**239. Townhouses.** See “**Dwelling, Townhouse.**”

**240. Township.** The Charter Township of York, Washtenaw County, Michigan.

**241. Township Board.** The elected board of trustees for the Charter Township of York, Washtenaw County, Michigan.

**242. Township Engineer.** The person, persons or firm designated by the Township to advise the Township on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.

**243. Township Planner.** The person, persons or firm designated by the Township to provide staff support to the Township Board, Planning Commission or Zoning Board of Appeals, and to advise the Township on community planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.

- 244. Tree Farm.** The use of land to grow live trees that are heeled in, not balled and bagged, and are intended to be transplanted or sold for use in agriculture, forestry or landscaping, but not including sales on the premises or storage of tree-moving, earth-moving, or related equipment outside of enclosed structures. See also “**Nursery.**”
- 245. Truck Terminal.** A structure to which goods, except raw or unprocessed agricultural products, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.
- 246. Two-Family (Duplex) Dwellings.** See “**Dwelling, Two-Family or Duplex Dwelling.**”
- 247. Undeveloped State.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural land use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course or other exclusively commercial recreational uses, lot area within setbacks for each specific lot or land area dedicated as limited commons, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.
- 248. Use.** The purpose for which land or premises or a building thereon, is designed, arranged or intended or for which it is occupied maintained, let or leased.
- a. Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.
  - b. Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
  - c. Principal Use.** The main or primary use of the land or structures; or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
  - d. Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
  - e. Special Use.** A use which is not permitted by right in a zoning district, but which may be permitted after review and approval if listed as a special use in the district where the use will be located.
  - f. Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.
- 249. Use Groups.** All uses of land permitted by this Ordinance have been organized, for ease of use and convenience, into the following use groups based upon certain characteristics that the grouped uses may share:
- a. RURAL USES.** These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.

- b. **RESIDENTIAL USES.** These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
- c. **OFFICE, SERVICE, AND COMMUNITY USES.** Community uses are public-owned or operated uses; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community. Office or service uses are private-owned or operated uses; or uses of a for-profit nature, such as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.
- d. **COMMERCIAL USES.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
- e. **INDUSTRIAL, RESEARCH, AND LABORATORY USES.** These are uses of a light manufacturing, research, warehousing or wholesaling character; or that involve compounding, processing, packaging, assembly, storage or treatment of materials.
- f. **OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

**250. Utility, Private.** A person, firm, corporation or private entity duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, communication, telegraph or transportation. Such uses as wind energy conversion systems (WECS), solar energy systems, community wells, private community wastewater systems (PWS), radio stations, and wireless communication facilities shall not be considered private utilities under this Ordinance.

**251. Utility, Public.** A governmental entity or municipal department, board or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, or transportation to the public. Such utility shall be regulated by a governmental pricing structure, have the right of eminent domain, be a single entity as designated by Federal or State government to provide a specified service or product, and provide a service considered essential to a public need.

- a. Publicly owned and operated or municipal water distribution and sanitary sewer systems, and stormwater drainage facilities under the jurisdiction of the Washtenaw County Drain Commissioner, shall also be considered public utilities.
- b. Such uses as wind energy conversion systems (WECS), solar energy systems, community wells, private community wastewater systems (PWS), radio stations, and wireless communication facilities shall not be considered public utilities under this Ordinance.

**252. Variable Costs and Expenses.** Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses; including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Planner, and other designated Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

- 253. Variance.** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.
- 254. Vehicle Shelter.** A temporary accessory structure consisting of metal, fabric, wood, plastic, fiberglass, or combination of similar materials and designed or intended for the short-term sheltering of a motor or recreational vehicle from weather conditions or solar radiation.
- 255. Veterinary Clinic Or Hospital.** An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.
- 256. Volatile Farm-Based Biofuel Production Facility.** An accessory use, clearly incidental and subordinate to an active farm operation lawfully operating on the same zoning lot, in which biofuel (as defined in this Section) is derived from recently living organisms or their metabolic by-products. This term shall include all equipment, storage tanks, and other improvements needed to produce, store, and transport the biofuel in a manner that meets all federal, state, and Township standards and limitations.
- 257. Wall.** A screening structure of definite height and location constructed of a masonry, concrete, rock or similar material.
- 258. Warehouse.** A building used for short- and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, wholesaling, and retailing. See also “**Distribution Center**” and “**Truck Terminal.**”
- 259. Watercourse.** Any natural or open artificial watercourse, diversion, stream, river, creek, ditch, channel, canal conduit, culvert, drain, waterway, gully, ravine, or wash in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed, and banks, and shall include the floodplain.
- 260. Water Supply System.** Facilities for collection, transportation, processing, or distribution of sanitary drinking water serving or intended to serve more than one principal dwelling unit, principal use, or principal building; including all potable water sources, treatment and purification facilities, pumps, lines, and appurtenances.
- a. **Publicly-Owned and Operated Water System.** A water supply system owned and operated by one or more governmental entities.
  - b. **Community Well.** A water supply system that is owned by a non-governmental entity.
- 261. Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:
- a. At least periodically, the land supports predominantly hydrophytes.
  - b. The substrate is predominantly un-drained hydric soil.

- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.
- d. **Regulated Wetland.** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) or any adopted Township wetlands ordinance.

**262. Wind Energy Conversion System (WECS).** Any device such as a wind charger, windmill, or wind turbine that converts wind energy to usable energy.

- a. **Agricultural WECS.** A WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.
- b. **Private WECS.** A WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.
- c. **Commercial WECS.** A WECS that is designed and built to provide electricity to the electric utility's power grid.
- d. **Authorized Factory Representative.** An individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.

**263. Wireless Communications Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.

- a. **Antenna(e).** Equipment used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, amateur or "ham" radio transmission or reception, and equipment that receives or transmits satellite television broadcast signals or video programming services.
- b. **Amateur Radio Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as "HAM radio antenna."
- c. **Backhaul Network.** The lines that connect a provider's towers or antennae to one or more switching offices, long-distance providers or public-switched telephone network.
- d. **Collocation.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- e. **Ground Equipment Facilities or Building.** Equipment used in the operation of the facility, other than antennae or towers, and the structure within which the equipment is stored, maintained and serviced.

- f. **Provider.** An entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through Wireless Communications Facilities.
- g. **Satellite Dish Antenna.** An antenna structure designed to receive from or transmit to orbiting satellites.
- h. **Support Structure or Tower(s).** Structures erected or modified to support wireless communication antennae support structures within this definition include, but are not limited to monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

**264. Yard.** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein (also see “**Yard Terms**,” [Figure 7. Yard Terms](#)).

- a. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building.
- b. **Rear Yard.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
- c. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
- d. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.
- e. **Yard Sale.** A temporary event, incidental and subordinate to the principal use of the premises as a residence, where excess household goods or personal items owned by the occupant of the residence are offered for sale. This term also includes garage sales, estate sales, estate or household auction sales, and similar activities. To be considered incidental and subordinate to the principal residential use of the premises, the sales activity on a single premises shall not exceed a maximum total of ten (10) days per calendar year. Any activity that, in the determination of the Zoning Inspector, qualifies as a commercial use (see “Use Groups: Commercial Uses”) or otherwise meets the definition of “Retail Stores and Retail Sales,” “Open Air Business” or “Outdoor Sales or Display” shall be prohibited.

**265. Zoning Board of Appeals.** The board created pursuant to the provisions of this Ordinance and the Michigan Zoning Enabling Act to hear and decide appeals, variances, interpretations, and exceptions under this Ordinance.

**266. Zoning District.** See “**District**.”

267. Zoning Inspector. As defined in [Article 20.0](#).

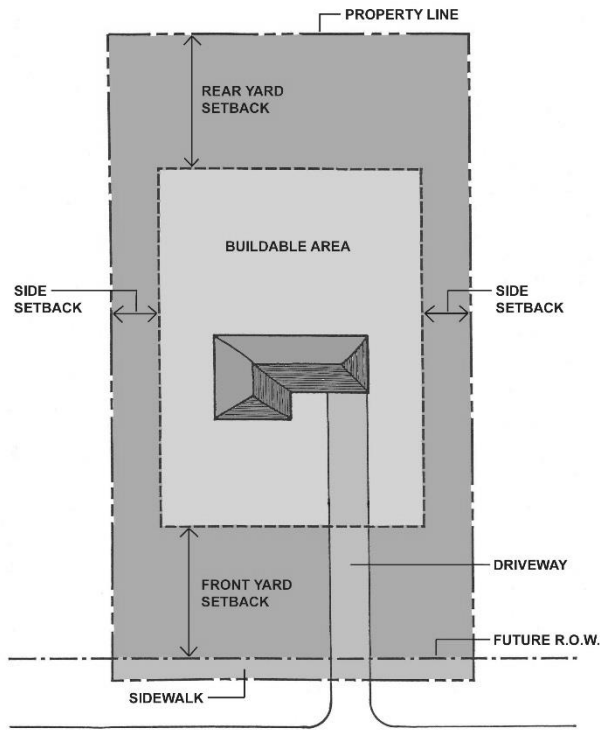
268. Zoning Permit. See “Certificate of Zoning Compliance.”

## **Section 2.04      Undefined Terms**

Any term not defined herein shall have the meaning of common or standard use.

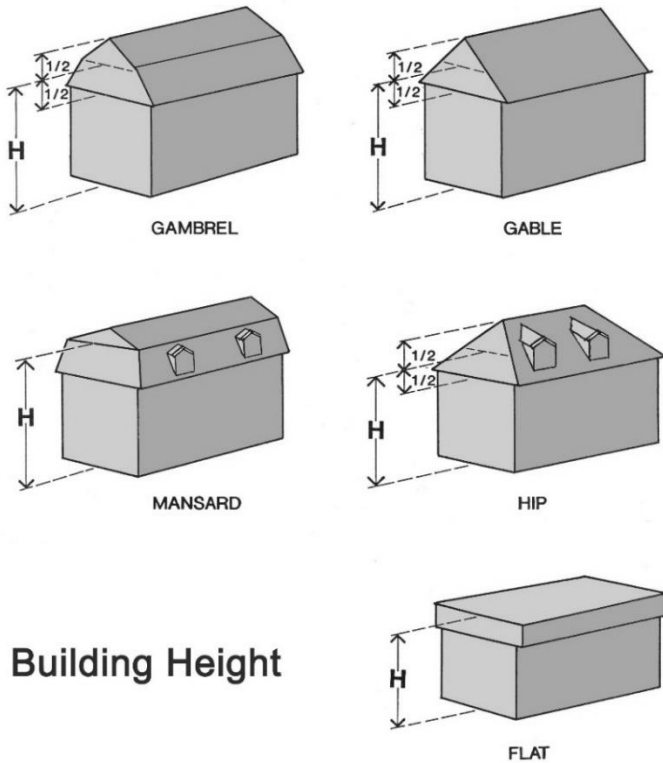
### ILLUSTRATIONS

Figure 2. Building Envelope



**Building Envelope**

Figure 3. Building Height

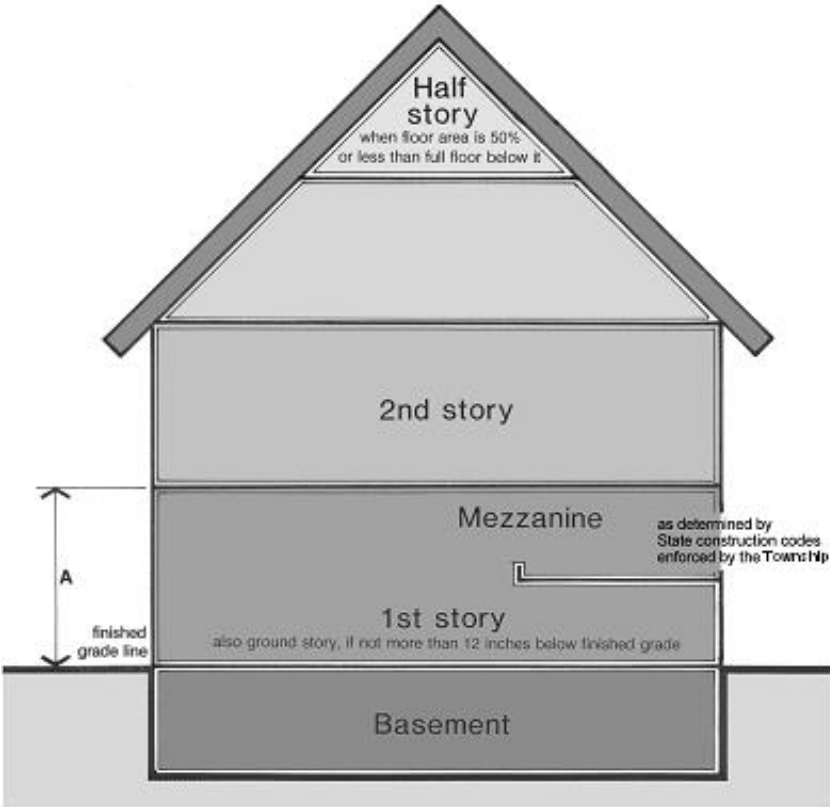


**Building Height**



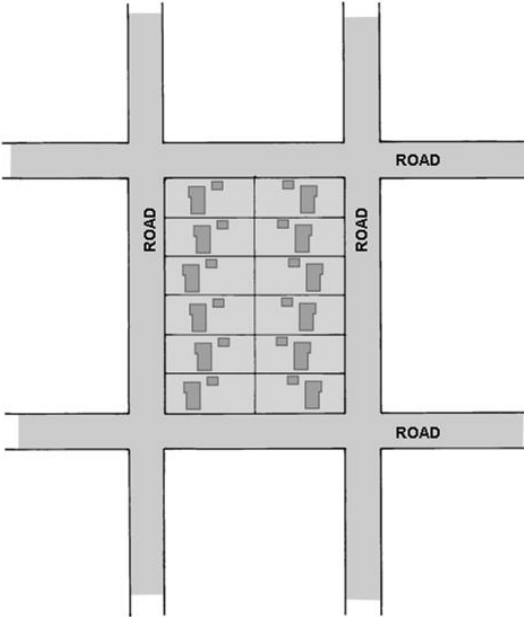
**ILLUSTRATIONS**

Figure 4. Basic Structural Terms



**Basic Structural Terms**

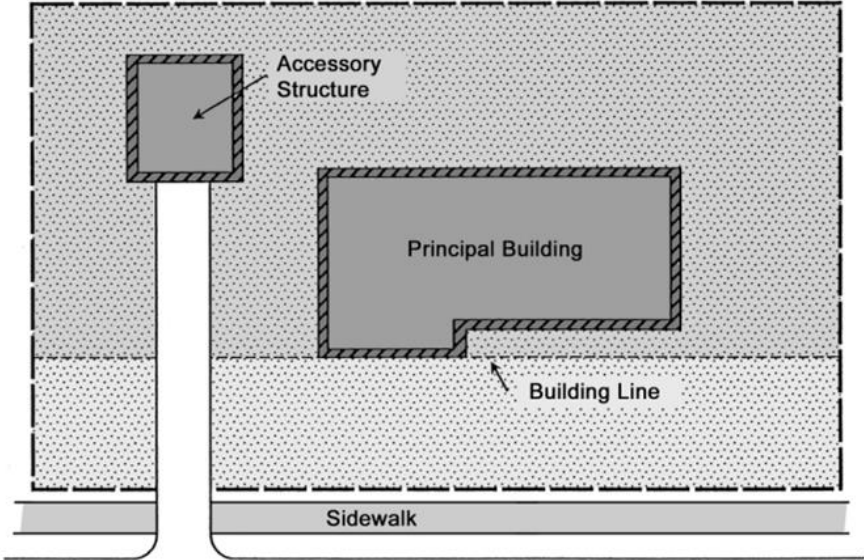
Figure 5. Block



**Block**

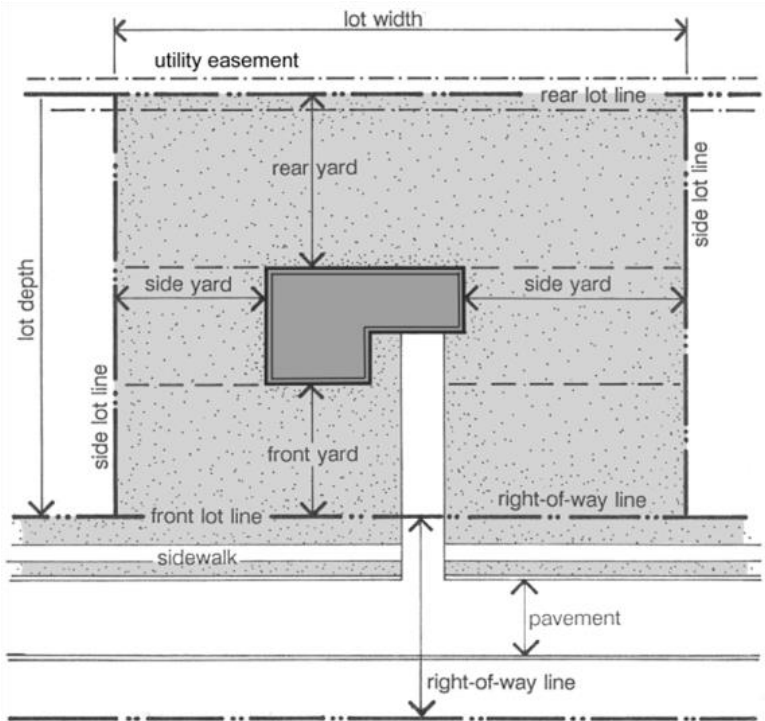
**ILLUSTRATIONS**

Figure 6. Accessory Structure



**Accessory Structure**

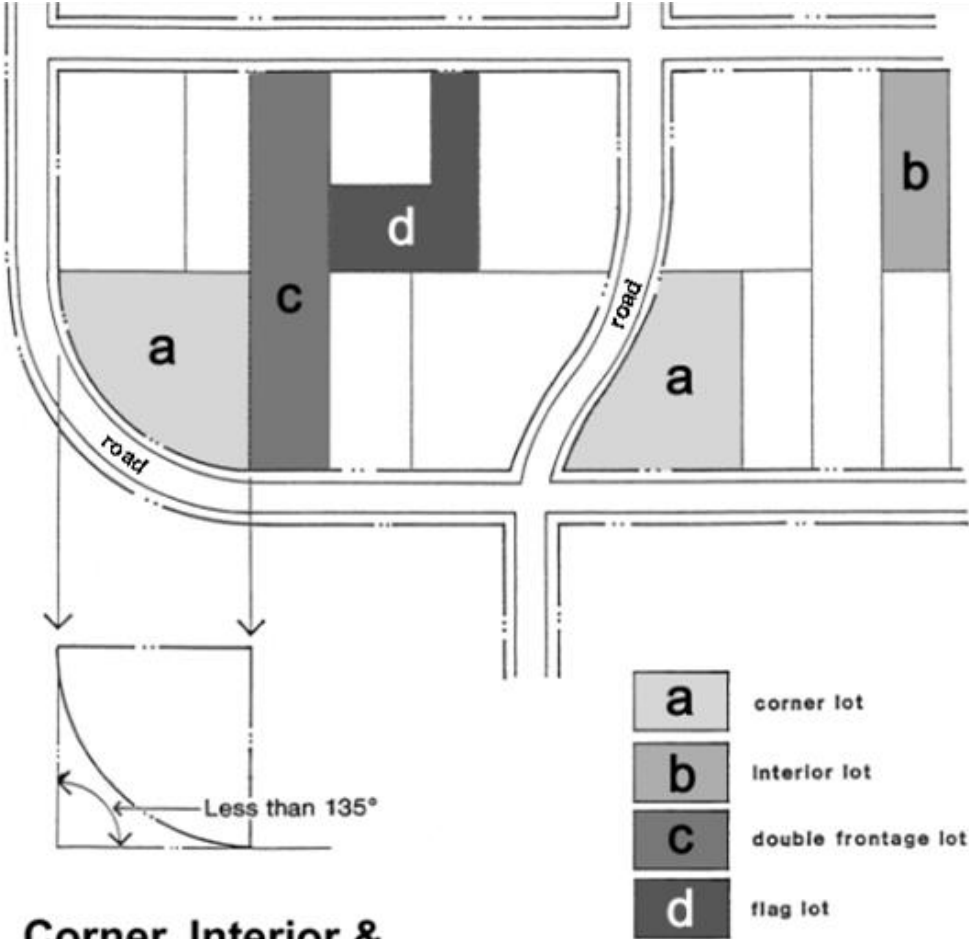
Figure 7. Yard Terms



**Yard Terms**

**ILLUSTRATIONS**

Figure 8. Corner, Interior & Double Frontage Lots



**Corner, Interior &  
Double Frontage Lots**

## Article 3.0 General Provisions

### Section 3.01 Minimum Requirements

The regulations established by this Ordinance are hereby deemed to be the minimum necessary for promoting and protecting the public health, safety, and general welfare in the Charter Township of York. The regulations herein established within each zoning district shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules, regulations, ordinances, or laws of the Township or outside agencies with jurisdiction, the most restrictive or those imposing the higher standards shall govern.

### Section 3.02 Relationship To Other Ordinances Or Agreements

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance. The Township shall not be responsible for enforcement of private deed restrictions, easements, covenants, or other private agreements, except as authorized under this Ordinance.

### Section 3.03 Administrative Standards

Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

### Section 3.04 Scope of Regulations

- A. Except as otherwise may be provided in [Article 18.0 \(Non-Conformities\)](#) and [Article 19.0 \(Zoning Board of Appeals\)](#), every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building or structure shall be located.
- B. Where a building permit for a building or structure, use of building or structure, or use of lot or parcel, has been issued in accordance with the law prior to effective date of this Ordinance and provided that construction is begun within 365 calendar days of such effective date and diligently pursued to completion, said building or structure, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and further, may upon completion be occupied by the use for which originally designated, subject thereafter to the provisions of [Article 18.0 \(Non-Conformities\)](#).
- C. Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than 365 calendar days following said date, unless said structure has been completed in conformance with the regulations of the district in which located.
- D. No part of a yard or other open space, off-street parking or loading space required in connection with any use, building, or structure for the purpose of complying with this Ordinance shall be included in the yard, open space, off-street parking or loading space similarly required for any other use, building, or structure.

- E. No yard or lot existing on the date of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet the minimum Ordinance requirements for the zoning district. No off-street parking or loading areas shall be reduced below the required size or number of spaces.
- F. Non-conforming lots of record may be utilized as set forth in [Section 18.02 \(Non-Conforming Lots of Record\)](#).

### **Section 3.05 Unlawful Buildings, Structures, Site Designs, And Uses**

A building, structure, site improvement, or use not lawfully existing at the time of adoption of this Ordinance shall not become or be made lawful solely by reason of the adoption of this Ordinance or amendment thereto. In case any building, structure, site, or part thereof is used, erected, occupied, or altered contrary to law or the provisions of this Ordinance, it shall be deemed unlawful and a nuisance, and may be required by the Township to be vacated, torn down, removed from the site, modified, or abated by any legal means. It shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

### **Section 3.06 Continued Conformity With Yard And Bulk Regulations**

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area, lot coverage, in connection with an existing or planned building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

### **Section 3.07 Division And Consolidation Of Land**

The division and consolidation of land shall be in accordance with the Subdivision Control Ordinance and the Land Division Ordinance of the Charter Township of York. No zoning lot shall hereafter be divided into two or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale conform with all applicable regulations of the zoning district in which the property is located.

### **Section 3.08 Voting Place**

Nothing in this Ordinance shall interfere with the temporary use of any property as a voting place for any public election.

### **Section 3.09 Accessory Structures and Uses**

Where a lot is devoted to a permitted principal use or a permitted special use, accessory uses and structures shall be permitted as listed in the applicable zoning district or otherwise provided for in this Section or Ordinance, subject to the following:

- A. **General Standards.** The following shall apply to all accessory structures and uses permitted in the Township:
  - 1. **Attached Accessory Structures.** An accessory structure attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this Ordinance that apply to principal buildings.
  - 2. **Principal Building Required.** No accessory structure shall be used prior to the principal building or use, except as a construction facility for the principal building. Such structures may be used as temporary construction facilities, provided that a certificate of zoning compliance is obtained

from the Zoning Inspector and any other required permits are obtained for such use from the Building Inspector. The Zoning Inspector shall in each case establish a definite time limit on the use of such facilities and limits on the uses to which such facilities may be put.

3. **Detached Accessory Structures.** All accessory structures not attached to the principal building shall meet the following requirements unless stated otherwise elsewhere in this Ordinance:

Zoning Districts	Location	Minimum Setbacks	Maximum Lot Coverage of All Combined Detached Accessory Structure
a. CP, A-1, A-2, and R-1	Side and Rear Yards Only	See <a href="#">Article 6.0</a> , except that a structure under 150 sq. ft. in floor area may be located not less than ten (10) feet from a side or rear property line.	See <a href="#">Article 6.0</a>
b. R-2, MHP, and R-4			In addition to the requirements of <a href="#">Article 6.0</a> , detached accessory structures shall not occupy more than thirty-five percent (35%) of the rear yard area and shall not have lot coverage greater than the ground floor area of the principal building.
c. C-1, C-2, and C-3 Districts	Any Yard	See <a href="#">Article 6.0</a>	See <a href="#">Article 6.0</a> . Also subject to Planning Commission Approval at Site Plan Review.
d. HCD	Any Yard	See <a href="#">Article 6.0</a>	See <a href="#">Article 6.0</a> . Also subject to Planning Commission Approval at Site Plan Review.
e. RPD	Any Yard	See <a href="#">Article 6.0</a>	See <a href="#">Article 6.0</a>
f. ROP, OP, CCP, I-1, I-2, and PSP Districts	Any Yard	See <a href="#">Article 6.0</a>	See <a href="#">Article 6.0</a> . Also subject to Planning Commission Approval at Site Plan Review.

4. In all zoning districts, a detached accessory structure shall be set back a minimum of ten (10) feet from any other principal building or accessory structure.

**B. Carports and Vehicle Shelters.** The following additional standards shall apply to carports and vehicle shelters, including structures that are temporary in design or purpose:

1. Carports and vehicle shelters shall conform to all requirements of this Ordinance that apply to accessory structures. Carports and vehicle shelters constructed as permanent structures shall also conform to State Construction Code requirements.
2. Carports and vehicle shelters that are temporary in design or purpose shall conform to the requirements of [Section 3.20 \(Vermin Control\)](#), and shall be securely anchored in a manner acceptable to the Building Inspector.
3. The internal structure and outer covering of carports and vehicle shelters that are temporary in design or purpose shall be interconnected and secured in a manner acceptable to the Building Inspector.
4. Carports and vehicle shelters that are temporary in design or purpose shall not be electrified or climate-controlled.

- C. Garages and Utility Structures.** In the R-1 district, the following additional standards shall apply to garages and utility structures.
1. Front yard – Utility structures and garages shall not be located in the front yard unless structurally attached to the residential building.
  2. For a structure not more than 12 feet high and not less than 12 feet in length and width and not more than 800 square feet in floor area, the side yard shall not be less than 10 feet, except in the case of a corner lot, where the yard along the street shall not be less than 50 feet. For structures more than 12 feet high or more than 32 feet long or wide or more than 800 square feet in floor area, the side yard requirements in the Table of Dimensional Standards by District ([Article 6.0](#)), shall apply.
  3. Rear yards – For a structure not more than 12 feet high, not more than 32 feet long or wide, and not more than 800 square feet in floor area, the rear yard shall not be less than the side yard required in [Section 3.09C.2](#) above. For all other structures, the rear yard shall not be less than 50 feet.
- D. Swimming Pools.** In residential districts, the following additional standards shall apply to swimming pools.
1. Front yard – Swimming pools shall not be located in the front yard.
  2. Side yards – The minimum side yard set-back shall be 15 feet unless the Table of Dimensional Standards by District ([Article 6.0](#)) indicates a smaller set-back.
  3. Rear yard – The minimum rear yard set-back shall be 15 feet unless the Table of Dimensional Standards by District ([Article 6.0](#)) indicates a smaller set-back.
  4. Corner lots – Minimum front yard set-backs shall apply.

### Section 3.10 Temporary Structures and Uses

Temporary structures and uses shall be permitted in accordance with the following requirements:

- A. Permitted Structures and Uses.** The following types of temporary structures and uses shall be permitted in the Township:
1. A temporary dwelling, such as a manufactured home or other building approved by the Building Inspector for use as a temporary dwelling, to be used for one (1) of the following purposes:
    - a. A temporary dwelling for a family during the construction of a new single-family residence or the repair or replacement of a residence rendered uninhabitable by a natural or man-made event; or
    - b. A temporary dwelling for dependent person(s) on a lot with an existing and occupied principal single-family detached dwelling, only during the period of dependency. At least one dependent person who occupies the temporary dwelling shall be a member of the family that occupies the principal dwelling. Other permitted occupants of the temporary

dwelling shall be limited to the dependent's spouse, children, or parent(s). Dependency shall be determined by one or more of the following criteria:

- (1) Physical or emotional dependency - The dependent occupant shall be certified by a physician licensed in the State of Michigan as being in a physical or emotional state which requires close supervision and care.
  - (2) Elderly parent or family member - The Township Board may waive the requirements of financial, physical, or emotional dependency for a dependent occupant who is 65 years old or older.
2. A non-residential temporary structure designed as general sales or rental offices, or a financial institution may be used exclusively for such purposes during construction of a permanent principal building designed for such purposes. Such temporary structures shall be permitted only in the Business Districts and Other Districts where the principal building(s) and use(s) are permitted in said zoning district.
  3. A non-residential temporary structure, designed as a sales or rental office, may be used in a residential development exclusively for the purpose of selling, leasing, or renting new dwelling units within the residential development.
- B. Required Approval.** A temporary structure or use shall not be placed or allowed to remain on any lot unless a temporary structure and use permit has been approved by the Township Board and is in effect.
- C. Temporary Structure and Use Permit.** Application for a temporary structure and use permit shall be made to the Township Clerk and shall include the following:
1. Name and address of the applicant and property owner.
  2. Certificate of zoning compliance from the Zoning Inspector for the new, repaired, or replacement principal buildings and uses on the lot to which the temporary structure or use is associated.
  3. Accurate description of the lot on which the temporary structure is to be located.
  4. A detailed sketch of the property showing the locations, dimensions, descriptions, and setbacks from lot boundaries and adjacent structures for all proposed temporary and permanent improvements.
  5. Copies of all required county and state permits, including copies of approval by the Washtenaw County Environmental Health Division for necessary water supply and sewage disposal systems.
  6. A performance guarantee in accordance with [Section 3.10E](#).
  7. Signature of owner, and the applicant if different from the owner.
- D. Temporary Structure and Use Regulations.** Temporary structures and uses shall be subject to the following requirements:



1. All temporary structures and uses shall conform to the following:
    - a. Temporary structures shall be permitted only on the same lot as the permanent structure.
    - b. Not more than one temporary structure shall be permitted on a lot.
    - c. The temporary structure shall be placed so as to conform to all yard requirements of the zoning district in which it is located.
    - d. The applicant shall also comply with any other conditions the Township Board deems necessary for the health, safety, and welfare of the Township residents.
    - e. Failure to cause the removal of the temporary structure and the site restoration as provided in [Section 3.10G](#) shall authorize the Township to enter the property and have such tasks completed. The required performance guarantee shall be forfeit, and any costs in excess of the guarantee shall be assessed to the owner.
    - f. A statement setting forth the conditions of the permit shall appear on the permit and be signed by the applicant. By his/her signature, the applicant affirms that he/she has full knowledge of the terms and the penalty pertaining thereto.
  2. A temporary structure used as a temporary dwelling shall conform to the following additional requirements:
    - a. The temporary dwelling shall be connected to the approved water supply and disposal system; and shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof and connected to the approved water supply and disposal system.
    - b. The temporary dwelling shall only be occupied by the person named on the permit and his immediate family, and shall not be occupied by more than one (1) family.
    - c. The temporary dwelling shall be vacated and disconnected from water supply and disposal system within 14 calendar days from the date of the Certificate of Occupancy of the permanent dwelling.
- E. Performance Guarantee.** A performance guarantee shall be required for all approved temporary structures and uses, subject to the following:
1. A cash bond, irrevocable letter of credit, or other form of security, deemed acceptable by the Township Board in the amount of five thousand dollars (\$5,000.00) shall be deposited with the Township Clerk.
  2. The expiration date of the security shall be two (2) years from the date of application for the permit.
  3. The bank upon which the security is drawn shall honor drafts by the Township when accompanied by a resolution by the Township Board authorizing the Township Clerk to make such a draft.

4. The bank is authorized to cancel said security prior to the expiration date upon surrender of the original letter of credit when accompanied by a certified copy of an approved Township Board resolution authorizing such cancellation.
- F. Expiration of Permit.** Permits for temporary structures and uses shall be subject to the following:
1. The permit for a temporary dwelling for dependent person(s) shall be required to be renewed annually, and shall expire 14 calendar days after dependency has terminated.
  2. For all other temporary structures, the permit shall remain in effect for a period of 365 calendar days.
    - a. The time limit may be extended by a written application made at least twenty (20) calendar days prior to the expiration date of the permit.
    - b. Application shall show cause for extension and facts showing due diligence in construction of the permanent structure.
    - c. Extension shall be for one period only and shall not exceed 180 calendar days.
- G. Removal of Temporary Structures.** A temporary structure and all site improvements related thereto shall be removed from the premises, and the site shall be restored to a stable, safe, and nuisance-free condition within 14 calendar days following the expiration date of the permit thereto, its extension, or within 14 calendar days following the date of the occupancy of the permanent structure, whichever first occurs. Failure to cause the removals and the site restoration as required by this Section shall authorize the Township Board to have said removals and site restoration completed, with all costs thereof chargeable against the performance guarantee.

### **Section 3.11 Essential Services**

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

- A. Where such uses are specifically listed they shall be governed as indicated.
- B. Where such uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar nature.
- C. Property owned, leased, or operated by the State of Michigan or the United States of America, shall be exempted from the provisions of this Ordinance only to the extent that said property may not be constitutionally regulated by the Charter Township of York.
- D. Notwithstanding other provisions of this Section, manufactured homes and vehicles (whether mounted or not on wheels and used for the purpose of a building) reasonably necessary for the furnishing of adequate service by the Charter Township of York and its departments and commissions for public health, or safety or general welfare shall be permitted in any use district, it being the intention hereof to exempt such use, maintenance, parking and occupancy or the same from the application of this Ordinance.

- E. Although exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review; it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or nature of operation of said services.

### **Section 3.12 Public Utilities**

Public utilities shall be permitted as authorized and regulated by law and by the ordinances of the Charter Township of York. Public utilities as defined in [Section 2.03 \(Definitions\)](#) shall be exempt from the requirements of this Ordinance, except where otherwise provided for within this Ordinance.

### **Section 3.13 Water And Sewage Facilities**

Community wastewater systems (PWS) for sewage treatment or disposal shall not be permitted in The Charter Township of York, except as part of an approved Planned Unit Development (PUD) District and in compliance with the Private Community Wastewater Disposal System Ordinance (Ord. No. 113, as amended).

Except where a PWS has been approved as part of a PUD development, every dwelling, lot or structure required by state or county law, ordinance or regulation to have a sanitary sewage facility to be suitable for occupancy by any use permitted under this Zoning Ordinance shall be:

- A. Connected to an independent, on-site private water supply well and an independent, on-site private septic system approved by the Washtenaw County Environmental Health Division; or
- B. Connected to a Public Sanitary Sewer System, where available.

The Environmental Health Division's approval shall be obtained before a building permit or a certificate of occupancy, whichever is applicable, may be issued.

### **Section 3.14 Transient And Amusement Enterprises**

Circuses, carnivals, other transient amusement enterprises, music festivals, and similar temporary gathering of people may be permitted in any zoning district upon approval by the Township Board. Such enterprises may be permitted only on the finding by the Township Board that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare. The Township Board may require posting of a bond or other acceptable security payable to the Township in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify land owners for any damage resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

### **Section 3.15 Private Road Standards**

A private road shall be subject to the standards and requirements of the Charter Township of York Private Road Ordinance. Where access to streets under [Section 6.207](#) of this Ordinance requires private road access, no preliminary Zoning Compliance Certificate shall be issued for any lot until a permit is granted under terms of the Township Private Road Ordinance, and no final Certificates of Zoning Compliance shall be issued for any lot requiring access from a private road unless the road has been approved and a certificate of completion delivered to the Township Clerk in accordance with the Private Road Ordinance, or until the guarantee and security for completion of the road as provided for in the Private Road Ordinance has been deposited.

### **Section 3.16 Performance Guarantee**

To incur compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee be deposited with the

Township to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act. The performance guarantee shall meet the following requirements:

- A. The performance guarantee shall be in the form of a cash bond, irrevocable letter of credit, certified check, or similar instrument acceptable to the Township, which names the property owner as the obligor and the Township as the obligee.
- B. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.
- C. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements or portion thereof associated with a project for which site plan approval is being sought or has been obtained. In accordance with these guidelines, the exact amount of the performance guarantee shall be determined by the Zoning Inspector after recommendation from the Township Planner and Township Engineer.
- D. The entire performance guarantee, including interest accrued, shall be returned to the applicant upon satisfactory completion of the required improvements.
- E. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least 365 calendar days after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Inspector and/or Township Planner that all landscape materials are being maintained in good condition.

### **Section 3.17 Unsatisfactory Completion Of Improvements**

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

### **Section 3.18 Completion Of Construction**

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance or later amendment which may apply.

Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be of effect 365 calendar days following the effective date of adoption or amendment of this Ordinance, unless a permit for the actual construction of a new building has been issued by the Building Inspector.

Where a building permit has been issued in accordance with the law within 365 calendar days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the

approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject thereafter to the provisions of [Article 18.0 \(Non-Conformities\)](#), if applicable.

Any basement, cellar, garage, or any incomplete structure without any occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than 365 calendar days following said date, unless said structure has been completed in conformance with the regulations of the district in which it is located.

### **Section 3.19      Ingress/Egress Walkways**

For the purpose of emergency ingress/egress to or from any habitable structure, a solid walkway is required from the ingress/egress door of the structure to the driveway or parking area on the lot where the structure is located. The solid walkway must be a minimum of three (3) feet wide, and must be made from one of the following materials:

- A. Poured and finished concrete of a minimum six (6) bag mix, minimum four (4) inches nominal thickness;
- B. Brick pavers;
- C. Slate material;
- D. Asphalt;
- E. Treated wood decking with an approved support system; or
- F. Other material approved by the Building Inspector.

Materials such as crushed limestone, packed dirt or soil, pea gravel, and any other material that by its nature leaves an uneven surface are specifically not acceptable for the solid walkways required by this Section.

### **Section 3.20      Vermin Control**

Any detached accessory structure that is not covered by the State Construction Code enforced by the Charter Township of York whose wall and floor system is in direct contact with the ground must be protected by a ratwall consisting of at least a four (4) inches wide by 24 inches deep trench filled with concrete or other materials approved by the Building Inspector. An accessory structure shall be exempt from this requirement if it is raised so that there is more than eight (8) inches of clearance between the final grade and the nearest portion of the structure with no skirting material around the perimeter.

## Article 4.0 Zoning Districts

### Section 4.100 Purpose of Districts

#### Section 4.101 Establishment of Zoning Districts

The Charter Township of York, Washtenaw County, Michigan, is hereby divided into the following zoning districts as shown on the Official Zoning Map, which is hereby adopted by reference and declared to be a part of this Ordinance.

Type of District	Zoning District Name	Symbol
Rural Districts	Conservation Preservation District	CP
	Essential Agricultural District	A-1
	Interim Agricultural District	A-2
Residential Districts	Single-Family Rural Residential District	R-1
	Single-Family Urban Residential District	R-2
	Manufactured Housing Park Residential District	MHP
	Low Density Multiple-Family Residential District	R-4
Business Districts	Convenience Commercial District	C-1
	General Commercial District	C-2
	Regional Commercial District	C-3
	Hamlet Center District	HCD
Other Districts	Residential/Office Park District	ROP
	Office Park District	OP
	Commercial Commons Park District	CCP
	Light Industrial District	I-1
	General Industrial District	I-2
	Research Park District	RPD
	Public/Semi-Public Services District	PSP

#### Section 4.102 Conservation Preservation (CP) District

The value to the public of certain open areas of the Township is represented in their natural, undeveloped or unbuilt condition. It is recognized by this Ordinance that the best use of certain areas of the Township is the management, preservation, and low-impact utilization of the natural resource base inherent in these areas.

The Conservation Preservation (CP) District is hereby established, based upon a well considered plan, to regulate the location of structures and the use of parcels and lots for the purposes of protecting and enhancing natural resources, natural amenities, natural habitats of wildlife, watershed and reservoir areas, agricultural capabilities, public recreation areas, and the public health, safety and welfare by reducing the hardship and financial burdens imposed upon the Township by the wanton destruction or improper and wasteful use of such resources. The CP District is designed to protect and enhance natural amenities; including woodlands, wetlands, and wildlife habitats, and to ensure that the natural resource value may be preserved, maintained, and sensitively utilized.

It is the intent of this district to permit those uses and structures that can operate or be located in areas of natural amenities in a compatible manner, and to prohibit those uses or structures that detract from, injure, or destroy these amenities. In addition, uses and structures shall be permitted only at a low density and intensity to ensure their compatibility with the natural resource base. Residential subdivisions are considered to be incompatible with the intent of this district.

### **Section 4.103 Essential Agriculture (A-1) District**

The public health and welfare of the Township, Washtenaw County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The Essential Agricultural (A-1) District is hereby established as a Rural District to preserve lands that are suitable for long-term agricultural uses and to protect agricultural enterprises from encroachment by incompatible suburban and urban uses and developments that would hinder agricultural practices and irretrievably deplete agricultural lands.

The purpose of this district is to preserve, for agricultural activity and to the greatest extent possible, those areas in the Township that have been designated as primary agricultural lands in the Township's Growth Management Plan, while allowing a limited amount of non-farm housing. To this end the number of non-farm dwellings allowed on a parcel of land, which is a parcel of record at the time this Ordinance is adopted, shall be based on a schedule of dwelling unit density contained in this Ordinance. However, it should be noted that the primary intended use of this district is agricultural activities and that there may be odors, dust and noise associated with these activities that are not compatible with residences.

The A-1 District has been established for the following additional purposes and objectives.

- A.** Protect prime farmland from speculative increases in land values.
- B.** Prevent fragmentation of farmlands by division into small parcels.
- C.** Prevent loss of prime farmland.
- D.** Prevent conflicts between agricultural activities and residences.
- E.** Prevent encroachment of urban and suburban services into agricultural areas.
- F.** Minimize cost of providing services to rural areas.
- G.** Encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
- H.** Reduce the amount of land consumed in rural areas for non-agricultural use.
- I.** Prevent intrusion of uses into farm areas that are incompatible with general farming activities.
- J.** Permit services that are necessary to support farming activities.

Residential developments in the form of plats or site condominiums are considered in conflict with the intent and purpose of this district.

**Section 4.104 Interim Agriculture (A-2) District**

The public health and welfare of the Township, Washtenaw County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The Interim Agricultural (A-2) District is hereby established as a Rural District to preserve lands that are agriculturally productive, and to allow use for specialized applications on land which, because of factors such as soil suitability, location, parcel size, and existing land uses, are not as suitable for production of staple crops as the lands included in the A-1 District. This district may serve as a buffer between A-1 lands and non-agricultural lands, thus serving to protect the integrity of the A-1 lands and to protect agricultural enterprises from encroachment by suburban and urban uses and developments.

In addition, the A-2 District is intended to preserve the integrity of the A-1 lands by clearly indicating that agriculture is the primary and permanent use in the A-1 District. The soil types in the A-2 District may be marginal for agricultural and compatible with residential uses. It is the intent of the Township that parcels of land in the A-2 District may be rezoned in accordance with the Township's Growth Management Plan when development is imminent.

This district is further intended to:

- A. Preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have important aesthetic and scenic value that contributes to the unique character of the district.
- B. Provide the basis for land tax assessments that reflect its existing agricultural nature and, owing to these regulations, its limited use for other purposes.
- C. Prevent the conversion of agricultural land to non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
- D. Protect farmland from speculative increases in land prices.
- E. Prevent conflicts between agricultural activities and residences.
- F. Reduce the amount of land consumed in rural areas for nonagricultural use.
- G. Prevent intrusion of uses into farm areas that are incompatible with general farming activities.
- H. Permit services and uses that are necessary to support farming activities.

**Section 4.105 Single-Family Rural Residential (R-1) District**

The Single-Family Rural Residential (R-1) District is hereby established as a Residential District to provide areas for single-family, rural non-farm residences on lots of sufficient size to permit the use of septic tanks and drain fields, and the use of on-site wells of safe water quality. The district is designed to provided a rural residential character and is intended to be used in those parts of the Township where soils are suitable for septic tanks, drain fields, and wells, and where public sanitary sewer and water facilities are not planned to be extended. This district is to be used in those portions of the Township where rural, non-farm residences are planned, and is further intended to protect wooded areas, wetlands, wildlife habitats, and similar areas which might be endangered or destroyed by development with smaller lot sizes.



**Section 4.106 Single-Family Urban Residential (R-2) District**

The Single-Family Urban Residential (R-2) District is hereby established as a Residential District to provide areas for single-family residences in designated urban residential areas on large lots. It is intended to be used in areas in which residential density should be kept as low as possible, compatible with economical provision of public sanitary sewer and water facilities and other urban services, in order to preserve existing trees and other natural features, and to provide transition from developed areas to rural, non-farm residences. The district is also established to enable street, drainage, and other subdivision improvements to be provided at lesser standards than those required for urban residential districts with smaller lot sizes and thus higher intensity development. This district is intended to be used only in areas served by public water and sanitary sewer facilities.

**Section 4.107 Manufactured Housing Park Residential (MHP) District**

The Manufactured Housing Park Residential (MHP) District is hereby established as a Residential District to provide for the location and regulation of manufactured housing parks (formerly known as “mobile home parks”), as defined by the Mobile Home Commission Act, P.A. 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules. The purpose of the MHP District is to provide for manufactured housing parks as a permitted use, and to promote the development of manufactured housing parks that have the character of residential neighborhoods.

It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purposes of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses. Development in the MHP District shall be subject to appropriate standards to ensure sufficient light, air, and privacy for all uses, prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with abutting districts and uses.

The regulations and rules established by the Mobile Home Commission Act (P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to insure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township.

It is the intent of this Ordinance that manufactured housing parks be located in areas that are served adequately by essential public facilities and services such as access streets, police and fire protection, public water and sanitary sewer facilities, and storm drainage facilities. It is further the intent of this Ordinance that manufactured homes in manufactured housing parks be considered and regulated as urban dwelling units, which deserve and require locations, services, and facilities similar to any other single-family and multiple-family dwelling units built at urban densities.

**Section 4.108 Low Density Multiple-Family Residential (R-4) District**

The Low Density Multiple-Family Residential (R-4) District is hereby established as a Residential District to permit a moderate density of population and a moderate intensity of land use in those areas which are served by publicly-owned and operated water supply and sanitary sewerage systems, and which abut or are adjacent to such other uses, buildings, structures, or amenities that support, complement or serve such a density and intensity. The R-4 District is to be used only in accordance with the Township's Growth Management Plan; and is intended to be composed of those areas of the Township whose principal use is or ought to be multiple family dwellings at a moderate density. In addition to the dwellings permitted in this zoning district, there are

permitted certain residential and public uses which have been strictly regulated to make them compatible with the principle use of this district.

### **Section 4.109 Convenience Commercial (C-1) District**

The Convenience Commercial (C-1) District is hereby established as a Business District to provide suitable locations, consistent with the Township's Growth Management Plan, for retail, service, and office enterprises that serve a localized market area. Goods and services to be provided by establishments in this district are classified as "convenience," as distinguished from "comparison," goods and services, because they serve the day-to-day needs of a neighborhood or group of neighborhoods. With the exception of supermarkets, establishments in this district will generally be small in floor and site area.

The C-1 District is intended to encourage consolidation of business establishments, particularly as neighborhood shopping centers. Consolidations other than shopping centers are also encouraged with the intent of avoiding strip commercial development, lessening traffic congestion by reducing the number of commercial driveways opening onto major streets, and improving the safety and convenience of customers. Establishments permitted in this district may be located on arterial or collector streets.

This district should be located as to not encroach on any residential or other area or cause undue traffic congestion.

### **Section 4.110 General Commercial (C-2) District**

The General Commercial (C-2) District is hereby established as a Business District to provide suitable locations for general retail, service and office establishments where public sewer and water services are available. Retail establishments in this district are of the comparison shopping type and tend to rely on a market area much larger than that of C-1 type establishments. However, C-1 uses are permitted in this district as complementary activities to the primary permitted uses.

It is the intent of the C-2 District to encourage consolidations of the permitted business establishments, particularly as shopping centers. Consolidations other than shopping centers are also encouraged, all with the intent of avoiding strip commercial development, lessening of traffic congestion by reducing the number of commercial driveways opening onto major streets, and improving the safety and convenience of the people. Establishments permitted in this district will usually be located only on arterial streets.

This district should be located as to not encroach on any residential or other area or cause undue traffic congestion.

### **Section 4.111 Regional Commercial (C-3) District**

The Regional Commercial (C-3) District is hereby established as a Business District to provide uses and facilities which serve the motoring public. It is intended to preserve those areas best suited and essential for such uses and facilities, such as freeway interchanges of arterial roads. The district is intended to protect such areas from encroachment by other uses not requiring such locations, such as C-1 and C-2 type uses, except when such uses are complementary to those permitted in the C-3 district. Yard, lot width, and other regulations of the district are designed to provide convenient and safe movement to and from major streets and freeways.

This district should be located as to not encroach on any residential or other area or cause undue traffic congestion.

### **Section 4.112 Hamlet Center (HCD) District**

The Hamlet Center (HCD) District is hereby established to encourage and permit mixed uses with a village scale and character in the Mooreville Hamlet community. Uses permitted in this district are intended to be

compatible with residential type structures and neighboring residences, and are intended to be oriented to pedestrians. The HCD District is intended to encourage retention of existing residential structures, either in residential use or in conversion to other permitted uses, and to ensure that remodeled or new structures will have a residential character similar to the existing character of the Mooreville Hamlet community.

It is the intent of this district that the setting of buildings will be spacious, reflecting the existing residential character in this area, and that uses will be compatible with and supportive of each other and of a unified architectural character and historic intent. It is further the intent of this district that parking will not dominate the appearance of buildings and sites.

It is recognized that sites and structures within the designated Hamlet Center District may be of historic value, and that when a site or structure is to be utilized under the regulations of this district that the following standards also be maintained:

- A. That every reasonable effort be made to provide a compatible use for a property which requires minimal alteration of the structure or site and its environment, or to use a property for its originally intended purpose.
- B. The distinguishing original qualities or character of a building, structure, or site and its environment will not be destroyed.

The HCD District is to be located only in the designated Urban Service District as designated in the Township's adopted Growth Management Plan for Hamlet Center uses. This district is only to be used as outlined and referenced within [Article 10.0 \(Urban Service District Regulations\)](#) of the Zoning Ordinance.

### **Section 4.113 Residential/Office Park (ROP) District**

The Residential/Office Park (ROP) District is hereby established for the following purposes:

- A. To accommodate certain small office uses in a low-density, spacious, campus environment, which are low traffic generators and which are compatible with adjacent and neighboring single-family dwellings.
- B. A smaller scale office land use to be located within the Urban Service District as established by [Article 10.0](#) of this Ordinance, along major streets as transitional type uses which are adjacent to single-family residential areas and due to the size of parcels designated for ROP use are in transition to non single-family residential areas but have vacant, undeveloped lots fronting on major streets which are not likely to have new single family dwellings constructed thereon.
- C. To provide a reasonable use of such properties, without permitting more intense office park uses.
- D. To encourage provision of open space and preservation of natural features in an office park setting.
- E. To provide for the renovation of existing buildings, continuing use of historic structures on the property, and the construction of new buildings, which are compatible in architectural style and scale with adjacent single-family dwellings. To this end, it is the intent of this district that new principal buildings shall have exterior façade materials and roof design on all facades similar to a single-family detached residential building. Concrete block, curtain wall, and similar exterior finishes should not be used.

The ROP district is to be located only in the designated Urban Service District as designated in the Township's adopted Growth Management Plan for Residential/Office Park uses. This district is only to be used as outlined and referenced within [Article 10.0 \(Urban Service District Regulations\)](#) of the Zoning Ordinance.

#### **Section 4.114 Office Park (OP) District**

The Office Park (OP) District is hereby established to permit offices in a low density, spacious, campus environment; and to permit development in a planned, coordinated manner, according to an overall development plan for the Urban Service District which the principal use, as designated within the York Township Growth Management Plan, is a land area designated and devoted to office park type use.

The OP district is to be located only in the designated Urban Service District, as designated in the Township's adopted Growth Management Plan for Office Park uses. This district is only to be used as outlined and referenced within [Article 10.0 \(Urban Service District Regulations\)](#) of the Zoning Ordinance.

#### **Section 4.115 Commercial Commons Park (CCP) District**

The Commercial Commons Park (CCP) District is hereby established to permit and encourage commercial uses, primarily retail uses that are compatible with and mutually supportive of each other, of a unified architectural character, on a site that is planned, developed and managed as one operating unit. This district is intended to guarantee to the public, after the CCP district is approved, that commercial uses will be provided in an environment that is not a miscellaneous collection of stores in a strip arrangement on individual lots.

The setting of retail buildings within the center will be spacious, interrelated with natural resources, landscaping, and pedestrian path systems. To accomplish this, clustering of buildings will be required with no single building cluster comprising more than eight individual retail spaces. Each retail space should generally not be larger than 6,000 square feet. It is also intended that each site be landscaped with a common unifying theme, and be provided with common drives, parking areas, and service areas designed and sized in a definite relationship to the types and sizes of stores to be located in the center.

It is expected that the district provide a desirable and representative image of the Township; that it provide an attractive, comfortable and convenient environment for patrons of the center, and that the center be developed in such a way as to be compatible with neighboring uses, especially residential areas.

The CCP district is to be located only in the designated Urban Service District as designated in the Township's adopted Growth Management Plan for Commercial Commons Park uses. This district is only to be used as outlined and referenced within [Article 10.0 \(Urban Service District Regulations\)](#) of the Zoning Ordinance.

#### **Section 4.116 Light Industrial (I-1) District**

The Light Industrial (I-1) District is hereby established to permit certain operations and facilities of an office, research, laboratory, warehousing, wholesaling, and light manufacturing character to locate in planned areas of the Township where such uses will not have a detrimental impact on surrounding uses and districts. Permitted uses in this district are intended to generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district is intended to be located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district shall be excluded.

#### **Section 4.117 General Industrial (I-2) District**

The General Industrial (I-2) District is hereby established to provide the location and space for all manner of industrial uses and facilities. It is the purpose of these regulations to permit the development of industrial operations while protecting abutting rural, residential, and commercial properties from incompatible uses; to restrict the intrusion of non-related uses such as residential, retail business and commercial, and to encourage the discontinuance of uses presently existing in the district that are non-conforming by virtue of the type of use. To these ends, certain uses shall be excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this district.

#### **Section 4.118      Research Park (RPD) District**

The Research Park (RPD) District is hereby established to accommodate a variety of light manufacturing, technology-based industry, research and development, and office uses. This district is further established to recognize the growing convergence of office, industrial and research uses in terms of functions, location, activities, and appearance. A separate intent of the RPD district shall be to accommodate desired uses, and through regulation of their location, design, and performance, significantly reducing adverse impacts to the surrounding community. These district regulations are intended to ensure that such facilities and uses are developed in a clustered campus character that emphasizes natural characteristics, landscaping, and pedestrian access. A limited amount of support commercial uses may be permitted, only when incidental and accessory to the needs of businesses and their employees in the immediate vicinity.

#### **Section 4.119      Public/Semi-Public Services (PSP) District**

The Public/Semi-Public Services (PSP) District is hereby established to accommodate dedicated areas of open space, government buildings and uses, institutional and recreational uses, and similar uses of a public service or institutional character.

## Section 4.200 General Standards

### Section 4.201 Use Regulations

In all zoning districts, no structure or land shall be used or occupied, except in conformance with [Article 5.0 \(Land Use Table\)](#), and as otherwise provided for in this Ordinance.

- A. **Permitted Uses.** Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts, or if substantially similar in nature to uses which are listed. All other uses shall be prohibited.
- B. **Accessory Structures and Uses.** Where a lot is devoted to a permitted principal use, either permitted by right or as a special use, accessory uses and structures are permitted if specifically listed as accessory uses in the applicable zoning district, except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of accessory use or structure in this Ordinance. Accessory structures and uses shall be subject to the applicable standards of this Ordinance.
- C. **Special Uses.** Special uses are permitted as listed in the various zoning districts, subject to the requirements and standards of this Ordinance, including [Article 16.0 \(Special Uses\)](#).

### Section 4.202 Prohibited Uses

Uses not listed in [Article 5.0 \(Land Use Table\)](#) as a permitted use in a particular zoning district shall be prohibited in the district.

### Section 4.203 Design and Development Requirements

All uses shall comply with any applicable requirements of [Article 7.0 \(Use Standards\)](#), and all other applicable provisions of this Ordinance and other applicable regulations and standards. No structure shall be erected, reconstructed, altered or enlarged and no certificates shall be issued under this Ordinance except in conformance with this Ordinance and other applicable regulations and standards.

### Section 4.204 District Boundaries

The boundaries of zoning districts, unless otherwise shown on the Official Zoning Map, shall be lot or parcel lines, municipal boundaries, and the centerlines of road, railroad or other dedicated rights-of-way.

- A. **Zoning of Rights-of-Way.** All road and other dedicated rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the right-of-way. Where the centerline of a right-of-way serves as a district boundary, the zoning of the right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting land up to the centerline.
- B. **Zoning of Vacated Areas.** Any road and other dedicated right-of-way or other public way or portion thereof within the Township not otherwise classified within the boundaries of a zoning district on the Official Zoning Map shall, upon vacation, automatically be classified in the same zoning district as the land(s) to which it attaches.

### Section 4.205 Official Zoning Map

For the purpose of this Ordinance, the zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of the Charter Township of York." The Official Zoning Map, and all explanatory matters thereon, are hereby made a part of this Ordinance.

- A. Identification of Official Zoning Map.** The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Charter Township of York Zoning Ordinance," together with the effective date of this Ordinance.
- B. Changes to Official Zoning Map.** If in accordance with the procedures of this ordinance and of the Michigan Zoning Enabling Act, a change is made in a zoning district boundary, such change shall be made by the Township Clerk promptly after the ordinance authorizing such change shall have been adopted and published, with an entry on the Official Zoning Map as follows: On (date) by official action of the Township Board, the following (change) changes were made in the Official Zoning Map: (brief description of change), which entry shall be signed by the Township Clerk and attested by the Township Supervisor. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided in [Section 20.09 \(Violations\)](#). Any changes in corporate boundaries within the Township shall be recorded on the Official Zoning Map by the Township Supervisor.
- C. Authority of Official Zoning Map.** Regardless of the existence of purported copies of the Official Zoning Map that may from time to time be made or published, the official zoning map which shall be located in the office of the Zoning Inspector and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, or structure in the Township.
- D. Replacement of Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the official Zoning Map referred to in the Zoning Ordinance of the Charter Township of York adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date)."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

- E. Rules for Interpretation.** Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:
1. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline as it exists on the ground.
  2. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.

3. A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.
4. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way of said railroad.
5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
6. A boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following such centerline existing at the time the interpretation is made.
7. A boundary indicated as parallel to, or as an extension of features described in this subsection, shall be so construed.
8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
9. In other circumstances not otherwise covered by this subsection, or where a physical or natural feature existing on the ground is at variance with that shown on the Official Zoning Map, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.
10. Where a district boundary divides a lot that is in single ownership at the time of adoption of this Ordinance, the Zoning Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed 50 feet beyond the district line into the remaining portion of the lot.

### **Section 4.206 Compliance Required**

No structure shall be constructed, erected, placed or maintained and no use shall be commenced or continued within the Charter Township of York except in compliance with all applicable approval procedures and requirements of this Ordinance. The following is a partial list of Ordinance regulations that may apply to specific uses and development projects in the Township:

- A. **Site Plan Approval Required.** Site plan approval by the Planning Commission shall be required in accordance with [Article 17.0 \(Site Plan Review\)](#).
- B. **Off-Street Parking Required.** Off-street parking and loading-unloading facilities shall be required in accordance with [Article 12.0 \(Off-Street Parking and Loading-Unloading Requirements\)](#).
- C. **Urban Service District Regulations.** Development projects and uses located within the designated urban service districts shall be subject to the standards of [Article 10.0 \(Urban Service District Regulations\)](#).
- D. **Performance Standards.** The performance standards of [Section 15.01 \(General Standards\)](#) shall apply to all land uses, except where otherwise exempted by this Ordinance or state statute.



- E. **Natural Features Protection Requirements.** Development projects subject to approval under this Ordinance shall conform to [Section 15.07 \(Natural Features Protection and Preservation Requirements\)](#).
- F. **Additional Research Park (RPD) District Requirements.** Development projects and land uses subject to approval under this Ordinance in the Research Park (RPD) District shall also conform to the requirements of [Article 9.0 \(Research Park District \(RPD\)\)](#).

## Article 5.0 Land Use Table

### Section 5.01 Key Designations in Table of Uses

SYMBOL	KEY	
P	Permitted Uses in the Zoning District	Principal Use
S		Special Use
A		Accessory Use
[Blank]	Prohibited Use in the District	

### Section 5.02 Table of Permitted Uses by District

The uses of land in the following table have been organized, for ease of use and convenience, into use groups based upon certain characteristics that the grouped uses may share. These use groups are described below:

- A. **RURAL USES.** These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.
- B. **RESIDENTIAL USES.** These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
- C. **OFFICE, SERVICE, AND COMMUNITY USES.** Community uses are public-owned or operated uses; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community. Office or service uses are private-owned or operated uses; or uses of a for-profit nature, such as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.
- D. **COMMERCIAL USES.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
- E. **INDUSTRIAL, RESEARCH, AND LABORATORY USES.** These are uses of a light manufacturing, research, warehousing or wholesaling character; or that involve compounding, processing, packaging, assembly, storage or treatment of materials.
- F. **OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

Type of District	Zoning District Name	Symbol
<b>Rural Districts</b>	Conservation Preservation District	CP
	Essential Agricultural District	A-1
	Interim Agricultural District	A-2
<b>Residential Districts</b>	Single-Family Rural Residential District	R-1
	Single-Family Urban Residential District	R-2
	Manufactured Housing Park Residential District	MHP
	Low Density Multiple-Family Residential District	R-4
<b>Business Districts</b>	Convenience Commercial District	C-1
	General Commercial District	C-2
	Regional Commercial District	C-3
	Hamlet Center District	HCD
<b>Other Districts</b>	Residential/Office Park District	ROP
	Office Park District	OP
	Commercial Commons Park District	CCP
	Light Industrial District	I-1
	General Industrial District	I-2
	Research Park District	RPD
	Public/Semi-Public Services District	PSP

USES	DISTRICTS																USE STANDARDS	
	Rural			Residential				Business				Other						
	CP	A-1	A-2	R-1	R-2	MHP	R-4	C-1	C-2	C-3	HCD	ROP	OP	CCP	I-1	I-2		RPD
<b>RURAL USES</b>																		
Agricultural Service Establishments		S							P									<a href="#">Section 7.101</a>
Bulk Feed and Fertilizer Supply Outlet		S							P									<a href="#">Section 7.101</a>
Conservation Area or Open Space, or Forest Preserve	P	P	P															
Farms for Production of Food, Feed or Fiber	P	P	P															<a href="#">Section 7.104</a>
Farm-Based Tourism or Entertainment Activities		S	S															<a href="#">Section 7.102</a>
Farm Implement Sales or Repair Activities		S	S						P									
Farm Market	S	S	S						S								P	
Farm Products Direct Marketing Business	P	P	P															<a href="#">Section 7.103</a>
Greenhouse	P	P	P															<a href="#">Section 7.105</a>
Hunting Preserve or Hunting Lodge		S																<a href="#">Section 7.111</a>
Kennel		S	S															<a href="#">Section 7.106</a>
Landscaping Businesses or Seasonal Maintenance Operations		S	S						S									<a href="#">Section 7.107</a>
Livestock Auction Yard		S																
Non-Farm Raising or Keeping of Livestock	A	A	A	A														<a href="#">Section 7.109</a>
Non-Farm Raising or Keeping of Poultry, or Rabbits or Similar Fur-Bearing Animals	A	A	A	A														<a href="#">Section 7.109</a>
Nursery or Tree Farm	P	P	P															<a href="#">Section 7.108</a>
Pick-Your-Own Agricultural Products Operation	P	P	P															<a href="#">Section 7.103</a>
Private Riding Arena or Boarding Stable	P	P	P															<a href="#">Section 7.110</a>
Public or Commercial Riding Stable	S	S	S															<a href="#">Section 7.110</a>
Roadside Stand	P	P	P															<a href="#">Section 7.111</a>
Sod Farm	P	P	P															<a href="#">Section 7.104</a>
Veterinary Clinic or Animal Hospital		S	S					S	P									<a href="#">Section 7.112</a>
<b>RESIDENTIAL USES</b>																		
Accessory Dwelling Unit								S	S		A				A	A		<a href="#">Section 7.201</a>
Adult Foster Care Family Home or Small Group Home	P	P	P	P	P		P											

USES	DISTRICTS																USE STANDARDS	
	Rural			Residential				Business				Other						
	CP	A-1	A-2	R-1	R-2	MHP	R-4	C-1	C-2	C-3	HCD	ROP	OP	CCP	I-1	I-2		RPD
<b>RESIDENTIAL USES (continued)</b>																		
Adult Foster Care Large Group Home							S											<a href="#">Section 7.302</a>
Bed and Breakfast Inn	S	S	S	S							P							<a href="#">Section 7.202</a>
Child Day Care Home, Family	P	P	P	P	P		P				P							
Child Day Care Home, Group	S	S	S	S	S		S				S							<a href="#">Section 7.302</a>
Child Foster Family Home or Family Group Home	P	P	P	P	P		P				P							
Elderly and Senior Housing - Independent							P											<a href="#">Section 7.206</a>
Elderly Housing - Assisted Living Facilities							S											<a href="#">Section 7.206</a>
Elderly Housing – Dependent, Nursing or Convalescent Care							S											<a href="#">Section 7.206</a>
Farm Labor Housing		S	S															<a href="#">Section 7.203</a>
Home-Based Business	S	S	S															<a href="#">Section 7.204</a>
Home Occupation	P	P	P	P	P		P				P							<a href="#">Section 7.204</a>
Home Office	P	P	P	P	P	P	P				P							<a href="#">Section 7.204</a>
Manufactured Housing Parks						P												<a href="#">Section 7.205</a>
Multiple-Family Housing, Townhouses, and Stacked Flats							P											<a href="#">Section 7.206</a>
Single Family Dwellings, Detached	P	P	P	P	P	P	P				P							<a href="#">Section 7.207</a>
Two-Family (Duplex) Dwellings							P											<a href="#">Section 7.206</a>
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table							S				S							<a href="#">Section 7.302</a>
<b>OFFICE, SERVICE, AND COMMUNITY USES</b>																		
Barber Shop, Beauty Salon or Nail Care								P	P		S	A	A	A			A	<a href="#">Section 7.301</a>
Business and Technical Training Facilities								P	P	P		A	A		A	A	P	<a href="#">Section 7.301</a>
Campgrounds and Recreational Vehicle Parks	S	S																<a href="#">Section 7.305</a>
Cemetery																	P	
Copying, Mailing, Packaging, and Similar Business Services								P	P	P		A	A		A	A	A	<a href="#">Section 7.301</a>
Day Care Center, Child or Adult	S					A	A	S	P		P	A	A		A	A	A	<a href="#">Section 7.301</a> <a href="#">Section 7.302</a>

USES	DISTRICTS																	USE STANDARDS
	Rural			Residential				Business				Other						
	CP	A-1	A-2	R-1	R-2	MHP	R-4	C-1	C-2	C-3	HCD	ROP	OP	CCP	I-1	I-2	RPD	
<b>OFFICE, SERVICE, AND COMMUNITY USES (continued)</b>																		
Fire, Police or Ambulance Stations																		P
Funeral Parlor or Mortuary						S		P										<a href="#">Section 7.303</a>
Government Offices		P	P					P	P		P	P	P					P
Health Club or Fitness Center						A		P	P	P	P	A	A	A	A	A	A	<a href="#">Section 7.301</a>
Hospital or Urgent Care Center												S		A	A		S	<a href="#">Section 7.301</a>
Hotel or Inn									S	P				P				
Information Technology Business Facilities												P	P				P	
Institutional Uses		P	P															<a href="#">Section 7.304</a>
Instructional Studios for Dance, Martial Arts, Theater, Music, and Similar Activities								P	P		P	S	S					
Laundromat or Dry Cleaners								P	P				A	A			A	<a href="#">Section 7.301</a>
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapist								P	P		P		P	A	A	A	A	<a href="#">Section 7.301</a> <a href="#">Section 7.307</a>
Offices for Professional, Service, Clerical, Corporate, or Administrative Uses								P	P		P	P	P	A	A	A	P	<a href="#">Section 7.301</a>
Recreational Facilities – Private Membership or Restricted Access	S	S	S	S	S		S						A					<a href="#">Section 7.301</a> <a href="#">Section 7.305</a>
Recreational Facilities - Publicly-Owned or Unrestricted Access	P	P	P	P	P		P											P
Tattoo Parlor or Body Piercing Salon									S	S								
Workshop Studios for Crafts, Photography, Art, Wood or Metalworking, and Similar Activities								P	P	P	P	P	A	A	P	P		<a href="#">Section 7.301</a>
Sportsman’s Club or Commercial Shooting Ranges (Indoors)	A								S	S					S			<a href="#">Section 7.306</a>
Sportsman’s Club or Commercial Shooting Ranges (Outdoors)	S																	<a href="#">Section 7.306</a>
<b>COMMERCIAL USES</b>																		
Amusement Center, Indoor									S	S				A				<a href="#">Section 7.401</a> <a href="#">Section 7.402</a>
Amusement Center, Outdoor									S	S				A				<a href="#">Section 7.401</a> <a href="#">Section 7.402</a>

USES	DISTRICTS																	USE STANDARDS
	Rural			Residential				Business				Other						
	CP	A-1	A-2	R-1	R-2	MHP	R-4	C-1	C-2	C-3	HCD	ROP	OP	CCP	I-1	I-2	RPD	
<b>COMMERCIAL USES (continued)</b>																		
Antique Sales or Repair								P	P	P	P							
Apparel Sales, Tailoring, Dressmaking, Millinery, Shoe Repair, and Similar Uses								P	P				A	P				
Bank, Credit Union or Similar Financial Institution								P	P	P			A	A			A	
Big Box COMMERCIAL USES									S	P								
Car Wash									S	S				A				
COMMERCIAL USES not otherwise listed in this table									S	S								
Dealership - Outdoor Sales Lot										S								
Dealership - Indoor Showroom										S								
Display or Sales Area for Products Made on the Premises, Indoor only														S	S			
Drive-In or Drive-Through Facilities									S	S				A				
Garden Center or Garden Supply Store									S	S				P				
Gift Shop								P	P	S	P		A	P			A	
Grocery or Convenience Store, Specialty Market, Bakery, Delicatessen, and Similar Food Stores								P	P		P			P			A	
Hardware Store, Home Improvement Center or Building Materials Retail Store								P	P					P				
Manufactured Housing Sales Lot						S									P			
Motion Picture Cinema, Indoor								S	P	P				S				
Motion Picture Cinema, Outdoor										S								
Motor Vehicle Fueling Station									S	S				A				
Motor Vehicle Repair Station										S					S	P		
Motor Vehicle Service Center									S	S				A	S	P		
Open Air Business or Outdoor Sales Area								S	S		S			A				
Outdoor Café or Eating Area								S	S	S	S							

USES	DISTRICTS																USE STANDARDS		
	Rural			Residential				Business				Other							
	CP	A-1	A-2	R-1	R-2	MHP	R-4	C-1	C-2	C-3	HCD	ROP	OP	CCP	I-1	I-2		RPD	PSP
<b>COMMERCIAL USES (continued)</b>																			
Pharmacies, Drugstores and Medical Supply Stores								P	P					A		A	A	A	<a href="#">Section 7.401</a> <a href="#">Section 7.405</a>
Restaurants and Food Service Establishments								P	P	P	P			A	P	A	A	A	<a href="#">Section 7.401</a>
Retail Stores not otherwise listed in this table								S	S	S				S					
Secondhand Stores								P	P	P	P								<a href="#">Section 7.410</a>
Showroom for Display or Sales of Products Created On-Site															S	S			<a href="#">Section 7.411</a>
Tavern, Pub, or Brewpub									S	S				S					
<b>INDUSTRIAL, RESEARCH, AND LABORATORY USES</b>																			
Assembly of Electrical and Electronic Components, Instruments, Appliances, and Equipment; and Articles of a Similar Nature															P	P	S		
Automotive Research and Development Facilities															P	P	P		<a href="#">Section 7.504</a>
Blast Furnaces, Incinerators, Lumber Mills, Power Generation Plants, and Similar Uses																S			<a href="#">Section 7.501</a>
Contractor's Establishments or Equipment Storage															S	S			<a href="#">Section 7.503</a>
Crematorium																S			<a href="#">Section 7.501</a>
Distribution Centers															P	P			
Dry Cleaning - Central Cleaning/Processing Plant or Commercial Laundry Facility																P			<a href="#">Section 7.501</a>
Feed or Flour Mills, Smoking, Curing or Packing Plants, and similar Food and Farm Product Processing Uses																S			<a href="#">Section 7.501</a>
Electroplating, Paint Mixing or Spraying, Metal Casting, Smelting, Plating, Dyeing, Heat-Treating or Similar Processes																S			<a href="#">Section 7.501</a>
Fabrication or Assembly of Motor or Recreational Vehicles or Parts, Manufactured/Modular Housing, and Similar Products															P	P			
Hazardous Materials Storage																S			<a href="#">Section 7.501</a>
INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table																S			<a href="#">Section 7.501</a>
Intermodal Freight Terminals or Rail-Truck Transfer Stations																P			



USES	DISTRICTS																USE STANDARDS	
	Rural			Residential				Business				Other						
	CP	A-1	A-2	R-1	R-2	MHP	R-4	C-1	C-2	C-3	HCD	ROP	OP	CCP	I-1	I-2		RPD
<b>INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)</b>																		
Laboratories for Environmental and Life Sciences, Materials Research, Instrumentation, and Similar Applications												S	S		P	P	P	<a href="#">Section 7.504</a>
Machine, Welding, and Sheet Metal Shops; Stone Finishing and Carving; and Similar Uses															P	P	A	
Manufacturing, General																P		
Manufacturing, Light															P	P	A	
Outdoor Storage, General															S	P		<a href="#">Section 7.503</a>
Outdoor Storage of Motor or Recreational Vehicles, Construction or Farming Machinery, Manufactured Houses or Similar Items															S	P		<a href="#">Section 7.502</a>
Outdoor Dismantling or Recycling of Motor or Recreational Vehicles, Construction or Farming Machinery, Manufactured Houses, or Similar Items																S		<a href="#">Section 7.502</a>
Packaging of Previously Prepared Materials															P	P		
Printing, Lithography, Bookbinding, and Similar Uses															P	P		
Processing, Production or Wholesale Storage of Chemicals, Petroleum or Paper Products, Gypsum, Glue, Soap, Soda, Potash or Similar Materials																S		<a href="#">Section 7.501</a>
Prototype Engineering and Production, and Pilot Manufacturing and Machining															P	P	P	<a href="#">Section 7.504</a>
Research, Development, Testing, and Engineering, Facilities												S	S		P	P	P	<a href="#">Section 7.504</a>
Research Parks												S	S		P	P	P	<a href="#">Section 7.504</a>
Self-Storage Warehouses															P	P		<a href="#">Section 7.505</a>
Slaughterhouse, Rendering Plant or Similar Facility																S		<a href="#">Section 7.501</a>
Stamping Plants; Rolling Mills; Injection Molding Facilities, and Shearing, Punching, and Automatic Screw Machines																S		<a href="#">Section 7.501</a>
Warehouses, Ice and Cold Storage Plants, and Non-Farm Bulk Indoor Storage															P	P	A	
<b>OTHER USES</b>																		
Accessory Structures and Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	<a href="#">Section 3.09</a>

USES	DISTRICTS																	USE STANDARDS
	Rural			Residential				Business				Other						
	CP	A-1	A-2	R-1	R-2	MHP	R-4	C-1	C-2	C-3	HCD	ROP	OP	CCP	I-1	I-2	RPD	
<b>OTHER USES (continued)</b>																		
Aircraft Landing Strip, Private		S																S
Composting Center		S														S		S <a href="#">Section 7.601</a>
Concrete or Asphalt Mixing or Production Plants															S			<a href="#">Section 7.501</a>
Controlled Uses									P									<a href="#">Section 7.602</a>
Extraction Operations		S	S															<a href="#">Section 7.603</a>
Heliport												A						S
Landfill, Sanitary																		S <a href="#">Section 7.604</a>
Off-Street Parking Lots	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	<a href="#">Article 12.0</a>
Public Utilities and Essential Services															P	P	P	P
Public Works or Road Maintenance Yards															S	P		S <a href="#">Section 7.503</a>
Recycling Collection Facility															S	S		S <a href="#">Section 7.503</a>
Temporary Concrete or Asphalt Batch Plants		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S <a href="#">Section 7.605</a>
Temporary Structures and Uses not otherwise listed in this table		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P <a href="#">Section 3.10</a>
Temporary Structures for Construction Purposes		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Transmission and Distribution Lines within an Existing Easement	P	P	P	P	P	P		P	P	P			P		P	P	P	P <a href="#">Section 7.606</a>
Utility Transmission and Distribution Lines within a New Easement	S	S	S	S	S	S		S	S	S			P		S	S	S	S <a href="#">Section 7.606</a>
Volatile Farm-Based Biofuel Production Facility With an Annual Production Capacity of Up To 100,000 Gallons of Biofuel		P	P															<a href="#">Section 7.607</a>
Volatile Farm-Based Biofuel Production Facility With an Annual Production Capacity Greater Than 100,000 Gallons of Biofuel		S	S															<a href="#">Section 7.607</a>

# Article 6.0 Dimensional Standards

## Section 6.101 Table of Dimensional Standards by District

Dimensional Standards		Districts																	Additional Standards		
		CP	A-1	A-2	R-1	R-2	MHP	R-4	C-1	C-2	C-3	HCD	ROP	OP	CCP	I-1	I-2	RPD		PSP	
Maximum Height	Stories	2.5	2.5	2.5	2.5	2.5	See <a href="#">Section 7.205 (Manufactured Housing Parks)</a>	3.0	2.0	2.0	2.0	2.0	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	3.0			3.0	<a href="#">Section 6.201</a>	
	Feet	35	35	35	35	35		40	35	35	35	34				45	50	36	40		
Lot Standards (per unit)	Minimum Width (feet)	175	150	150	150	70	See <a href="#">Section 7.205 (Manufactured Housing Parks)</a>	70	80	100	150	60	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	150	150	200	150	<a href="#">Section 6.202</a>	
	Minimum Area (acres or sq. ft.)	5.0 acres	1.0 acre	1.0 acre	1.0 acre	10,000		10,000	10,000	20,000	30,000	10,890				30,000	5.0 acres	5.0 acres	20,000		
	Maximum Lot Coverage	10%	10%	10%	10%	30%		30%	30%	30%	30%	25%				25%	25%	25%	30%		
Yard/Setback Standards (feet)	Front Yard	Minimum	50	50	50	50	30	See <a href="#">Section 7.205 (Manufactured Housing Parks)</a>	25	20	20	20	10	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	30	40	50	20	<a href="#">Section 6.203</a>
		Maximum										35									
	Minimum Side Yard (each side)	30	30	30	20	10	10		10	10	20	10	30				40	50	20		
	Minimum Rear Yard	50	50	50	35	35	35		35	35	20	20	30				40	30	20		
Maximum Floor Area Ratio		10%	10%	10%	10%	30%	See <a href="#">Section 7.205 (Manufactured Housing Parks)</a>	30%	60%	60%	60%	25%	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	See <a href="#">Article 10.0 (Urban Service District Regulations)</a>	60%	60%		30%	<a href="#">Section 6.204</a>	
Minimum Land Area per Dwelling Unit		5.0 acres	1.0 acre	1.0 acre	1.0 acre	10,000 sq. ft.		10,000 sq. ft.								10,890 sq. ft.					

Type of District	Zoning District Name	Symbol
<b>Rural Districts</b>	Conservation Preservation District	CP
	Essential Agricultural District	A-1
	Interim Agricultural District	A-2
<b>Residential Districts</b>	Single-Family Rural Residential District	R-1
	Single-Family Urban Residential District	R-2
	Manufactured Housing Park Residential District	MHP
	Low Density Multiple-Family Residential District	R-4
<b>Business Districts</b>	Convenience Commercial District	C-1
	General Commercial District	C-2
	Regional Commercial District	C-3
	Hamlet Center District	HCD
<b>Other Districts</b>	Residential/Office Park District	ROP
	Office Park District	OP
	Commercial Commons Park District	CCP
	Light Industrial District	I-1
	General Industrial District	I-2
	Research Park District	RPD
	Public/Semi-Public Services District	PSP

## Section 6.200 Supplemental Provisions and Exceptions

### Section 6.201 Height Exceptions

The height of permitted structures shall be as defined in [Section 2.03 \(Definitions\)](#) and as regulated by this Article. Exceptions to the maximum height standards set forth in this Article shall be permitted, as follows:

- A. **Farm structures.** The maximum permitted height of farm structures shall be 75 feet. Conveyor elevator systems and similar farm equipment necessary to support active farm operations shall be exempt from the maximum height standards of this Ordinance.
- B. **Wireless communication towers.** Wireless communication towers and antennae shall be subject to the maximum height standards of [Section 11.12 \(Wireless Communications Facilities\)](#).
- C. **Wind energy conversion systems.** Wind energy conversion systems (WECS) shall be subject to the maximum height standards of [Section 11.14 \(Wind Energy Conversion Systems\)](#).
- D. **Exempt structures.** Public utility structures and public monuments in any zoning district shall be exempt from the maximum height standards of this Ordinance.
- E. **Limited exceptions.** The following structures and appurtenances usually required to be placed above roof level and not intended for human occupancy shall not be included in calculating the height of a principal building, provided that the total area covered shall not exceed twenty percent (20%) of the roof area of the building:
  1. Spires, belfries, penthouses, and domes;
  2. Chimneys, ventilators, skylights, bulkheads, and parapets; and
  3. Elevator towers, stage scenery lofts, and mechanical equipment.

### Section 6.202 Lot Standards

The following standards and exceptions to the lot provisions set forth in this Article shall apply to all lots in the Township:

- A. **Lot Width Measurements.** Lot width shall be measured as the horizontal straight-line distance between the two (2) points where the minimum front yard setback line intersects the side lot lines; and at the road right-of-way line of any public or private road. Lot width measurements shall be further subject to the following requirements:
  1. The width of lots fronting on a cul-de-sac shall not be less than 50 feet at the road right-of-way line. For lots fronting on a cul-de-sac in a residential subdivision and site condominium, the Planning Commission may approve a lot width that is less than the minimum lot width measured between the two (2) points where the minimum front yard setback line intersects the side lot lines, provided the minimum front yard setback area is increased by the distance necessary to meet the minimum lot width requirements and that the front yard setback increase does not exceed fifty percent (50%) of the minimum front yard setback. The increased setback distance shall be shown on the plans and in the master deed. The increased setback distance shall be

shown on the recorded plat in a subdivision development and the master deed in a condominium development.

2. All lots not served by a publicly owned and operated sanitary sewerage system, or an approved private community wastewater system (PWS) in compliance with Township Ordinance No. 113 (Private Community Wastewater Disposal System Ordinance), shall have a lot width measured at the road right-of-way line not of not less than 150 feet.
- B. Lot Area.** Lot area measurements shall be further subject to the following requirements:
1. The lot area used to satisfy the minimum lot area, lot coverage, and floor area ratio requirements shall not include areas within any road right-of-way.
  2. All lots not served by a publicly owned and operated sanitary sewerage system, or an approved private community wastewater system (PWS) in compliance with Township Ordinance No. 113 (Private Community Wastewater Disposal System Ordinance), shall have a minimum lot area of one (1) acre, unless a larger lot area is required in the zoning district; or required by the Washtenaw County Environmental Health Division to accommodate a private, on-site septic system.

### **Section 6.203 Yard Standards**

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures shall be maintained within the required front yard, except fences and similar improvements permitted by this Ordinance.

- A. Yard Measurements.** Yard measurements shall be further subject to the following:
1. All required front yards shall be measured from the right-of-way line of a public road, or from the right-of-way or easement line of a private road.
  2. Yards shall be measured from the exterior faces of a structure without roof overhangs or projecting cornices to abutting lot lines and road rights-of-way.
  3. Where a structure includes roof overhangs or projecting cornices, yards shall be measured from the outer edge of a roof overhang or cornice to abutting lot lines and road rights-of-way, less two (2) feet if the roof overhang or cornice extends more than two (2) feet from the exterior face of the structure.
  4. All required yards shall be located parallel and adjacent to lot boundaries or road rights-of-way.
- B. Corner Lots.** Structures on corner lots shall comply with the minimum front yard setback requirements from all road rights-of-way, except as may otherwise be required by this Ordinance. Such lots shall be deemed to have two (2) front yards for purposes of this Ordinance. The remaining yards on a corner lot not deemed to be a front yard may be deemed to be either a side yard or a rear yard, but all such lots must have at least one (1) rear yard.
- C. Double Frontage Lots.** Where a block of double frontage lots exists, one (1) road may be designated by the Zoning Inspector as the front road for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this Ordinance.

- D. Maximum Setback.** The purposes of the maximum front yard setback (also known as a “build-to line”) for certain zoning districts are to minimize the need for excessive signage by maximizing the visibility of permitted commercial buildings; and to minimize visual and other impacts from large expanses of parking within a front yard. All new buildings constructed after the effective date of this Ordinance shall comply with the maximum setback requirements of this Article.
- E. Permitted Yard Encroachments.** Architectural features, chimneys, and other building projections, egress window wells, HVAC equipment, and similar structures and improvements shall be considered part of the principal building for purposes of determining yard and setback requirements. Anything constructed, erected, placed or planted or allowed to grow shall conform to the provisions of [Section 6.208 \(Corner Clearance Zones\)](#). Limited projections into certain required yards shall be permitted as follows:
- 1. Structures and appurtenances.** The following structures and appurtenances may be located within any required yard setback area: open and unroofed terraces and patios; awnings; flag poles; hydrants; laundry drying equipment; trellises; recreation equipment; outdoor cooking equipment; sidewalks; trees, plants, shrubs, and hedges; solid fences, screens, or walls less than four (4) feet in height; fences, screens, or walls having at least fifty percent (50%) of their surface area open when viewed from the perpendicular; and mailboxes.
  - 2. Overhangs and cornices.** Roof overhangs or projecting cornices may extend up to two (2) feet into any required yard setback area.
  - 3. Barrier-free improvements.** Barrier-free access improvements to existing dwellings shall meet the required yard setbacks for the zoning district wherever possible. A waiver to allow barrier free access improvements within a required yard setback area may be granted by the Zoning Inspector upon the applicant’s showing of the following:
    - a.** The need for such access by an occupant of the dwelling or by an immediate family member of the occupant; and
    - b.** The encroachment into the required setback is the minimum encroachment necessary to construct or install the barrier-free access.
  - 4. Entrance structures.** Entrance structures may be provided for residential areas, shopping centers, industrial parks, and similar developments. The structure(s) may consist of wall, columns, gates, and may be located within required yard setback areas, subject to the following:
    - a.** The location and design of an entrance structure shall not interfere with pedestrian, bicycle or vehicular traffic movement; and shall not create a safety hazard.
    - b.** An entrance structure shall not be constructed until a building permit has been issued. The Planning Commission shall have approved the location, design, and maintenance provisions for an entrance structure as part of a final site plan approval before the building permit may be issued.

- c. All entrance structures shall be regularly maintained in good and safe condition. A mechanism shall be established for assuring the required maintenance.
  - d. The application for approval shall provide the following information:
    - (1) Precise location of the structure.
    - (2) Plan and elevation drawings of the structure, including dimensions.
    - (3) Location of electrical wiring and fixtures, if applicable.
    - (4) Provisions to maintain the structure.
  - e. An identification sign permitted in the district in which the entrance structure is to be located may be mounted on an entrance structure, or made a structural part thereof. Such signs shall conform to all sign regulations, except yard requirements.
5. **Private driveways.** A private driveway may be located within any required yard setback area, subject to the following:
- a. **Setback required in certain zoning districts.** In the Rural Districts and the R-1 (Single-Family Rural Residential) District, new or relocated private driveways associated with construction of a new dwelling, accessory structure, or building addition shall be set back a minimum of ten (10) feet from all side and rear lot boundaries.
    - (1) The required setback shall be measured from the lot boundary to the near edge of the driveway surface or pavement.
    - (2) The Zoning Inspector may approve a certificate of zoning compliance for a new dwelling, accessory structure, or building addition with a driveway that encroaches into this required setback area upon determining that any of the following circumstances apply:
      - (a) Compliance with the required driveway setback is impractical due to the topography of the site, or would require the destruction or removal of significant natural features as defined in [Section 2.03 \(Definitions\)](#).
      - (b) The encroachment is necessary to allow vehicle access to a side entry garage, or to provide adequate site distance at the intersection of the driveway with a public road.
      - (c) Private well or septic field locations prevent compliance with the required driveway setback.
    - (3) Any encroachment into the required setback shall be the minimum necessary to provide vehicle access to the property.



- b. **Nonconforming driveways.** Legal nonconforming private driveways may be repaired, paved, and maintained in place, provided that the existing setback distance shall not be decreased.

F. **Additional Standards for the Research Park (RPD) District.** The following additional yard setback requirements shall apply to development in the Research Park (RPD) District:

Additional Yard Setback Standard	Parcel Size (acres)	Setback Distance (feet)
Minimum Setback from Peripheral or District Boundary Roads (such as Willis Road, Bemis Road, and Platt Road)	Under 20.0 acres	100 feet
	20.0 acres and over	200 feet
Maximum Side Yard Setback	Under 20.0 acres	100 feet
	20.0 acres and over	200 feet

**Section 6.204 Density Regulations**

The following shall be excluded from the total acreage used in calculating the net density of dwelling units in any zoning district that permits RESIDENTIAL USES as part of a development project subject to site plan approval, condominium site plan approval, subdivision plat approval, or Planned Unit Development (PUD) Area Plan approval in accordance with this Ordinance or other Township ordinances:

- A. Existing rights-of-way and easements;
- B. Rights-of-way and easements of proposed public and private roads, and rights-of-way of local and collector roads; and
- C. Floodplains, wetlands, bodies of water, watercourses, and county drains.

**Section 6.205 Compliance with Dimensional Standards**

New lots created, new structures erected, and alterations to existing structures after the effective date of adoption or amendment of this Ordinance shall comply with all applicable dimensional standards of this Ordinance.

- A. No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located.
- B. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
- C. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
- D. Existing yard setbacks shall not be reduced below the minimum requirements of this Ordinance.

**Section 6.206 Number of Principal Dwellings Per Lot**

Not more than one (1) principal, non-farm single-family detached dwelling shall be located on a lot, nor shall a single-family detached dwelling be located on the same lot with any other principal building or use, except as

permitted in a Planned Unit Development (PUD) and as permitted on farms for farm labor housing. For single-family condominium developments, not more than one (1) principal detached dwelling shall be placed on each condominium lot.

**Section 6.207      Access to Roads**

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved road. Access to roads shall be subject to the following:

- A. Access to Public or Private Roads.** Each principal use or structure established in any zoning district after the effective date of adoption or amendment of this Ordinance shall be on a lot or parcel which abuts a public or private road. Each lot created in any zoning district after the effective date of adoption or amendment of this Ordinance shall abut a public or private road, with a minimum road frontage equal to the minimum required lot width of the zoning district. Such road shall have a right-of-way at least 66 feet wide unless a lesser width has been established and recorded prior to the effective date of this Ordinance.
  
- B. Access for Emergency Services and Parking and Loading Areas.** Every building and structure located or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for emergency purposes and fire protection vehicles, and for required off-street parking and loading areas.
  
- C. Access to Uses Not Permitted in Residential Districts.** No land in any Residential Districts shall be used for vehicular or pedestrian access to land or structures in other zoning districts used for any purpose not permitted in the residential zoning district, except as provided in this subsection or otherwise authorized by this Ordinance. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately-owned residentially zoned land, access reserved for and limited to such vehicles may be authorized by the Planning Commission, subject to such conditions and safeguards as the Planning Commission deems necessary to protect the tranquility and character of the residential lands so traversed.

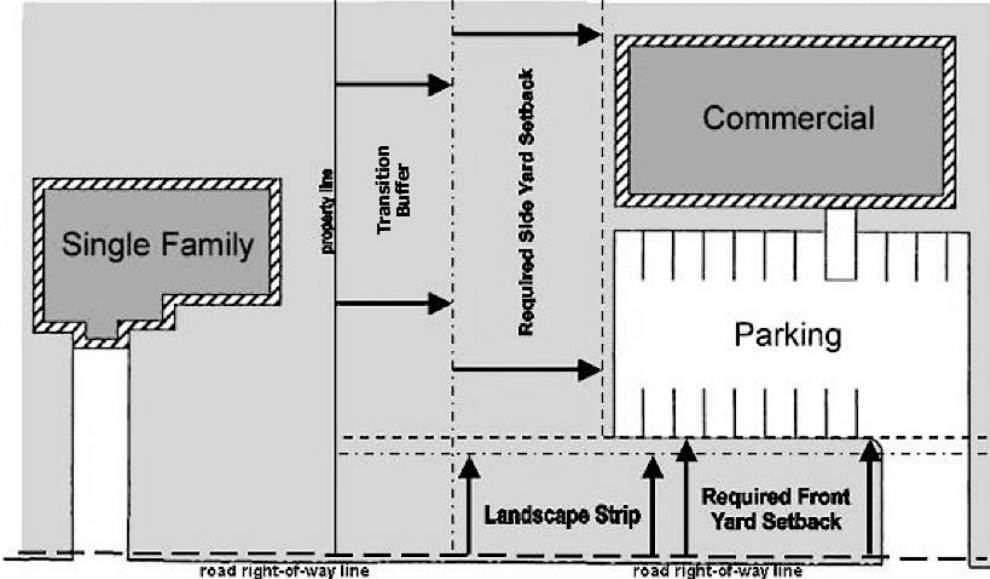
**Section 6.208      Corner Clearance Zones**

On a corner lot in any zoning district, no fence, wall, hedge, screen, sign, structure, or planting shall be placed in such manner as to materially impede the vision between a height of two (2) feet and six (6) feet above the existing centerline road grade within a triangular area formed by the intersection of two (2) road right-of-way lines connected by a diagonal across the interior of such lines at the following distances from the point of intersection:

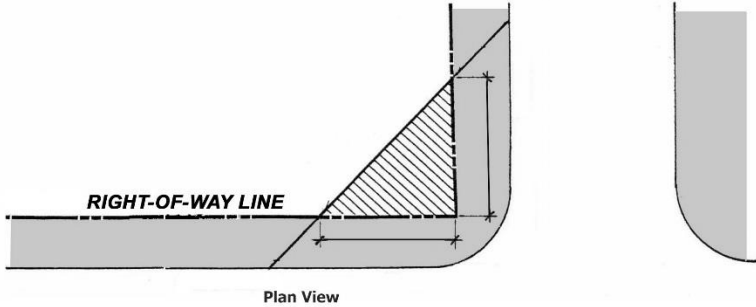
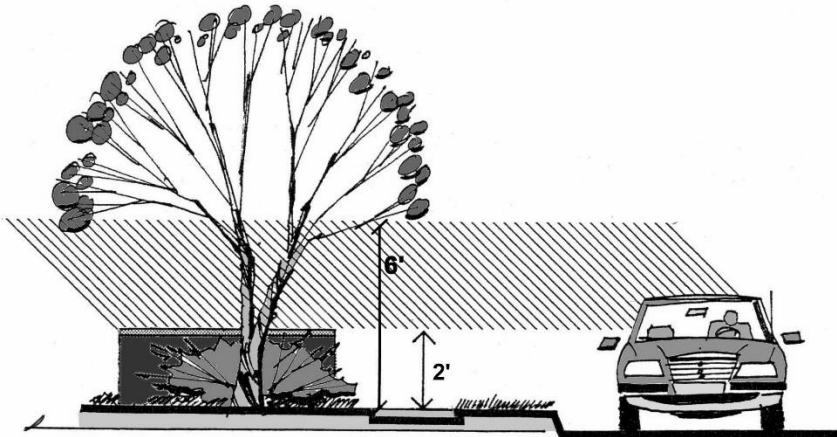
<b>Corner Clearance Zones</b>	
<b>Type of Road Intersection</b>	<b>Minimum Corner Clearance Distance along Rights-of-Way</b>
Any intersection of two (2) primary roadways	50 feet
Any intersection of a primary roadway and a collector or local roadway	25 feet
Any intersection of a collector roadway and a collector or local roadway	25 feet
Any intersection of local roadways	10 feet

- A. Road classifications shall be as defined in the Township's Growth Management Plan and the master transportation plans for state or county road authorities.
- B. Trees shall be permitted within a corner clearance zone, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

**ILLUSTRATIONS**



**Transition Buffers and Landscape Strips**



**Corner Clearance Area**

## Article 7.0 Use Standards

### Section 7.01 Intent

Each use listed in this Article, whether permitted by right or subject to approval of a Special Use Permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

- A. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
- B. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
- C. Ensure that such uses will be compatible with surrounding land uses.
- D. Promote the orderly development of the district and the Township as a whole.

### Section 7.02 Scope of Regulations

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in [Section 15.01 \(General Standards\)](#). Conformance with these standards shall be subject to site plan approval, where required per this Article or [Article 17.0 \(Site Plan Review\)](#).

### Section 7.03 Organization

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

<a href="#">Section 7.100</a>	<a href="#">Rural Uses</a>
<a href="#">Section 7.200</a>	<a href="#">Residential Uses</a>
<a href="#">Section 7.300</a>	<a href="#">Office, Service, and Community Uses</a>
<a href="#">Section 7.400</a>	<a href="#">Commercial Uses.</a>
<a href="#">Section 7.500</a>	<a href="#">Industrial, Research, and Laboratory Uses</a>
<a href="#">Section 7.600</a>	<a href="#">Other Uses</a>

## Section 7.100 Rural Uses

### Section 7.101 Agricultural Services and Farm Supply Stores

Agricultural service establishments, bulk feed and fertilizer supply outlets, farm supply stores, and similar uses shall be subject to the following:

- A. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per [Article 17.0 \(Site Plan Review\)](#).
- B. Any retail store component of such uses shall conform with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
- C. Farm products offered for sale shall include those grown or produced on land in Michigan, or made from products grown or produced on land in Michigan.
- D. Any outdoor sales or display areas shall conform to the standards of [Section 7.409 \(Outdoor Sales or Display Areas\)](#).
- E. Outdoor storage areas shall be adequately contained, and shall be screened from adjacent lots and road rights-of-way per [Section 14.03 \(Green Belt Buffer\)](#).
- F. Storage, distribution, and processing of farm products as part of a permitted agricultural service establishment shall comply with the following:
  1. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.
  2. Such uses shall be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining lots and uses.
  3. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

### Section 7.102 Farm-Based Tourism/Entertainment Activities or Farm Markets

Farm markets, and farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

- A. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per [Article 17.0 \(Site Plan Review\)](#). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of necessary sanitary facilities and service areas, and transition plantings or screening devices.
- B. Screening shall be provided per [Section 14.03 \(Green Belt Buffer\)](#) where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities. The Planning Commission may approve the use of existing vegetation or crop growing areas of a width of not less than 100 feet to satisfy this requirement.

- C. All facilities and improvements for permitted farm-based tourism or entertainment activities shall be located outside of all road rights-of-way and required yard setback areas.
- D. Noise levels shall not exceed 65 decibels at any lot boundary or road right-of-way.
- E. All exterior lighting for permitted farm-based tourism or entertainment activities shall be fully-shielded and directed downward to minimize off-site glare and light pollution. Such lighting shall not exceed 0.5 footcandles in intensity as measured at any lot boundary or road right-of-way at a height of five (5) feet above grade.
- F. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.

### **Section 7.103 Farm Products Direct Marketing Business**

Where farm products direct marketing businesses are listed in [Article 5.0 \(Land Use Table\)](#) as a permitted accessory use, such uses shall be accessory to an active farm operation. Such businesses may include “U-Pick” commercial agriculture operations, direct sales to area restaurants, residents, and retail stores, Internet-based sales of farm products, and similar businesses.

### **Section 7.104 Farming Operations**

A parcel may be used for general and specialized farming and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs; and any building or structure may be located thereon and used for the day-to-day operation of such activities, for the quartering, storage or preservation of said crops, livestock, poultry, bees, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said lot or in said building or structure, subject to the following:

- A. The operation shall be maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and all applicable Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
- B. Any land kept as idle cropland or non-cropland areas shall be so treated as to prevent soil erosion by wind or water and excessive growth of noxious weeds and shrubs.
- C. Any land kept for the growing, stripping and removal of sod shall be reseeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion of soil by water or wind.

### **Section 7.105 Greenhouse**

This Section shall not apply to a residential greenhouse structure accessory to a single-family dwelling. Such residential greenhouses shall conform to all requirements of [Section 3.09 \(Accessory Structures and Uses\)](#). The following shall apply to all other greenhouses:

- A. Retail sales of greenhouse products shall be permitted as an accessory use, subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.

- B. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.
- C. Plant growing areas shall be located outside of all road rights-of-way and corner clearance areas as defined in [Section 6.208 \(Corner Clearance Zones\)](#).
- D. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.
- E. Where greenhouses and tree farms are listed in [Article 5.0 \(Land Use Table\)](#) as a permitted accessory use, such uses shall be accessory to an active farm operation.

### **Section 7.106 Kennel**

The standards of this Section shall not apply to the keeping, or raising of less than four (4) animals of the same species that are more than six (6) months old (such as dogs, cats, outdoor fowl, or other domestic animals) for pets, breeding, showing, boarding, training, competition, or hunting purposes. Kennels shall be licensed as required by Washtenaw County or any other governmental agency with jurisdiction, and shall be subject to the following additional standards:

- A. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per [Article 17.0 \(Site Plan Review\)](#).
- B. The minimum lot size shall be ten (10) acres.
- C. Structures or pens where animals are kept shall be set back a minimum of 300 feet from road rights-of-way, 100 feet from side and rear lot boundaries, and 50 feet from any watercourse. Outdoor runs and exercise areas shall not be located in any required yard setback areas.
- D. The kennel shall be established and maintained in accordance with applicable County and Township sanitation regulations.
- E. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

### **Section 7.107 Landscape Businesses**

The following regulations shall apply to all landscape businesses:

- A. Retail sales of nursery or landscape products shall be permitted as an accessory use, subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
- B. The business shall have direct access to a public road. The Planning Commission may require direct access to a paved road upon determination that anticipated levels of truck traffic, access needs, or other operational characteristics warrant such action to minimize impacts on the public road network and other land uses abutting the anticipated travel routes.
- C. The nature of the business shall not negatively impact adjacent non-agricultural uses.
- D. The business shall not pose an environmental hazard.



- E. The business may include decorative man-made materials only if provided in combination with live plant material. Such materials may include wood chips, crushed stone, boulders, mulch, and structural features such as fountains, garden pools, statues, and benches.
- F. Landscaping businesses may include use of equipment such as trucks not exceeding twelve (12) yards capacity, flatbed trailers only for hauling small equipment and necessary landscape products, and other necessary equipment such as tractors, skid loaders and small front-end loaders; and tree moving equipment.
- G. The following yard and setback requirements shall apply to any landscape nurseries and landscaping businesses:
  - 1. **Lot Area.** Not less than ten (10) acres in area.
  - 2. **Lot Width.** Not less than 300 feet in width.
  - 3. **Front Yard Setback.** Not less than 85 feet.
  - 4. **Side Yard Setback.** The least width of either yards shall not be less than 50 feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than 60 feet.
  - 5. **Rear Yard Setback.** Not less than 50 feet.
- H. A dense vegetative buffer shall be established around the periphery of the landscaping operation, subject to the following:
  - 1. The buffer shall consist of plant materials with year-round screening characteristics, and of sufficient height at planting to effectively screen the operation.
  - 2. The buffer shall have a minimum width of 20 feet.
  - 3. Such vegetative buffer shall be completed before the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials.
  - 4. All plant materials shall conform to the standards of [Section 14.03 \(Green Belt Buffer\)](#).

### **Section 7.108 Nursery**

Nursery operations, as defined in [Section 2.03 \(Definitions\)](#), shall be subject to the following:

- A. Retail sales of unprocessed/prepared nursery products raised on the premises shall be permitted as an accessory use on the site, subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
- B. Any building or structure located on a parcel used for such purpose shall be secondary and incidental for such raising or growing of such products and may be used only for the storage of equipment and materials necessary for such raising or growing on such site or on parcels under the same ownership used for the same purpose.

- C. Dump trucks and trailers, bulldozers, backhoes, and similar types of heavy equipment shall not be permitted accessory to a nursery operation. Tree spades and other equipment necessary for the nursery operation shall be used only in accordance with the requirements of this Section.
- D. Landscape supply yards and/or contracting facilities, and storage yards shall not be allowed as part of a nursery operation.
- E. Any operation exceeding the limitations of this Section shall be subject to Special Use Permit approval as a landscape business per [Section 7.108 \(Nursery\)](#).

### **Section 7.109 Raising And Keeping Of Animals, Non-Farm**

The standards of this Section shall not apply to keeping of animals as part of an active farm operation maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture. Non-farm raising and keeping of domesticated animals and livestock is subject to the following:

#### **A. General Standards Applicable to All Animals.**

1. **Accessory Use.** The raising and keeping of animals shall remain an accessory use, incidental to the principal single-family residential use of the lot for the principal dwelling of the property owner.
2. **Enclosure Required.** Fenced enclosures shall be constructed and maintained to prevent such animals from roaming-at-large off the premises. It is a violation of this Ordinance for the owner or person in control of animals under this section to permit or allow such animals to be off the premises at large on public or private property at any time while not under the direct control and custody of the person in charge. Fenced enclosures shall be constructed and maintained to prevent such animals from roaming at-large off the premises.
3. **Sanitation and Vermin Prevention.** All fenced enclosures, coops, or other enclosures for keeping livestock shall be so constructed and repaired as to prevent predators, rats, mice, insects, and other vermin from being harbored underneath, inside, or within the enclosed areas. All livestock feed and other items associated with keeping of animals that are likely to attract or to become infested with or infected by predators or vermin shall be protected, sealed, and/or stored in vermin proof containers so as to prevent vermin from gaining access to or coming in contact with them., and all pens and shelters shall be maintained in a sanitary condition.
4. **Minimum Setbacks.** All containers, shelters, pens, and enclosures shall conform to the minimum yard setbacks for the zoning district.
5. **Private Deed Restrictions.** Notwithstanding the requirements of the Zoning Ordinance, private restrictions on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
6. **Prohibition of Slaughtering.** Slaughtering of farm animals is prohibited.

- 7. Environmental Regulations and Manure Management.** The raising and keeping of animals shall be maintained so that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses. Required maintenance shall include manure management and disposal that complies with these requirements. The Township may require a written manure management and disposal plan.
- B. Standards Applicable to Large Animals.** The keeping of up to five (5) large farm animals (such as horses, cattle, hogs, ponies, goats, or other similar breeds of livestock) six (6) months or older shall be permitted on non-farm parcels that have a minimum lot area of five (5) acres. One (1) additional large farm animal six (6) months or older is permitted for each additional acre for non-farm parcels larger than five (5) acres but less than ten (10) acres. In no case shall the number of large farm animals six (6) months or older on a lot exceed ten (10). Large farm animals less than six (6) months of age are exempt, provided the lot area of the parcel is at least five (5) acres and all other applicable standards are met.
- C. Standards Applicable to Small Animals.**
- 1. Lots Five (5) Acres or More.** The keeping of up to twenty (20) small livestock animals (such as chickens, rabbits, and similar breeds of animals) six (6) months or older may be kept on non-farm parcels that have a minimum lot area of five (5) acres, subject to the standards of the zoning district and [Section 15.01 \(General Standards\)](#). Four (4) additional small farm animals six (6) months or older are permitted for each additional acre for non-farm parcels larger than five (5) acres but less than ten (10) acres. In no case shall the number of small farm animals six (6) months or older on a lot exceed forty (40) unless the lot is a permitted and active farm operation maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPS). Small farm animals less than six (6) months of age are exempt, provided the lot area of the parcel is at least five (5) acres and all other applicable standards are met.
  - 2. Lots at Least One (1) Acre but Under Five (5) Acres.** The keeping of small livestock animals (such as chickens, rabbits, and similar animals) may be kept on non-farm parcels under five (5) acres but at least one (1) acre in area in accordance with the following standards:
    - a. Prohibition of Male Chickens (Roosters).** Male chickens (roosters) are prohibited.
    - b. Maximum Number of Small Livestock Animals.** No more than four (4) small livestock animals six (6) months or older may be kept on a lot. Small farm animals less than six (6) months of age are exempt, provided the lot area of the parcel is at least one (1) acre and all other applicable standards are met.
    - c. Enclosure.** The small livestock shall be provided with a secure, well-ventilated, roofed, and lockable coop and must be kept in the coop or an adjoining fenced enclosure at all times. The enclosure plan shall be submitted to the Zoning Administrator for review and approval.
    - d. Location in Rear Yard Only.** Small livestock shall not be kept in any location on the site other than in the rear yard as defined herein.

3. **Lots Less Than One (1) Acre.** The keeping of livestock is prohibited on non-farm parcels under one (1) acre in area.

### **Section 7.110 Riding Arenas and Boarding Stables**

A parcel, not less than ten (10) acres in size, may be used, and a building or structure located thereon for a riding arena or stable, or for the raising or keeping of horses, cattle, hogs, llamas, ponies, goats and similar livestock whether for profit or pleasure. Such facilities shall conform to all applicable Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.

### **Section 7.111 Roadside Stands**

Temporary roadside stands shall be permitted accessory to any RURAL USES, subject to the following:

- A. **Products.** At least 50% of the produce and other agricultural products shall be natural, unprocessed, and raised or produced on the premises where the roadside stand is situated, or located on land which is part of the same farm operation. Crafts or articles of a personal nature may be sold in conjunction with a roadside stand.
- B. **Operation.** A roadside stand shall be operated on the premises where situated for a period not to exceed eight (8) months during any calendar year. A roadside stand shall not make a commercial district, nor shall it be deemed a commercial use.
- C. **Building Size.** Any building containing a roadside stand shall not be greater than 250 square feet in size.
- D. **Trash Containers.** Suitable trash containers shall be placed on the premises for public use.
- E. **Building Setbacks.** Any building containing a roadside stand shall be located no closer than 25 feet to the nearest edge of the paved surface of any paved public road, and no closer than 25 feet to the improved gravel surface of any unpaved public road.
- F. **Parking.** Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in [Article 12.0](#), except that hard-surfacing shall not be required.
- G. **Sign.** See [Article 13.0](#).
- H. **Special Use Permit.** Any roadside stand exceeding the limitations of this Section shall be subject to Special Use Permit approval as a farm-based tourism or entertainment facility per [Section 7.102 \(Farm-Based Tourism/Entertainment Activities or Farm Markets\)](#).

### **Section 7.112 Veterinary Clinics and Hospitals**

Veterinary clinics and hospitals shall comply with the following:

- A. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per [Article 17.0 \(Site Plan Review\)](#).
- B. All activities shall be conducted within a completely enclosed building, except that an outdoor exercise area shall be permitted outside of any required yard setback areas.

- C. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
- D. Keeping of animals for overnight care shall be limited to the interior of the principal building.
- E. Operation shall include proper control of animal waste, odor, and noise.

## Section 7.200 Residential Uses

### Section 7.201 Accessory Dwelling

It is the intent of this Section to permit dwellings accessory to certain non-residential uses under limited circumstances and subject to specific standards. The standards of this Section are intended to preserve the character and appearance of principal buildings that include one (1) or more accessory dwelling units.

Accessory dwellings shall be subject to the following standards:

- A. **Approval Required.** Construction of any new accessory dwelling unit(s) shall be subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#). The application shall include submittal of floor plans for the accessory dwelling(s) and principal building. Alteration of any existing, approved accessory dwelling unit(s) shall be subject to administrative approval per [Section 20.03 \(Certificates of Zoning Compliance\)](#).
- B. **Accessory to Office, Service, and Community Uses and Commercial Uses.** A dwelling unit may be permitted accessory to principal OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES permitted in the C-1 (Convenience Commercial) District and C-2 (General Commercial) District, and in the HCD (Hamlet Center) District only as allowed and provided for in the [Land Use Table](#), and subject to the following:
  1. The accessory dwelling unit(s) shall be located within the same building occupied or intended to be occupied by one (1) or more principal uses as permitted in the zoning district.
  2. Where Special Use Permit approval is required by this Ordinance, the number of permitted accessory dwelling units shall be subject to Planning Commission approval.
  3. Accessory dwelling units shall be prohibited on the ground floor or street level of the building, and shall be constructed with adequate sound and firewall separation from the principal use(s).
  4. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.
  5. Parking shall be provided for each accessory dwelling unit per [Article 12.0 \(Off-Street Parking and Loading-Unloading Requirements\)](#).
- C. **Accessory to Industrial, Research, and Laboratory Uses.** A dwelling may be permitted accessory to principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted in the I-1 (Light Industrial) District and I-2 (General Industrial) District, subject to the following:
  1. The accessory dwelling shall be located in a separate residential building on the same parcel or an abutting parcel under the same ownership as the principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted on the site.
  2. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel, or to on-site security personnel.
- D. **Caretaker's Residence.** Where a provision of this Article permits an accessory dwelling for use as a caretaker's residence, the following standards shall apply:

1. The caretaker's residence may be located within the principal building, or may be a separate residential building on the same parcel as the principal use(s).
2. The caretaker's residence shall have separate kitchen, bath, and toilet facilities and a private entrance. If located within the principal building, the caretaker's residence shall be constructed with adequate sound and firewall separation from the principal use(s).
3. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel.

## Section 7.202 Bed and Breakfast Inn

Bed and breakfast inns shall comply with the following:

- A. **Approval Required.** Establishment of a new bed and breakfast inn shall be subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#), in addition to any Special Use Permit requirements per [Article 5.0 \(Land Use Table\)](#). Alteration of an existing, approved bed and breakfast inn shall be subject to administrative approval per [Section 20.03 \(Certificates of Zoning Compliance\)](#).
  1. Floor plans for the bed and breakfast inn and principal building, and a property survey, drawn to scale, with dimensions, and showing property lines and all structures and other improvements shall be submitted with the application for approval.
  2. Any approved Special Use Permit for a bed and breakfast inn, where required by [Article 5.0 \(Land Use Table\)](#), shall not become effective, and a bed and breakfast inn shall not be operated for business, until all licenses required therefore have been issued.
  3. Any approved Special Use Permit, including all attached conditions by the Planning Commission, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any violations of these conditions and/or applicable State regulations shall result in the Special Use Permit being revoked.
- B. **General Requirements.** Bed and breakfast inns shall conform to the following requirements:
  1. A bed and breakfast inn shall be permitted only in a single family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast inn shall be the principal residence of the operator and the operator shall live in the principal dwelling unit during the time the bed and breakfast inn is active.
  2. A dwelling unit containing a bed and breakfast inn shall comply with State of Michigan regulations for bed and breakfast inns, and applicable fire safety regulations, and shall be regularly maintained so as to remain in compliance with all applicable codes and regulations. The applicant shall provide written evidence of inspection and compliance with applicable codes and regulations.
  3. A dwelling to be used for a bed and breakfast inn shall have a minimum floor area of 2,000 square feet, excluding basement and garage floor areas. Each sleeping room shall have a minimum floor area of 120 square feet. Not more than six (6) rooms shall be provided for bed and breakfast inns in one single family detached dwelling.

- a. If the applicant cannot comply with required off-street parking, the number of rooms for bed and breakfast inn shall be reduced to that number which is served by available off-street parking.
  - b. The Planning Commission may reduce the number of rooms under this Subsection if it determines that the use of the site for off-street parking to meet the requirements of the Section would adversely affect the residential character of the site within the particular zoning district.
4. Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast inn in that structure. One (1) bathroom containing a lavatory, toilet, and bathtub or shower shall be provided for each two (2) sleeping rooms. Each such bathroom shall be separate from the living quarters of the resident family. Bathrooms required under this subsection for guests shall be in addition to the facilities utilized by the resident family. Sharing of bathrooms between guests and the resident family shall not be permitted.
  5. A single family detached dwelling unit that will contain a bed and breakfast inn shall not have, or be converted to, more rental rooms than the number of bedrooms that existed on the date of adoption of this Ordinance. Any addition to a dwelling for the purpose of increasing the number of bed and breakfast rooms shall be prohibited. For purpose of application of this subsection, bedrooms shall include rooms used on a regular basis for sleeping by the inhabitants prior to the conversion of the single-family detached dwelling to bed and breakfast inns, such rooms which have dual purposes as bedrooms are sometimes known or used as dens/bedrooms, studies/bedrooms, libraries/bedrooms.
  6. Not more than one person, other than members of the resident family, shall be employed in a bed and breakfast inn.
  7. No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast inn. Cooking facilities in a dwelling containing a bed and breakfast inn shall be limited to the residential kitchen.
  8. Full breakfasts and/or continental breakfasts may be served to registered bed and breakfast guests only. No other meals shall be provided to such guests.
  9. Service of alcoholic beverages in a bed and breakfast inn shall be prohibited.
  10. All signs shall meet all applicable regulations of [Article 13.0 \(Sign Regulations\)](#).
  11. A single family detached dwelling unit containing a bed and breakfast inn shall have no outside appearance of the presence of the inn, except the sign permitted herein.
  12. Bed and breakfast facilities shall not be used for receptions, weddings, and similar celebrations and parties other than private events for members of the residents' immediate family.
  13. The maximum length of stay for any occupant of a bed and breakfast inn shall be 14 days in any period of 90 consecutive days.



14. One (1) off-street parking space shall be provided for each room in a bed and breakfast inn. Parking spaces for bed and breakfast registrants shall be in addition to spaces required for the dwelling unit and shall comply with the regulations of [Article 12.0 \(Off-Street Parking and Loading-Unloading Requirements\)](#).

### **Section 7.203 Farm Labor Housing**

Single-family dwelling units for temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment associated with an active farm operation shall comply with the following:

- A. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#).
- B. All structures for farm labor housing shall comply with the standards of [Article 6.0 \(Dimensional Standards\)](#) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing. The following additional required setbacks shall apply to farm labor housing:
  1. Such housing shall be set back a minimum of 100 feet from all side and rear property lines and 75 feet from road rights-of-way.
  2. Such housing shall be set back a minimum of 150 feet from any off-site single-family dwelling located on a separate parcel of property and owned by another individual or entity.
  3. Legal nonconforming farm labor housing may be expanded or enlarged, provided such expansion or enlargement does not increase the nonconformity with respect to required setback distances.
- C. The number of permitted farm labor housing units associated with a farm operation shall be subject to Planning Commission approval as part of the Special Use Permit.
- D. The occupants shall be employed for farm labor by the farm operation owner at least fifty percent (50%) of the time while they occupy the housing.
- E. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended), including any related state or county rules and regulations. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township.

### **Section 7.204 Home Occupations and Home-Based Businesses**

Home occupations and home-based businesses shall be subject to the following:

- A. **Home Occupation Standards.** A home occupation, as defined in [Section 2.03 \(Definitions\)](#), may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:
  1. That such home occupation shall be carried on within the dwelling or within a building accessory thereto.

2. The total floor area used by the home occupation shall not exceed twenty percent (20%) of the total floor area of the dwelling unit. The floor area of all accessory buildings used in the home occupation shall be included in the maximum floor area permitted for the home occupation.
3. That the character or appearance of the residence shall not change and that the home occupation shall not generate traffic from cars or trucks more than normally associated with a residential dwelling.
4. The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation. There may be a wall sign, not to exceed two (2) square feet in area, as approved by the Zoning Inspector.
5. No separate entrance from the outside of the building shall be added to the residence for the sole use of the home occupation.
6. That no article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
7. That the home occupation not require equipment other than what would commonly be found on residential premises.
8. That there shall be no exterior storage of materials or equipment.
9. That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals or matter at any time; and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purpose, will be utilized in the home occupation.
10. That no hazard of fire, explosion or radioactivity shall exist at any time.
11. That parking for the home occupation shall not exceed two spaces. The spaces shall be provided on the premises, off street subject to [Article 12.0 \(Off-Street Parking and Loading-Unloading Requirements\)](#). Parking spaces shall not be located in the required front yard.
12. Not more than one (1) person not residing within the dwelling shall be permitted to be employed in the home occupation.
13. The cultivation of medical marihuana by a primary care giver as defined and in compliance with the general rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, being MCL §333.26421, et. seq., the requirements of this Section, and the requirements of any other applicable ordinance of the Township, is permitted under this Ordinance as a home occupation. Nothing in this Ordinance or any other regulatory provisions of the Township is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and rules adopted under the Act. Nothing in this Ordinance or any other regulatory provisions of the Township is intended to grant, and shall not be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers, or

the owners of property on which medical marihuana is grown or used from Federal prosecution or from having their property seized by Federal authorities under the Federal Controlled Substance Act. The following requirements for a registered medical marihuana caregiver shall apply:

- a. **Compliance with State Law.** The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- b. **Setback from Schools.** The cultivation of medical marihuana must be located outside of a one-thousand (1,000)-foot radius from any school, including child care or day care facility, to insure community compliance with Federal “Drug-Free School Zone” requirements.
- c. **Number of Primary Caregivers.** Not more than one (1) primary caregiver shall be permitted to assist qualifying patients on a parcel.
- d. **Number of Qualifying Patients.** Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
- e. **Growing.** All medical marihuana shall be contained within an enclosed, locked facility which shall mean a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient, as reviewed and approved by the Building Official and subject to the following:
  - (1) **Indoor Growing.** Except as otherwise provided in [Section 7.204A.13.e\(2\)](#), which is only applicable to certain areas in the A-1 and A-2 zoning districts, the “enclosed, locked facility” for medical marihuana plants shall be inside a fully enclosed principal or accessory building.
  - (2) **Outdoor Growing.** Marihuana plants grown outdoors in the A-1 or A-2 zoning districts are considered to be in an “enclosed, locked facility” if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by a primary caregiver for registered qualifying patients or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.
- f. **Permits.** All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.



the home-based business except for off-site performance of services provided by the business. No hazard of fire, explosion or radioactivity shall exist at any time. There shall be no retail sales of products and services except as may be incidental to the off-site services provided by the home based business.

6. **Minimum Lot Area.** A minimum lot area of three (3) acres shall be required for any home-based business.
    - a. For lots between three (3) and five (5) acres in lot area, a maximum of four (4) persons not residing on the lot may be employed in a home-based business.
    - b. For lots with five (5) acres or more of lot area, a maximum of eight (8) persons not residing on the lot may be employed in a home-based business.
    - c. All employees of a home-based business not residing on the lot shall work primarily off-site.
  7. **Hours of Operation.** Operation of a home-based business shall be conducted in a manner that minimizes the impact of the business on adjacent residents and uses. The Planning Commission shall limit the hours of operation and make such other conditions as deemed appropriate to protect adjacent uses and residents.
  8. **Screening.** The Planning Commission may require screening of the home-based business from abutting non-farm dwellings and uses, in the form of a permanent vegetative buffer with a minimum width of 20 feet. See [Section 14.03 \(Green Belt Buffer\)](#) for planting materials.
- C. **Prohibited Uses and Activities.** The Planning Commission shall not permit a home based business unless it can be demonstrated that the business can be conducted in a manner that does not adversely impact adjacent uses and residents. The following uses are expressly prohibited as a home occupation or home-based business in any zoning district:
1. Automobile, truck, recreational vehicle, boat or motorcycle repair; auto body repair shops; and salvage or storage yards.
  2. Eating and/or drinking establishments.
  3. Any use for which parking cannot be accommodated on the site.
  4. Uses similar to the above listed uses, or any use which would, in the determination of the Township, result in nuisance factors as defined by this Ordinance.
- D. **Compliance Required.** Any home occupation or home-based business that does not conform to the requirements and standards of this Section shall be an unlawful use subject to the violation and penalty provisions of this Ordinance.

### **Section 7.205     Manufactured Housing Parks**

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the following:

- A. Regulations and Performance Standards.** The following regulations shall apply to all mobile home park residential districts.
1. **Lot Area** - The minimum area of the lot that comprises the mobile home park shall be 15 acres.
  2. **Height Requirements** - Except as otherwise provided in [Article 6.0 \(Dimensional Standards\)](#), no building or structure shall exceed a height of 2-1/2 stories or 35 feet.
- B. Planning and Development Regulations For Mobile Home Parks.**
1. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of mobile home parks shall be prohibited. New or used mobile homes located on lots within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home park provided the park's regulations permit the sale.
  2. A mobile home shall be in compliance with the following minimum distances:
    - a. Twenty feet from any part of an attached or detached structure, which is used for living purposes, on an adjacent mobile home site.
    - b. Ten feet from an attached or detached structure or accessory, which is not used for living purposes, of an adjacent mobile home.
    - c. Ten feet from an on-site parking space of an adjacent site.
    - d. Fifty feet from any permanent building.
    - e. Ten feet from the edge of an internal street.
    - f. Twenty feet from the right-of-way line of a dedicated public street within the mobile home park.
    - g. Seven feet from a parking space.
    - h. Seven feet from a common pedestrian walkway.
    - i. Twenty feet from the side and rear property lines of the manufactured housing park and fifty feet from the street right-of-way line.
  3. The maximum height of accessory structures in a mobile home park shall be 15 feet. The height of a storage building on a mobile home site shall not exceed the lesser of 15 feet or the height of the mobile home.
  4. **Parking Requirements.**
    - a. A minimum of two parking spaces shall be provided for each mobile home site. The minimum number of parking spaces for special uses permitted in a mobile home park may

be reduced to 2/3 the number required for such uses as set forth in [Article 12.0](#), herein, as part of the special use permit approval.

- b. Additional parking facilities shall be provided as follows:
  - (1) for storage of maintenance vehicles.
  - (2) at the park office location for office visitors.
  - (3) for general visitor parking, at the ratio of one (1) parking space for every three mobile home sites in the park, in convenient locations for mobile home sites served thereby.

5. Streets.

- a. Vehicular access to a mobile home park shall be provided by at least one hard surface public road.
- b. Only streets within the mobile home park shall provide vehicular access to individual mobile home sites in the mobile home park.
- c. Two-way streets within the park shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted, along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street.
- d. The minimum width of a one-way street within the park shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides.
- e. A dead-end road within the park shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area.

6. **Outdoor Storage** - Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited for use only by residents of the mobile home park. The location of such storage area shall be shown on the site plan required herein. No part of such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties.

7. **Site Constructed Buildings** - All buildings constructed on site within a mobile home park must be constructed in compliance with the Charter Township of York Building, Electrical, Plumbing, and Mechanical and Cross-Connection Codes. Any addition to a mobile home unit that is not certified as meeting the standards of the US Department of Housing and Urban Development for mobile homes shall comply with the Charter Township of York Building, Electrical, Plumbing, and Mechanical Codes. Certificates and permits shall be required as provided in [Article 20.0 \(Administration and Enforcement\)](#) herein. A final site plan shall be approved prior to construction of any principal structure, not including mobile home units, in accordance with [Article 17.0 \(Site Plan Review\)](#), herein.

**8. Placement of a Mobile Home Unit.**

- a. It shall be unlawful to park a mobile home unit so that any part of such unit will obstruct a street or pedestrian walkway.
- b. A building permit shall be issued by the York Township Building Department before a mobile home may be placed on a site in a mobile home park.

**9. Site Plan Review Required** - Construction of a mobile home park shall require prior approval of a site plan by the Township Planning Commission. For purposes of this section only, a site plan shall provide the following information.

- a. The site plan shall be prepared on standard 24-inch by 36-inch sheets and shall be of a scale not greater than one inch equals 20 feet or less than one inch equals 200 feet, and of such accuracy that the Planning Commission can readily interpret the plan.
- b. Scale, north arrow, name and date, plus date of any revisions.
- c. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
- d. Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
- e. A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
- f. Existing topography, at minimum of 2 foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; 100 year flood hazard area.
- g. Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
- h. Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
- i. Locations and size of existing public utilities on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins; location of existing wells, septic tanks, and drainfields, if applicable.
- j. Names and rights of way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.



- k. Zoning classification of the subject property; location of required yards; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.
- l. Grading plan, at a minimum contour interval of 2 feet.
- m. Location and exterior dimensions of proposed buildings and structures other than mobile home dwellings; height and finished floor elevations of such buildings and structures; location of mobile home and parking spaces on each mobile home site.
- n. Location and alignment of all proposed streets and drives; rights of way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.
- o. Location and dimensions of all proposed parking areas; number of spaces in each; dimensions of spaces and aisles; typical cross section of parking surface.
- p. Location, width, and surface of proposed sidewalks and pedestrian paths.
- q. Location, use, size, and proposed improvements of open space and recreation areas.
- r. Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.
- s. Location, type, size, area, and height of proposed signs as required in [Article 13.0 \(Sign Regulations\)](#), herein.
- t. General proposed utility layout for sanitary sewer, water and storm water systems.
- u. An overall map at a smaller scale showing how this property ties in with all other surrounding properties should be developed to include:
  - (1) existing and proposed water mains, sanitary and storm sewers in the area including sanitary sewer service areas;
  - (2) the road network in the area;
  - (3) the relationship of existing and proposed drainage courses and retention basins in the general area that impact or are impacted by this development as well as an area wide drainage map showing all the sub-areas that affect this site (all drainage must be directed to retention ponds);
  - (4) the map must also be on a 24 inch by 36 inch sheet.
- v. Landscape plan showing location, type, and size of plant materials.
- w. Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical sections.

**10. Building Permits Required** - No mobile home may be placed on a mobile home site until a building permit therefore has been issued by the Charter Township of York Building

Department. A building permit shall not be issued until all required state approvals have been obtained.

11. **Occupancy** - A mobile home in a mobile home park shall not be occupied until all required approvals have been obtained from the state of Michigan and a Certificate of Occupancy is issued by the Township Building Inspector.

**Section 7.206 Multiple-Family Housing**

All multiple-family dwellings and developments, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, dormitory housing, and other state-licensed and other managed residential facilities shall comply with the following:

**A. General Standards.**

1. **Site plan approval.** Construction, expansion, and alteration of multiple-family housing shall be subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#).
2. **Distances between buildings.** In addition to the required yard setbacks for the zoning district, the following minimum distance shall be provided between two (2) or more residential buildings on a lot:

<b>Orientation of Two (2) Adjacent Multiple-Family Buildings</b>	<b>Minimum Separation Distance</b>
Front facade wall facing an adjacent front wall Front facade wall facing a rear wall	Three (3) times the height of the taller building, and not less than 50 feet
Side wall facing an adjacent side wall	One and one-half (1.5) times the height of the taller building, and not less than 18 feet
Front facade wall facing an adjacent side wall Rear wall facing an adjacent side wall Rear wall facing an adjacent rear wall	Two (2) times the height of the taller building, and not less than 35 feet

The Planning Commission shall be responsible for making the final identification of the front, side, and rear walls for purposes of this Section. The front facade wall of the building shall typically be the wall occupied by the primary or public entrance(s) to the building, or that face of the building having the greatest length. The rear wall shall typically be that face opposite the front, and the side walls shall typically be the faces having the smallest dimension.

3. **Pedestrian access.** Concrete sidewalks or paved pathways shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas, along with barrier-free access ramps. Permanent barrier free access shall be provided to primary building entrances where a difference in elevation exists between an entrance and grade level.
4. **Recreation areas.** Passive or active recreation areas (such as seating areas, playgrounds, swimming pools, walking paths and other recreational elements) shall be provided in accordance with the intended character of the development. Such areas shall be centrally and conveniently

located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or required building separation areas.

5. **Compatibility.** Multiple-family buildings shall be aesthetically compatible in design and appearance with housing in the neighborhood and the intended character of the area per the Growth Management Plan.
  - a. Compatibility shall be determined by the Planning Commission according to the following standards:
    - (1) Exterior walls shall be finished with natural or simulated natural materials, common to dwellings in the Township such as, but not limited to beveled siding, brick or stone.
    - (2) The roof shall be finished with shingles or similar materials. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.
  - b. The use of innovative designs and energy efficient materials and systems shall be encouraged, provided that the overall development is compatible with the intended character of the area per the Growth Management Plan.
- B. **Senior Housing and Elderly Housing.** The following additional standards shall apply to senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, and other state-licensed and other managed residential facilities:
  1. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees, and guests. No exterior signs of any type are permitted for these accessory uses.
  2. **Compliance with regulations.** Such facilities shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws, and applicable licensing and certification requirements.
  3. **Density.** The number of permitted dwelling units, rooms, or beds for nursing homes, assisted living facilities, and dependent elderly housing may exceed the maximum dwelling unit density standards for the zoning district, subject to Planning Commission approval as part of the Special Use Permit.
  4. **Compliance with Other Standards.** Such housing shall conform to State of Michigan and other outside agency requirements.

### **Section 7.207 Single-Family Dwellings, Detached**

The intent of this Section is to ensure compliance of single-family detached dwellings on individual lots with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and to ensure that new dwellings on individual lots are aesthetically compatible with existing single-family dwellings in the surrounding area. The standards of this Section are not intended to apply to dwellings located within a licensed and approved manufactured housing park in the MHP (Manufactured Housing Park) District. New single-family detached dwellings and additions to existing dwellings constructed or installed on lots in the Township, without regard to the type of construction, shall be subject to the following:

- A. The dwelling shall meet all applicable federal and state design, construction, and safety codes for the type of construction.
- B. The dwelling shall be placed on a permanent foundation wall meeting all requirements of the State Construction Code, subject to the following:
  - 1. The foundation wall shall completely enclose the area under the dwelling. The enclosed area shall not be less than the ground floor area of the dwelling. Nothing in this provision shall be construed to limit the use of cantilevered floors, overhangs or other projecting architectural features so long as they are constructed in accordance with the building code currently in effect.
  - 2. The dwelling shall be secured to the ground by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.
  - 3. Any wheels, tongue, hitch, or other towing appurtenances attached to a manufactured dwelling shall be removed before anchoring the dwelling.
- C. The dwelling shall be connected to potable water and sanitary sewerage facilities per [Section 3.13 \(Water And Sewage Facilities\)](#).
- D. The dwelling, prior to any additions or expansions, shall have a minimum width across all front, side, and rear elevations of 20 feet.
- E. The floor area per dwelling erected on any lot or parcel, as measured on the outside block dimensions, shall not be less than the following:

<b>Number of Bedrooms per Dwelling Unit</b>	<b>Minimum Required Floor Area per Dwelling Unit</b>
Less than three (3) bedrooms	1,200 square feet
Three (3) bedrooms	1,400 square feet
Four (4) or more bedrooms	1,600 square feet

- F. The dwelling shall be aesthetically compatible in design and appearance with housing in the neighborhood and other single-family detached dwellings in the Township. Compatibility shall be determined according to the following standards:
  - 1. Exterior walls shall be finished with natural or simulated natural materials, common to dwellings in the Township such as, but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
  - 2. Front and rear or front and side exterior doors shall be provided. Permanent steps, porches or barrier free access ramps shall be provided where there is a difference in elevation between a doorway and grade level.
  - 3. The roof shall be finished with shingles or similar materials. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township. A roof drainage system shall

be provided that will collect, and concentrate the discharge of, roof drainage, and will avoid drainage along the sides of the dwelling.

- G. A building permit shall be required for construction of the foundation wall, for placement of the single-family detached dwelling on the lot, and for any addition(s) to the dwelling. A building permit shall not be issued until a Certificate of Zoning Compliance has been issued in accordance with [Section 20.03 \(Certificates of Zoning Compliance\)](#).
- H. Additions to existing dwellings shall conform to all requirements of this Section and Ordinance.
- I. Not more than one (1) principal detached single-family dwelling shall be located on a lot, nor shall a principal detached single family dwelling be located on the same lot with any other principal building, except as permitted under [Article 8.0 \(Planned Unit Development District – \(PUD\)\)](#) or except as permitted on farms for tenants or seasonal agricultural workers. A single-family detached dwelling shall not be used as an accessory building in any residential district.

## Section 7.300 Office, Service, and Community Uses

### Section 7.301 Accessory Office, Service, and Community Uses

Where specific OFFICE, SERVICE, AND COMMUNITY USES are proposed accessory to another principal use in a zoning district, such uses shall be subject to the following restrictions, in addition to any other applicable use standards:

- A. Such uses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building and not for the use of the general public.
- B. Signs shall meet the requirements of [Article 13.0](#).
- C. Unless otherwise approved as part of a Planned Unit Development (PUD), all accessory OFFICE, SERVICE, AND COMMUNITY USES shall be located in the same principal building(s) containing the permitted principal use(s) that will be served. Outdoor private recreation facilities accessory to a principal use shall be located on the same lot as the principal use and not open to the general public.

### Section 7.302 Day Care and Large Group Home Facilities

The following regulations shall apply to group child day care homes, day care centers, and adult foster care large group homes, except licensed group day care homes that lawfully operated before March 30, 1989:

- A. The group day care home or child care center shall be appropriately licensed by the State of Michigan.
- B. A child care center shall not be located within 1500 feet from another licensed group day care home, adult foster care home, substance abuse treatment center and any facility that houses an inmate population.
- C. All outdoor play areas shall be enclosed by a fence not less than four (4) feet nor more than six (6) feet in height and capable of containing the children within the play area. Outdoor play areas and playground equipment shall not be located in the front yard.
- D. Signs are permitted as regulated in [Article 13.0 \(Sign Regulations\)](#).
- E. Off-street parking shall be provided for employees. Parking for drop-off and pick-up of children shall also be provided.
- F. The group day care home or child care center shall be inspected for compliance prior to the issuance of a certificate of occupancy.
- G. The group day care home or adult foster care large group home premises shall be maintained consistent with the visible characteristics of a single-family dwelling.
- H. The operation of a group day care home shall not exceed 16 hours during any 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.
- I. In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a Special Use Permit for a group child day care home upon determination that the proposed

use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions on an approved group child day care home beyond those listed in this Section.

### **Section 7.303 Funeral Parlor or Mortuary**

Funeral parlors and mortuaries shall be subject to the following standards [crematoriums are an INDUSTRIAL, RESEARCH, AND LABORATORY USE as permitted in [Article 5.0 \(Land Use Table\)](#)]:

- A. **Assembly area.** An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering areas shall be located within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.
- B. **Caretaker's residence.** A caretaker's residence shall be permitted accessory to a funeral home or mortuary, subject to the requirements of [Section 7.201 \(Accessory Dwelling\)](#).

### **Section 7.304 Institutional Uses**

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities defined as institutional uses per [Section 2.03 \(Definitions\)](#):

- A. **Height.** The maximum height of the principal building containing an institutional use shall be subject to the following conditions and exceptions:
  - 1. The building height shall be permitted to exceed the maximum height requirements of the district up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each foot of additional building height above the maximum.
  - 2. The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding one-hundred-fifty percent (150%) of the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.
- B. **Frontage and access.** Institutional uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
- C. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

### **Section 7.305 Private Recreational Facilities**

Private parks and recreational facilities (including but not limited to private parks, country clubs, golf courses, camping areas, golf driving ranges, and other privately-owned recreational facilities shall be subject to the following:

- A. **General Standards.**

1. No building shall be located within 100 feet of any property line.
  2. Facilities such as licensed restaurants and bars may be permitted as an accessory use when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
  3. Golf fairways, swimming pools, tennis courts, camp sites, and similar uses shall be located not less than 35 feet from any property line and shall comply with the requirements of [Section 14.03 \(Green Belt Buffer\)](#).
  4. Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#).
- B. Golf Course and Driving Ranges.** The following requirements shall apply to all golf courses and driving ranges, in addition to the general standards above:
1. Golf driving ranges shall be prohibited in the Residential Districts.
  2. A maintenance plan shall be submitted with the application for site plan approval for a new or expanded golf course, which shall include the following minimum information:
    - a. The entity responsible for long-term maintenance of the facility, and methods and anticipated funding sources for such maintenance.
    - b. Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.
  3. Structures associated with such uses shall be set back a minimum of 100 feet from lot boundaries that abut Residential Districts or existing RESIDENTIAL USES.
  4. The facility shall be designed and maintained to contain golf balls and other course activities within the site.
    - a. The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.
    - b. The site plan shall include illustration of expected ball trajectories and dispersion patterns along fairways and for driving ranges located within 500 feet of a building, parking lot, lot boundary or road right-of-way.

### **Section 7.306 Sportsman's Clubs and Commercial Shooting Ranges**

- A.** All sportsman's clubs and commercial shooting ranges shall be subject to the following:
1. The generally accepted operation practices adopted by the State of Michigan Commission of Natural Resources (CNR), *et. seq.*, shall be followed.



2. An environmental plan shall be submitted based on the generally accepted operation practices adopted by the CNR, *et. seq.*, and based on the Michigan Department of Environmental Quality (DEQ), *et. seq.*, regulations and the United States Environmental Protection Agency (EPA) regulations.
  3. A safety plan shall be submitted based on the generally accepted operation practices adopted by the CNR, *et. seq.*
  4. A list of the responsible officers of the organization shall be submitted annually to the Township Clerk. An updated list shall be submitted within thirty (30) days of any changes in responsible officers. A list of qualified range supervisors shall be maintained by the responsible officers of the organization at all times.
  5. “No trespassing” or “danger” signs designating the hazard, not less than twelve (12) inches by eighteen (18) inches nor more than four (4) square feet in area, shall be posted at each point of entry to the shooting areas. All signs shall meet the requirements of the generally accepted operation practices adopted by the CNR, *et. seq.*
  6. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per [Article 17.0 \(Site Plan Review\)](#).
- B. Outdoor sportsman’s clubs and commercial shooting ranges shall be subject to all regulations listed in [Section 7.306A](#), and the following:
1. A minimum of a four (4) foot tall fence of a design sufficient to serve as a barrier and to discourage unauthorized entry shall be erected around individual ranges, areas containing more than one (1) range or the entire property.
  2. “No trespassing” or “danger” signs designating the hazard, not less than twelve (12) inches by eighteen (18) inches nor more than four (4) square feet in area, and spaced not more than one hundred-fifty (150) feet apart, shall be posted along the perimeter of the property. All signs shall meet the requirements of the generally accepted operation practices adopted by the CNR, *et. seq.*

### **Section 7.307 Therapeutic Massage.**

All massage therapy clinics and massage therapists working in the Township shall be licensed where such licenses are available, and shall be certified members of the American Massage and Therapy Association, International Myomassethics Federation or equivalent certifying organization accepted by the Township. Proof of such licenses or certifications shall be provided to the Township. All activities that meet the definition of a controlled use or sexually oriented business shall be prohibited.

## Section 7.400 Commercial Uses.

### Section 7.401 Accessory Commercial Uses

Where specific COMMERCIAL USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

- A. Such businesses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building or employees of the principal use(s), and not for the use of the general public.
- B. Signs shall meet the requirements of [Article 13.0](#).
- C. Motor vehicle fueling stations, motor vehicle service centers, and car washes accessory to a principal use in the Commercial Commons Park (CCP) District may be located either in a building containing the principal use(s) that will be served, or in a service center consisting of one (1) or more buildings designed with common drives, parking and loading areas, and landscaping. Motor vehicle service centers and car washes shall be limited to two (2) service bays.
- D. A pharmacy, drugstore, or medical supply store as an accessory use shall be located in the same principal building(s) containing a hospital or urgent care center.
- E. Accessory outdoor sales areas shall be located on the same lot as the principal use.
- F. Unless otherwise approved as part of a Planned Unit Development (PUD), all other accessory COMMERCIAL USES shall be located in the same principal building(s) containing the permitted principal use(s) that will be served.

### Section 7.402 Amusement Center

Amusement centers that provide space for patrons to engage in the playing of mechanical amusement devices, recreational games, and similar recreational activities of a commercial character shall be subject to the following:

- A. All amusement centers shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
- B. Outdoor amusement centers also shall be subject to the standards of [Section 7.409 \(Outdoor Sales or Display Areas\)](#).
- C. Pool and billiard parlors, pinball/video game parlors, and arcades without liquor sales shall be permitted as an amusement center. Amusement centers that include liquor sales shall be regulated as a controlled use per [Section 7.602 \(Controlled Uses\)](#).

### Section 7.403 Big Box Commercial Uses

Big Box COMMERCIAL USES, as defined in [Section 2.03 \(Definitions\)](#) shall be subject to the following:

- A. **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic on adjacent streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.

1. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
  2. A traffic impact study and proposed mitigation measures shall be required.
- B. Outlots.** The site design, circulation, and parking layout of any outlot(s) shall be fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission. The layout, design, and exterior façade materials of principal buildings on any outlot(s) shall be coordinated with other principal buildings on the overall site, as determined by the Planning Commission.
- C. Screening.** Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per [Section 14.03 \(Green Belt Buffer\)](#).
- D. Pedestrian connectivity.** Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

### **Section 7.404 Car Washes**

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

**A. Use Standards.**

1. All washing facilities shall be completely within an enclosed-building, and exit lanes shall be designed to prevent runoff from impacting adjacent properties or road rights-of-way.
2. Steam used in the cleaning process shall be contained within an enclosed building.
3. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any RESIDENTIAL USES. The hours of operation of any vacuuming facilities shall be subject to Planning Commission approval.
4. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
5. The hours of operation of a car wash shall be subject to Planning Commission approval.

**B. Ingress/Egress.**

1. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Driveways serving a wash facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads.

3. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
  4. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way.
  5. All maneuvering areas and stacking lanes shall be located within the car wash lot.
- C. **Screening.** Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per [Section 14.03 \(Green Belt Buffer\)](#).

### **Section 7.405 Drive-In or Drive-Through Facilities**

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

- A. Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
  1. Access to and egress from the site shall not interfere with peak-hour traffic flow on the street serving the property.
  2. Projected peak-hour traffic volumes that 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.
- B. Such facilities shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per [Section 14.03 \(Green Belt Buffer\)](#).
- C. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
- D. An internal bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
- E. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
- F. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
- G. Pursuant to [Section 13.05](#), a lot with an approved drive-through lane may have 1 additional ground sign located within 6 feet of the drive-thru lane, not greater than 8 feet high or 48 sq. ft., and not visible from the right-of-way or any lot line. These signs may be installed and maintained for the drive-through facility, subject to the following:

1. Such signs shall be located on the interior of the lot, and shall be shielded to minimize visibility from all road rights-of-way and abutting lots.
2. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow.

### **Section 7.406 Motion Picture Cinema**

Indoor or outdoor motion picture cinemas shall be subject to the following:

- A. General Requirements.** All indoor or outdoor motion picture cinemas shall conform to the following standards:
  1. **Screening.** Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per [Section 14.03 \(Green Belt Buffer\)](#).
  2. **Access.** Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
  3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.
- B. Additional Outdoor Cinema Requirements.** All outdoor cinemas and drive-in theaters shall conform to the following:
  1. A drive-in theater shall not be located adjacent to any Residential Districts.
  2. All traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements between the site and the public road(s).
  3. All points of entrance or exit for vehicles shall be located no closer than 500 feet from the intersection of any two (2) road rights-of-way.
  4. Adequate stacking lanes shall be provided so that vehicles waiting to enter the theater will not occupy driving lanes, parking lanes, or road rights-of-way.
  5. The facility shall be fully enclosed by a solid screen fence or wall at least six (6) feet high. Strips of metal, plastic, or other materials inserted into wire fences shall not constitute a solid, screen-type fence and shall not be permitted as a substitute for this requirement. Fences or walls shall be set back at least 100 feet from any road rights-of-way.
  6. Signs shall meet the requirements of [Article 13.0](#).
  7. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

### **Section 7.407 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations**

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

**A. Use Standards.**

1. Motor vehicle service centers, repair stations, and fueling stations shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. The minimum lot area for such uses shall be one (1) acre, and the minimum lot width for such uses shall be 175 feet.
3. Sales, display or rental of motor vehicles shall be prohibited, except where the service center or repair station is accessory to a permitted dealership showroom or outdoor dealership sales lot.
4. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure(s), and all auto repair activities shall take place within a completely enclosed structure(s). Hydraulic hoists shall be limited to surface-mounted units.
5. Open service bays and overhead doors shall not face towards any adjacent Residential Districts or existing RESIDENTIAL USES.
6. Display of temporary signs shall be in accordance with [Article 13.0](#).
7. Outdoor sales or display areas shall be limited to areas identified on an approved final site plan.
8. Required parking shall be calculated separately for each use, including any accessory convenience store or other permitted COMMERCIAL USES. Such calculations shall be based upon the floor area occupied by each use.

**B. Pollution Prevention.** In addition to the requirements contained in [Article 17.0 \(Site Plan Review\)](#), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

1. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.
2. The entire area used for vehicle service shall be paved.
3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

**C. Fueling Station Pump Islands.** In addition to the requirements contained in [Article 17.0 \(Site Plan Review\)](#), the preliminary site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures.

1. The pump island canopy shall be architecturally and aesthetically compatible with the principal building and the surrounding area, as determined by the Planning Commission.
  2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure.
  3. Pump islands shall be so arranged that ample space is available for motor vehicles that are required to wait.
- D. Vehicle Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses.
1. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
  2. The maximum widths of any driveway at the right-of-way line shall be 35 feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than 45 degrees.
  3. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
  4. The distance between curb cuts shall be no less than 40 feet, measured between the tangent points of the drive edges and the street curb returns. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.
- E. Incidental Outdoor Storage.** Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.
1. Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of [Section 11.02 \(Storage of Materials\)](#).
  2. Such storage shall not occur in front of the front building line.
  3. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
  4. Outdoor storage shall be limited to areas identified on an approved final site plan.

### **Section 7.408 Outdoor Cafés and Eating Areas**

Outdoor seating and/or service when associated with a restaurant shall be subject to the following requirements:

- A.** No such seating shall be located in a required yard setback, except as follows:

1. Outdoor cafes and eating areas in the Hamlet Center (HCD) District may be approved within a required yard setback as part of site plan approval. Adequate screening shall be provided from neighboring uses, as determined by the Planning Commission.
  2. Outdoor cafes and eating areas may be approved within a required yard setback as part of a planned unit development (PUD).
- B. Approval of the Washtenaw County Environmental Health Division or other agencies with jurisdiction as required.
- C. A site plan shall be submitted indicating the area for and location of all outdoor seating.
- D. The maximum allowable seating for an outdoor seating area shall be established as a part of Planning Commission approval.
- E. Parking shall be provided as required under [Article 12.0 \(Off-Street Parking and Loading-Unloading Requirements\)](#).

### **Section 7.409 Outdoor Sales or Display Areas**

Outdoor dealership sales lots, and other open air businesses, outdoor sales or display areas, and temporary outdoor sales areas for a permanent business shall be subject to the following:

- A. **General Standards.** The following standards shall apply to all outdoor dealership sales lots, and other open air businesses, outdoor sales or display areas, and temporary outdoor sales areas for a permanent business:
1. The location(s) for such outdoor sales areas shall be subject to approval by the Planning Commission as part of site plan approval. The location(s) of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved final site plan.
  2. No sales activity or display of merchandise shall be permitted in any road right-of-way, corner clearance area, or required yard setback or transition strip.
  3. The sales operation shall not impede or adversely affect vehicular and pedestrian traffic flow or parking maneuvers.
  4. Temporary signs are permitted in accordance with [Article 13.0](#). Such a sign(s) shall be temporary in nature, non-illuminated and subject to approval of a Certificate of Zoning Compliance by the Zoning inspector.
  5. The sign, merchandise, and all equipment used in such sales, and all resulting debris and waste shall be removed from the premises within three (3) days of termination of the sale.
- B. **Additional Standards for Temporary Sales Areas.** The following additional standards shall apply to temporary outdoor sales areas for a permanent business:
1. Such sales shall be accessory to the principal use and permanent business on the premises.



2. The Planning Commission may restrict the number of permitted days and specific months during any calendar year for which such temporary sales shall be permitted as part of the Special Use Permit approval (e.g. “a maximum of 15 days per calendar year during the months of June and September”).
3. An approved Special Use Permit for temporary outdoor sales runs with the land. To inform the Township of specific sales dates during a particular calendar year, the property or business owner shall annually apply for administrative approval per [Section 20.03 \(Certificates of Zoning Compliance\)](#).
  - a. Before issuing a Certificate, the Zoning Inspector shall verify that the proposed temporary sales location and time periods conform to the conditions of the approved Permit.
  - b. The Zoning Inspector may require a cash bond of up to two hundred fifty dollars (\$250) to be provided to the Township prior to the start of an approved sale to guarantee site clean up.

### **Section 7.410 Secondhand Stores**

Secondhand stores, as defined in [Section 2.03 \(Definitions\)](#), shall be subject to the following:

- A. **Recordkeeping.** Secondhand store operators who, in the conduct of business, purchase or receive any article directly from an individual seller for resale in the store shall keep a record of such purchases.
  1. The record shall include the transaction date, the name and address of the seller, and a description of the article received from the seller in a manner that will aid in the identification of the article (i.e., manufacturer and model, serial number, style, size, color, etc.).
  2. All articles purchased or received by the secondhand store operator shall be held for seven (7) calendar days prior to resale or other disposal.
- B. **Purchase from minors prohibited.** No secondhand store operator shall receive or purchase any articles from a person under 18 years of age.
- C. **Outdoor sales or display areas.** Outdoor sales or display areas shall conform to the requirements of [Section 7.409 \(Outdoor Sales or Display Areas\)](#).
- D. **Drop-off or donation areas.** Drop-off facilities for donated items shall be located entirely within an enclosed structure. Outdoor drop-off areas shall be prohibited.

### **Section 7.411 Showroom for Display or Sale of Products**

Showrooms or sales and display areas for sales of products or services created by the principal business or operation shall be limited to a maximum of ten percent (10%) of the usable floor area occupied by the principal use.

## Section 7.500 Industrial, Research, and Laboratory Uses

### Section 7.501 Intensive Industrial Operations

Intensive industrial operations shall be subject to the following:

- A. **General Standards.** Such uses shall comply with all standards of this Ordinance, other applicable Township ordinances, and all standards established by the Michigan Department of Environmental Quality, Washtenaw County Environmental Health Division, and other agencies with jurisdiction.
- B. **Impact Assessment.** The applicant shall submit an impact assessment with any plan submitted for review, which shall describe the expected impacts associated with the use and any mitigation measures to be employed. The assessment shall include the following minimum information and documentation:
  - 1. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
  - 2. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
  - 3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
  - 4. Description of all secondary containment measures, including design, construction materials and specifications, and security measures
  - 5. Description of the process for maintaining and recording of all shipping manifests.

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use to the extent that the Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in [Article 16.0 \(Special Uses\)](#).

- C. **Development Standards.** Intensive industrial operations shall not be located within 500 feet of any Residential Districts. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with [Section 14.03 \(Green Belt Buffer\)](#).

### Section 7.502 Junkyards

Junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall conform to all applicable federal, state, county, and local laws and regulations and to the following requirements:

- A. A site plan shall be provided at the time of the Special Use Permit application with the following information:
  - 1. All information required by [Article 17.0 \(Site Plan Review\)](#);

2. A description of any materials processing, dismantling, and wrecking operations to be conducted within the facility; and of the location and nature of equipment for such operations, including any power driven processing equipment; and
  3. Travel routes within the Township for trucks entering and leaving the facility.
- B. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited. Truck travel routes shall not pass through residential areas, unless such routes follow paved primary roads.
  - C. Such facilities shall not be located on property contiguous to or across a road right-of-way from the boundary of any Rural Districts or Residential Districts.
  - D. The facility, when established and located within 1,000 feet of any Residential Districts or existing RESIDENTIAL USES, as measured on a straight line distance, shall not be open for business and shall not be operated at any time other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, between 8:00 a.m. and 12:00 noon on Saturdays, and closed on Sundays and holidays.
  - E. The facility shall be enclosed within a solid wall at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks. The Planning Commission may approve the substitution of a solid fence for all or part of a required wall, upon determination that a fence would be more appropriate for the abutting uses, topography or drainage patterns, preservation of natural features, or other circumstances. Such walls and/or fences shall be subject to the following:
    1. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
    2. Gates shall also be made of solid, opaque material.
  - F. Automobiles, trucks, and other vehicles or junk materials shall not be stacked higher than the top of the fence or wall surrounding the facility.
  - G. All exterior storage of recyclable or recoverable materials, other than large vehicle components, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. No storage, excluding truck trailers, shall be visible above the height of the fence or wall.
  - H. Stored vehicles and materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety. The facility shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
  - I. All flammable liquids shall be drained immediately from automobiles and other vehicles brought to the facility. Such liquids shall be stored in approved containers and promptly disposed of in accordance with applicable federal, state, county, and local regulations.
  - J. The site shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. The site shall be maintained free of litter and any other undesirable materials, and

shall be cleaned of loose debris on a daily basis. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.

- K. Power driven processing, dismantling, and wrecking operations may be restricted or prohibited by the Planning Commission to minimize impacts of such operations on neighboring properties.
  - 1. Such operations shall operate within a wholly enclosed building or within an area enclosed on all sides by a solid fence or wall not less than eight (8) feet in height.
  - 2. Such operations shall be set back a minimum of 150 feet from any Residential Districts or existing RESIDENTIAL USES.
  - 3. Processing operations shall be limited to baling, crushing, compacting, grinding, shredding, and sorting of source-related recyclable materials.
  - 4. Power-driven processing, dismantling, and wrecking facilities shall not operate on Saturdays, Sundays, or holidays.
- L. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
- M. There shall not be more than one (1) entranceway from each public road that adjoins the facility.
- N. Noise levels shall not exceed 60 dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed 70 dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties. To achieve this end, the Planning Commission may require odor-control devices or facilities.
- O. Space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher.
- P. Any containers provided for after-hours donations of recyclable materials at a material processing facility shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
  - 1. Donation areas shall be kept free of litter and any other undesirable materials.
  - 2. The containers shall be clearly marked to identify the type of material that may be deposited.
  - 3. The facility shall display a notice stating that no material shall be left outside the containers.
- Q. Signs shall meet the requirements of [Article 13.0](#).

### **Section 7.503 Outdoor Storage, General**

Where permitted under the terms of this Ordinance, outdoor storage of equipment, products, machinery, lumber, landscaping and building supplies or similar items shall be subject to the following:

- A. The storage area shall be enclosed within a solid wall at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks. The Planning Commission may approve the substitution of a solid fence for all or part of a required wall, upon determination that a fence would be more appropriate for the abutting uses, topography or drainage patterns, preservation of natural features, or other circumstances. Such walls and/or fences shall be subject to the following:
1. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
  2. Gates shall also be made of solid, opaque material.
- B. The site shall be screened from all road rights-of-way and abutting uses in accordance with [Section 14.03 \(Green Belt Buffer\)](#).
- C. Any storage area shall comply with the minimum setback requirements for the district in which the facility is located. No storage shall be permitted in any required setback areas.
1. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent lots or rights-of-way.
  2. Any outside storage area shall be paved or surfaced with a gravel or similar hard surface material, and shall include an approved stormwater management system.
  3. No materials shall be stored above the height of the required wall or fence.
  4. Storage or disposal of used oil or other petrochemicals, junk vehicles, garbage, or similar materials to be dismantled or recycled shall be prohibited.

### **Section 7.504 Research, Development, Engineering, and Testing Facilities, and Research Parks**

Research, development, engineering, and testing facilities, prototype production and pilot manufacturing operations, and research parks shall be subject to the following:

- A. **Determination of Appropriateness.** A request for development plan or use approval for such uses shall be reviewed by the Planning Commission in conjunction with development plan review in accordance with the requirements of this Ordinance and other Township ordinances. The purpose of this review shall be to determine if the proposed use complies with the intent and permitted uses of the zoning district where the subject land is located. In making this determination, the Planning Commission shall establish that the proposed use will substantially comply with the following criteria:
1. The proposed use is characterized by research and development of products or services, which may include related manufacturing and office uses.
  2. The proposed facility does not convert raw materials to product. For example, such uses specifically prohibited shall include, but are not limited to, livestock slaughtering and food processing, sugar refining, soybean processing, conversion of cotton, wool, silk, etc. to finished fabric, sawmills and planing mills, pulp and paper products mills, manufacture of chemicals and allied products such as industrial inorganic chemicals, soap, cleaners, paints, varnishes, enamels, and agricultural chemicals, petroleum refining, asphalt paving mixtures, manufacture of rubber

and misc. plastic products, leather tanning and finishing, stone, clay and glass products, primary metal industries and fabricated metal products such as steel works, iron and steel foundries, smelting and refining of copper, aluminum, rolling, drawing, and extruding of copper, metal cans and shipping containers, screw machine products, metal forging and stamping, manufacture of transportation equipment (motor vehicles, aircraft, ships, railroad, etc.).

3. The use is office, research, and/or development-related, and may include prototype production facilities and manufacturing of new technology and services, when such prototyping and manufacturing are clearly incidental to the primary research being conducted at the facility.
  4. There is a high proportion of technical, engineering, and/or scientific jobs, in cases where the use is not related to proposed administrative or office facilities.
  5. The proposed use is not industrial in nature to the extent that hazardous emissions are caused to be discharged into the air, ground, and/or water that exceed the environmental performance standards set forth in this Section.
- B. Environmental Performance Standards.** Such uses and facilities shall comply with the following environmental performance standards, which are intended to ensure that proposed facilities will have minimal impacts on the natural environment, will make best use of existing topography, drainage, and landforms, and will be compatible with the character of surrounding properties and the community as a whole:
1. **Municipal water and sanitary sewer use.** All proposed facilities shall maintain an average day use water demand per employee of no more than 20 gallons per day. However, water demands not used by employees for other associated uses will be considered on a case-by-case basis during the site plan review process. Proposed uses or facilities that request/require additional water usage shall be considered by the Township based on availability of infrastructure, sizing, and master utility plans for the area, upon review and recommendation by the Township Engineer.
  2. **Hazardous materials.** If the proposed uses or tenants of the project are known or propose to use and/or store hazardous materials (including hazardous wastes) onsite, the project shall also conform to the requirements of [Section 7.501 \(Intensive Industrial Operations\)](#).
  3. **Incineration prohibited.** There shall be no incineration on any site of any waste material.
  4. **Vibration.** There shall be no activity on any site that causes ground vibration which is perceptible, without instruments, at the boundary line of the site.
  5. **Airborne Emissions.** All airborne emissions shall, at a minimum, comply with applicable regulations including the Federal Clean Air Act of 1970, as amended, and Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994. In addition, the following standards shall be complied with regarding airborne emissions:
    - a. **Smoke.** Smoke shall be measured at the point of emission using the Ringlemann Smoke Chart published by the U.S. Bureau of Mines. Smoke which is not darker or more opaque than No. 1 on the Ringlemann Chart may be emitted, except that smoke which is not darker or more opaque than No. 2 on such chart may be emitted for periods not longer than four

(4) minutes out of any thirty (30) minutes. These standards are applicable to visible grey smoke but shall also apply to visible smoke with a different color but an equivalent apparent opacity.

- b. **Particulate Matter.** Solid particles shall not be emitted at any point in concentration exceeding one-tenth (0.10) grain of particulates per standard cubic foot being emitted.
- c. **Gases.** Fumes or gases shall not be emitted at any point in concentrations or amounts which are noxious, toxic or corrosive.

6. **Noise.** Noise levels for such uses shall be subject to the following:

- a. **Standards.** Except as provided under [Section 7.504B.6.b](#) below, noise shall not exceed the following levels:

Maximum Permitted Sound Level	When the Lot Is Adjacent To:
60 dba between 7:00 a.m. to 9:00 p.m.	Any residential zoning district or RESIDENTIAL USES
55 dba between 9:00 p.m. to 7:00 a.m.	
65 dba	Any other zoning district
70 dba or the sound level of adjoining US-23 traffic, whichever is greater, as measured at the boundary between the subject parcel and freeway right-of-way	The US-23 freeway right-of-way

- b. **Exceptions to standards.** The maximum sound levels in [Section 7.504B.6.a](#) above may be exceeded if one (1) of the following correction factors is applicable:

Type of Operation or Character of Noise	Correction in Decibels
Noise source operates less than 20% of any one hour period	Plus 5*
Noise source operates less than 5% of any one hour period	Plus 10*
Noise source operates continuously but at frequencies below 500 cycles per second	Plus 10*
Noise source operates less than 1% of any one hour period	Plus 15*
Noise of impulsive character, such as hammering, pounding, etc.	Minus 5
Noise of periodic character, such as humming, screeching, etc.	Minus 5
* Apply only one of these correction factors	

7. **Glare.** Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
  
8. **Lighting.** Individual lighting systems and fixtures shall be designed, constructed, and installed to control glare and light trespass, minimize obtrusive light, conserve energy and resources while maintaining safety, security and productivity, and prevent the degradation of the nighttime visual environment. Such environments include intrinsically dark landscapes including parks, conservation areas, and rural areas. All proposed lighting shall comply with the following standards:
  - a. A lighting plan shall be submitted that includes the following information:
    - (1) Location of all freestanding, building-mounted and canopy light fixtures on the site plan and/or building elevations.
    - (2) A photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles).
    - (3) Specifications and details for the type of fixture being proposed, including the total foot-candle output, type of land, and method of shielding.
    - (4) Use of the fixture proposed (*i.e.* parking lot, sidewalk, decorative, sign, flagpole, etc.).
    - (5) Any other information deemed necessary to determine compliance with lighting standards by the Planning Commission.
    - (6) All pole-mounted lighting must comply with the following standards:
  - b. Exterior freestanding pole lighting shall be fully shielded and directed downward to prevent off-site glare. Examples of shielding may be found in [Section 9.02G](#) of this Ordinance. The intensity of light at the base of a light fixture shall not exceed twenty (20) foot-candles.
  - c. Fixtures using cut-off distribution are required, which should allow less than two (2%) percent of their emitted light above 75 degrees from vertical.
  - d. Properties adjacent to residential zoned or used properties shall be designed and maintained such that illumination levels shall not exceed 0.2 foot-candle along property lines adjoining such residential lands. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candle along property lines.
  - e. Parking lot lighting shall average the following minimum over the entire area, measured five (5) feet above the surface:

<b>Parking Lot Size</b>	<b>Average Minimum Illumination</b>
1 to 100 spaces	0.4 Foot-Candles
101 to 300 spaces	0.6 Foot-Candles
301 or more spaces	0.9 Foot-Candles



- (1) The maximum height of pole-mounted fixtures shall be twenty-five (25) feet for parcels twenty (20) acres and over, and twenty (20) for parcels under twenty (20) acres, measured from the ground level to the centerline of the light source.
  - (2) Fixtures should provide an overlapping pattern of light at a height of seven (7) feet above ground level.
  - (3) Metal halide, incandescent, fluorescent, light-emitting diode (LED) or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution.
- f. All building-mounted light fixtures shall comply with the following standards:
- (1) Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Examples of acceptable fixtures can be found in [Section 9.02G](#) of this Ordinance. The intensity of the light shall not exceed twenty (20) foot-candles.
  - (2) Light shall not exceed 0.2 foot-candle along residentially used or zoned property lines, and 1.0 foot-candle along non-residential property lines.
  - (3) Metal halide, incandescent, fluorescent, light-emitting diode (LED) or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution.
  - (4) Luminous tube neon and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, i.e., along the roof line and eaves, around windows, etc.
  - (5) All internally lit translucent or fabric awnings shall be prohibited within the RPD District.
- g. All sign/flagpole lighting shall comply with the following:
- (1) Lighting for ground-mounted signs shall be in accordance with [Section 13.11](#). Illumination of flagpoles is discouraged. However, if proposed, flagpole lighting shall be downward as shown in [Section 9.02G](#).
  - (2) All internal sign lighting shall illuminate the sign only.
9. **Stormwater Management.** All development projects subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained in accordance with Washtenaw County Drain Commissioner Rules and Regulations. The objectives of these standards will contribute to the prevention of flooding, protection of water quality, reduction of soil erosion, maintain and improve wildlife habitat, and substantial aesthetic values of the project. The particular stormwater management facilities and measures required shall reflect and incorporate existing grade, natural features, wetlands, and watercourses on the site, to the maximum extent feasible.

- C. **Exceeding Maximum Permitted Building Height.** Principal buildings occupied or intended to be occupied by such uses may exceed the maximum permitted height of the zoning district, provided that for each additional one (1) foot of height above the maximum, 20 feet of additional setback shall be provided, up to a maximum height of 48 feet.

### **Section 7.505 Self-Storage Warehouses**

The following regulations shall apply to self-storage warehouses:

- A. The minimum lot area for mini-warehouses shall be two (2) acres, and the minimum lot width shall be 200 feet.
- B. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
- C. A front yard setback of no less than 50 feet shall be maintained in landscaped open space. Side yard setbacks shall be no less than 25 feet and rear yard setbacks shall be no less than 40 feet.
- D. The minimum distance between self-storage buildings shall be 25 feet.
- E. All areas intended for vehicular travel shall be paved with asphalt or concrete, as approved by the Planning Commission.
- F. Exterior façade walls of all storage units shall be of decorative masonry construction.
- G. Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment may be permitted as an accessory use, subject to the following:
  - 1. Such storage shall be incidental to the main use of enclosed storage.
  - 2. Outdoor storage of such vehicles and equipment shall be located to the rear of the lot and completely screened from road rights-of-way and abutting properties per [Section 14.03 \(Green Belt Buffer\)](#).
  - 3. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.
- H. Self-storage warehouses shall be visually screened from all road rights-of-way and abutting uses in accordance with [Section 14.03 \(Green Belt Buffer\)](#).
- I. A caretaker's residence may be provided within the principal building as an accessory dwelling in accordance with [Section 7.201 \(Accessory Dwelling\)](#).

## Section 7.600 Other Uses

### Section 7.601 Composting Center

This Section shall not apply to composting of common household materials generated by RESIDENTIAL USES or AGRICULTURAL USES on an individual parcel in the Rural Districts. The following regulations shall apply to operations designed for commercial composting of organic materials and/or conversion of sewage or sludge into usable or saleable products:

- A. **Design and operation standards.** Any such use shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Environmental Quality, and other regulatory agencies.
- B. **Separation requirements.** The area of land occupied by or intended for use as a composting center shall be set back a minimum of 500 feet from the boundary of any parcel in the Residential Districts or occupied by any existing RESIDENTIAL USES.
- C. **Screening requirements.** The area of land occupied by or intended for use as a composting center shall be screened from all road rights-of-way, Residential Districts, and existing RESIDENTIAL USES by a berm of sufficient height to completely screen all composting areas, storage areas, and equipment.
  1. The minimum berm height shall be eight (8) feet.
  2. The berm shall be improved with greenbelt buffer plantings and groundcovers in accordance with [Section 14.03 \(Green Belt Buffer\)](#).
- D. **Environmental impact statement.** An environmental impact statement shall be prepared for all commercial operations to assess the developmental, ecological, social, economic, and physical impact of the proposed development on and surrounding the development site, and to determine if the proposed use will be in compliance with regulations herein. The environmental impact statement shall include, but not be limited to the following:
  1. Water, noise, and air pollution associated with the proposed use.
  2. Effect of the proposed use on public utilities.
  3. Displacement of people and other land uses by the proposed use.
  4. Alteration of the character of the area by the proposed use.
  5. Effect of the proposed use on the Township's tax base and adjacent property values.
  6. Compatibility of the proposed use with existing topography, and topographic alterations required.
  7. Impact of the proposed use on surface and groundwater.
  8. Operating characteristics and standards of the proposed use.

9. Proposed screening and other visual controls.
10. Impact of the proposed use on traffic.
11. Impact of the proposed use on flora and fauna.
12. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.

### Section 7.602 Controlled Uses

Controlled uses shall be subject to the following:

- A. Purpose.** The purpose of this section is to identify and describe certain uses that are recognized as an impediment to stable growth and development because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential zones.

Special control of these uses is necessary to insure that the adverse effects of these uses will not interfere with the growth and development of the surrounding areas. These special controls are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area [i.e., not more than two (2) such uses within 1,000 feet of each other].

- B. Definition and Restrictions.** The following uses are defined as "controlled uses" for the purposes of this Ordinance:

1. Adult regulated uses, as defined in [Section 2.03 \(Definitions\)](#).
2. Bars, cabarets, cocktail lounges, or night clubs.
3. Pawnshops or collateral loan and/or exchange establishments.
4. Pool or billiard halls and other amusement centers where beer, wine, or intoxicating liquor is sold for consumption on the premises. Pool or billiard halls without liquor sales shall be regulated as an amusement center per [Section 7.402 \(Amusement Center\)](#).
5. Specially designated distributor's establishment (SDD).
6. Specially designated merchant's establishment (SDM).

The establishment of any new controlled use shall be prohibited if the proposed use would constitute the third controlled use within a 1,000 foot radius of the proposed site.

- C. Application.** Application to establish any of the above controlled uses shall be made to the Zoning Inspector, who shall not approve any such application or request if there are already in existence two (2) or more such controlled uses within a radius of 1,000 feet of the outermost boundaries of the lot upon which the proposed controlled use will be situated.
- D. Waivers.** Upon denial of any application for a controlled use under [Section 7.602B \(Definition and Restrictions\)](#), the applicant may appeal for a waiver of the locational provisions above to the

Planning Commission consistent with the following standards. The Planning Commission shall waive the locational provisions set forth in [Section 7.602B](#), after all the following findings are made:

1. The proposed use will not be contrary to any other provision of this Ordinance or injurious to nearby properties;
  2. The proposed use will not enlarge or encourage the development of a “skid row” or “strip”;
  3. That the establishment of an additional controlled use will not be contrary to, or interfere with, any development program or improvement plan.
  4. That all applicable state, or federal laws and/or regulations will be observed.
- E. **Procedure for Waiver.** Prior to granting waiver of the locational restrictions set forth above, and before the request for waivers is considered or a public hearing held pursuant to this Section, the Township Clerk shall publish and provide notice indicating that a request for waivers to establish a controlled use has been received in accordance with [Section 20.10A](#) (**Public Notice**).

Said notice of application shall further indicate that a public hearing on the proposed controlled use may be requested by a property owner or occupant, no less than eighteen years of age, of a structure located within 300 feet of the boundary of the property being considered for the controlled use. If the applicant or the Planning Commission requests a public hearing under this Section any interested person may be represented by a person, firm, organization, partnership, corporation, board or bureau. The public hearing shall be held in accordance with [Section 20.10](#) (**Public Hearing Procedures**).

- F. **Establishment Prohibited Near Schools, Residential Zones.** It shall be unlawful to hereafter establish any controlled use if the proposed controlled use will be within a 1,000 foot radius of a planned unit development district (PUD) or agricultural district primarily devoted to residential use, a residentially zoned district or within a 1,000 foot radius of any church, school, child day care facility, or public park.
1. This prohibition relative to the establishment of a controlled use near a planned unit development district or agricultural district primarily devoted to residential use or residentially zoned districts shall be waived upon the presentment to the Zoning Inspector of a validated petition requesting such waiver, signed by at least fifty-one percent (51%) of all those persons owning, residing, or doing business within 1,000 feet of the proposed location.
  2. No waivers shall be given to permit a controlled use to locate within a 1,000 foot radius of any church, school, child day care facility, or public park.
  3. The Zoning Inspector shall adopt rules and regulations governing the procedure for securing any petition of waiver, which may be provided for in this Section of the Ordinance. The rules shall provide that the circulator of the petition requesting a waiver shall be over 18 years and subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with said rules; and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

4. The Planning Commission shall not consider the waiver of locational requirements until the above described petition, if required, shall have been filed and verified by the Zoning Inspector.
- G. Conditions.** Prior to the granting of approval for the establishment of any controlled use, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the controlled use as in its judgment may be necessary for the protection of the public interest. Any evidence bond or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

### **Section 7.603      Extraction Operations**

The purpose of this Section is to provide for the proper development and utilization of mineral resources existing within the Township, while at the same time making proper provisions for the present and future health, safety and welfare of the residents of the Township. The development and utilization of mineral resources in the Township shall be subject to appropriate regulations of the Township and other agencies with jurisdiction.

Such regulations shall consider the conduct of the extraction and earth removal operation and the reuse of the site upon termination of the activity. It is the intent of this Section that parcels subject to the extraction operations shall, upon termination of such operations, be reclaimed and rendered fully useful for one or more of the principal non-extractive uses permitted by this Ordinance. Extraction operations, including removal or stockpiling of topsoil, sand, gravel, stone, and other earth materials, shall be subject to the following:

- A. There shall be not more than one (1) entrance way from a public road to said lot for each 660 feet of front lot line. Said entrance shall be located not less than 500 feet from an intersection of two (2) or more public roads.
- B. Such operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturday. Operations shall not be permitted on Sunday or legal holidays, except by special permit from the Planning Commission.
- C. On said site no digging, stockpiling, excavating or equipment storage and repair shall take place closer than 100 feet from any lot line, and 500 feet from an existing Residential Districts or existing RESIDENTIAL USES. Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
- D. On said lot all roads, driveways, parking lots, and loading and unloading areas within 100 feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
- E. Each operator shall be held responsible for all public roads upon which trucks haul materials from the quarries to keep those roads in a driveable condition at least equal to that which existed prior to the beginning of quarrying operations; and to keep the roads dust-free and to clean any and all spillage of material and dirt, rock, mud, and any other debris carried onto the roads by these trucks or other equipment.
- F. Any noise, odors, smoke, fumes, or dust generated on said lot by any digging, excavating, loading, or processing operation and borne or able to be borne by the wind shall be confined within the lines of such lot as much as possible so as not to cause a nuisance or hazard on any adjoining lot or public road.

- G. Such removal shall not be conducted so as to cause the pollution by any material of any surface or sub-surface watercourse or body or well outside of the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
- H. Such removal shall not be conducted so as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot. Such removal shall not be conducted so as to alter the drainage pattern of surface or sub-surface waters or wells on adjacent property. In the event that such removal shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.
- I. All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any existing Residential Districts or existing RESIDENTIAL USES. In the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than 100 feet from any lot line adjacent to said residence district. A fence of not less than six (6) feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.
- J. All areas within a quarry shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear natural.
- K. The applicant shall submit a plan for the use of the property during mining operations at the time of application for the permit. The plan shall provide the following information:
  - 1. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
  - 2. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
  - 3. Existing site improvements such as buildings, drives, wells, and drain fields;
  - 4. Existing topography at contour intervals of two (2) feet;
  - 5. Extent of future mining areas and depth thereof;
  - 6. Location and nature of structures and stationary equipment to be located on the site during mining operations;
  - 7. Location and description of soil types;
  - 8. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of mining operations;

9. Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting, and washing operations, and the type, size, and nature of equipment to be used with each operation;
  10. Location and width of drives, sight distances; land widenings on public roads at intersections of same with drives;
  11. Tree areas and other natural features to be retained;
  12. Description of pollution and erosion control measures;
  13. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site. There shall be no impacts to the water table, either within the site or on adjacent properties; and
  14. Map showing truck routes to and from the site.
- L. The applicant shall file a plan for restoring the site to a safe, attractive, and usable condition. The plan shall be filed with the application for the Special use permit and shall provide the following information:
1. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
  2. Location and extent of all natural features to be retained during mining operations;
  3. Contour lines at intervals of two (2) feet of the proposed restored surface, clearly showing connection to existing undisturbed contour lines;
  4. Schedule and areas of progressive rehabilitation;
  5. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
  6. Sketch plan of the proposed use of the site when restored; and
  7. Description of methods and materials to be used in restoring the site.
- M. The applicant shall provide security deposits, in the form and amounts recommended by the Planning Commission and acceptable to the Township Board, to guarantee restoration of the site and to cover the costs of the Township Engineer in certifying conformance.
- N. The applicant shall provide a security deposit when required by the Planning Commission, to maintain and replace public roads traversed by trucks associated with the mining operation. The security shall be deposited with the Washtenaw County Road Commission in the form and amount required by the Road Commission.

## **Section 7.604     Landfill, Sanitary**



Prior to Planning Commission consideration of a Special Use approval for a sanitary landfill facility, as herein defined, in any area of the Township, the Planning Commission shall be certain that the following limitations and conditions are or shall be strictly complied with, in addition to any other requirements contained in this Ordinance, or in any other Township ordinance controlling such operations. The following rules and regulations shall apply specifically to each landfill area, unless county or state regulations on any particular requirement are more restrictive, and then such more restrictive regulation shall apply.

**A. Location.**

1. All such operations shall be located on a state highway or county primary road, as defined by the Washtenaw County Road Commission, for ingress and egress thereto, and on a road that does not create traffic through an area developed primarily for residential purposes. A road impact study shall be conducted at the expense of the owner/operator or the waste disposal area and submitted to the Township, to determine the impact of the waste disposal operation upon roads providing access to the landfill. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, as a condition of such operation, and for the purpose of routing traffic around residential areas. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicants' property that are within 500 feet of any residence.
2. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such disposal area shall be permitted closer than 100 feet from the interior boundary lines. In addition, no disposal areas shall be permitted closer than 500 feet to any domicile, or within 500 feet of any residential or agriculture district. No such disposal areas shall be permitted closer than 100 feet to adjacent public right-of-ways, property lines, lakes and streams. Such disposal areas shall not at any time be permitted where adjoining lateral support for the maintenance of adjoining land is not maintained.
3. Any permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines. In addition, if located within 1,000 feet of a residence, it shall be obscured by a suitable barrier, not less than 10 feet high, with screening of a type to be decided on an individual basis by the Planning Commission at the time of application. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, nor to the stockpiling or loading and transportation equipment.
4. No such disposal area shall interfere with the established natural flow of surface waters, to the detriment or damage to adjoining public or private properties. The Township Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby watercourse.
5. Any sanitary landfill area, located within the boundaries of the Township, whether publicly or privately owned, shall be open to Township residents, property owners and businesses, during established business hours, at a rate competitive with other disposal areas in southeastern Michigan. Other persons or parties may also be granted access to a public facility by the

Township, subject to paying the charges established by the Township. Special handling fees may be charged for bulky or difficult to process items.

6. Greater isolation distances may be required by the Planning Commission if the sanitary landfill area being proposed, is adjacent to special quiet zones, as designed by local or state government.

**B. Sight Barriers and Fencing.**

1. Sight barriers shall be provided along all setback lines of the sites that lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of the following: A berm of at least ten (10) feet in height and plantings of evergreen trees, not more than ten (10) feet apart, or shrubbery not more than five (5) feet apart, in staggered rows, on the berm, parallel to the boundaries of the property. Evergreens shall be at least two (2) year transplants at the time of planting, and shall grow to not less than ten (10) feet in height; and shall be sufficiently spaced to provide effective sight barriers when ten (10) feet in height. Trees or shrubs that die shall be replaced.
2. The sanitary landfill area is to be fenced with a six (6) foot high chain link fence. Unless inappropriate, such fence shall be located inside of any berms or screening following the exterior boundaries. The entrance to the sanitary landfill area shall have a gate which shall be closed and locked at all times that the landfill is not open.

**C. Nuisance Abatement.**

1. Air pollution, noise and vibration, and their effect upon adjacent properties shall be minimized by the utilization of adequate sound proof equipment and buildings designed to accomplish such minimization, and by the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the solid waste disposal operations, shall have their surfaces treated to minimize any condition.
2. Rodent traps shall be placed every 100 yards, around the perimeter of the sanitary landfill area, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
3. Any security lighting deemed necessary by the Township and/or the owner operator shall be the sodium vapor type and shall be aligned so that no part of the illuminated field shall fall on any adjoining property.
4. Every sanitary landfill facility, which accepts refuse, shall have a municipal water supply and facilities for quick delivery of water to any part of the property, for the purpose of extinguishing fires. Capacity shall be such that at least 500 gallons of water per minute can be applied to any fire, continuously, for at least ten (10) hours. The source of the water supply and the facilities to provide for the delivery of the water shall be indicated on plans submitted for approval to the Planning Commission.
5. All litter shall be collected from the sanitary landfill site by the end of each working day and either placed in the fill, compacted and covered that day, pursuant to Michigan Department of

Environmental Quality rules. No refuses shall be deposited in the landfill at the start of the hours of operation until the previous days refuse has been covered as herein provided.

6. In order to assure a supply of cover material during winter operations, a supply of unfrozen suitable cover material shall be maintained and available, either in protected stockpiles or in a natural bank protected from, or not subject to freezing.
  7. Prior to the commencement of the construction of any landfill within the Township, the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, watercourse and private, residential, agricultural and commercial water well, a water supply for complete chemical analysis. Unless hydrogeological requirements pursuant to applicable State laws require differently, these water samples shall be taken from each of the aforementioned water sources within one-half (0.5) mile radius of the exterior boundaries of the property acquired for the construction of the landfill. These samples shall contain the exact location from which they were obtained, the name and address of the property owner who owns the land from which the water sample was taken, and the name and address of the principle user of the water well, if different from the owner of the property upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to a properly accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory, and then filed with the Township Clerk, for the purpose of future reference, should there at some later date be suspected groundwater contamination. In addition, copies of the monthly monitoring test well results shall be delivered to the Township promptly upon receipt by the owner/operator.
  8. Test wells shall be provided along the perimeter of the sanitary landfill pursuant to applicable State regulations.
- D. Time Limits.** All operations, other than maintenance of equipment within a fully-enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturday. Operations shall not be permitted on Sunday or legal holidays, except by special permit from the Planning Commission.. A sign stating the hours and prohibiting dumping at other times shall be placed in a conspicuous location at the entrance. Keys for admittance to the disposal area shall be given to the Township Clerk. Disposal facilities shall have qualified personnel on duty at all times to direct the dumping, spreading, compaction and covering of materials.
- E. Liability Insurance.** All applicants shall be required to carry personal injury and property damage insurance, in addition to any and all bonds required by state statute, while any open or unrehabilitated area exists. Such insurance shall be in an amount not less than \$1,000,000 for each person injured or property damaged, or for any injury or damage to more than one person or one person's property, arising out of any occurrence. Such insurance shall cover injury or damage occurring upon the site of the operation, as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Copies of such policies shall be filed with the Township Clerk, and shall be maintained in effect for a period of not less than 20 years following final closure and termination of sanitary landfill activities. The deductible written into the insurance policy shall not exceed 5% of the per incident limit of the liability of the policy.. The coverage obtained by the owner/operator to fulfill the requirements of this section shall include the provisions that the insurer shall notify the Township 30 days prior to the cancellation of the insurance for any reason.

- F. Closure of Disposal Areas.** Reclamation or rehabilitation of sanitary landfill areas shall be accomplished as soon as practicable following the completion of an area. Where possible, such reclamation or rehabilitation shall be accomplished concurrently with the facility's operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after the termination of the waste disposal facility. Inactivity for 365 calendar days shall constitute, for this purpose, termination of disposal activities. Technical standards that shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be in accordance with applicable State regulations.
- G. Submission of Operational and Closure Plans.** No sanitary landfill activities shall be allowed or commenced until a plan has been submitted to the Planning Commission, disclosing compliance with all of the provisions within this ordinance, or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
1. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements of adjoining properties.
  2. The number of acres and the location of the same, proposed to be operated upon within the following 365 calendar day period after commencement of operations.
  3. The type of sanitary landfill proposed to be constructed, the nature of the equipment to be used and the materials to be accepted.
  4. A survey by a registered surveyor, showing the location of the principal disposal site and the distance of any proposed operations, and the boundaries of the site.
  5. A map disclosing the approximate final grade and the levels to be established following completion of the disposal areas, including the proposed uses being contemplated for the future use of the land, and other such matters as may evidence the bona fide nature of the rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed waste disposal area.
  6. A map disclosing the location of all lakes, streams, creeks, water-courses and public, private, residential, agricultural and commercial water wells from which the samples will be taken for analysis as required by this Section.
  7. A written agreement, signed by the owner/operator of the proposed disposal area, agreeing to abide by the following plan for solutions to groundwater contamination, should such contamination occur as a result, or suspected result of his disposal operations.
- H. Permit Fees.** An annual permit fee, as established by Township Board resolution, shall be paid to the Township for all landfill operations. The Township Board may increase the fee based upon the cost of living index, using the effective date of this Ordinance as the base period. The acreage in those areas that have been properly closed and reclaimed shall be deleted from the annual permit acreage charge following confirmation of the same by the Trust Fund Committee established pursuant to this Section.

- I. **Site Inspection.** Site inspection may be provided by the Township during any hours of operations at the expense of the owner/operator. The owner/operator shall pay in advance, on a monthly basis, the actual cost of providing site inspection personnel.
  
- J. **A Trust Fund for the Mitigation of Landfill Problems.**
  1. A trust fund shall be established at a convenient bank within the County chosen by the Township Board. The operator shall agree to pay \$0.20 per cubic yard of waste disposed of into this trust fund for the life of the sanitary landfill. Expenditures from the trust fund are to be approved by a Trust Fund Committee consisting of the Township Supervisor, one (1) citizen appointed by the Township Board, and one (1) representative of the owner/operator. Funds may be used for but are not limited to off-site litter control, groundwater and surface water monitoring and payments to adjacent property owners, and others, at the discretion of the Trust Fund Committee, for damages determined to have been caused as a result of the sanitary landfill or its operations. The trust fund shall exist and earn interest for 20 years following closure, and at that time the funds remaining shall be paid to the Township.
  
  2. The mitigation of environmental degradation shall be accomplished by limiting the amount of new leachate produced; steps shall be taken which restrict the movement of existing pollutants in the water. When domestic, agricultural or commercial wells lie in the path of a contaminated plume, one of the following possible solutions to the problems of public health, hazard and environmental degradation shall, at the discretion of the Township Board be required of the owner/operator of the landfill.
    - a. Immediate purging of the groundwater. Studies shall be conducted, at the expense of the owner/operator of the waste disposal area, to determine the extent of the groundwater contamination, cleanup required, and the timetable by which the cleanup will proceed.
  
    - b. Provision of an alternate water supply. This shall include, but not be limited to:
      - (1) Locating uncontaminated groundwater.
  
      - (2) Providing bottled water. This shall be a temporary measure, designed to prevent health hazards until another system can be prepared. This service shall be terminated once a permanent water supply system becomes operational.
  
      - (3) Connecting into an existing municipal water supply system.
  
  3. The owner/operator of a sanitary landfill reasonably suspected of contamination of the groundwater for residence, farms or businesses, shall guarantee the cost of the construction of the extension of a municipal water line to the affected area, and the cost of the connection to this water supply. The owner/operator of the sanitary landfill may make an unrestricted cash payment to the Township to carry out its responsibility to the residents in obtaining for them uncontaminated water. This option shall be at the discretion of the Township. If the water is available to the residents of the affected area, the Township will assume sole responsibility for establishing water rates, assessments and connection charges, and for the granting of waivers of any of these charges to residents whose water supply is endangered by the leachate and for policies governing the system operation and waiver policy.

4. If the Township does not agree to make water available to its residents, the entire issue shall revert back to the landfill owner/operator's responsibility. The Township shall assume no responsibility or liability for any injuries or property damage resulting from the sanitary landfill operations.
- K. Financial Guarantee.** Financial Guarantee shall be given the Township, insuring the proper closure and rehabilitation of the solid waste disposal area. The amount of the guarantee shall not be less than \$10,000.00 per acre of disposal area, but not less than \$100,000.00 for the area proposed to be licensed by the State, or which has previously been operated upon during any preceding period and which has not been reclaimed or rehabilitated. All such financial guarantees shall be reviewed annually on or about the anniversary date of the sanitary landfill construction permit, for adjustment in compliance of the foregoing requirements by the Zoning Inspector of the Township or other such official as may be designated by the Township Board. In this regard, the amount of the financial guarantee may be increased or decreased, based upon the cost of living index, promulgated by the U.S. Department of Labor, using the effective date of this Ordinance as the base period for the \$10,000.00 per acre amount. Such financial guarantee shall be in the form of cash, certified check or irrevocable bank letter of credit. The guarantee shall not be cancelable, and shall continue in force for 20 years after closure and reclamation of the sanitary landfill facility.

For all sanitary landfill areas, the minimum financial guarantee shall be at least \$100,000.00, provided to the Township, if less than four (4) acres are required to be covered by the financial guarantee at any time. The guarantee shall be filed with the Township before the permit is issued.

- L. Approval.** Approval by the Planning Commission shall be based upon criteria set forth within this Ordinance and shall be based, in addition, on a consideration of the following:
1. The most advantageous use of the land, resources and property.
  2. The character of area in question and its particular suitability, if any, for the particular use.
  3. Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
  4. The protection and preservation of the general health, safety and welfare of the Township.
  5. The scarcity of value of waste disposal areas as compared with the effect upon adjacent communities near the proposed operation.
  6. Present and future impact upon the public roads.

The Planning Commission may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same.

### **Section 7.605 Temporary Concrete or Asphalt Batch Plants**

This Section shall not apply to mobile batch plants, provided such plants are not placed in a fixed location while in use. Concrete or asphalt batch plants for temporary use at a fixed location during construction shall be subject to the following:

- A. The batch plant operation shall be set back a minimum of 50 feet from all lot boundaries and road right-of-way boundaries.
- B. The Planning Commission may limit the hours and days of operation where the batch plant is located within 1,000 feet of any existing RESIDENTIAL USES.
- C. The maximum permitted period for any temporary batch plant shall be 365 calendar days. The Planning Commission may, upon written request from the plant owner or operator, approve one (1) extension of this approval period for up to an additional 180 calendar days.
- D. No portion of the batch plant or its operation shall be located within a public or private road right-of-way. This subsection shall not apply to areas within a state trunkline highway right-of-way.
- E. The batch plant shall only furnish concrete and/or asphalt to the specific development or construction project to which the plant is accessory as a temporary use.
- F. The temporary plant and all trucks and related equipment shall be operated in a manner that minimizes dust, noise, and odor.
- G. Within 30 calendar days of completion of the project, the plant owner or operator site shall:
  - 1. Clear all temporary batch plant equipment, material, and debris from the site and restore it to its original condition or better; and
  - 2. Repair or replace any public improvements damaged during operation of the temporary plant.
- H. The Planning Commission or Zoning Inspector may require the plant owner or operator to deposit a performance guarantee sufficient to ensure full restoration of the site and repair or replacement of damaged public improvements.

### **Section 7.606 Utility Transmission and Distribution Lines**

Electricity transmission and distribution lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

- A. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.
- B. No personnel shall be quartered or employed on the premises.
- C. Structures or buildings shall be located, designed, constructed, and landscaped in conformance to the character of the surrounding area and zoning district.

### **Section 7.607 Volatile Farm-Based Biofuel Production**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

- A. **General Standards.** The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same zoning lot as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per [Article 6.0 \(Dimensional Standards\)](#). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Administrator documentation of all necessary permits and approvals from the State of Michigan and other outside agencies with jurisdiction over any of the following:
  - a. Air pollution emissions.
  - b. Transportation of biofuel or another product or by-product of production.
  - c. Use or reuse of additional products resulting from biofuel production.
  - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production.
  - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
  - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district (without Special Use Permit approval) shall also provide an annual written report to the Zoning Administrator which demonstrates that:



- a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
- b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.

Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Special Use Permit approval in accordance with this Section and Ordinance.

**B. Additional Standards for Certain Facilities.** In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to biofuel production facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to Special Use Permit approval in accordance with this Section or Ordinance:

1. Such facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.
2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
  - a. A detailed description of the process to be used to produce the biofuel.
  - b. The number of gallons of biofuel anticipated to be produced annually.
  - c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
  - d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

**C. Limitations on Special Use Permit Review.** In accordance with Section 3513 of the Michigan Zoning Enabling Act, Township review of any Special Use Permit application for a biofuel production facility shall be modified as follows:

1. **60-day time limit for a public hearing.** For any Special Use Permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with [Section 20.10 \(Public Hearing Procedures\)](#) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 60 calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of [Section 16.10 \(Re-Application\)](#).

**D. Limitation on Conditions of Approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section.

## Article 8.0 Planned Unit Development District – (PUD)

### Section 8.01 Purpose

This district is intended to achieve the following objectives:

- A. To provide flexibility in land development.
- B. Encourage innovation in land use design and development.
- C. Encourage variety in the design and type of housing, and to improve the quality of residential environments.
- D. Create more stable communities by providing a variety and balance of housing types and living environments.
- E. Provide commercial, educational, and recreational facilities conveniently located in relation to housing.
- F. Encourage provision of useful open space and protect and conserve natural features.
- G. Promote efficiency and economy in the use of land and energy, and in provision of public services and utilities.
- H. Establish planning, review, and approval procedures which will properly relate the type, design, and layout of development to a particular site and its neighborhood.
- I. Insure that the increased flexibility of regulations over land development is subject to proper standards and review procedures.

### Section 8.02 Location of a PUD District

A PUD shall be located in areas of York Township that are determined by the Township Board to be suitable and desirable for such development, upon recommendation by the Township Planning Commission. In making its recommendation, the Planning Commission shall find that the location of a proposed PUD is consistent with Township policy, as expressed in the adopted Growth Management Plan, or represents land use policy that is a logical and acceptable change in adopted policy.

### Section 8.03 District Regulations

- A. **General** - All uses, structures, and properties shall comply with all regulations in [Article 4.0](#), [Article 5.0](#), and [Article 6.0](#) herein, and with all other regulations and requirements of this Zoning Ordinance, except as provided in this Section.
- B. **Minimum lot area** - The minimum lot area to be developed under the regulations of this Section shall be twenty (20) acres, provided, however, that the minimum lot area may be waived by the Township Board if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wet lands or poor soil conditions on portions of the property, water courses or utility easements crossing the parcel, unusual shape or proportions, and isolation from other undeveloped or developable lands. In such case, the applicant shall submit information to the Township Board to support the request for a waiver of the minimum

lot size requirements. The Township Board shall consider the request and act thereon, and shall inform the applicant of the action in writing. The request for a waiver and the Township Board's action shall be made prior to the applicant's submittal of application for a PUD district classification. The Township Board shall not consider any request for a waiver in the twenty (20) acre minimum until it has received a recommendation from the Planning Commission on said request.

**C. Permitted Uses.**

1. Uses permitted in a PUD district shall be consistent with the uses designated in the Growth Management Plan.
2. A residential area, designated on an area plan or final site plan, may contain one or more types of dwelling units, provided that such combination of dwelling unit types will not interfere with orderly and reasonable platting of an area, if such area is to be platted.
3. Multiple-family dwelling units may be located in buildings containing, or intended to contain, commercial and/or office activities, provided that commercial uses shall be permitted only on the first, ground, or main floor, however defined. Dwelling units shall not be permitted on any floor on which commercial and/or offices are located or intended to be located except a rental office for the subject multiple family complex.
4. Home occupations shall not be permitted in any dwelling unit, including a mobile home unit, other than a single-family detached dwelling unit. Each such dwelling unit shall be subject to the home occupation regulations in [Section 7.204](#), herein.
5. Community wastewater systems (PWS) may be permitted as an accessory use within a development in the PUD District, under the following conditions:
  - a. The development shall be located outside of the Urban Service District as defined in [Article 10.0 \(Urban Service District Regulations\)](#).
  - b. The PWS shall comply with the standards of this Ordinance and the Private Community Wastewater Disposal System Ordinance (Ord. No. 113, as amended).
  - c. The development shall consist of a single land use type, as categorized by the Washtenaw County Environmental Health Division.
  - d. Determination by the Township that use of a PWS is necessary to facilitate permanent protection and conservation of important wetlands, natural features, open spaces or agricultural lands in the Township.
  - e. Any development in the PUD District for which a PWS is proposed shall include permanent conservation of fifty percent (50%) or more of the land area proposed for development as agricultural land or as open space.

**D. Density regulations.**

1. The maximum permitted residential density for a PUD district shall not exceed the average residential density for the area included in the PUD as shown on York Township's adopted Growth Management Plan.
2. The maximum ground floor coverage (GFC) shall not exceed twenty percent (20%).
3. The maximum floor area ratio (FAR) shall not exceed 35 percent.
4. Land areas to be used in calculating gross densities, ground floor coverages, and floor areas as provided in this Section shall each be delineated on the area plan, preliminary site plan, where applicable, and final site plan, so that the acreage and density computations can be confirmed.
5. The land area used for calculating gross residential density shall include the total residential land area designated on the area plan or final site plan, less any area within existing and proposed street rights-of-way.
6. The horizontal surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating gross residential density if fifty percent (50%) of the frontage of such areas are part of lands devoted to parks and open space used for and accessible by residents of the PUD.
7. GFC and FAR calculations for residential structures shall be based upon the acreage designated for gross residential density. GFC and FAR calculations for non-residential uses shall be based upon land areas including acreage for private drives, parking and loading areas, open spaces around structures, landscape areas, and similar areas, but not including acreage in existing public street rights-of-way.
8. Land once used to provide acreage sufficient to meet density regulations in a project within a PUD shall not again be used to compute density in another project unless the gross and net densities, GFC, and FAR of the subject project and all previous projects are maintained at or less than the limits established in the approved area plan.
9. The Planning Commission may exclude land with slopes of fifteen percent (15 %) or steeper from the gross residential land area if such land is not usable for residential or recreation/open space purposes.
10. Top decks of underground parking structures may be included in the land area used in density calculations if such area is fully landscaped and is not used for circulation and parking of vehicles.
11. The GFC and FAR for the PUD shall include assumed ground floor area and total floor area for the single-family detached dwelling units proposed in the PUD. Such assumed floor areas shall be listed in the required calculations

**E. Yards.**

1. A yard fifty (50) feet wide shall be provided along the perimeter of the PUD district fronting on a public street.

2. A yard twenty (20) feet wide shall be provided along the perimeter of the PUD district not fronting on a public street. Such yard shall be designed and landscaped as a buffer strip; parking lots and driveways shall not be permitted in such yard, except that drives may cross such yard.
  3. A yard at least thirty-five (35) feet wide shall be provided along the right-of-way of a major public collector street proposed within the PUD, and a yard fifty (50) feet wide shall be provided along the right-of-way of a public arterial street proposed within the PUD.
  4. A landscaped yard at least ten (10) feet wide shall be provided between a parking lot of five (5) or more spaces and a property line within the PUD, and twenty (20) feet from the perimeter property line of the PUD, except when adjacent to a public street right-of-way line, existing or proposed, in which case the preceding setbacks shall apply.
  5. A transition strip at least twenty (20) feet wide shall be required in accordance with the provisions of [Section 14.02](#) on any commercial or office site when adjacent to a residential area, school site, park, and similar areas. Such strips shall be landscaped with trees, shrubs, mounds, ground covers, and other materials.
  6. The preceding yard requirements may be reduced or waived when approved by the Township Board upon recommendation of the Planning Commission. The reduction or waiver shall be justified by the applicant and shall be based upon findings that topographic conditions, existing trees and other vegetation, proposed land grading and plant materials, or other site conditions perform the same functions as the required yards. Such reductions or waivers shall be clearly shown on the approved area plan.
  7. All required yards shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas.
- F. Distances between buildings.**
1. Any single-family dwelling structure shall be located at least ten (10) feet from any other single-family dwelling structure unless structurally attached thereto.
  2. The location of buildings and uses and the distances between buildings shall be clearly shown on the area plan and shall control the development and continued use of the property.
- G. Height** - There are no height regulations in the PUD district, provided that any buildings exceeding a height of two and one-half (2 1/2) stories or thirty-five (35) feet shall be approved as to specific height by the Township Board upon recommendation from the Planning Commission. Approval shall be based upon findings regarding light, air circulation, views, airport flight patterns, and recommendations from the Township Fire Chief regarding fire protection and safety.
- H. Circulation and access**
1. Each lot or principal building in a PUD district shall have vehicular access from a public street or from a private street approved by the Township Board, upon recommendation from the Planning Commission, as part of an area plan in accordance with the Charter Township of York Private Road Ordinance.

2. Each lot or principal building in a PUD shall have pedestrian access by a public or private sidewalk, and bicycle access by a bicycle path, where determined by the Township Board to be necessary for public safety and convenience, upon recommendation of the Township Planning Commission.
3. Standards of design and construction for public and private streets within the PUD may be modified as deemed appropriate to adequately provide the anticipated service required. Right-of-way standards may also be modified, especially where the area plan provides for the separation of pedestrian and vehicular patterns and adequate off-street parking facilities. Any modification of a proposed public street must meet the requirements of the Washtenaw County Road Commission, and any modification of a proposed private road must meet the requirements of and be approved as a variance under the Charter Township of York Private Road Ordinance.
4. Public and private streets shall be designed and constructed according to established standards of the Washtenaw County Road Commission and the Charter Township of York Private Road Ordinance, respectively, except where the applicable approving authority allows a modification of its standards as provided in [Section 8.03H.3](#), preceding. If, in the future, private streets in a PUD are to be dedicated to a public agency, the owners shall first fully agree to bear the full expense of reconstruction or any other action required to make streets suitable for public acceptance.
5. An individual dwelling unit in any single-family, two-family townhouse, mobile home, or similar residential structure shall not have direct access to a collector or arterial street.

**I. Utilities**

1. Each principal building in a PUD district located in the Urban Service District as defined in [Article 10.0 \(Urban Service District Regulations\)](#) shall be connected to publicly owned sanitary sewer and water lines.
2. Each principal building in a PUD district located outside of the Urban Service District as defined in [Article 10.0 \(Urban Service District Regulations\)](#) shall be connected to:
  - a. An independent, on-site water well and septic system approved by the Washtenaw County Environmental Health Division; or
  - b. A community wastewater system (PWS) in compliance with the standards of this Ordinance and the Private Community Wastewater Disposal System Ordinance (Ord. No. 113, as amended).
3. Each site in a PUD district shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted by the Township Board upon recommendation by the Planning Commission as part of the area plan.
4. Electrical, telephone, and cable television lines shall be underground, provided, however, that distribution lines may be placed overhead after approval of the location of the lines and poles by the Township Board, upon recommendation of the Planning Commission as part of the area

plan. Surface-mounted transformers and similar equipment for the underground wires shall be shown on the final site plan and shall be landscaped and screened from view.

**J. Open space regulations**

1. Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therefrom.
2. Open space areas shall be conveniently and equitably located throughout the PUD in relation to the location of dwelling units and natural features.
3. Open space areas shall have minimum dimensions which, in the Planning Commission's opinion, are usable for the functions intended and which will be maintainable.
4. The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system of the PUD.

**K. Staging** - Development within a PUD district may be staged as delineated on the approved area plan. Staging shall be subject to the following requirements:

1. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development of that phase.
2. The Township Board, upon recommendation of the Planning Commission, may require that development be staged so that Township, school district, and county property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development so that serious overloading of utility services and community facilities will not result, so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a PUD project for recommendation to the Township Board with respect to this requirement.
3. The Planning Commission may require, as part of a final site plan review of a stage, that land shown as common open space on the approved area plan be held in reserve as part of a stage to be developed, in order to guarantee that density limits for the entire PUD as shown on the approved area plan will not be exceeded when the subject phase is completed. Such reserved land may be included in subsequent phases if the density regulations will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

**L. Parking and Loading Requirements** - The parking and loading requirements set forth in [Article 12.0, "Off-Street Parking and Loading-Unloading Requirements,"](#) herein, shall apply except that the number of spaces required may be reduced in a PUD if approved by the Township Board, upon

recommendation of the Planning Commission, as part of the area plan. Such reduction shall be justified by the applicant and shall be based upon a finding that sufficient parking will be available through sharing of spaces by different uses, that the parking requirement is excessive for the type of use proposed, that walk-in trade for commercial centers will reduce parking demand, or similar factors.

- M. Continuing Applicability of Regulations** - The location of all uses and buildings, all mixtures and allocations of uses, all yards and transition strips, and all other information regarding use of properties as shown on or as part of an approved area plan, and an approved final site plan, shall have the full force and permanence of the Zoning Ordinance as though such regulations were specifically set forth in the Zoning Ordinance.

Such statements shall be the continuing obligation of any subsequent interests in the PUD or parts thereof and shall not be changed or altered except as permitted in this Article or except as approved through formal amendment procedures as set forth in this Article. The approved plan(s) and any documents attached thereto shall control any subsequent planning or development at any particular stage in the process.

A parcel of land that has been classified as a PUD district by the Township Board shall not thereafter be developed or used except in accordance with the approved area plan and preliminary and final site plans approved subsequent thereto.

- N. Construction** - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefor, on a lot with or under application for a PUD classification, until the requirements of this Section have been met.

#### **Section 8.04 Pre-Application Conference**

- A.** A potential applicant for a PUD district classification shall request a pre-application conference with Township officials prior to filing an application. The request shall be made to the Planning Commission Chair, who shall set a date and shall inform the Township Supervisor, Clerk, and Treasurer, and other Planning Commission members of the conference and invite their attendance. The Planning Commission Chair shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process, such as but not limited to Township consultants, County Road Commission Engineer, County Health Department, County Drain Commissioner, and County Planning staff.
- B.** The purpose of the meeting is to inform Township and other officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies in terms of the proposed development. To this end, the applicant is encouraged to present schematic plans, site data, and other information that will explain the proposed development.
- C.** Statements made in the conference shall not be legally binding commitments.

#### **Section 8.05 Area plan Requirements**

- A. Procedure for Petition and Area Plan Approvals**



1. Application for a PUD district classification shall be for an amendment to the Official Zoning Map and approval of an area plan. An application for a PUD district classification for a parcel of land may be made by the owner(s) of record or by any person(s) acting on behalf of the owner(s) of record of the subject parcel. The applicant shall have a substantial interest in the subject property prior to filing for a PUD district classification; said filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership of all land in a PUD, such as legal title or execution of a binding sales agreement, prior to approval of the petition and area plan by the Township Board.
2. The application shall be filed with the Township Clerk who shall transmit the petition and the area plan to the Planning Commission Secretary. The application must be filed at least two (2) weeks prior to the Planning Commission meeting at which it is first to be considered. Fees shall be paid to the Township Treasurer; no transmittals shall be made unless the required fees have been paid in full.
3. Upon receipt of the petition and plan from the Clerk and acceptance by the Planning Commission at a scheduled meeting, the Planning Commission shall undertake a study of the same and shall complete said study within one hundred eighty (180) days. The Planning Commission shall advise the applicant in writing of any recommended changes in the area plan as are needed to conform to the regulations and standards of this Ordinance.
4. The Planning Commission shall, at the meeting at which it receives the petition and area plan from the Clerk, establish a public hearing on the petition and area plan. The Planning Commission shall give notice and hold the public hearing in accordance with [Section 20.10 \(Public Hearing Procedures\)](#).
5. At the public hearing the applicant shall present evidence regarding the following characteristics of the proposed development:
  - a. General character and substance;
  - b. Objectives and purpose to be served;
  - c. Compliance with regulations and standards;
  - d. Scale and scope of development proposed;
  - e. Development schedules; and
  - f. Compliance with the adopted Growth Management Plan of York Township.

The Planning Commission may require the petitioner to provide information at the public hearing concerning economic feasibility of proposed uses; community impact; and environmental impact.

To this end, factual evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models, and other tangible materials, and in the form of testimony by experts such as lawyers, architects, engineers, realtors, professional community planners, and economists as will clearly state for the record the full nature and extent of the proposal. Tangible

materials shall be submitted in sufficient quantity for review by the Planning Commission and other officials.

6. The report to the Township Board shall contain the Planning Commission's analysis of the petition and area plan, findings of fact and conclusions regarding standards, recommended conditions of approval, and recommendations for action.
7. The petition and area plan may be forwarded to the Washtenaw County Planning Advisory Board for review and recommendation, prior to consideration by the Township Board.
8. The Township Board shall review the petition and area plan application, the Planning Commission report(s) and recommendation(s), and any comments from Washtenaw County or other agencies with jurisdiction. The Township Board shall approve, deny, or table for further consideration, the petition and area plan. Changes in the zoning amendment or area plan desired by the Township Board shall be referred to the Planning Commission for review and recommendation prior to Board action.

Reasonable conditions may be required with the approval of a planned unit development. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - b. Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.
  - c. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
9. If the petition and area plan are approved by the Township Board, the applicant shall review the petition and area plan in their approved form. The applicant and all owner(s) of record or the legal representative of the owner(s) of record of all property included within the PUD shall then sign an agreement that the approved petition and area plan, and the conditions of approval, shall be binding upon the applicant and owner(s) of record and upon their heirs, successors, and assigns. The petition and area plan shall not be officially approved nor may the applicant submit a preliminary site plan, where applicable, or a final site plan for the lot or any part thereof, until said agreement has been signed as required herein and has been received by the Township Clerk.
  10. Within three (3) days of the official approval of the petition and the area plan by the Township Board, the Township Clerk shall accurately note and the Township Supervisor shall attest the

PUD district designation for the lot in question on the Official Zoning Map, in accordance with [Section 4.205B](#).

11. The approved area plan and signed agreement shall be recorded by the petitioner with the Washtenaw County Register of Deeds, within ten (10) days of the date of approval of the petition and the area plan by the Township Board. The petitioner shall immediately provide a certified copy of the recorded documents to the York Township Clerk.
12. The Township Board may enforce any or all provisions of the approved area plan and agreement, and conditions of approval, against the petitioners, owners, successors, assigns, or agents.
13. Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with [Article 17.0, Site Plan Review](#), herein.

**B. Area plan for PUD of eighty acres or less and for PUD of more than eighty acres.**

1. An area plan for a PUD consisting of eighty (80) acres or less shall contain all the information required for a preliminary site plan as set forth in [Section 17.05](#), herein, and the following information:
  - a. Density of use for each use area of the site;
  - b. Location, size, and uses of common open space;
  - c. General description of the organization to be used to own and maintain common open space;
  - d. General description of covenants, grants, easements, or other restrictions to be imposed upon land or buildings, including easements for public utilities, by-laws, and articles of incorporation for any home owners' association, cooperative association, or minimum association;
  - e. Description of applicant's intentions regarding selling or leasing of all or portions of land in the PUD and of dwelling units;
  - f. Description of all proposed non-residential uses, including types of stores and offices;
  - g. General landscape concept showing tree masses to be preserved or added, mounds, and similar features;
  - h. Delineation of areas to be subdivided under the Subdivision Control Act; and
  - i. Average initial sales prices of dwelling units for sale and/of average initial rents of rental dwelling units.

2. An area plan for a PUD consisting of more than eighty (80) acres shall contain the information as required in [Section 8.05B.1.a](#) through [Section 8.05B.1.i](#), preceding, and the following information:
  - a. Location and description of site; dimensions and area;
  - b. General topography; soil information;
  - c. Scale; north arrow; date of plan;
  - d. Location, type, and land area of each land use; density of dwelling units (dwelling units per acre); type of dwelling units;
  - e. Location, use, and size of open areas and recreation areas;
  - f. General location and right-of-way width of proposed public streets; general location and surface width of major private streets/drives;
  - g. General location of proposed parking areas and approximate number of spaces to be provided in each area;
  - h. General delineation of areas of intended cutting or filling; existing natural features to be preserved or removed; location of existing structures, streets, and drives; location and purpose of existing easements;
  - i. Adjacent land uses;
  - j. Location and area of each development phase; summary of land use information as required in [Subsection 4](#) preceding for each phase; and
  - k. General description of proposed water, sanitary sewer, and storm drainage systems.
  
- C. **Standards for Petition and Area Plan Review** - The Planning Commission shall determine and shall provide evidence of same in its report to the Township Board, that the petition and area plan meet the following standards:
  1. The proposed development shall conform to the adopted Growth Management Plan or any part thereof, or represents land use policy which, in the Planning Commission’s opinion, is a logical and acceptable change in the adopted Growth Management Plan.
  2. The proposed development shall conform to the intent and to all regulations and standards of the PUD district and of the Zoning Ordinance.
  3. The proposed development shall be adequately served by public facilities and services such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to provide in a manner acceptable to the Township Board, any such facilities and services.

4. The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified open space and recreation area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
  5. The applicant shall have made provision, satisfactory to the Board, to assure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provision, satisfactory to the Board, shall have been made to provide for the financing of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development, and that maintenance of such improvements is assured by a means satisfactory to the Board.
  6. The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site and assembly of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard the Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children, relationship of the proposed project to main thoroughfares and street intersections, and the general character and intensity of the existing and potential development of the neighborhood.
  7. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
  8. Where applicable, the Commission shall determine that noise, odor, light, or other external effects from any source whatsoever, which is connected with the proposed use, will not adversely affect adjacent and neighboring lands and uses.
  9. The proposed development shall create a minimum disturbance to natural features and land forms.
  10. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
  11. Major pedestrian circulation shall be provided for within the site, and shall interconnect all residential areas, community areas, and commercial and other services where applicable. The pedestrian system shall provide a logical extension of pedestrian ways from outside the site and shall provide pedestrian connections to the edges of the site, where appropriate.
- D. Effect of Approval of Petition and Area Plan** - Approval of the petition and area plan by the Township Board shall have the following effects:
1. Approval shall confer a right to the applicant, for a period of three (3) years from the date of approval, that existing zoning regulations as they apply to the land included in the petition, and the area plan, shall remain unchanged, provided that required subsequent planning and/or construction are diligently pursued in accordance with the approved area plan within this time period.

2. Approval of an area plan shall indicate the Township Board's and Planning Commission's acceptance of uses, building location in the case of a PUD of eighty (80) acres or less in area, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the area plan.
3. Approval of an area plan of eighty (80) acres or less in area shall authorize the applicant to file an application for final site plan approval for all or any phase of the development shown on the approved area plan. Final site plans shall not be required of any area which is to be platted for single-family detached residential use.

Grading, tree removal, and other changes in the existing topography and natural features shall be limited to the minimum required to permit construction as authorized in this Subsection. Construction shall be limited to those elements whose location, size, alignment, and similar characteristics will not require review as part of a final site plan or any plat. Engineering plans and specifications shall be approved, and performance guarantees shall be provided as required by [Section 17.21](#), herein, "[Performance Guarantees](#)," before such construction may commence.

4. Approval of an area plan of more than eighty (80) acres shall authorize the applicant to file a preliminary site plan on each phase of the proposed development as delineated on the approved area plan. No construction shall begin within any phase until after a preliminary site plan is approved as required herein and only in accordance with [Article 17.0](#), herein.
5. Approval of an area plan by the Township Board shall authorize the applicant to file a preliminary plat for tentative approval in accordance with the Subdivision Control Act (Act 288, P.A. 1967) and the Township's Subdivision Control Ordinance for all or parts of the areas included within the PUD which are to be platted.
6. No deviations for the area plan approved by the Township Board shall be permitted except as provided in this Article.

### **Section 8.06 Preliminary Site Plan Requirements**

A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan, only for PUDs consisting of more than eighty (80) acres of land area. The preliminary site plan shall be submitted and reviewed, and shall meet all provisions of [Article 17.0](#) herein. In addition to these provisions, the preliminary site plans shall conform to the approved area plan.

### **Section 8.07 Final Site Plan Requirements**

A final site plan shall be approved for each phase of a PUD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed, and shall meet all provisions of [Article 17.0](#) herein. The Planning Commission shall transmit the approved final site plan to the Township Board for its information.

### **Section 8.08 Subdivision Plats**

- A. A preliminary plat for all or part of a PUD may be submitted for review and approval following approval of the PUD area plan by the Township Board.
- B. The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such

plat will result in premature development of the area involved or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

- C. A preliminary or final site plan shall not be required for any parts of a PUD which are to be platted for single-family detached residential development.
- D. Plats in a PUD shall conform to the Subdivision Control Act, the Township’s Subdivision Control Ordinance, the regulations of the PUD district, and the approved area plan.

## **Section 8.09 Common Areas and Facilities**

- A. The location, extent, and purpose of all common areas and facilities shall be clearly identified on the area plan, on the preliminary site plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency if accepted by said agency, shall be clearly identified accordingly on the final site plan(s).
- B. All public areas and facilities which are to be dedicated to and occupied by a public agency shall be so dedicated and accepted by said agency of a final site plan, unless a binding agreement for dedication is provided in lieu of dedication.
- C. Legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities shall be submitted to the Township Attorney for review as to legal form and effect, and to the Township Board or Planning Commission, whichever is applicable, for review, as to the suitability of such areas and facilities for the proposed use. Said legal instrument shall become a part of the approved plat or final site plan, whichever is applicable.
- D. Where a Home Owners Association (HOA) is to be used to maintain and preserve common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, same to be filed with the area plan application. The provisions shall include, but shall not be limited to the following:
  - 1. The HOA shall be established before any homes in the PUD are sold.
  - 2. Membership in the HOA shall be mandatory for each home buyer and for any successive buyer and shall be so specified in the covenants.
  - 3. Restrictions shall be permanent.
  - 4. The HOA shall be made responsible for liability insurance, local taxes, and maintenance of common areas and facilities.
  - 5. Home owners shall pay their pro rata share of the costs and it shall be so specified in the covenants. Assessments levied by the HOA can become a lien on the property.
  - 6. The HOA shall have authority to adjust the assessment to meet changed needs.
  - 7. The Township Board shall review the proposed by-laws and articles of incorporation prior to approval of the area plan.

- E. The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a public agency if accepted by said public agency. Such rights shall not include those needed to improve the common open space areas in accordance with an approved area plan, approved preliminary site plan, where applicable, and final site plan.
- F. Common areas and facilities may be deeded to a trustee who shall be responsible for the collection and disbursement of funds, and who shall account to the individual owners as to the use of their monies. If a trustee is utilized, the trustee shall employ a professional manager. The trustee may be a home owners' association, a trust company, or similar organization.
- G. Easements shall be given to each individual owner for the use of such areas and facilities.
- H. Where facilities are to be constructed as part of the common area open space system performance guarantees shall be provided as required by [Section 8.14](#) and [Section 3.16](#) herein, "[Performance Guarantee](#)"

## Section 8.10 Amendment and Revision

- A. A developer may request an amendment to an approved area plan, an approved preliminary site plan, or an approved final site plan. Any amendment to an approved preliminary or final site plan which results in a major change in the approved area plan, as defined in this Section, shall require an amendment to the approved area plan. All amendments shall follow the procedures and conditions herein required for original submittal and review, in full.
- B. A request for amendment shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. Such reasons may be based upon such considerations as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or reasons mutually affecting the interests of the Township and developer, such as technical causes, site conditions, state or Federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and requests reasonable and valid, shall so notify the applicant in writing. Following payment of the appropriate fee as required for original submittal, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the Township Board.
- C. Modifications to be considered major changes, for which amendment is required, shall include one or more of the following:
  - 1. Change in concept of the development;
  - 2. Change in use or character of the development;
  - 3. Change in type of dwelling unit as identified on the approved area plan;
  - 4. Change in the number of dwelling units;
  - 5. Change in non-residential floor area of over five percent (5%)



6. Change in GFC and FAR of the entire PUD of more than one percent (1%);
  7. Rearrangement of lots, blocks, and building tracts;
  8. Change in the character or function of any street;
  9. Reduction in land area set aside for common open space or the relocation of such area(s); or
  10. Increase in building height.
  11. A developer may request Planning Commission approval of modifications which constitute minor changes, as defined in this Section, in an approved area plan, in an approved preliminary site plan, where applicable, or in an approved final site plan. The Planning Commission shall notify the Township Board and any other applicable agency of its approval of such minor changes. The revised drawings as approved shall each be signed by the applicant and the owner(s) of record or the legal representative(s) of said owner(s).
- D. Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, among other similar modifications, the following:
1. A change in residential floor area;
  2. A change in non-residential floor area of five percent (5%) or less;
  3. Minor variations in layout which do not constitute major changes; and/or
  4. A change in GFC and FAR of the entire PUD of one percent (1%) or less.
- E. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this Section. The burden shall be on the applicant to show good cause for any requested change.

## **Section 8.11 Expiration of Plan Approvals**

- A. An area plan shall expire eighteen (18) months after approval by the Township Board unless a final site plan for the first stage of the project, or the entire property in the PUD if development is not to occur in stages, is submitted to the Planning Commission for review and approval. Thereafter the final site plan for each subsequent stage shall be submitted to the Planning Commission for review and approval within two years of the date of approval of the immediately preceding final site plan.
- B. A final site plan for the entire area classified as a PUD, or all final site plans for all stages thereof, shall have received approval of the Planning Commission within three (3) years, in the case of a PUD of eighty (80) acres or less in area, or within five (5) years for a PUD of more than eighty (80) acres in area, of the date of Township Board approval of the area plan. All final plats in the PUD shall have been approved and recorded within the preceding time periods.
- C. Expiration of an approved area plan as set forth in [Section 8.11](#), preceding and failure to obtain approval of final site plans and final plats as provided in [Section 8.11A](#) and [Section 8.11B](#), preceding,

shall authorize the Township Board to revoke the right to develop under the approved area plan, after a hearing, and unless good cause can be shown for said expiration.

In such case, the Township Board may require that a new area plan be filed and reviewed in accordance with the requirements for the original application. Said expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate. Expiration of an approved area plan shall be duly noted on the Official Zoning Map, and shall be signed by the Township Supervisor and attested by the Township Clerk. The Zoning Inspector shall notify the Township of the expiration of an approved area plan.

- D. Approval of a final site plan in a PUD shall expire and be of no effect one hundred eighty (180) days after the date of approval of the Planning Commission unless the Building Inspector shall have issued a building permit for the development authorized by said approved plan. A final site plan in a PUD shall expire and be of no effect five-hundred forty-five (545) days after the date of approval by the Planning Commission unless construction is begun and is diligently pursued in accordance with the approved final site plan. Expiration of an approved final site plan shall authorize the Planning Commission to require filing and review of a new final site plan in accordance with the provisions of this Article.
- E. Development shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent stages of the PUD unless good cause can be shown for not completing same.
- F. If an approved area plan or an approved final site plan has expired as set forth in this Section, no permits for any development or use of the property included in the PUD shall be issued until the applicable requirements of this Section have been met.

### **Section 8.12 Extension of Time Limits**

Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement, between the applicant and the Planning Commission or Township Board, whichever is applicable, in the case of area plans, and between the applicant and the Planning Commission, in the case of final site plans.

### **Section 8.13 Modifications During Construction**

All site improvements and building construction shall conform to all approved plans required in this Article which authorizes such improvements and construction, and to all approved engineering and architectural plans related thereto. If the applicant or developer makes any changes in the improvements and buildings during construction in relation to such approved plans, he shall do so at his own risk, without assurance that the Township Board, Planning Commission, or Township zoning or building inspector, whichever is applicable, will approve such changes. Where field changes are necessary, the applicant or developer shall, if reasonably possible, first obtain approval from the appropriate body or official. If such prior approval cannot be obtained, and the changes are made, the applicant shall immediately notify the appropriate body or official of such changes and shall, as soon thereafter as is reasonable, submit as-built drawings of all such changes. The Township Board, Planning Commission, Building Inspector, or Township Engineer, whichever is applicable, may require the applicant to correct any change made in the field without prior approval so as to conform to the approved plans.

### **Section 8.14 Performance Guarantees**

Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with [Article 17.0](#), "[Site Plan Review](#)," herein.

## **Section 8.15      Violations**

- A. An area plan, preliminary plan, or final site plan approved under the provisions of this Article shall have the full force of the Zoning Ordinance. Any violation of such approved plan shall be grounds for the Township Board to order that all construction be stopped, and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Board.
  
- B. Violations of any plan approved under this Article, or failure to comply with any requirements of this Article, including any agreements and conditions attached to any approved plan, shall be considered a violation of this Ordinance as provided in [Section 20.09](#), "[Violations](#)," herein.

## Article 9.0 Research Park District (RPD)

### Section 9.01 Development Regulations

In the RPD District, development regulations are intended to regulate location, placement, and bulk of the proposed uses. These standards will encourage site development to occur in a manner that clusters uses to maximize open space benefit through preservation of contiguous open space. It is also the intent of these standards to minimize aesthetic impacts to peripheral properties through generous setbacks, landscaping and buffering.

	All Research Technology Park Freestanding Uses and Buildings	Office/ Commercial Uses
Minimum Lot Area	5 acres	1 acre
Maximum Lot Area	-	5 acres
Minimum Lot Width	300 ft. on Peripheral roads* 200 ft. on Interior public or private roads	150 ft.
<b>Required Setbacks (parcels under 20 acres)</b>		
Minimum Building Setback from Peripheral Roads <sup>1</sup>	100 ft.	75 ft.
Minimum Building Setback from Interior Roads	75 ft.	50 ft.
Minimum Side Yard Setback	50 ft.	30 ft.
Minimum Rear Yard Setback	30 ft.	20 ft.
Maximum Separation to existing principal buildings on adjoining lots <sup>2</sup>	200 ft.	None
<b>Required Setbacks (parcels 20 acres and over)</b>		
Minimum Building Setback from Peripheral Roads <sup>1</sup>	200 ft.	See <a href="#">Article 6.0</a>
Minimum Building Setback from Interior Roads	100 ft.	See <a href="#">Article 6.0</a>
Minimum Side Yard Setback	100 ft.	See <a href="#">Article 6.0</a>
Minimum Rear Yard Setback	100 ft.	See <a href="#">Article 6.0</a>
Maximum Separation to existing principal buildings on adjoining lots <sup>2</sup>	400 ft.	See <a href="#">Article 6.0</a>
<b>Maximum Height<sup>3</sup></b>		
Parcels under 20 acres	36 ft. <sup>3</sup>	36 ft. or 2 stories
Parcels 20 acres and over	48 ft.	See <a href="#">Article 6.0</a>
<b>Maximum Lot Coverage</b>		
Parcels under 20 acres	25%	25%
Parcels 21 acres and over	15%	See <a href="#">Article 6.0</a>
<b>Maximum Impervious Surface<sup>4</sup></b>		
Parcels under 50 acres	40%	40%
Parcels 50 acres and over	30%	-

#### Footnotes to Development Regulations

**1** Peripheral Roads are main roads that generally border the RPD District including Willis Road, Bemis Road, and Platt Road.

**2** It is the intent here to encourage the clustering of adjacent uses, rather than their fragmentation and isolation by excessive setbacks. For new building sites adjoining vacant parcels under 20 acres, the maximum side yard setback shall be 100 ft., or one-half (1/2) the required maximum separation distance to buildings on adjoining lots. The minimum shall be 50 ft. (see [Figure 9](#)). Similarly, on parcels over 20 acres, the maximum side yard setback shall be 200 ft. for new buildings adjacent to vacant sites, or one-half (1/2) the required maximum separation distance (400 ft.) to buildings on adjoining lots. The minimum side setback shall be 100 ft. for parcels over 20 acres (see [Figure 10](#)).

Figure 10

Figure 9. Side Setbacks for Parcels Under 20 Acres

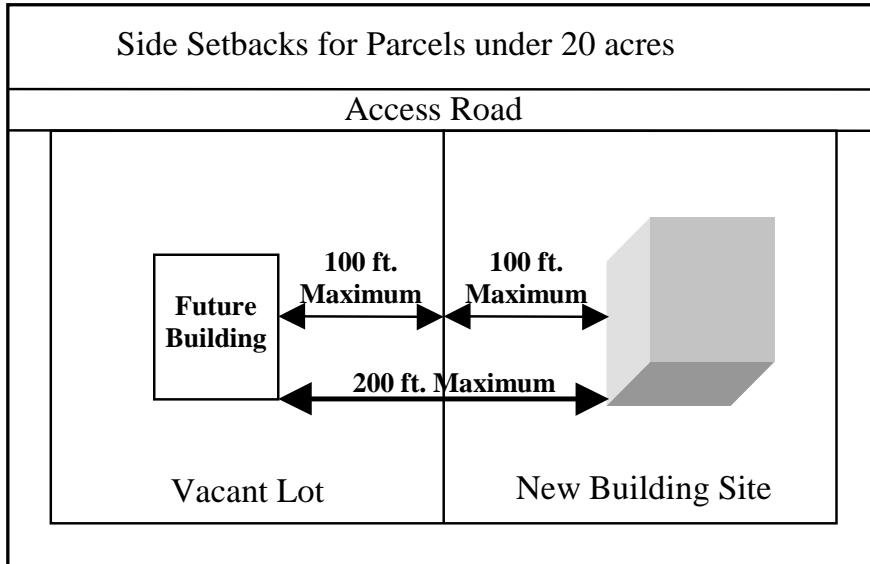
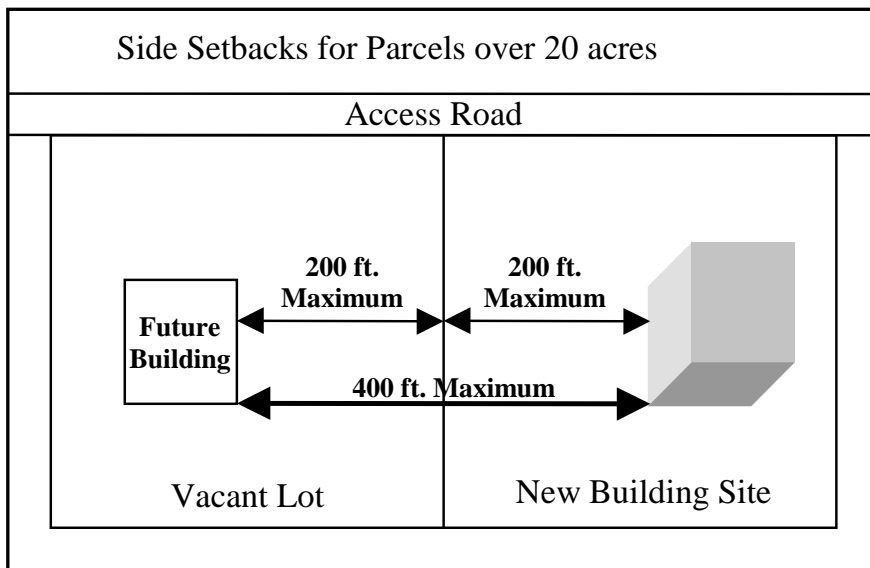


Figure 10. Side Setbacks for Parcels Over 20 Acres

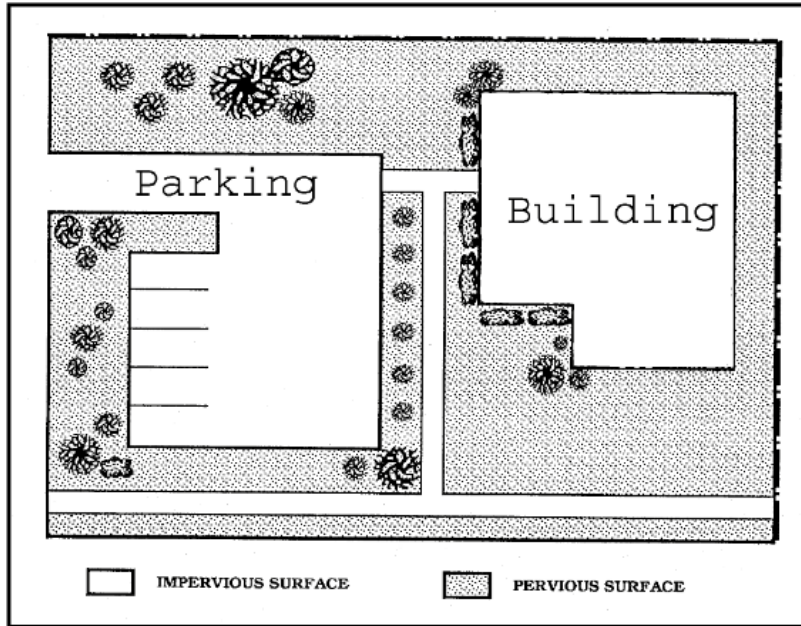


**3** With each additional 1 foot of height over 36 feet, 20 ft. of additional setback shall be provided, up to a maximum height of 48 feet. Roof-mounted mechanical equipment, HVAC units, chimneys, stacks, etc. shall not be counted towards maximum height. Height of proposed buildings shall generally be determined by occupiable space.

**4** Impervious surface shall be defined as any surface of land which has been compacted or covered with a layer of material that substantially reduces, makes highly resistant to or prevents the infiltration of stormwater into the ground. This includes graveled drives and parking lots, sidewalks, streets, parking lots, roofs, structures, buildings and other hard-surfaced, paved areas. See

[Figure 11.](#)

Figure 11. Impervious Surface Concept



## Section 9.02 Site Design Guidelines

These guidelines are intended to enhance and maintain the quality of the site and architectural design of high-technology areas of the Township. The quality of a development site shall be produced through: generous setbacks to emphasize the natural landscape and rural character; attractive architecture consisting of finished materials and appropriate shape and design; accommodations for pedestrian access, connections, and maneuverability; clustering of facilities to preserve maximum areas of natural open space; natural landscaping for buffered, attractive development sites with minimal change and impacts to native existing, surrounding landscapes; and site lighting and signage that is uniform, compatible with building architecture, ensures public safety, and protects rural character. The design guidelines consist of two types of criteria: mandatory and non-mandatory. The mandatory criteria are identified by “shall” and are required, while the non-mandatory criteria are identified by words such as “encouraged” or “should.” Although the latter is not mandatory, the Township will seek creative and cost effective means to gain compliance with non-mandatory criteria during review.

### A. General Standards

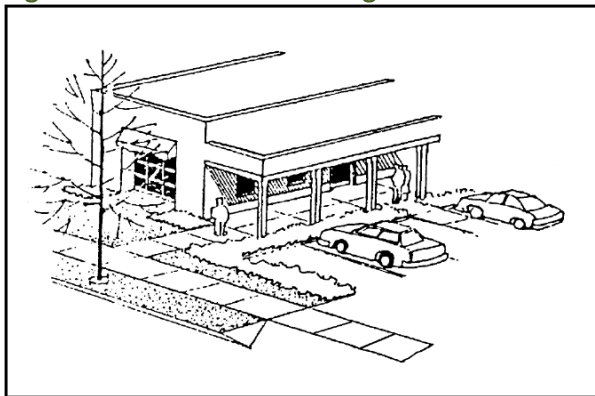
1. New development shall enhance the character of its surrounding area through quality architecture, landscaping, and appropriate site arrangement.
2. In multi-building complexes, a distinct visual link shall be established among various buildings by using architectural or site design elements such as courtyards, plazas, landscaping, and walkways to unify the project.
3. Natural amenities such as views, mature trees, creeks, and similar features unique to the site should be preserved and used to enhance the design of new projects.
4. Transition shall be developed between projects with different uses and intensities on adjacent parcels to provide an effective visual and functional shift. Transition may be created through appropriate building setback, height, and landscape buffers.

5. All new facilities including support commercial shall comply with required setbacks and minimum separation to adjacent building to encourage clustered development and maximum preservation of contiguous open space in the District.

**B. Site Organization and Design**

1. All site components shall be arranged to emphasize the aesthetically pleasant components of the site such as existing mature trees, superior architectural features, and disguise its less attractive scenes such as service facilities (i.e. loading docks, utility meters, HVAC, trash compaction, etc), equipment areas (vehicle fleet, etc.), and trash enclosures through placement and design of the structure and landscaping.
2. New sidewalks/pedestrian walkways shall be provided and integrated into the existing sidewalk network. The on-site walkway system shall link the proposed facility with existing or future support commercial areas, outdoor public gathering places, and other open space areas within the District. Further, convenient employee access to nearby support commercial uses and walkway systems should be provided when feasible.
3. Where it is necessary for the primary pedestrian access to cross drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian walkway. The pedestrian crossings must be well-marked using pavement treatments, signs, striping, lighting, traffic calming techniques, median refuge areas, and landscaping (see [Figure 12](#))

**Figure 12. Pedestrian Crossing**

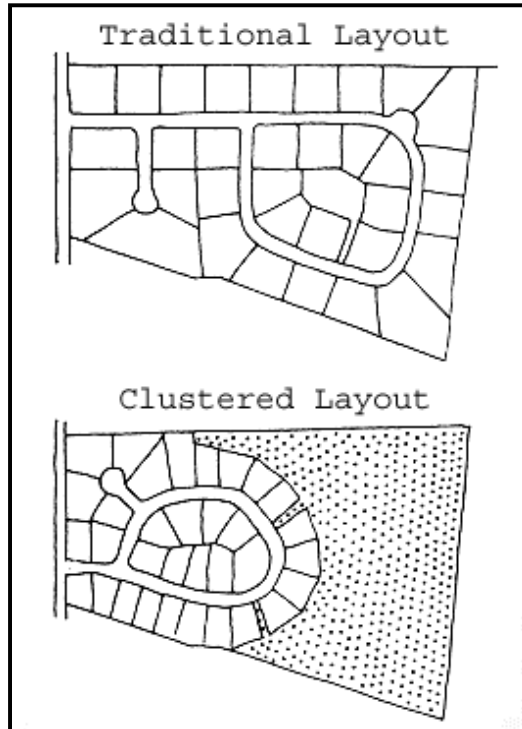


**C. Open Space/Clustering**

1. An overall development plan or master plan of the District should be developed to determine conceptual location of proposed roads, lots, drainage facilities, existing natural features, and open space. In the absence of such a plan, it is the intent of this District to ensure the maximum preservation of contiguous open space, while clustering facilities and supporting commercial uses (see



2. [Figure](#) 13).

**Figure 13. Clustered Layout**

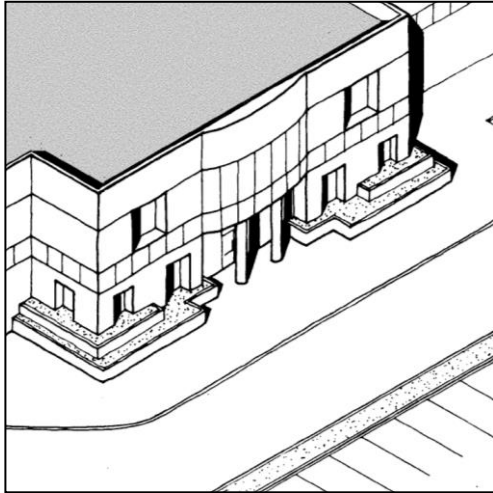
3. Commercial uses shall be clustered with other buildings and located to efficiently serve the employees of uses within the District. Such location should be integrated with and connected to pedestrian walkway systems to facilitate pedestrian/employee access to the commercial services.

#### **D. Building Architecture and Design**

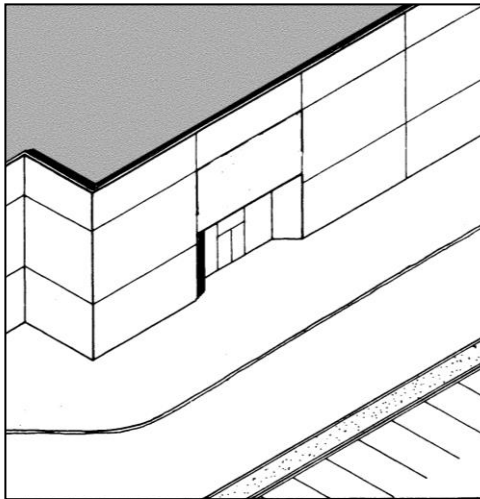
1. Public entrances and primary building elevations should face the street. Main entrances to the buildings shall be well-defined.
2. In multi-building complexes, a comprehensive architectural concept shall be developed and maintained. Various site components should be unified through the use of similar design, material, and colors.
3. Bright, contrasting colors shall be used for trims and accents only.
4. High quality metal siding may be used as exterior siding or in large expanses only if approved by the Planning Commission. It may be used for minor architectural features and trims.
5. The color and material of building additions shall be coordinated with those of the principal buildings.
6. Where function necessitates a basic, box-like building form, exterior articulation such as change in color, material, or plane shall be introduced on an outer decorative shell encompassing facades which are visible from public or private streets (see [Figure 14](#)). Less architecturally interesting facades of buildings shall be substantially setback and screened from public view by

mature, dense landscaping as an alternative to furnishing quality architecture (see [Figure 15](#)). Landscaping size and location shall be determined on a site-by-site basis by the Planning Commission, and may exceed the minimum required herein.

**Figure 14. Visible Facade**



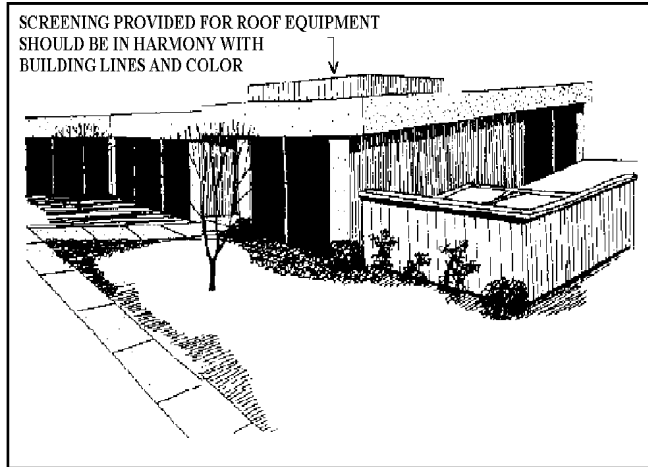
**Figure 15. Less Visible Facade**



7. Service doors shall be recessed and integrated into the overall design of the building.
8. All roof-top equipment such as HVAC units shall be screened with a parapet wall or other screening feature (see

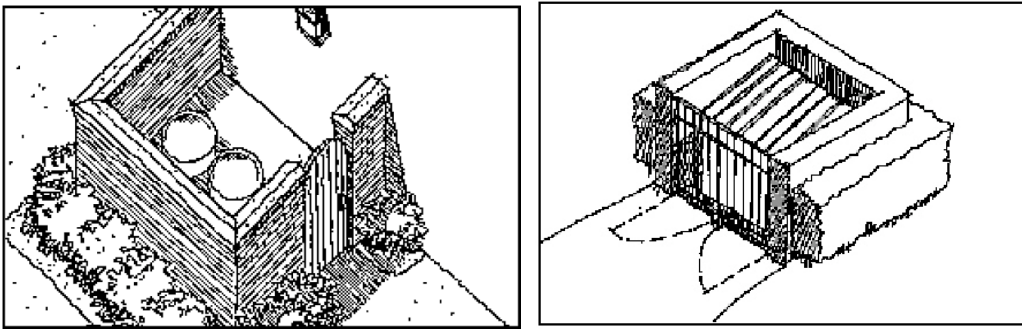
9. [Figure](#) 16)

**Figure 16. Rooftop Screening**



10. All dumpsters, outdoor refuse containers, and mechanical equipment shall be properly screened from view. Landscaping shall be provided where appropriate (see [Figure 17](#)).

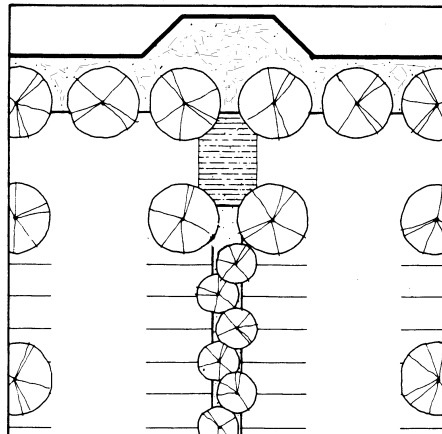
**Figure 17. Screening of Dumpsters, Refuse Containers, and Mechanical Equipment**



**E. Parking and Circulation**

1. To avoid large expanses of paved areas, and to provide easy accessibility to buildings, large parking lots should be divided into smaller parking areas and dispersed around the site. Dedicated pedestrian pathways should be provided through large parking lots to allow clear access to buildings. (see [Figure 18](#))

**Figure 18. Pedestrian Pathway Through Parking Area**

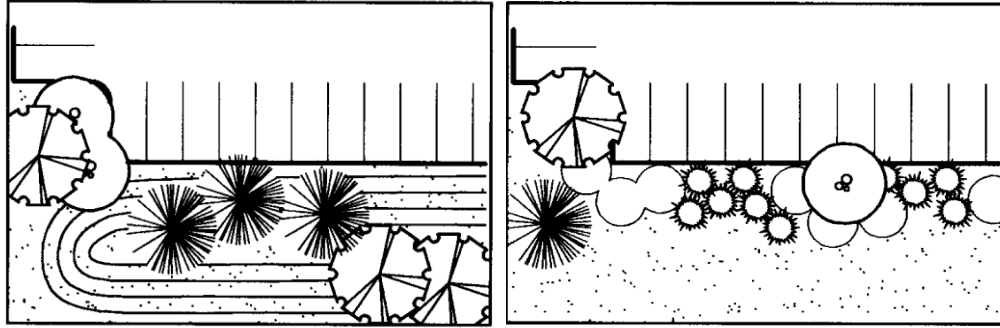


2. Where large parking lots are needed, adequate landscaped pockets shall be integrated into parking areas, as required by Landscaping design standards.
3. Whenever security gates are provided, sufficient parking should be provided outside of the gate area for visitors.
4. Shared driveway access between adjoining properties is encouraged.

#### F. Landscaping

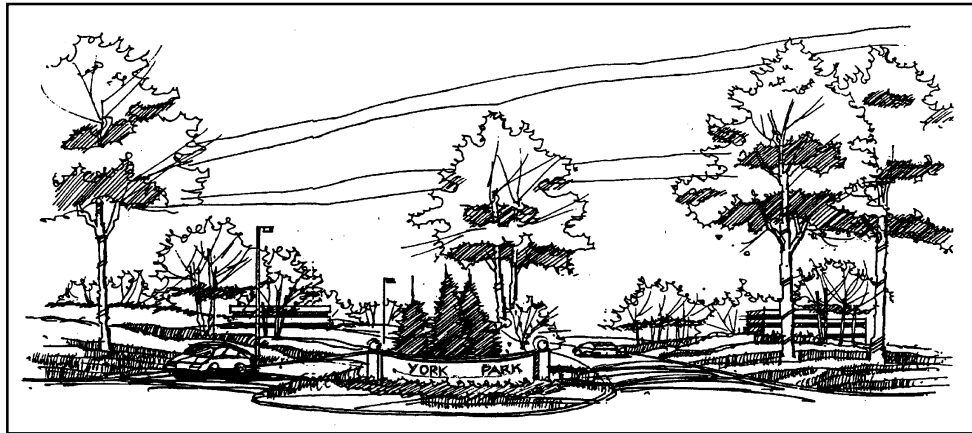
1. **General Standards.** Landscape improvements associated with development in the RPD district shall recognize the value of native plant communities on the site. Plants native to York Township have evolved over thousands of years existing in particular soil, topographic, and hydrological conditions found within each plant community. It is the intent of this Section to incorporate use of native plant species and communities in appropriate areas of the site that will complement the general landscaping of the site, including but not limited to, foundation plantings, lawn areas, screening and greenbelt areas, parking lots, and surface stormwater conveyance and detention features. Landscaping with native plants also encourages environmentally sound maintenance practices by requiring little or no pesticide or fertilizer use, and minimal irrigation. Landscaping shall comply with the following standards:
  - a. Existing native vegetation shall be preserved to the greatest extent possible. New development should be located in previously disturbed areas of the site, leaving naturally occurring woodlands, grasslands and wetlands intact. Native plant communities that are contiguous with other tracts of existing natural areas or designated open space shall be given priority protection.
  - b. Existing hydrology of a site should be maintained to the greatest extent possible.
  - c. Wetland and watercourse buffer regulations specified in [Section 15.03](#) of the Zoning Ordinance shall be adhered to.
  - d. Landscape design shall follow an overall concept and shall link various site components together.
  - e. Areas not covered by structures, service yards, walkways, driveways and parking spaces shall be landscaped.
  - f. Those yards facing the perimeter of the District, where larger setbacks are required along peripheral roads (Bemis, Platt, and Willis Road), shall be landscaped with combinations of berms, trees, shrubs and other native plantings. This will create an attractive edge to the District, while screening activity to adjoining properties. It shall be a priority to preserve existing natural vegetation where appropriate, and supplement where necessary with new landscaping. Landscaping installed along the perimeter of the District shall be arranged to simulate a natural setting such as massings or staggered rows (see [Figure 19](#)). A variety of native species is encouraged. The equivalent of one (1) tree per every 40 feet of linear frontage along peripheral roads to the District shall be required. Evergreens shall comprise no more than 50% of any street tree planting along each individual right-of-way.

Figure 19. Perimeter Landscaping Examples



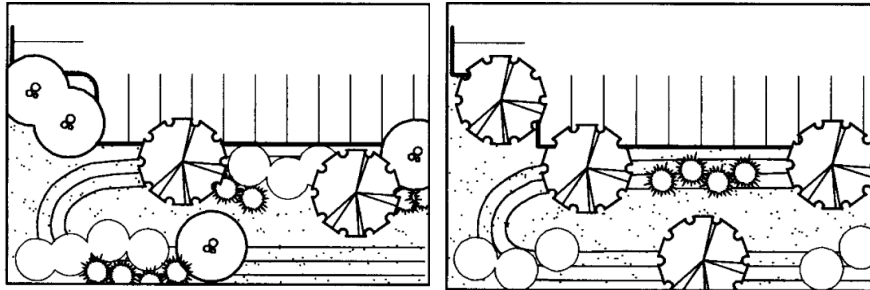
- g. Site entryways shall be generously landscaped with evergreen and deciduous materials, but not interfere with visibility to and from the site. (See [Figure 20](#)).

Figure 20. Entryway Landscaping



- h. Landscaping shall be provided around and within parking lots to reduce large expanses of pavement, provide scale, and improve traffic circulation.
- i. Parking lots facing a public or private street shall be screened from view with a berm, vegetation buffer, or combination thereof, at least five (5) feet in height.
  - (1) If vegetation only is used to create the screen, the plants should be of varied species of deciduous and evergreen trees and shrubs. (See *Recommended Plant List* in [Section 9.02F.2.h.](#)) The plants should be arranged in a naturalized way generally parallel to the parking area (see [Figure 21](#)).

**Figure 21. Naturalized Plantings Parallel to Parking Area**

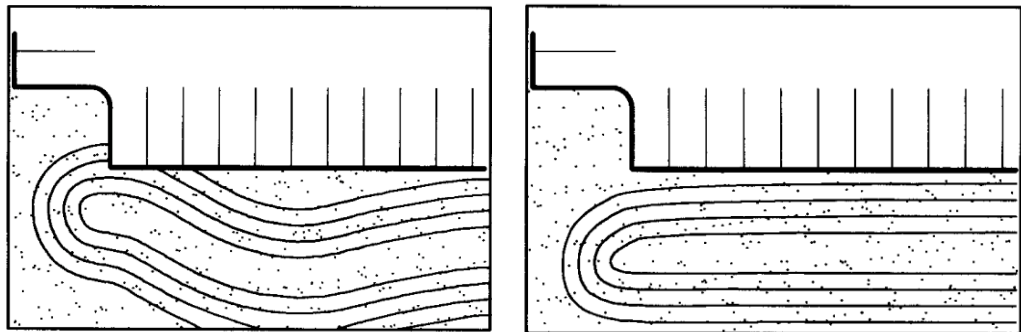


Naturalized Fashion

Formal Fashion

- (2) If a berm is used to screen the parking area, the berm should be parallel to the parking area in an organic form, versus a geometric form (see [Figure 22](#)). The slopes shall not exceed one foot of vertical rise to three feet of horizontal distance. In addition, berm slopes should be planted with a mixture of deciduous shade trees, understory/ornamental trees, evergreen trees, deciduous shrubs, evergreen shrubs, and other plantings to augment the screen and prevent erosion.

**Figure 22. Organic Form Berm Versus Geometric Form Berm**



Organic Form

Geometric Form

- j. Parking lot trees shall be provided in the interior to break up pavement and provide shade. Required parking lot trees shall meet size requirements of [Section 14.03](#) and be calculated on the following basis:

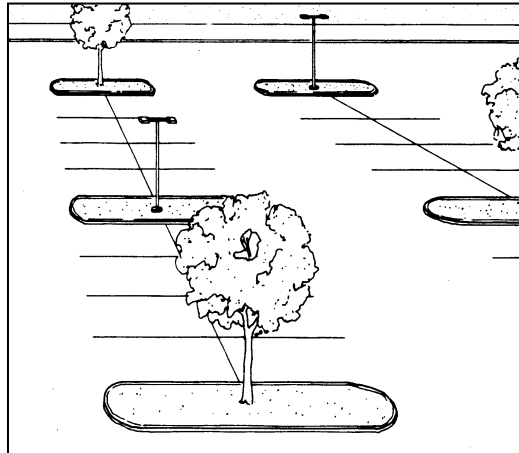
<u>Parking Lot Size</u>	<u>Minimum Tree Standard</u>
1 to 100 spaces	1 canopy tree per 8 spaces
101 to 300 spaces	1 canopy tree per 10 spaces
301 or more spaces	1 canopy tree per 12 spaces

- k. All required interior parking lot trees shall either be placed within the parking lot, or within 20 ft. of the edge of the parking lot. However, at least 50% of the required trees shall be placed within the interior of the lot, rather than surrounding the lot. Parking lot islands within the interior shall be at least 150 square feet to provide for adequate infiltration of water, and curbed to protect the plantings. Proposed light fixtures should not replace planned trees within islands. (See



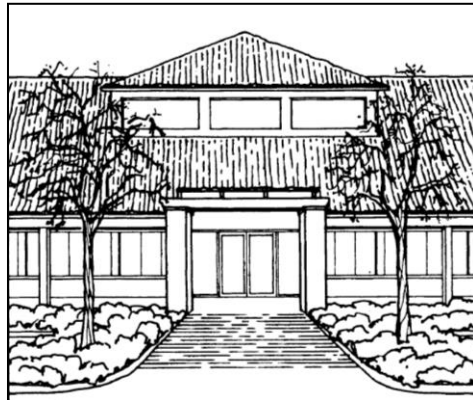
- I. [Figure 23](#))

**Figure 23. Parking Lot Landscaping and Lighting**



- m. Landscaping shall be provided in the area immediately surrounding the building, which will enhance the exterior appearance of the building. Trees should be used in front of long, blank facades or multi-story structures. Foundation landscaping shall be provided at least in those areas visible from street rights-of-way. (See [Figure 24](#)).

**Figure 24. Building and Foundation Landscaping**



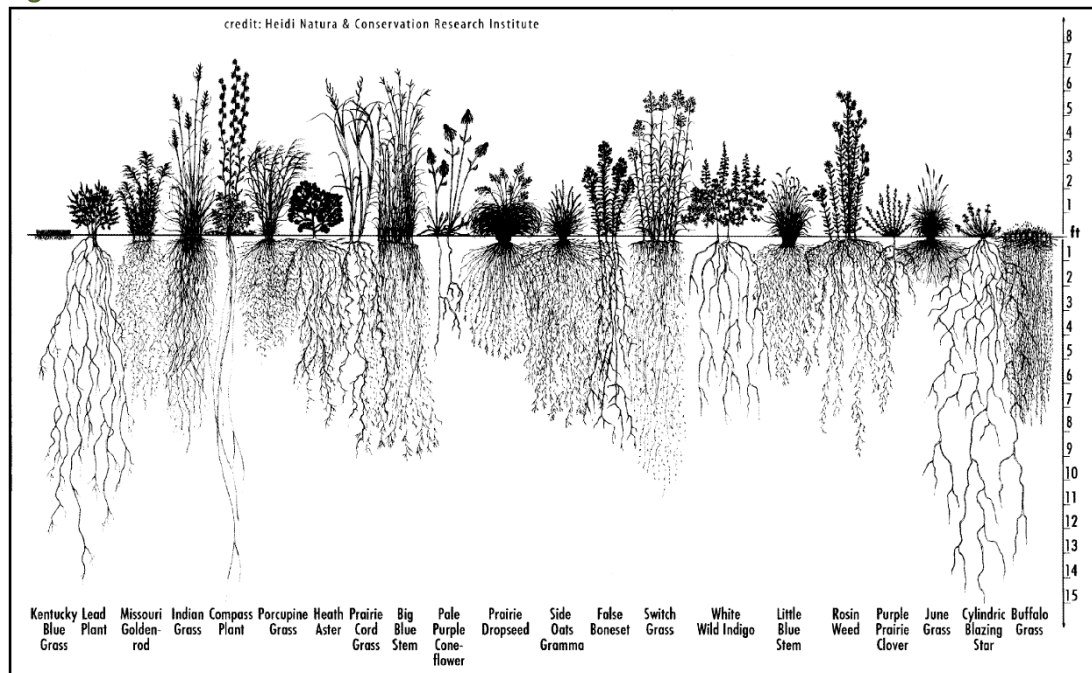
- n. If a project is to be constructed in phases, each phase shall be self-contained and land clearing, grubbing or grading shall only be conducted immediately preceding the construction of that phase. This is to reduce the probability of erosion and limit aesthetic impacts. If a subsequent phase is to follow the preceding phase within the same growing period (March – October), then this requirement may be waived as long as adequate measures are taken, such as seeding or sodding cleared areas, to prevent erosion and reduce aesthetic impacts.
- o. Underground sprinkling systems in areas other than directly adjacent to the building shall be discouraged.

## 2. Plant Material

- a. Plant material that is native to York Township shall be used to the greatest extent possible in all plantings and landscaping.

- b. Where it is possible to discern the original plant community(ies) on a site, species that are members of that community should be considered first in designing a landscape plan. If plantings are installed adjacent to an existing natural feature to remain, native species (not cultivars) to that feature should be used.
- c. Naturalized planting arrangements shall be encouraged. “Natural arrangements” capture the character and spirit of nature by arranging plants in a community context similar to their arrangement in nature.
- d. **Foundation or Entryway Plantings.** Plantings in areas where aesthetics are of primary importance can consider cultivars of native plant species to ensure, to a certain degree, the plant’s appearance.
- e. **Alternatives to Lawn.** Use of native prairie grasses and perennials should be considered in overall landscape design, in both formal landscaped areas and large areas that would otherwise be lawn. Native prairie grasses and perennials appropriately used in landscape design will reduce maintenance, eliminate the need for irrigation, and chemical pesticides and fertilizers, create stormwater infiltration areas, and provide a more natural appearance to the site than using turf grasses. The main reason for this is that prairie plants have much longer root systems that reach and store significantly more water than a typical turf grass (**compare roots of native prairie plants with that of Kentucky Blue Grass in [Figure 25](#)**). See *Recommended Plant List* in [Section 9.02F.2.h](#) for a list of prairie plant species.

**Figure 25. Turf Grass Versus Native Prairie Grasses and Perennials**



- f. **Retention/Detention Facilities.** Design and planting of these facilities shall follow the Washtenaw County Drain Commissioner’s Design Standards, which encourage the use of retention/detention facilities that emulate natural systems, such as manufactured wetlands and vegetated swales. The vegetation installed in such systems play an important role in slowing the velocity of the water, allowing sediments to settle out, and absorption of pollutants before the water reaches a natural water feature. However, not just any

vegetation will perform these functions. Only plants native to wetlands, open water edges and riparian corridors will function in these ways to the highest level. Therefore, the use of vegetation native to the local wetland, open water and riparian systems should be used in the design of any constructed stormwater facility. (See the *Recommended Plant List* in [Section 9.02F.2.h.](#))

- g. The following plants are not allowed for use in landscaping. These species are considered “exotic invasives.” They are not native to the area, have no natural controls and are able to out-compete and gradually displace native plants. They all reproduce profusely and have potentially harmful effects on natural ecosystems.

<u>Common Name</u>	<u>Scientific Name</u>
Autumn /Russian Olive	Eleagnus umbellate, E. angustifolia
Barberry	Berberis sp.
Buckthorn	Rhamnus cathartica, R. frangula
Burning Bush	Euonymus alatus
Creeping Bugleweed	Ajuga reptans
Crown Vetch	Coronilla varia
English Ivy	Hedra helix
European Alder	Alnus glutinosa
Honeysuckle	Lonicera tatarica, L. japonica, L. maackii. L. morowi
Japanese Knotweed	Polygonum cuspidatum
Japanese Silver Grass	Miscanthus sinensis
Japanese Spiraea	Spiraea japonica
Multiflora Rose	Rosa multiflora
Norway Maple	Acer Platinoides
Oriental Bittersweet	Celastrus orbiculatus
Pampas Grass	Cortaderia selloana, C. jubata
Periwinkle (Myrtle)	Vinca minor
Privet	Ligustrum vu.gare
Purple Loosestrife	Lythrum salicaria
Reed Canary Grass	Philaris arundinacea
Siberian Elm	Ulmus pumila
Tree of Heaven	Ailanthus altissima
White Mulberry	Morus alba
Wintercreeper	Euonymus fortunei

- h. **Recommended Plant List.** The following list represents recommended native plant species that are normally available throughout the nursery trade. If desired species are not available in the sizes required by the York Township Zoning Ordinance, exceptions might be made based on the environmental sensitivity of the area being planted. Additionally, the Township has a listing of independent nurseries, designers and contractors that specialize in native plants.

<u>Deciduous Shade (Canopy) Trees</u>		<u>Plant</u>	<u>Landscape</u>
<u>Nat/Non-Native Species</u>		<u>Community (1)</u>	<u>Application (2)</u>
Native	Red Maple (Acer rubrum)	D	F, R/D
Native	Silver Maple (Acer saccharinum)	D	F, R/D
Native	Sugar Maple (Acer saccharum)	B	F
Native	Shagbark Hickory (Carya ovata)*	H	F
Native	Common Hackberry (Celtis occidentalis)	R	F, R/D

Native	American Beech ( <i>Fagus grandifolia</i> )*	B	F
Native	White Ash ( <i>Fraxinus americana</i> )	H	F
Native	Green Ash ( <i>Fraxinus pennsylvanica</i> )	R	F, R/D
Native	Common Honeylocust ( <i>Gleditsia tricanthos</i> )	R	F, R/D
Native	Black Walnut ( <i>Juglans nigra</i> )	B	F
Native	Tuliptree ( <i>Liriodendron tuliperfera</i> )	B	F
Native	White Oak ( <i>Quercus alba</i> )*	H	F
Native	Swamp White Oak ( <i>Quercus bicolor</i> )	D	F, R/D
Native	Bur Oak ( <i>Quercus macrocarpa</i> )*	P	F
Native	Pin Oak ( <i>Quercus palustris</i> )	R	F, R/D
Native	Red Oak ( <i>Quercus rubra</i> )*	H	F
Native	Basswood ( <i>Tilia americana</i> )	B	F

**\*Exceptions to size may be made based on availability**

<b><i>Evergreen Trees</i></b>		<b><i>Plant</i></b>	<b><i>Landscape</i></b>
<b><u>Nat/Non-Native Species</u></b>		<b><u>Community</u></b>	<b><u>Application</u></b>
Native	Balsam Fir ( <i>Abies balsamea</i> )	D	F
Native	Eastern Red Cedar ( <i>Juniperus virginiana</i> )	H	F
Native	White Spruce ( <i>Picea glauca</i> )	D	F, R/D
Native	White Pine ( <i>Pinus strobus</i> )	B	F
Native	Eastern Arborvitae ( <i>Thuja occidentalis</i> )	D	F, R/D

<b><i>Deciduous Understory/Ornamental Trees</i></b>		<b><i>Plant</i></b>	<b><i>Landscape</i></b>
<b><u>Nat/Non-Native Species</u></b>		<b><u>Community</u></b>	<b><u>Application</u></b>
Native	Serviceberry ( <i>Amelanchier arborea</i> or <i>laevis</i> )	B, H	F
Native	American Hornbeam ( <i>Carpinus caroliniana</i> )	D, B	F
Native	Eastern Redbud ( <i>Cercis canadensis</i> )	R	F
Native	Flowering Dogwood ( <i>Cornus florida</i> )	H	F
Native	Cockspur Hawthorn ( <i>Crataegus crusgalli</i> )	H	F
Non-Nat.	Washington Hawthorn ( <i>Crataegus phaenopyrum</i> )		F
Native/ Cultivar	Canada Red Cherry ( <i>Prunus virginiana</i> Shubert')	H	F

<b><i>Evergreen Shrubs</i></b>		<b><i>Plant</i></b>	<b><i>Landscape</i></b>
<b><u>Nat/Non-Native Species</u></b>		<b><u>Community</u></b>	<b><u>Application</u></b>
<b><u>Small</u></b>			
Native	Creeping Juniper ( <i>Juniperus horizontalis</i> )	P	F
Native	Canada Yew ( <i>Taxus canadensis</i> )	B	F
<b><u>Medium</u></b>			
Native/ Cultivar	Dwarf White Pine ( <i>Pinus strobus</i> 'Nana')	B	F

<b><i>Deciduous Shrubs</i></b>		<b><i>Plant</i></b>	<b><i>Landscape</i></b>
<b><u>Nat/Non-Native Species</u></b>		<b><u>Community</u></b>	<b><u>Application</u></b>
<b><u>Small</u></b>			
Native	Black Chokeberry ( <i>Aronia Melanocarpa</i> )	D	F
Native	Shrubby Cinquefoil ( <i>Potentilla fruticosa</i> )	D	F, R/D
<b><u>Medium</u></b>			
Native	Gray Dogwood ( <i>Cornus foemina</i> ( <i>racemosa</i> ))	B, H	F
Native	Red-Osier Dogwood ( <i>Cornus stolonifera</i> )	D	F, R/D
Native	Michigan Holly ( <i>Ilex verticillata</i> )	D	F, R/D

Native	Spicebush ( <i>Lindera benzoin</i> )	B	F
	<i>Large</i>		
Native	Pagoda Dogwood ( <i>Cornus alternifolia</i> )	D	F, R/D
Native	American Filbert ( <i>Corylus americana</i> )	B, D	F
Native	Witch Hazel ( <i>Hamamelis virginiana</i> )	H	F
Native	Michigan Holly ( <i>Ilex verticillata</i> )	D	F, R/D
Native	Arrow Wood Viburnum ( <i>Viburnum dentatum</i> )	H	F
Native	Nannyberry ( <i>Viburnum lentago</i> )	D, R	F, R/D
Native	Black Haw Viburnum ( <i>Viburnum prunifolium</i> )	D, R	F, R/D

<b><i>Groundcovers/Perennials/Grasses/Vines</i></b>	<b><i>Plant</i></b>	<b><i>Landscape</i></b>
<b><u>Nat/Non-Native Species</u></b>	<b><u>Community</u></b>	<b><u>Application</u></b>

Groundcovers

Native	Wild Ginger ( <i>Asarum canadense</i> )	B	F
Native	Pennsylvania sedge ( <i>Carex pennsylvanica</i> )	B	F, L
Native	Wild Strawberry ( <i>Fragaria virginiana</i> )	B, H	F
Native	Virginia Creeper ( <i>Parthenocissus quinquefolia</i> )	H	F, L

Perennials

Native	Swamp Milkweed ( <i>Asclepias incarnata</i> )	D, R	F, D/R
Native	New England Aster ( <i>Aster novae-angliae</i> )	P	F, L
Native	Beggar-Ticks ( <i>Bidens frondosa</i> )	D, R	D/R
Native	Marsh Marigold ( <i>Caltha palustris</i> )	D, R	D/R
Native	Joe Pye Weed ( <i>Eupatorium maculatum</i> )	D, R	D/R
Native	Boneset ( <i>Eupatorium perfoliatum</i> )	D	D/R
Native	Bee Balm ( <i>Monarda fistulosa</i> )	P	F, L
Native	Black Eyed Susan ( <i>Rudbeckia hirta</i> )	P	F, L
Native	Foam Flower ( <i>Tiarella cordifolia</i> )	B	F
Native	Dark-green Bullrush ( <i>Scirpus atrovirens</i> )	D, R	D/R
Native	Showy Goldenrod ( <i>Solidago speciosa</i> )	P	F, L
Native	Golden Alexanders ( <i>Zizia aurea</i> )	D, R	F, D/R

Grasses

Native	Big Bluestem ( <i>Andropogon gerardii</i> )	P	F, L
Native	Switchgrass ( <i>Panicum virgatum</i> )	P	F, L
Native	Little Blue Stem ( <i>Schizachyrium scoparium</i> )	P	F, L
Native	Indian Grass ( <i>Sorghastrum nutans</i> )	P	F, L

Vines

Native	American Bittersweet ( <i>Celastrus scandens</i> )	B	F
Native	Virginia Creeper ( <i>Parthenocissus quinquefolia</i> )	H	F, L

**(1) Plant Communities: B=Beech/Maple Woodland, D=Deciduous Swamp, H=Oak/Hickory Woodland, R=Riparian Edge, P=Prairie Grassland.**

**(2) Landscape Applications: F=Foundation or Formal Plantings, L=Lawn Alternatives, R/D=Retention/Detention Facilities.**

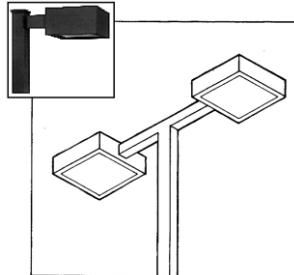
**G. Lighting**

- Lighting shall comply with the Performance Standards of [Section 7.504B.8](#) and be designed to be cohesive throughout a development site. A consistent style of light fixture shall be installed along all interior roadways. Parking lot and decorative lighting for walkways or buildings on

each site will be determined by the needs of the user, but shall be compatible with all light fixtures on the site.

2. All lights will be designed to minimize glare and light pollution of the night sky. Pole-mounted fixtures shall be down-directed and have cut-off distribution. (see [Figure 26](#))

**Figure 26. Down-Directed Light Fixture**



3. The selection of light fixtures and colors shall be consistent with exterior building materials, with the exception of “thematic” lights, which are a unique/custom design relating to a specific site area.
4. Wall-mounted lights shall be fully shielded and down directed (see [Figure 27](#)). Unshielded and exposed wall-mounted lights are prohibited, as shown below, middle and left.
5. Flagpole lighting is generally discouraged. However, if proposed, flagpole lighting shall be downward directed and shielded, as shown in the [Figure 27](#). Maximum height of the flagpole shall be fifty (50) feet when lighting is proposed.

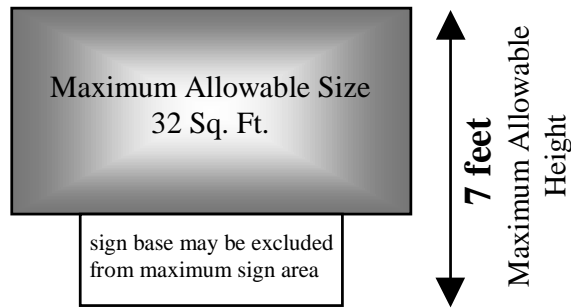
**Figure 27. Wall-Mounted Light Fixtures and Flagpole Lighting**



**H. Signs**

1. **Maximum Number of Signs.** A maximum of one (1) ground sign per vehicular access point, and one (1) additional wall, or ground-mounted sign per lot shall be allowed.
2. **Entranceway Ground Signs.** Ground signs shall be “monument” style with a maximum height at site entrance points of seven (7) feet from the average surrounding grade. The base of the sign may be excluded from calculation of sign area. The maximum sign area shall be 32 s.f. per side (see [Figure 28](#)). The entryway signs shall be located at least ten (10) feet back from the road right-of-way, but may be setback farther to ensure safe visibility for exiting traffic.

Figure 28. Maximum Sign Area



3. **Interior Ground Signs.** The maximum permitted size of ground signs other than at site entryways shall be 100 s.f. per side and shall be located within the interior of the site, at least fifty (50) feet from perimeter property lines and rights-of-way.
  4. **Wall Signs.** Exterior mounted signs may be affixed to a wall of the building, with a maximum sign area not to exceed two (2) square feet for each foot of length of the wall to which it is affixed, up to a maximum of 400 s.f. Wall signs shall not project more than one (1) foot from the wall face, as measured at the farthest face of the sign.
  5. **Additional Ground Sign for Multi-Tenant Facility or Complex.** One additional ground sign is permitted for each multi-tenant facility or complex. Such ground sign shall be in lieu of one of the ground signs at vehicular access points, or an additional wall or ground sign, as per [Section 9.02H.1](#), above. The maximum size of such signs shall be eighty (80) square feet per side. These ground signs should be located at principal intersections within the site, where such intersections are not less than fifty (50) feet from any public right-of-way. Each individual tenant in a multi-tenant facility shall be allowed one (1) wall sign. Total sign area for each wall sign shall not exceed two (2) square feet for each foot of length of the wall to which it is affixed that is occupied by the tenant.
- I. **Mail Boxes/Express Deliveries/Snow Removal**
1. Research Park District tenants are encouraged to provide a unified design, appearance and location of mail boxes throughout the park.
  2. All mail boxes should be consolidated and located at common delivery points where possible, in accordance with US Postal Service guidelines.
  3. Drop boxes for express delivery companies such as FedEx, UPS, or DHL, should be located in convenient and safe locations within the park to minimize pedestrian/traffic conflicts. In addition, loading and parking zones for express deliveries should be designated for each building expected to receive such shipments, to minimize traffic conflicts.
  4. Areas for snow storage and removal shall be designated within each site. Such areas shall be sufficient in area to at least accommodate expected levels of snow for a typical snowfall event.

## Section 9.03 Regulations and Standards



- A. **Required Off-Street Parking** – As required in [Article 12.0](#).
- B. **Required Site Plan Review by Planning Commission** – As required in [Article 17.0](#).
- C. **Supplemental Regulations** – As required in [Article 11.0](#).
- D. **Performance Standards** – As required in [Article 11.0](#) and in this [Section 7.504B](#).

## Article 10.0 Urban Service District Regulations

### Section 10.01 Purpose

- A. Intent.** The adopted York Township Growth Management Plan sets aside specific development criteria regarding the Willis Road/US-23 and Carpenter Road/US-23 Urban Service Districts. Current policies within the Growth Management Plan are to direct urban growth to these defined areas where there has been precedent of intent for commercial and research/technology and multiple density residential land use to take place.

These Urban Service Districts are designed to serve the demonstrated needs of Township residents and regional needs that depend on a freeway interchange and require visibility as can be provided from US-23 through the use of Special Use Districts. Land uses within these areas will be designed to accommodate urban residential, commercial, office, and research/technology type land uses while not creating hazards for the Township's environment nor creating adverse impacts on existing or proposed residential or agricultural uses nearby. Based upon land use delineations contained within the York Township Growth Management Plan it is anticipated that the intended uses within these Urban Service Districts can consist of these intended uses either as individual uses or designed in combinations. The surrounding land uses will be shielded from the impact of the Urban Service Districts through the use of buffering and screening techniques.

Special Districts within the Urban Service District shall comply with the Township's Growth Management Plan and shall only be located in the designated Urban Service Districts of York Township identified in the Growth Management Plan as suitable and desirable for such development.

The following implementation strategy will be incorporated into development within the Urban Service District:

1. Special Use areas developed within the Urban Service Districts will be according to planned unit development. Establishment of planning, review, and approval procedures, which will properly relate the type, design, and layout of development to a particular site and its neighborhood are established within the Urban Service Districts. Special districts will be incorporated into the planned uses for the Urban Service Districts. (See [Section 10.01D](#) following)
2. Lands developed within the Urban Service Districts will be dependent upon a coordinated interior road system with controlled access points onto all roadways classified as principal arterials. Future development will only be permitted where the road system is adequate to serve the anticipated traffic. To ensure that land uses within the Urban Service District are adequately accessed, emphasis shall be placed on an interior secondary road network, interconnecting with the above mentioned roads and potential land uses. Type, location and number of access points of each proposed development onto existing and/or future roadways within the Urban Service Districts shall be determined at the time of submittal. The provision for vehicular access to and from adjoining parcels and developments shall also be required as development takes place. These requirements are intended to distribute traffic effectively between land uses and roadway networks within the Urban Service District and then onto regional roadway networks serving the Urban Service District.

Roadscapes including Willis, Platt, Carpenter, Arkona, Saline/Milan, and Mooreville, and in particular the US-23 corridor and the interchange with Willis Road and Carpenter Road shall be

of major concern within the Urban Service Districts. These roadways will be the target of an ongoing improvement program. The character and appearance of these roadways will be established by the development review process and by careful planning and implementation of street improvement projects as development takes place within the Urban Service District.

3. Development within the Urban Service District will only be permitted where adverse impact to natural features will be avoided. Natural features, found throughout the defined Urban Service District shall be preserved and integrated into the overall site design. Extensive landscaping shall be incorporated into development site plans in coordination with the natural features. Methods shall be provided for the permanent provision of open spaces, natural features, and/or resources through the appropriate legal vehicles such as conservation easements, etc., or where appropriate, multi-party land agreements between the Township, developer and an independent land trust.
  4. Extensive vegetative buffering will be used between land uses within the Urban Service District and surrounding agricultural or residential land uses.
- B. Location of the Urban Service Districts.** The designated Urban Service Districts are defined in four areas of York Township:
- **District I**
    - On the west by the railroad tracks in Section 3.
    - On the east by US-23, north of Willis Road.
    - Northeastern portion of Section 11.
    - Adjacent to the US-23 interchange in Sections 11 & 12.
    - Refer to accompanying map, [Article 10.0 Appendix B: York Township](#).
  - **District II**
    - On the north by Willow Road.
    - On the west by US-23 and the City of Milan.
    - On the east by Sanford Road and the Township boundary south of Arkona Road.
    - On the south by the Township boundary.
    - Refer to accompanying map, [Article 10.0 Appendix B: York Township](#).
  - **District III**
    - On the north including the southern ½ of Section 26.
    - On the east by US-23 and the City of Milan.
    - Portions of Section 34 north and south of the Saline River.
    - Refer to accompanying map, [Article 10.0 Appendix B: York Township](#).
  - **District IV**
    - Encompassing the hamlet of Mooreville, which comprises the NW ¼ of Section 28 and 29.
    - Refer to accompanying map, [Article 10.0 Appendix B: York Township](#).
- C. Location of a Special District.** Special Zoning Areas shall be located in the Urban Service District as designated in the Township's adopted Growth Management Plan.

- D. Special Use Districts Defined.** Special Use Districts are defined by this Ordinance to be individual use districts intended to be developed with uses identified within the York Township Designated Urban Service Districts as recognized in the York Township Growth Management Plan as follows:
- R-1 (Single Family Residential)
  - R-2 (Single Family Residential)
  - R-4 (Low Density Multiple Family Residential)
  - HCD (Hamlet Center District)
  - ROP (Residential/Office Park)
  - OP (Office Park)
  - CCP (Commercial Commons Park)
  - RPD (Research Park District)

## Section 10.02 General Provisions

- A. Compliance with Basic Regulations.** All uses, structures, and properties shall comply with all applicable regulations herein, and with all other regulations and requirements of the Zoning Ordinance, except as provided within this Article.
- B. Continuing Applicability of Regulations**
1. The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of the area plan, and on approved final site plans, and any documents attached thereto, shall have the full force and permanence of the Zoning Ordinance as though such regulations were specifically set forth in the Zoning Ordinance. No other uses shall be permitted unless the applicable plans are revised or amended in accordance with the provisions of this Ordinance.
  2. Such regulations shall be the continuing obligation of any subsequent developer and/or property owner or any other interests in a Special District or parts thereof and shall not be changed or altered except as permitted in this Article or except as approved through formal amendment procedures as set forth in this Article. The approved plan(s) and any documents attached thereto shall control any subsequent planning or development at any particular stage in the process. A parcel of land that has been classified as a Special District by the Township Board shall not thereafter be developed or used except in accordance with the approved area plan and preliminary and final site plans approved subsequent thereto.
- C. Commencement of Site Work.** No construction, grading, cutting of trees or other vegetation, soil stripping, excavating, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot with, or under application for, a Special District classification, until the requirements of this Article have been met. The applicant shall however be allowed to request removal of abandoned, or condemned structures that may exist on the site and to remove any unsafe condition that may exist on the site.
- D. Permitted and Accessory Uses.** Permitted and accessory uses in a Special District within the Urban Service Districts shall be selected from those permitted and accessory uses limited and intended to be in support to principal uses listed in each of the R-1, R-2, R-4, OP, ROP, CCP, HCD and RPD districts, subject to the limitations and restrictions of this Ordinance. Uses in a Special District shall be limited to those listed on the approved area plan, approved preliminary site plan, and approved final site

plan, whichever is applicable. No other uses shall be permitted unless the applicable plans are amended in accordance with this Ordinance.

- E. Number of Buildings.** Permitted uses may be provided in one (1) building or in two (2) or more buildings. If separate buildings are provided, they shall be organized on the site in such a way that will create a cohesive grouping of buildings around malls, courtyards, or plazas, and shall be interconnected by walkways. Unified architectural and landscape treatment shall be provided within all parts of the Urban Service District.
- F. Density regulations.** Density regulations shall apply to the entire land area within a special district. The following shall be excluded from the total acreage used in calculating density:
1. Existing rights-of-way and easements existing on the filing date of the petition to rezone the land to a special district;
  2. Rights-of-way and non-buildable easements of proposed public and private roadways, and rights-of-way of principal arterials and principal collectors defined within this Article;
  3. The horizontal surface area of existing lakes, streams, ponds, marshlands, and similar areas.
  4. Lands to be purchased for public use.

Density regulations for individual lots shall be as shown on the area plan part of the approved special zoning district.

- G. Minimum Area Requirements.** There shall be no minimum size requirement for special districts designated within the Urban Service Districts. Proposed land uses within special districts shall meet requirements within this Article and applicable regulations within other portions of this Zoning Ordinance.
- H. Distance Between Buildings.** The location of buildings and uses, and distances between buildings, shall be as shown on the preliminary site plan. Distances between buildings shall be sufficient to meet fire regulations, and to provide for natural light, air circulation, and solar access.
- I. Public Utilities.** All new development in a Special District within the designated Urban Service Districts shall be connected to publicly owned water and sanitary sewer lines and all other applicable utilities as designated by York Township.
- J. Height Limits.** Height limit zones shall be delineated on the area plan. The zones shall be based on considerations of topography, natural light, air circulation, views, solar access, relation to neighboring buildings, and fire protection and safety. The proposed height of each building shall be shown on the area plan, preliminary site plan, and final site plan. No building shall exceed three (3) stories or forty-eight (48) feet in height above grade unless specifically stated within a residentially zoned district or unless a height exemption is approved by the Township Board as part of the area plan based upon density of the site, distance from adjacent roadways, and extent of landscaping between the road and the building. The Planning Commission shall include a recommendation on the exemption in its report to the Township Board on the petition and area plan.

The exemption shall be based upon the following standards:

1. The building height shall be based on an overall design concept for the Special District.
2. The building shall be properly related to the topography of the site and neighboring sites.
3. The building shall not interfere with natural light, air circulation, and solar access of neighboring buildings or properties; with views from neighboring buildings or properties; and with aircraft flight patterns.
4. The building height and location shall have been reviewed by the appropriate Fire Chief and a report thereon supplied to the Planning Commission.
5. Not more than one building that exceeds three floors or 48 feet in height shall be permitted on a lot.
6. Height limit zones shall be shown on the area plan. The proposed height of each building shall be shown on the preliminary site plan and shall not exceed the height limit established in the approved area plan, including height exemptions approved under this section.

A building that is more than three floors or 48 feet high shall be set back from any lot line, in addition to the setbacks stated elsewhere in this Section, not less than the following distances, whichever result in the greater setbacks:

1. A building shall be set back from the required set back line not less than one foot for each foot of building height.
  2. A building shall be setback from an interior side or rear lot line not less than 1.5 feet for each foot of building height.
- K. Outdoor Operations.** Outdoor storage of vehicles, equipment, supplies, or products; outdoor processing, assembly, repair, or other operations; or outdoor display of goods, materials, products, equipment, or processes shall be prohibited. No display shall be permitted in a window or in any other location visible from a street or an adjacent lot except in a service center as permitted herein. Trash and other waste materials shall be stored as provided in [Section 11.02A](#) herein, shall be screened from view from a street or adjacent lots, and shall not be located in a required yard.
- L. Signs.** Signs shall be in harmony with the style and character of the development and shall be an integral design component of the building architecture, building materials, landscaping, and overall site development. Each road entry to Special Districts and each development parcel in a Special District may have an identification sign as provided in [Section 13.05](#), herein, except that such signs shall not exceed one hundred (100) square feet in area, unless specified elsewhere in this Article and may be located in a required yard, but not less than one half the required setback from a street or property line. Such signs shall be ground signs that shall not exceed a height to width ratio of 1:3 as measured horizontal to the ground surface. Billboards shall not be permitted in the Urban Service District. No signage shall be permitted for uses incidental to and in support of permitted principal uses.
- M. Off Street Parking.** Parking shall be provided in accordance with [Article 12.0](#), herein. Notwithstanding requirements of [Article 12.0](#), herein, the number of parking spaces required for office and research uses shall be based on the rate of one space for each three hundred (300) square feet of floor area. The number of parking spaces required may be reduced by the Planning

Commission as part of its approval of any site plan. The reduction may be approved upon the petitioner showing, to the Planning Commission's satisfaction, that the number of spaces provided will be adequate. The Planning Commission may establish a maximum number of parking spaces, which may be placed on a lot.

Parking areas for buildings shall be designed and landscaped with due consideration for the visual amenities of the site and the Urban Service Districts as well as for the safety of vehicular and pedestrian travel.

## **N. Design and Construction of Roads**

**1. Street Classification.** The following roads are designated principal arterial roads within the Urban Service Districts, which shall be provided with the designated right-of-way acquired for or devoted to a highway:

- a. Bemis Road (150' R.O.W.)
- b. Willis Road (180' R.O.W.)
- c. Platt Road (150' R.O.W.)
- d. Carpenter (150' R.O.W.)
- e. Willow (120' R.O.W.)
- f. Arkona (120' R.O.W.)
- g. Saline/Milan Road (150' R.O.W.)
- h. Sanford Road (120' R.O.W.)

Any future roadway that is constructed and connects onto or between these principal arterial roads shall be classified as principal collector roads and shall have a right-of-way of 86 feet. Principal collector roads shall be designed to provide internal access to and from future land uses. It shall be the obligation of the developer to provide for the upgrading of designated principal arterial roads and the construction of principal collector roads to the design specifications provided by York Township in cooperation with the Washtenaw County Road Commission.

The design, number and location of access points onto principal arterial and collector roads shall be based upon an overall comprehensive transportation plan for the Urban Service Districts developed by York Township in cooperation with the Washtenaw County Road Commission. The specific locations of access points are largely dependent upon the following factors:

- a. The location of existing or planned median breaks;
- b. Separation requirements between the proposed access points and major intersections and expressway ramps;
- c. Separation requirements between other entrances;
- d. The need to provide shared access with other sites;
- e. The need to align with previously approved or constructed access points on the opposite side of a street; and
- f. The minimum number of entrances needed to move traffic onto and off a particular site within the Urban Service Districts safely and efficiently.

## **2. Traffic Control**

- a. Permanent and temporary traffic control devices, such as stop signs, speed limit signs, traffic signals, turn arrows, one-way directions, pavement markings, and pedestrian

crossings shall be provided in accordance with the Michigan Manual of Uniform Traffic Control Devices, and shall be maintained by the owner of the development so that the devices consistently meet the standards of the Michigan Manual as adopted and utilized by the Washtenaw County Road Commission.

- b. Traffic to, and from, individual sites shall meet the level of service required by the Washtenaw County Road Commission.

### **3. Road Extensions to Adjoining Developments**

- a. Where a proposed development adjoins an undeveloped parcel, the proposed development shall provide direct access from the subject development to adjoining parcels if no other access is available. Such access may be in the form of either a dedicated right-of-way or a perpetual easement. The width of the access shall be determined by the Planning Commission based on the proposed type and density of the proposed development. The County Road Standards shall form the basis for determining the required access width and type of roadway. The location of internal roadway access points onto roadways within the Urban Service Districts shall be based upon policies contained within the Townships Growth Management Plan.

### **4. Vehicular Access**

- a. Drives and internal roadways that will provide the principal access to, and exit from, the Special District within the Urban Service District shall be physically separated from parking areas by landscape islands. Parking spaces shall not open onto the principal drives.
- b. The Planning Commission, upon recommendation of the Washtenaw County Road Commission may require turn lanes at intersections with abutting roads, or with interior drives, where traffic volumes or flow patterns indicate such lanes to be necessary.
- c. Entrance drives to individual developments shall provide efficient ingress and egress to the development and be free from parking spaces backing into the drive.

## **O. Phasing of Development**

- 1. **Required Elements of Phasing:** Development may be phased as delineated on the approved area plan, subject to the following requirements.
  - a. In the case of a phased development, the area plan and preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
  - b. Each phase shall be approved individually and shall not be dependent upon any subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.
  - c. The Township Board, upon recommendation of the Planning Commission, shall require that the development be phased so that tax and fee revenues resulting from such development will balance the expenditures required by public agencies to properly service that development; so that overloading of utility services and community facilities will not result;



and so that the various amenities and services necessary to provide a safe, convenient, and healthful environment will be available upon completion of any one phase. The Planning Commission shall require the petitioner to provide information necessary to properly and adequately analyze a petition for recommendation to the Township Board with respect to this requirement.

- d. Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved area plan.

**P. Site Plan Requirements**

1. **Preliminary site plan requirements:** A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan. Preliminary site plans shall meet all applicable provisions of [Article 17.0](#), herein, and shall conform to the approved area plan and all conditions attached thereto. Preliminary and final site plans shall not be combined for any phase of the development as depicted within the approved area plan.
  2. **Final site plan requirements:** A final site plan shall be submitted for approval for each development shown on an approved preliminary site plan. Each final site plan shall meet all applicable provisions of [Article 17.0](#), herein. Final site plans shall conform to the approved area plan and to all conditions attached thereto, or to the approved preliminary site plan and all conditions attached thereto, whichever is applicable. Final site plans shall not be combined for any other phase of the development as depicted within the approved area plan.
- Q. Performance Guarantee.** In accordance with [Section 17.21](#), the Planning Commission may require the petitioner to post a performance bond or provide such other financial assurance as the Planning Commission deems acceptable, in an amount deemed adequate by the Planning Commission and the Township Engineer, to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure for the initial phase and planned for later phases of the development are completed in a timely fashion.

## **Section 10.03 Design Guidelines**

- A. Intent.** Visual cohesiveness is a primary goal of development within the Urban Service Districts. By providing for continuity of building types, setbacks and side yards, landscaping features, and architectural detail, the Urban Service Districts character and identity can be maintained or enhanced. The Design Guidelines are intended to provide design criteria for site layout, building elevations, landscaping plan, principal arterial and collector roads, and parking arrangement and contain basic concepts which will aid in assessing a development proposal. Further, these guidelines are intended to ensure that the function, quality, and appearance of proposed structures within special zoning districts are compatible when considered in the context of the Urban Service Districts and surrounding area. How architecture and site characteristics relate to site design considerations and elements will be considered as part of design review by the Planning Commission. Building character is extremely important within the Urban Service Districts. It is anticipated that when designated areas are developed, a distinct architectural and visual character or theme, will be apparent. The Guidelines are not intended to restrict creativity, variety, innovation or imagination, but rather to assist the designer in achieving a quality design which will enhance the proposed development within the Urban Service Districts and be compatible with adjacent land uses.

The Design Guidelines shall apply to all buildings and uses of land within the designated Urban Service Districts.

**B. Site Design**

1. Development design shall utilize the opportunities and reflect the constraints created by floodplains, slopes, soils, vegetation and other physical features found within the Urban Service Districts. Engineering techniques shall not be utilized to force-fit development into the environment without design, environmental or specific site analysis.
2. Landscape areas should be combined to form plazas, unified or continuous networked open spaces, and other focal points within the development.
3. Open storm drainage and detention areas, visible to the public, shall be incorporated into the design of the development as an attractive amenity or focal point.
4. The impact of the development on adjacent land uses within and adjacent to the Urban Service District shall be minimized by controlling building orientation, site design, landscaping, and architectural design.

**C. Common areas, facilities, and Open Space Systems.** Natural greenways shall be preserved along creeks to conserve the natural character of floodplains, wetlands, and wooded areas. Within the Urban Service Districts, utility easements can provide opportunities for greenways that could link to other open space systems throughout the Urban Service Districts. Pedestrian trails should be provided within existing natural resource areas that provide open space systems, which would allow linkages to other uses within the Urban Service District. The following shall be undertaken:

1. The location, extent, and purpose of all common area open space and facilities shall be identified on the area plan and on preliminary and final site plans. All such areas and facilities which are to be conveyed to any independent agency shall be identified accordingly on the final site plan(s).
2. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement recommended by the Township Attorney and approved by the Township Board is provided in lieu of dedication.
3. Legal instruments setting forth the manner of permanent maintenance of common areas and facilities shall be submitted to the Township Attorney for review before the Township Planning Commission approves a final site plan or the Township Board approves a final plat.

**D. Open Stormwater Drainage And Detention.** Written assurance must be given that approaches to open storm drainage and detention will recognize the environmental sensitivity of the existing natural habitat systems of the site and adjoining lands while also being creative and aesthetic. Such improvements must be designed as amenities and an asset to the Urban Service Districts, while providing safe, efficient removal of storm water.

Storm water drainage and retention/detention shall be based upon a pre-development hydrological assessment undertaken by the applicant for the subject site prior to development. The required preliminary site plan shall contain the results of this assessment with methods to address storm water management for the subject site. All mediation for storm water management and preservation of the

existing natural hydrological system shall be based upon this assessment. The storm water discharge rate and volume for subject development sites shall not exceed the pre-development hydrological assessment for the subject site. The following design standards should be addressed in the storm water management plan.

1. Open detention basins visible to the public shall be incorporated into the design as an attractive amenity or focal point in the site design.
2. Wet bottom basins are encouraged for basins visible to the public or from adjacent property. The need to provide water movement should be handled creatively with such elements as spray fountains or water falls.
3. Dry basins in public view are allowed if designed as a primary focal element of the site as an extensively landscaped open space. Dry bottom basins shall be designed so the slopes and bottoms can be easily maintained. The bottom shall be sloped adequately to ensure proper surface drainage. If properly designed and maintained, dry bottom basins may be designed as wetlands to remove non-point source pollutants from storm water runoff.
4. Geometric basins with constant side slopes should be used only in areas not visible to the public or from adjacent property. Geometric basins shall be easily maintained and routinely mowed.
5. When fencing is required or provided, it shall be a decorative material that coordinates with other elements on the site, such as stone or brick columns. Fencing shall be open to allow views into and across the landscaped detention area.
6. Natural drainage areas should be preserved with adequate green space to protect existing riparian systems and to allow maintenance access. When natural areas are altered, landscaping should be planted to reestablish the previous riparian habitat. Walkways are encouraged to facilitate pedestrian circulation throughout an individual site and link into adjacent roads and properties, and to pedestrian/trail systems throughout the Urban Service District.
7. Detention basins serving multiple owners and/or development sites within a single large development are recommended in order to reduce the number of basins, to create watersheds of adequate size to support wet bottom basins or wetlands, and to distribute the cost and maintenance of the basins.
8. All detention basins and open drainage areas shall be readily accessible for inspection, and to maintenance equipment. These areas can consist of wetlands which are defined as areas which are predominantly covered with shallow water or wet soils for the majority of the growing season for most years and be capable of supporting water tolerant plants.
9. All drainage systems shall meet the standards of York Township and be approved by the Washtenaw County Drain Commission. All drainage systems shall be dedicated to the Washtenaw County Drain Commission or written evidence regarding maintenance to such system shall be provided.

**E. Building Design**

1. Buildings shall be designed in an attractive and interesting manner to define the intended image of the Urban Service Districts. The highest development standards, including building materials

and architectural design are required for buildings within the Urban Service Districts. Consistent architectural design, including building materials and colors, shall be carried throughout a particular Special Zoning District; however, dissimilar materials may be permitted when incorporating other characteristics such as scale, form, architectural detailing and color to make the building compatible with the overall Special Zoning District.

Renderings of anticipated building elevations and sections showing layout, dimensions, and building materials for the exterior of all structures, including exterior finish materials and colors shall be provided at the pre-application conference held by the Planning Commission prior to official submittal of a development project.

A site plan description with detailed narrative, scaled elevation renderings of all profiles of all building construction, including type of building materials to be used for all proposed buildings, shall accompany the final site plan.

2. Materials requiring low maintenance are recommended over high maintenance materials. For instance, materials with integral color are generally recommended over materials that require painting.
  3. In general, buildings should relate in scale and proportion to other buildings in the individual Urban Service District. However, buildings of different size can be made architecturally compatible through skillful design and careful orientation.
  4. All sides of single or multiple buildings within a development shall be equally attractive. Architectural details such as texture, pattern, color, and building form used on the front facade should be incorporated on all visible building facades. However, such requirements shall not apply to any façade(s) facing service courts or other areas generally not visible to the public.
  5. Building massing, including the arrangement and placement of buildings and site amenities, should be varied to create a logical hierarchy of building forms. Long expanses of façade should be broken up to create shade and shadow and to create “human scale” and be pedestrian oriented.
  6. Human scale should be created by building massing form, as well as the use of architectural elements such as colonnades, canopies, walkways, street-level display windows, lighting, and a variety of building materials in commercial and office developments. Human scale should be further reinforced by site design features around the building exterior.
  7. Individual “*corporate image*” architectural design elements and colors shall be incorporated only as secondary elements to the development and not as the dominant element. Such elements shall be consistent and blend with the overall Special Zoning District.
  8. Foundation planters and trees should be incorporated with overall landscaping concepts around the building exterior to soften the building appearance.
  9. Service and mechanical areas shall be designed as an architectural feature of the building and entirely screened from view.
- F. **Landscaping.** Landscaping shall be considered as the organization of outdoor space and shall be treated as a design element incorporating building placement, vehicular circulation, and visual

prospectives. A concept landscaping plan shall be presented to the Planning Commission at the required pre-application conference. The concept landscaping plan shall be provided as part of the required area plan with the detailed landscape plan provided in accordance with the final site plan submittal for each lot developed as a special zoning district within an Urban Service District. All parts of each lot not developed with buildings, drives, parking and loading areas, and similar improvements shall either be maintained in a natural state or shall be landscaped with grass or other ground cover, shrubbery, trees, bushes, vines, or other suitable plantings. All plantings shall be live and shall be properly and regularly maintained. Dead or dying materials shall be replaced in accordance with approved plans. Seventy-five (75) percent of all landscaping materials shall be of native varieties that occur naturally in this particular region, ecosystem, and habitat without direct or indirect human actions.

### **1. Landscaping Concept**

- a. The landscape concept shall be designed to create variety, interest, and view corridors for visibility and to achieve the following purposes.
  - (1) To integrate the various elements of the site.
  - (2) To preserve and enhance the identity of the site.
  - (3) To improve and enhance the character of the site; to screen or filter views, where necessary; to help unify the various parts of the site; blend inharmonious land uses; and buffer incompatible uses.
  - (4) To define and articulate outdoor and architectural space.
  - (5) To control soil erosion; moderate harsh or unpleasant sounds; remove air pollutants; control glare and reflection; and slow the effects of erosive winds or water and promote storm water retention, thereby helping to prevent flooding; and to block, divert, or channel winds.
  - (6) To moderate the effects of climate and to create a more desirable microclimate.
- b. Landscaping may include plant materials, such as trees, shrubs, ground covers, perennial and annual plants, landscape elements, such as rocks, water features, fences, walls, decorative landscape paving materials, and site lighting; and site furnishings such as benches, drinking fountains, trash receptacles, and planters.
- c. All parts of a site that will not be covered by buildings or other structures, roads, driveways, parking lots, or other paved areas, or planting beds, or left in its natural state, shall be stabilized with grass or ground covers. Margins between sidewalks and roads, islands in parking lots, medians in boulevard roads or driveways, and similar areas shall be landscaped. The surfaces of islands and medians shall be stabilized with grass, ground covers, low growing shrubs, or an approved mulch material.
- d. Landscape design and species shall be used to create visual continuity throughout the proposed development and within the individual Urban Service District. Landscape coordination shall occur among all phases of the development.

- e. Landscape areas should be combined to form larger clusters at highly visible locations such as landscaped courts, plazas or common areas.
- f. A variety of different species (including both deciduous and evergreen species) shall be incorporated into the site design to provide visual interest, as well as disease and pest resistance.
- g. Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.

- 2. Internal Parking Lots.** Well designed and functional parking lots are integral to the visual perspective of development and acceptable vehicle flow characteristics within the Urban Service Districts. Landscaping within parking lots shall be incorporated in a manner that is both attractive and easy to maintain, minimizes the visual impact of surface parking, and improves environmental and climatic impacts.

The parking area shall be divided by vegetated landscape islands or vegetated medians for the purpose of channeling traffic flows, breaking up the visual impact of large paved areas, reducing heat and glare from paved surfaces, and improving the attractiveness of individual Special District land uses within the Urban Service Areas. The following shall be considered:

- a. Parking lots shall be divided into smaller parking fields of 50-100 cars with landscape strips, peninsulas, or grade separations to reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walks.
- b. Landscape strips between parallel parking rows shall be a minimum 10 feet in width. When incorporating pedestrian walkways, such strips shall be a minimum of 20 feet in width to accommodate vehicular overhangs, the walk, lights, posts and other appurtenances. Landscape aisles and strips shall include medium to large deciduous trees at a minimum of 1 tree every 50 linear feet, in addition to other parking lot landscape requirements.
- c. An allee should be placed on both sides of entrance drives to create pleasing tree lined entrances, to direct vehicles into and out of the site, and to provide adequate space for vehicular stacking at exits onto perimeter roadways.

- 3. Roadway Landscaping.** A landscaped buffer, exclusive of roadway right-of-way, of one hundred (100) feet shall be provided along and adjacent to the front property line of all developments that front on the following principal arterial roadways:

- a. Willis Road
- b. Bemis Road
- c. Platt Road
- d. Carpenter Road
- e. Arkona Road
- f. Willow Road
- g. Saline/Milan Road
- h. Sanford Road

A landscaped buffer, exclusive of roadway right-of-way, of seventy-five (75) feet shall be provided for all developments that front on along and adjacent to the front property line of all developments that front on roadways classified as principal collectors. Principal collector is defined as internal roadways that connect into one or more of the roadways listed above.

The landscaped buffer shall extend across the entire width of the development fronting on the roadway. No road or driveway shall be located in this landscape buffer, except to cross such buffer, in a more or less perpendicular direction, for the purpose of providing vehicular access to the property from an adjacent street.

Generally, landscape buffer areas should include a combination of natural features, landscaping, berms, fencing, water features, and other attractive elements. Landscape buffer plans that create "walled" developments are discouraged.

- G. Parking Lot, Roadway, And Building Mounted Lighting.** Lighting shall meet the functional and security needs without adversely impacting adjacent properties and be designed to meet minimal needs of the project while reducing light pollution to maintain a dark sky policy.
1. Driver and pedestrian orientation should be enhanced by providing a hierarchy of lighting effects such as bollards (3-4 feet high), intermediate-height pedestrian lights (10-15 feet high), and parking lot and roadway lights (20-34 feet high).
  2. Building mounted light fixtures should be for aesthetic and safety purposes only and must direct light upward or downward and meet the standards of [Section 9.02G](#) within this Ordinance. Lighting should be used to highlight architectural features and create visual interest. Wall-pack lights or other lighting that shine outward toward adjoining properties or street right-of-way is prohibited.
  3. Building mounted fixtures for site illumination are permissible on the "back" sides of buildings where facing non-pedestrian areas when necessary and properly down shielded to not be visible from the street right-of-way or residential properties.
  4. Accent lighting that highlights building architectural features is encouraged. Exterior neon lighting, illuminated banding, or other lighting that creates a glow is prohibited, unless approved by the Planning Commission as part of an overall theme for the development area.
  5. Parking lot illumination must be accomplished with individual light poles and fixtures, which are properly down, shielded. Building mounted fixtures are not permitted as a method of parking lot illumination.
  6. The style of lighting should reflect the architectural character of the Urban Service District.
  7. Maintain parking lot light poles/fixtures of the same style, height, color, and intensity of lighting throughout the Urban Service District. Varying styles of fixtures may be permitted if it is demonstrated that the styles contribute to an overall theme for the Urban Service District.
  8. Light fixtures shall be horizontally mounted fixtures with less than 90 degree luminaire cutoff. Fixtures that project light or glare toward street right-of-way or adjoining properties shall not be permitted.

9. In addition to the requirements of [Section 7.504B.8](#), properties visible from an arterial roadway and areas adjacent to residential or other site sensitive locations shall be required to submit a point by point photometric plan to show compliance with lighting standards. The maximum maintained vertical foot-candle at an adjacent property line is 0.2 foot-candles measured 5 feet above grade. The maximum average maintained foot-candles for all parking lots shall be 3 foot-candles, unless otherwise approved by the Planning Commission.

**H. Pedestrian Circulation.** Pleasant and functional pathways for pedestrian travel must be ensured within the Urban Service Districts. A pleasant environment can greatly influence the number of people willing to walk or bike as an alternative to driving; create linkages between residential and nonresidential uses; and create more mixed-use development. The principle is to balance the needs of the vehicle and pedestrian while creating convenient and safe methods that encourages pedestrian movements.

1. Information contained within the area plan shall consider pedestrian circulation patterns in equal importance to that of the vehicle and building arrangement.

Sidewalks are required on both sides of principal arterial and principal collector roads within the Urban Service Districts. Additional sidewalks and walkways shall be provided to connect these walkways with trails within greenways or other open space systems and linkages within the Urban Service Districts. Walkways should also provide access between buildings.

2. Site design should separate pedestrians and vehicles as much as possible, with the number and length of pedestrian crossings through parking and paved areas kept to a minimum. Where walkways pass through paved parking areas and drives, the following should be accomplished:
  - a. A decorative paving material (i.e. pavers, stamped/textured concrete, or color concrete) should be used to delineate the walkway crossing.
  - b. The corners of the intersection should be flared (narrow driveway/street width at crossing).
  - c. Applicable approved ramps shall be used at all crossings.
3. Walkways shall be designed and buffered in a manner that encourages their use. Elements such as landscaping, street trees, street furniture, public open spaces and plazas create contrast to the built environment by softening the streetscape and making the walking experience more enjoyable and inviting. Walkway design within a development should recognize the following:
  - a. Along entrance or internal access drives, pavement setbacks should be a minimum of 20 feet from any curb to allow adequate room for the sidewalk, berms and/or landscape plantings.
  - b. Trees should be planted between the access drive curb and the sidewalk, with shrubs and berms located between the sidewalk and the parking lot curb. This arrangement will separate the pedestrian from both the road/drive and the parking lot, as well as create a street tree canopy.
  - c. Low level pedestrian lighting (10-15 feet high poles/fixtures) and bollards will help bring the environment down to "human scale".



- I. **Loading Dock, Trash Receptacle and Service Area Screening.** Service activities shall be oriented on the property in a manner that is consistent with the character of the Urban Service Districts, privacy, and aesthetic considerations. Loading areas shall be provided in accordance with [Article 12.0](#), herein, except that the following regulations shall apply, notwithstanding any provisions of [Article 12.0](#).
1. No loading area may be located in any required yard.
  2. Unattractive elements, such as trash, service, and loading areas are to be located out of public view from roads, adjacent residential properties, and other highly visible areas such as parking lots, access drives, etc.
  3. Loading and service areas shall be laid out so that, in the process of loading or unloading, no vehicle will block or extend into any other drive or public street. Loading and service drives shall be clearly marked on the site.
  4. Buildings should be designed in a manner so that loading docks and service areas are screened either by a building wall or a screening wall, or integrated into the building design to not be noticeably visible. Screening walls must be a length and height to screen the maximum size of vehicle using the area.
  5. Loading areas shall provide adequately for the stacking of vehicles to prevent vehicles from extending into drives or public roads.
  6. If screening walls are required, they shall reflect the same level of architectural design as the primary structure, including elements such as landscaping to soften the wall's appearance, architectural detailing, staggering with recesses and projections, and visual interest.
  7. Design elements must be accomplished in a manner to control noise generated from service activities and mechanical equipment.
- J. **Ground And Building Mounted Mechanical Equipment Rooftop.** Mechanical devices and rooftop mechanical equipment shall not be visible. It shall also be considered in the overall design and appearance of the building in a manner that enhances the building appearance and creates attractive visual features and projects a high quality appearance. Rooftop mechanical equipment includes HVAC units, fans, vents, flues, and other similar devices. All exterior ground or building mounted equipment, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture. Ground equipment includes but not limited to mechanical equipment, utility meter banks and coolers.

Mechanical equipment must be located and screened in a manner so as not to be visible or heard from adjoining properties and adhere to the following guidelines.

1. Screening shall be provided in a manner that is architecturally integral to the overall appearance of the building. Finish shall be with the same building materials and architectural detailing as the main building facade.
2. The use of parapet walls or specially designed rooftop penthouse enclosures are the preferred methods of screening for rooftop mechanical equipment.

3. The visibility of meters and utility banks (i.e. gas, electric, water) can be reduced by locating such equipment along the side or rear of the building in a location not generally visible from the public.
4. Electrical, natural gas, telephone, and cable television lines shall be placed underground. Surface-mounted transformers and similar equipment for the underground wires shall be shown on the final site plan and shall be landscaped and screened from view.
5. Radio and television receiving and telecommunication facilities including an Earth Station Antenna (Satellite Dish). designed or used for the reception or the transmission of television or other electric communication signal broadcast or, relayed from a satellite may be a solid, open mesh, or bar configured structure, in the shape of a shallow dish or parabola. Such facilities shall be landscaped and screened from view at ground level. Roof top mechanical equipment and facilities shall be screened from ground or adjoining building views.
6. Roof top equipment shall be included in the measurement of the height of the structure.

## **Section 10.04      Procedures and General Provisions**

### **A.    Pre-Submittal Conference with Township Staff and Consultants**

1. Prior to submission of an application for Special District approval within the Urban Service District, the applicant shall meet in a pre-submittal conference with the appropriate Township officials, including the Zoning Administrator, and any consultants as deemed appropriate by the Township. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed Special District within the Urban Service District, as well as the following information: a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of buildings with ground floor coverage and floor area ratio; the number of acres to be preserved as open or recreational space and intended uses of such space; amount of anticipated impermeable surface; and all known natural resources and natural features on the property and an indication of the natural resources and features to be preserved.

### **B.    Pre-Application Conference with Township Planning Commission**

1. Within ninety (90) days after the pre-submittal conference as referred to in [Section 10.04A](#) above, a potential petitioner for a Special District classification within an Urban Service District shall request a pre-application conference with the Planning Commission as referred to in [Section 8.04](#) of the Zoning Ordinance. The request shall be made to the Planning Commission Chair. The Chair shall set a date for the conference and shall inform the Township Board of Trustees and Planning Commissioners of the conference and invite their attendance. The Planning Commission Chair shall also invite such other officials who might have an interest in the proposed development, or who might assist the Township in the review process, such as, but not limited to, the Township Consultants, County Road Commission Engineer, County Environmental Health Division, and County Drain Commission staff.
2. The purpose of the conference is to inform Township and other officials of the concept of the proposed development and to provide the potential petitioner with information regarding land development policies, procedures, standards and requirements of the Township and other agencies in terms of the proposed development. To this end, the petitioner is encouraged to

present schematic plans, site data, and other information that will explain the proposed development.

3. Statements made by any parties present at and participating in a pre-application conference shall not be legally binding commitments.

**C. Petition requirements.**

**1. Procedures.**

- a. A petition for this district shall be filed and processed as provided in [Article 8.0](#) herein. The petition shall include an area plan and all information required in [Section 8.05](#) and applicable information contained within this Section.
- b. At the public hearing held by the Planning Commission, the petitioner shall present evidence regarding the following characteristics of the proposed development:
  - (1) The general character and substance;
  - (2) Objectives and purpose to be served;
  - (3) Compliance with all applicable Township ordinances, regulations, and standards;
  - (4) Scale and scope of development proposed;
  - (5) A general schedule of development timelines for the proposed project including all phases;
  - (6) Compliance with the adopted Growth Management Plan of York Township.

The Planning Commission shall require that the petitioner provide information for the public hearing concerning economic feasibility of the proposed uses, community impact in terms of roads and traffic, schools, recreation facilities, and costs/revenues for the Township; and environmental impact (soil, water, air). Evidence and expert opinion shall be submitted by the petitioner in the form of maps, charts, reports, models, or other materials, and in the form of testimony by experts as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for public display and for review by the Planning Commission and other Township officials at least four weeks prior to the public hearing.

**c. Information required for area plan.**

- (1) Density for each use area of the site.
- (2) Location, size, type, and uses of open space.
- (3) Location, size, type, and uses of impermeable areas proposed for the site.
- (4) General description of the organization to be utilized to own and maintain common areas and facilities.

- (5) General description of covenants or other restrictions; easements for public utilities.
- (6) Description of the petitioner's intentions regarding selling or leasing of land.
- (7) General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
- (8) Depict all wetlands, woodlands, and associated natural resource systems and networks within the site.
- (9) General architectural concept for proposed buildings including character, style, theme, and type of building materials. Specific architectural details shall be presented as part of the final site plan review.
- (10) Visual aesthetics and perspectives of the proposed development including location of buildings on the site in relation to site amenities and profile as viewed from adjoining roadways.
- (11) Delineation of areas to be platted under the Subdivision Control Act.
- (12) Location and description of site; dimensions and areas.
- (13) General topography based upon USGS quadrangles; soil survey information. Such information shall be graphically shown on the area plan in relation to proposed building and infrastructure for the site.
- (14) Scale, north arrow, date of plan.
- (15) Existing zoning of site; existing land use and zoning of adjacent parcels; location of adjacent buildings, drives, and roads.
- (16) General description of proposed water, sanitary sewer, and storm drainage systems.
- (17) Existing natural and man made features to be preserved or removed; location of existing structures, roads, and drives; location, width, and purpose of existing easements and proposed major easements.
- (18) All adjacent property in which the petitioner and owners of land in this district have any ownership interest.
- (19) Location, type, and land area of each proposed land use.
- (20) General location, function, surface width, and right of way of proposed public roads; general location and surface width of major private roads/drives with anticipated internal circulation routes.
- (21) Approximate number of parking spaces to be provided in each development area.

- (22) Location and area of each development phase; summary of land use information for each phase
- d. In addition to information normally required for area plan review, zoning proposals within the Urban Service District shall also include the following:
- (1) **Traffic Impact Study** - The applicant shall submit a detailed traffic study as specified in [Section 11.07](#) of this Ordinance, prepared by a recognized and independent traffic engineer, demonstrating the impact of the proposed zoning district within the Urban Service District on the transportation network. Based on the results of the traffic impact study, the applicant shall propose methods of mitigating any adverse impacts to the transportation network and show to what degree the proposed methods maintain or improve the operating levels of the impacted roads and intersections.
- (2) **Financial Statement** - The applicant shall submit a documentation to demonstrate ability to complete and operate the project, including ability to finance public improvements and facilities required to serve the new zoning district within the Urban Service District. Evidence of past experience with similar types of projects shall also be submitted, if applicable.

The petitioner shall provide detailed economic feasibility of the intended uses contained within the proposed development, community impact in terms of streets and traffic, schools, recreation facilities, and costs/revenues for the Township; and environmental impact (soil, water, air).

- (3) **Compatibility with Adjacent Uses** - The area plan shall include measures to assure compatibility of the new zoning district within the Urban Service District with surrounding land uses. Such measures may include sidewalks, landscaping, screening, buffering, lighting, drainage and traffic control devices. A performance guarantee may be required to assure that all such improvements are completed, in accordance with [Section 17.21](#).
- (4) **Emergency Services** – A general indication shall be submitted with the area plan regarding the anticipated need for emergency medical services, fire and police protection, and specific security requirements. An Emergency Services Impact Analysis Plan shall be submitted for final site plan review, which includes how emergency medical services, fire protection, law enforcement, and security will be provided to the proposed development. The Impact Analysis Plan shall also be reviewed by Township law enforcement and appropriate Fire Chief, and the nearest fire protection district. The petitioner shall address the need for any special assessment districts based upon the needs or intent of the proposed development.
2. **Standards for petition review.** In addition to the findings required in [Section 21.05](#) herein, the Planning Commission shall determine, and shall provide evidence of its determinations in its report to the Township Board, that the petition meets the following standards:
- a. The proposed development shall conform to the adopted Growth Management Plan, or represent land use policy, which, in the Planning Commission’s opinion, is a logical and acceptable change in the adopted Growth Management Plan.

- b. The proposed development shall conform to the intent and all regulations and standards of this district.
  - c. The proposed development shall be adequately served by public facilities and services such as but not limited to: roads, police and fire protection, drainage facilities, water and sanitary sewer facilities, refuse disposal, and sidewalks; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
  - d. Common open space, other common properties and facilities, individual properties, and all other elements are so planned that they will achieve a unified open space system, with open space and all other elements in appropriate locations, properly related to each other, the site, and surrounding lands.
  - e. Where applicable open space and common areas shall be irrevocably committed for that purpose encompassing three or more different, unrelated legal entities utilizing a land trust. Provisions shall be made for financing of improvements shown on the plan for open space and other common areas, and proper maintenance of such improvements shall be assured.
  - f. The proposed development shall create a minimum disturbance to natural features and land forms.
  - g. Traffic to, from, and within the site will not be hazardous or inconvenient to the petitioned zoning district or to the Urban Service District. Traffic to and from the site shall meet the appropriate standards of the Washtenaw County Road Commission and/or Michigan Department of Transportation. Traffic standards shall be based upon modeling using best management techniques; convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the Urban Service District.
  - h. Roads shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public roads. The plan shall provide for logical extensions of public roads and shall provide suitable street connections to adjacent parcels, where applicable.
  - i. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian pathways outside the site and to the edges of the site in order to connect to other properties, where applicable.
  - j. The Planning Commission shall determine, where applicable, that noise, odor, light, generated traffic, or other external effects which are connected with the proposed uses will not adversely affect existing or future adjacent and neighboring lands and uses.
- 3. Effect of approval of petition.** Approval of the petition by the Township Board shall have the following effects:
- a. The Township Board may execute a development agreement that is between the Township and the property owner(s)/developer(s) including the attachment of appropriate conditions

to its approval of a petition, including conditions concerning expiration dates, as provided within this Article.

- b. Approval shall confer a right to the landowner(s) that the zoning regulations as they apply to the land in the petition shall not be changed within the time periods provided within this Article.
- c. Approval shall indicate acceptance of uses, layout of roads, densities, location and extent of open space, and all other elements of the area plan.
- d. Approval shall authorize applications for review of preliminary site plans.
- e. Approval shall authorize the applicant to file applications for review of preliminary plats for tentative approval.
- f. No deviations from the area plan approved by the Township Board, or from any condition of approval, shall be permitted except through amendment or revision as provided herein.

**4. Amendment and revision.**

- a. A developer may request a change in an approved area plan, an approved preliminary site plan, or an approved final site plan. A change in any approved plan, which would result in a major change in the approved area plan, shall require prior amendment of the approved area plan. All amendments shall follow the procedures herein required for original submittal and review of a petition. A change, which results in a minor change, shall require revision to the approved plan and approval by the Planning Commission.
- b. A request for a change in an approved plan shall be made in writing to the Planning Commission and shall clearly state the reasons therefore. The Planning Commission, upon finding such request reasonable and valid, shall so notify the applicant, in writing, of such finding, whether the change is major or minor, and of the procedure to be followed. Following payment of the required fee, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall promptly notify the Township Board.
- c. The following changes shall be considered major, for which amendment is required:
  - (1) Change in concept of the development as shown on the approved area plan;
  - (2) Change in use or character of the development as shown on the approved area plan;
  - (3) Rearrangement of land use areas as shown on the approved area plan;
  - (4) Reduction in land area set aside for common open space, as shown on the approved area plan, or relocation of such area(s);
  - (5) Increase in building height above the limits established in the area plan;
  - (6) Change in the boundaries of the district and area plan.

(7) Change in the location of any access or collector roadway.

- d. A developer shall request approval of minor changes in any approved plan. The Planning Commission shall notify the Township Board and other applicable agencies of its approval of minor changes.
- e. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause for any requested change.

**5. Expiration of approvals.**

- a. An area plan shall expire eighteen (18) months after approval of the petition by the Township Board unless a preliminary site plan has prior thereto been submitted to the Planning Commission for review and approval. Thereafter the preliminary site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two (2) years of the date of approval of the immediately preceding final site plan.
- b. A final site plan for the entire property classified as a special district within the Urban Service District or all final site plans for all stages thereof, shall have received approval of the Planning Commission within five (5) years of the date of Township Board approval of the area plan unless agreed to in the development agreement for the specific project. All final site plans in a special district shall have been approved and recorded within the preceding time periods.
- c. Expiration of an approved area plan as set forth within this Article, and failure to obtain approval of final site plans and final plats as provided within this Article shall authorize the Township Board to revoke the right to develop under the approved area plan, after a hearing and unless good cause can be shown for the delay in obtaining any of the necessary approvals, etc. In such case, the Township Board may require that a new area plan be filed and reviewed in accordance with the requirements for original application. Said expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate. Expiration of an approved area plan shall be duly noted on the Official Zoning Map, and shall be signed by the Township Clerk and attested by the Township Supervisor.
- d. Each phase of development shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve any subsequent phase of a Special Zoning District unless good cause can be shown for not completing same. If good cause is shown satisfactory to the Planning Commission, it shall set a new completion date for the completion of the uncompleted phase.
- e. If an approved area plan or an approved final site plan has expired as set forth in this section, no permits for any development or use of the property included in a special district shall be issued until the applicable requirements of this section have been met.
- f. Preliminary and final site plans shall expire as provided in [Article 17.0](#), herein.



6. **Time Limits.** Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement, between the applicant and the Planning Commission or Township Board, whichever is applicable, in the case of area plans, and between the applicant and the Planning Commission, in the case of final site plans.
7. **As-built drawings.** As-built drawings shall be provided in accordance with [Article 17.0](#), herein.
8. **Performance Guarantee and Cost Reimbursement.** Guarantees to assure completion of site improvements including environmental preservation and/or mitigation, access and internal roadways, landscaping, or other public infrastructures shall be provided in accordance with [Article 17.0](#), herein. All costs incurred by Township staff and/or consultants to ensure compliance to these guarantees and improvements shall be reimbursed by the developer.
9. **Continuing applicability of regulations.** The location of all uses and structures, the kinds of uses, all yards and buffer strips, and all other information regarding uses of properties as shown on an approved area plan, and on site plans and plats approved subsequently thereto, and all conditions of approval, shall have the full force and permanence of the Zoning Ordinance, as though such regulations were specifically set forth in the Zoning Ordinance. Such regulations shall be the continuing obligation of any subsequent interest in the land in this district, and shall not be changed except as approved through amendment or revision procedures as set forth herein.
10. **Violations.** Violations of any plan approved under this Section or failure to comply with any requirement of this Ordinance, including conditions attached to an approved plan, shall be considered a violation of this Ordinance, as provided in [Section 8.15](#), [Section 17.23](#), and [Section 20.09](#) herein.
11. **Fees.** The applicant shall incur all costs associated with any aspect of review. This would include Township staff and consultant fees, for the review of any material submitted as part of the rezoning petition process, as well as including development agreements, site plan review and compliance and inspections as required by this Article. The Township may also employ specialized experts to review data submitted by the applicant.

There shall be an advanced payment of fees at the time of application. The amount of such fees shall be established by ordinance or resolution of the Township Board.

All costs associated with review of the rezoning application and resulting development shall be paid for by the owner/developer including but not limited to such fixed and variable costs including Township operating costs to service the development during and after development. The Township fee schedule shall be used as a basis for this determination.

## Article 10.0 Appendix A: York Township

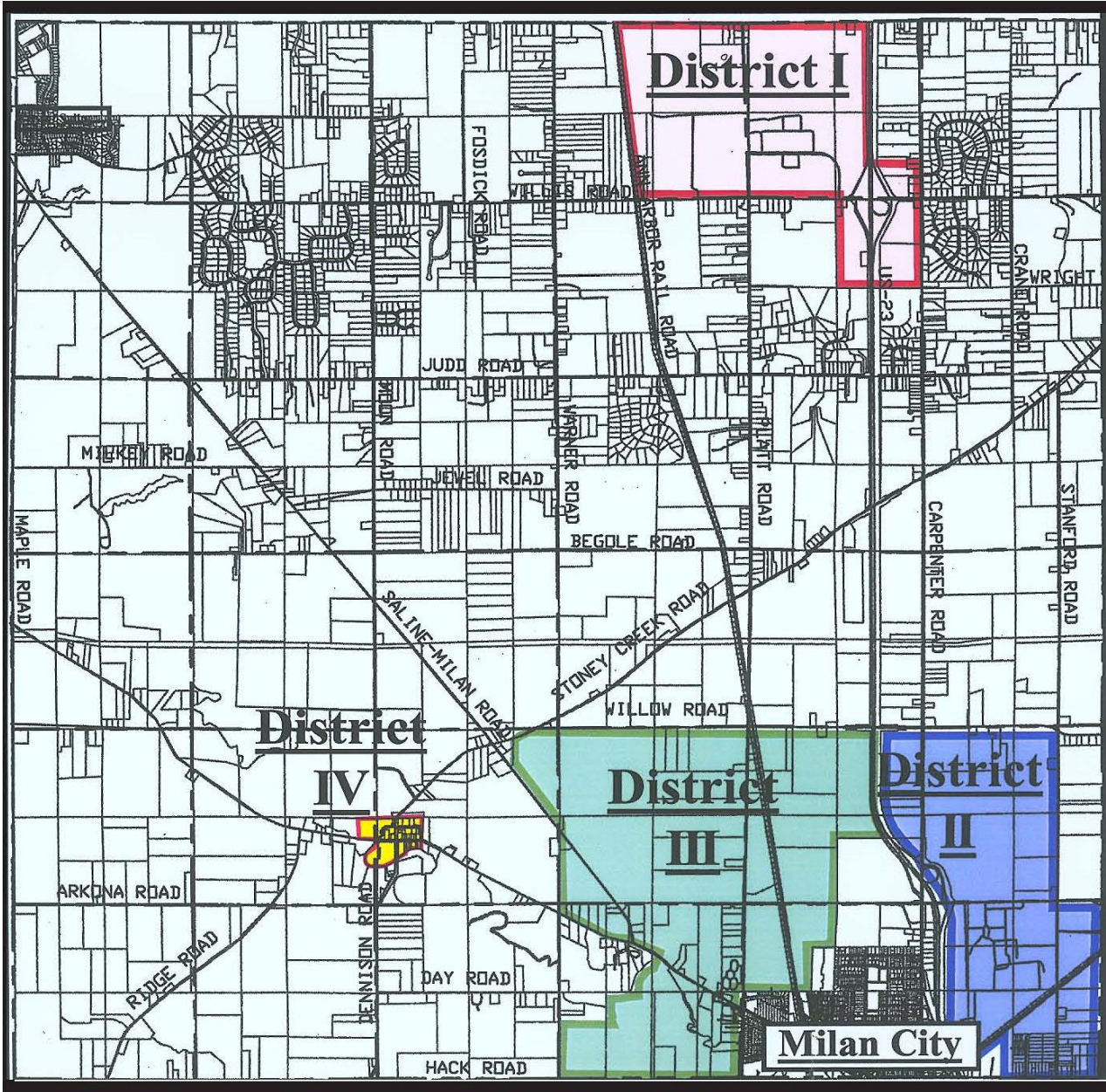
The following regulations and standards shall apply to those zoning districts intended to be allowed only within designated Urban Service Areas. Lot measurements shall be exclusive of any street or other right-of-way or easement for ingress or egress. Line and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this section.

Zoning District	GFC	FAR	Front Yard	Side Yard	Rear Yard
R-1	(See <a href="#">Article 6.0, Dimensional Standards</a> )				
R-2	(See <a href="#">Article 6.0, Dimensional Standards</a> )				
R-4	(See <a href="#">Article 6.0, Dimensional Standards</a> )				
HCD	20%	0.15	20 feet	10 feet	20 feet
ROP	20%	0.20	35 feet	10 feet	35 feet
OP	25%	0.40	50 feet	20 feet	35 feet
CCP	25%	0.35	50 feet	25 feet	50 feet
RPD	(See <a href="#">Section 9.01, Development Regulations</a> )				

Driveways may cross the required yards but shall not occupy them. Parking spaces and loading areas shall not be located in any required yard.

All required yards shall be landscaped for the purpose of creating an attractive setting for the development, to make the development compatible with neighboring uses, to filter the view of the development from adjacent streets and properties, and to screen the view of the development from adjacent residential areas.

Article 10.0 Appendix B: York Township



**Urban Service Districts Map**

## Article 11.0 Supplementary Regulations and Standards

### Section 11.01 Purpose

Schedules of specifications, regulations and standards governing land uses have been incorporated in this Ordinance for each zoning district. There are, however, at times some unusual conditions attendant on land uses and zoning classifications which justify elaboration and particularization in the application of these specifications, regulations, and standards.

### Section 11.02 Storage of Materials

The following provisions shall apply:

- A. Garbage, trash, and similar refuse to be stored outside a building in all Commercial and Industrial Districts that require a special use permit shall be stored within containers approved by the Washtenaw County Health Department and said containers shall be stored within a screened enclosure. The enclosure shall be constructed of an opaque material, such as wood, concrete blocks, or brick, and shall be enclosed on at least three (3) sides. The fourth side may be open for access or access may be provided by one or more gates. The storage area shall have a concrete floor at least four (4) inches thick.
- B. The location or storage of abandoned, discarded, unused, unusable, or inoperative appliances, furniture, equipment, or materials (but not including inoperative vehicles), shall be regulated as follows, except for junkyards, in which case the regulations set forth in [Section 7.502](#), herein, shall apply.
  1. On any lot or parcel in any Conservation-preservation, Agricultural, Residential, or Commercial District, the owner or tenant shall locate and store such materials within a completely enclosed building. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.
  2. On any lot or parcel in any Industrial District, the owner or tenant shall locate and store such materials:
    - a. Within a completely enclosed building, where required; or
    - b. Where outdoor storage is permitted, within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for said districts.

Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.

### Section 11.03 Parking and Storage of Vehicles

Except for recreational vehicles which shall be regulated as set forth in [Section 11.04](#), all automotive vehicles or trailers without current license plates, or which are uninsured or inoperative, shall not be parked or stored in any district in York Township other than in completely enclosed structures, unless otherwise permitted herein. No vehicle or trailer, including recreational vehicles, shall be used for storage. Storage of vehicles and trailers when permitted in a commercial district as a principal use of a lot shall be located behind all required lot setback lines with all required yards to be landscaped and properly maintained.

### Section 11.04 Storage of Recreational Equipment

Recreation vehicles, boats and boat trailers, snowmobiles, trail cycles, all terrain vehicles, and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment, whether occupied by such equipment or not, shall not be parked or stored in front of the front building line. However, in no instance shall such vehicles be stored in front of any building on such parcel, or on any vacant lot in a residence district, provided, however, that such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed seventy-two (72) hours during loading or unloading. Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. Storage of such equipment, when permitted in a commercial district as a principal use of a lot, shall be located behind all required lot lines with all required yards to be landscaped and properly and regularly maintained. The storage area shall have a gravel or paved surface, treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purposes, by at least a six (6) foot high cyclone-type fence.

### Section 11.05 Site Condominium Review

- A. Approval Required.** Pursuant to authority conferred by the Condominium Act, Act 59, Public acts of 1978, as amended, Section 141, preliminary and final site plans for all site condominiums shall be approved by the Planning Commission.
- B. General Requirements**
1. No permits for building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Township Planning Commission and is in effect. However, the Planning Commission may, at its discretion, and with appropriate conditions attached, authorize the Building Inspector to issue permits for grading and foundation work on the basis of the approved preliminary site plan. This requirement shall include contractible, conversion and expandable condominiums.
  2. If a building, structure, or use to be placed on a condominium lot requires site plan approval under [Section 17.02](#) herein, a site plan for that building, structure or use shall be approved in accordance with [Article 17.0](#), herein, before a certificate of zoning compliance may be issued.
  3. The Planning Commission shall have the authority to review and approve or deny preliminary site plans for site condominiums in accordance with [Article 17.0](#), herein, the Condominium Act, and other ordinances and standards for review deemed appropriate by the Planning Commission. Preliminary and final site plans shall not be combined for site condominium projects.
  4. If the Planning Commission grants preliminary site plan approval it shall transmit one copy of the preliminary plan to the Washtenaw County Subdivision Advisory Committee and it shall transmit information to the Superintendent of Schools of the School District in which the subdivision is to be located.
  5. The Planning Commission shall have the authority to review and approve or deny final site plans for site condominiums in accordance with [Article 17.0](#), herein, the Condominium Act, and other ordinances and standards for review deemed appropriate by the Planning Commission. The

Planning Commission shall review the plan for compliance with the standards of the Zoning Ordinance, the Condominium Act, and all applicable Federal, State, and local laws. The comments of the Washtenaw County Subdivision Advisory Committee and the School District shall be considered by the Planning Commission when reviewing the final site plan.

6. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and proof of recording a second dimensionally stable copy shall be recorded with the Washtenaw County Register of Deeds.
7. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and proof of recording a second dimensionally stable copy shall be recorded with the Washtenaw County Register of Deeds.
8. Each condominium unit shall be located within a zoning district that permits the proposed use.
9. For the purposes of this Ordinance, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
10. Each condominium unit shall be connected to public water and public sanitary sewer systems, as defined in [Section 2.03 \(Definitions\)](#), where available. Each condominium unit shall have a well, septic tank, and drainfield approved by the Washtenaw County Environmental Health Division where public water and public sanitary sewer systems are not available.
  - a. The well, septic tank and drainfield serving a condominium unit shall be located within that unit, as described in the master deed.
  - b. The use of community wastewater systems, as defined in [Section 2.03 \(Definitions\)](#), shall be prohibited in site condominium developments, except in a PUD district, in which case this requirement may be waived by the Township Board as part of its approval of the PUD district rezoning petition.
11. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Inspector. These requirements shall be recorded as part of the master deed.
12. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Inspector. These requirements shall be recorded as part of the master deed.
13. All information required by this Ordinance shall be updated and furnished to the Zoning Inspector until applicable certificates of zoning compliance have been issued, as provided in [Section 20.03](#), herein.

14. A site condominium is eligible to be developed as an Open Space Preservation Residential Development as defined in [Section 11.13](#).

**C. Preliminary Site Plan Requirements**

1. A preliminary site plan shall be filed for approval at the time the notice of proposed action is filed with the Township.
2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary site plan shall include all information required in [Section 17.05](#), herein, except that, in the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots rather than individual buildings or other structures, and required yards shall be shown on the preliminary site plan.

**D. Final Site Plan Requirements**

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
2. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.
3. A final site plan shall include all information required by the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in [Section 17.11](#), herein, except in the case of a development that consists only of condominium lots rather than buildings or other structures at the time of plan review, the location and dimension of condominium lots rather than individual buildings or other structures and required yards, shall be shown on the site plan.
4. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Natural Resources. The Planning Commission shall not approve a final site plan until each County or State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

- E. Revision of Condominium Subdivision Plan.** If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

- F. Amendment of Master Deed or Bylaws.** Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an

amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

#### G. Design and Development Standards

1. **General.** The standards set forth in this Section shall be considered minimum requirements. Where the adopted general development plan requires high standards, such higher standards shall apply. Variances from the standards set forth in this Section shall be considered according to the standards of [Article 19.0, "Zoning Board of Appeals."](#)

#### 2. Streets

a. **Street Layout.** Street layout shall conform to the adopted general development plan or portion thereof relating to streets. Public streets shall be developed to the standards of the Washtenaw County Road Commission. Private streets shall be developed to the standards of the Township Private Road Ordinance. The arrangement of streets in the development shall provide for the construction of streets in adjacent developments where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of streets into adjoining properties not yet developed.

Local streets shall be laid out so as to discourage their use by through traffic.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.

All street construction shall be centered in the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

b. **Drainage.** All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for subdivisions in which each single-family dwelling lot is one acre or larger in area and has a minimum road frontage of 150 feet.

c. **Alleys.** Alleys shall be prohibited, except in commercial and industrial developments. Where alleys are provided they shall be at least 30 feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the County Road Commission.

d. **Marginal Access Streets.** Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the County Road Commission and shall be responsible for improving said streets according to County Road Commission standards. A landscaped strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.

e. **Other Required Streets.** Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be



determined with due regard for the requirements of approach grades and future grade separations.

- f. **Special Treatment Along Major Streets.** When a development abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along with rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
- g. **Street Names and House Numbers.** Street names shall not be similar to street names within the areas served by the Milan and Saline Fire Departments and shall be approved by the Post Master with jurisdiction and reviewed by Washtenaw County Emergency Response. Generally no street should change direction by more than 90 degrees without a change in street name. Streets shall have names and not numbers or letters.
- h. **Location for Utilities.** Utilities shall be located so as to best conform to the layout of existing facilities.
- i. **Street Standards and Specifications.** Streets shall be provided in accordance with applicable standards and specifications according to the Washtenaw County Road Commission and shall include turn, merge, and by-pass lanes as the Planning Commission deems necessary.

- 3. **Blocks.** Blocks generally shall not be less than 500 feet or more than 1320 feet in length as measured from the centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary. In blocks exceeding 800 feet in length the Planning Commission may require reservation of an easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for nonresidential uses shall be especially designed for such purposes, and in accordance with Zoning Ordinance provisions. In such cases the above dimensions do not apply.

4. **Lots:**

- a. **Dimensions.** Lots shall conform to the requirements of the Zoning Ordinance except for outlots that are provided for an indicated and approved purpose.

Corner lots shall have extra width to permit appropriate building setback. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.

Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts or parks, and other similar non-residential uses. In such situations, lots shall be laid out in one of the following ways:

- (1) Lots may back onto the above features, but shall be separate therefrom by a 20 foot wide landscaped strip along the rear property line. The 20 foot wide strip shall not be considered part of the lot's minimum length, width, or area, but shall be considered part of the contiguous lot.

- (2) Lots may face onto a marginal access street.
- (3) Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets. The corner lots which abut the major street right-of-way or the non-residential area shall each have the landscape strip as required in [Section 11.05G.4.a\(1\)](#), preceding.
- (4) Lots may be grouped around cul-de-sac or loop streets which open onto the major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in [Section 11.05G.4.a\(1\)](#), preceding.

Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

- b. **Lot Frontage.** Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar non-residential area.

All lots shall abut, by their full frontage, on a public or private street.

- c. **Lot Lines.** Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.
- d. **Lots to be Buildable.** The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided.

The size, shape, and location of each lot shall have the following characteristics:

- (1) A suitable site for placing a house without excess grading;
  - (2) A usable area for outdoor living and other outdoor activities;
  - (3) Adequate surface drainage away from the house site and outdoor living areas;
  - (4) Reasonable driveway grades; and
  - (5) General site grading should be minimized with significant trees and other vegetation retained.
- e. **Access.** Driveways and curb cuts shall be located no closer than ten (10') feet from the property line and shall conform to standards of the Washtenaw County Road Commission and the standards of all Township Ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.

- f. **Reserve Strips.** Privately held reserve strips controlling access to streets shall be prohibited, except as provided in this Section.
  - g. **Non-Residential Lots.** Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses, in accordance with provisions of the Zoning Ordinance.
5. **Pedestrian Ways and Sidewalks.** Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least 20 feet wide, when required. The Planning Commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement.

Sidewalks are required on both sides of a street, or one side of a street, depending upon the density of and location of the development, or, in very low density developments (one acre or larger lots) may be excepted entirely, according to the discretion of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in cluster subdivisions, or planned unit developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Sidewalks shall be developed and placed in compliance with Michigan Department of Transportation (M.D.O.T) standards and the review of the Township Engineer.

6. **Natural Features.** The development shall, wherever possible, preserve natural features which add value to the proposed development and to the community at large, such as natural features, vistas, historic spots and features, wildlife habitats and ecological areas. The location, nature, and extent of such features shall be identified on the preliminary plat. The preservation and/or inclusion of such features may be made a condition of approval of the development.
7. **Uninhabitable Areas.** Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be developed for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space. Any areas of land within the proposed development which lie either wholly or partly within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding by storm water shall be clearly shown on the preliminary and final site plan.
8. **Utilities**
- a. **Storm Drainage**
    - (1) All developments shall adequately provide for storm water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. All drainage improvements shall conform to the standards of the Drain Commissioner and York Township.
    - (2) Adequate provisions shall be made for proper drainage of storm water runoff from individual lots. Drainage easements may be required to assure proper drainage. The Township may require that catch basins be provided in said easements, and may

require that drainage tile be provided for easement drainage. The depth, grade and outlet for said tile shall be subject to approval by the Township Engineer.

- (3) Where a development is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the standards of the County Drain Commissioner. Wherever possible, drainage should be provided by an open channel with landscape banks and adequate width for maximum potential flow. Existing drainage ways may be rechanneled but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream therefrom. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.
- (4) Where topography or other conditions make inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 15 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots.

If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.

- (5) Low-lying lands along water courses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.
- (6) All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Drain Commissioner shall be provided.
- (7) The proprietor may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.
- (8) A culvert or other drainage facility in a proposed subdivision shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the Township Engineer.
- (9) The effect of the subdivision on existing downstream drainage facilities outside the development shall be reviewed by the proprietor with the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a 10 year or larger storm, the Planning Commission shall not approve the

development until adequate provision has been made for resolving downstream drainage problems.

(10) Storm water basins may be required in order to control the discharge of storm water from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Township Engineer.

- b. **Water Supply Facilities.** Water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Public Health. On-site services and private water systems shall be designed according to requirements of the Washtenaw County Environmental Health Department.
- c. **Sanitary Sewerage Facilities**
- (1) Where a public sanitary sewage system is available, publicly-owned sewer lines shall be provided to serve each site condominium lot.
- (2) All sanitary sewer facilities shall be designed and constructed in accordance with the rules, regulations, and standards of York Township.
- (3) Each lot in a development that is served by a public sanitary sewer system shall be connected to a publicly-owned sanitary sewer line before occupancy of that lot shall be permitted.
- (4) If a public sanitary sewerage system is not available, minimum lot sizes shall conform to requirements of the Washtenaw County Environmental Health Division. In no case shall the minimum lot size be less than that required by the zoning district in which it is located. The individual disposal system shall be approved by the Washtenaw County Environmental Health Division.
- d. **Gas, Wire, and Cable Utilities.** All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development. Overhead lines may be permitted upon approval by the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the plan. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with [Section 11.05G.9](#), herein.

9. **Easements.** All underground public utility installations which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility.

Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restriction pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Subdivision Control Act, and shall be indicated on the site plan submitted for preliminary approval.

- 10. Reservation of Public Use Areas.** Where a proposed park, playground, open spaces, public school, library or other public use area shown in the adopted general development plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the site plan. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency. The Township shall own such property only upon acceptance of such dedication by the Township Board.

The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission. The reservation shall be valid for a period of one year from the date of final approval or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the plan was first filed with the Clerk. The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the proprietor.

- 11. Mobile Home Subdivisions.** Where a mobile home development falls within the definition of mobile home condominium project as set forth in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home condominium project may also be developed as a planned unit development.

All streets and driveways in the development shall conform to the standards set forth in [Section 11.05](#), herein. There shall be no residential lot access to a collector street within the development; all such access shall be provided by minor residential streets.

Collector street dimensions shall conform to County Road Commission specifications.

Each lot shall abut and have direct access to a public or private street. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.

Sidewalks and pedestrian ways shall be provided in accordance with [Section 11.05](#), herein, except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.

All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this Ordinance and all other applicable Township Ordinances and regulations.

Fuel oil and/or gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the subdivision and to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State code that is applicable.

When a master television antenna is provided, all lines extended to individual lots shall be underground. Such master antenna shall be so placed as not to be a nuisance to subdivision residents or surrounding areas.

A buffer of trees and shrubs not less than 20 feet in width shall be located and maintained along all boundaries of such development, excepting at established entrances and exits serving the development. When necessary for health, safety and welfare, a fence shall be required to separate the subdivision from adjacent property.

- 12. Commercial and Industrial Subdivisions.** Commercial and industrial development which constitute condominium projects as defined in the Condominium Act, shall conform to the provisions of this Ordinance, except for modifications provided in this Section.

All streets in a commercial development shall be paved, and be designed and constructed to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any street abutting the subject site. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for; such movements shall be adequately provided for on each lot. Streets within a development, except major thoroughfares and collector streets, shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks and parking area, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect streets at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.

Blocks shall be designed to meet the needs of the uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots shall have access from development or frontage streets, and shall not open directly onto arterial or collector streets.

Sidewalks and/or pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.

Buffer strips shall be provided along the perimeter of a commercial or industrial development according to Zoning Ordinance requirements. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the development should be shown on the preliminary site plan.

13. **Planned Unit Development.** Developments in a PUD zoning district may be granted certain variances from this Ordinance. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive developments with associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards set forth in this Article.
14. **Soil Erosion and Sedimentation Control.** The final site plan shall contain proposed erosion and sedimentation control measures. The measures shall be incorporated into the final construction drawings. Erosion and sedimentation control measures shall conform to adopted standards and specifications.
15. **Trees.** Trees shall be provided in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type — such as oak, maple, ash or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement satisfy the intent of this Ordinance.

The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this Ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of heaven) and willow.

All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and wrapped or shall be planted by means which will not disturb the root systems. Required trees shall be protected from damage by wind and other elements; guy wires and ropes, where provided, shall not damage bark or break branches. Trees shall be guaranteed by the proprietor for one full year after planting, with dead or otherwise unacceptable trees to be replaced by the proprietor, at the proprietor's expense, during the guarantee period.

16. **Street Lights.** Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they shall be installed prior to the occupancy of structures within the development. Street lights shall be provided in all developments except those of one acre or larger residential lots, and commercial and industrial subdivisions, where their installation shall be at the discretion of the Planning Commission.

- H. **Development Agreement.** The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Township, incorporating therein the



terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Washtenaw County.

- I. Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.
- J. Monuments shall be set at all boundary corners and deflection points and at all road right of way intersections corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

- K. Road rights of way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right of way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Township for all public water and sanitary sewer lines and appurtenances.
- L. All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.

## Section 11.06 Fence Regulations

- A. **Permit Requirements.** It shall be unlawful for any person, firm, or corporation to construct, or cause to be constructed, any fence on any property within The Charter Township of York, except in accordance with these regulations. Any person, firm, or corporation desiring to construct, or cause to be constructed, any fence that is subject to these regulations shall first obtain a fence permit from the Building Department. The application for a fence permit shall contain any and all information, including drawings, that is required and necessary to determine compliance with this Ordinance and applicable construction requirements. A permit shall not be required for a fence that is to be constructed for the purpose of enclosing farmland in A-1 or A-2 zoning districts.
- B. **Fee.** The fee for a fence permit shall be according to the Building Department fee schedule, and may be amended, by resolution of the Charter Township of York Board. The fee shall be paid to the Township Treasurer at the time of application for the permit.
- C. **Location of Fences**
  - 1. All fences shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly apply for a fence permit for the purpose of construction a fence on the common property line.

2. No permit shall be issued for any fence construction within a public easement in which public utilities are located or are proposed to be located without first receiving the approval of the Building Inspector or his/her authorized representative.

**D. Height Regulations**

**1. Fences located on residential lots shall comply with the following regulations:**

- a. Only ornamental type fences shall be located in a required front yard or in a required side yard adjoining a public or private street and shall not exceed four (4) feet in height.
- b. Fences located in any required side yard setback not adjoining a street or in any required rear yard setback shall not exceed six (6) feet in height.
2. Fences on any commercial lot shall not exceed ten (10) feet in height. Fences in a front yard or a street yard shall not be permitted in a commercial district except where required by the Township Planning Commission.
3. Fences on any industrial lot shall not exceed twelve (12) feet in height.
4. Fences enclosing farmland shall be exempt from the regulations of this subsection.
5. In determining the height of a fence that separates two adjoining lots and that is located within two (2) feet of the common lot line, the maximum height at any point shall be measured from the highest grade at that point within two (2) feet on either side of the common lot line.
6. Private swimming pools capable of holding water to a depth of twenty-four (24) inches or more when filled to capacity shall be completely enclosed by a fence not less than four (4) feet or more than six (6) feet in height of a material approved by the Building Inspector.

- E. Vision Clearance.** All fences shall comply with [Section 6.208, Corner Clearance Zones](#), herein. A fence that is located at the intersection of a driveway and a public sidewalk, or a sidewalk along a private street, shall not impede vision between the driveway and sidewalk.

**F. Safety of Fences**

1. No spikes, nails, barbed wire, razor thin wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on, any fence below the height of 10 feet, except in the case of fences that enclose farmland, in which case barbed wire may be permitted at any height of the fence.
2. Above ground fences shall not contain any electric charge or current, except fences that enclose farmland, in which case electrically charged fence wires shall be permitted, provided such wires shall be attached to the inside face of the fence posts. All electrically charged fences shall be of a type and make approved by Underwriters Laboratories and shall be so marked.
3. Fences may be constructed of woven wire, metal, wood or masonry. Masonry walls shall require a foundation equal to the depth of the frost line, or forty-two (42) inches. Posts or

anchoring devices for all other fences shall be placed at a depth of not less than thirty (30) inches.

- G. Retaining Walls.** A retaining wall shall be regulated as a fence if the wall projects more than eighteen (18) inches above the grade of the ground being retained.
- H. Public Utility Fences.** Fences that enclose public utility installations shall not be located in any required yard where the lot is located in a residential zoning district. Such fences may be located in any required yard where the lot is located in any other zoning district. Such fences shall comply with all other provisions of this Ordinance.
- I. Maintenance.** Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Building Inspector or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.
- J. Temporary Fences.** In any zoned district, temporary construction fences and fences required for protection around excavations shall comply with the Township Building Code. Such fences shall not be maintained for a period greater than one (1) year without approval of the Building Inspector.
- K. Exemptions.** Fences on residential lots larger than five (5) acres and not located in a recorded subdivision, and fences enclosing farmland shall be exempt from the regulations and requirements of this section, except [Section 11.06E](#) and [Section 11.06F](#), herein.
- L. Fences in Special Districts.** Fences located on a lot in a Planned Unit Development (PUD) or other special zoning district shall be exempt from the regulations of this section, but shall be regulated as provided in the approved petition for that lot.
- M. Fences Required Adjacent to Agricultural Land.** To minimize impacts upon and intrusions into adjacent farmland from new residential development, a fence shall be required along the perimeter of any residential plat and/or site condominium development that abuts agricultural land in the CP, A-1 or A-2 zoning districts, subject to the following:
1. The fence shall be four (4) feet in height and constructed of agricultural-grade rolled metal wire fencing and posts, with posts set a maximum of twelve (12) feet apart. Chain-link and barbed wire fencing shall be prohibited.
  2. The Planning Commission may approve an alternate fence design or combination of fence types upon determining that the alternative would satisfy the purpose of this subsection.
  3. The Planning Commission may waive this requirement for all or a portion of the development's perimeter upon determination that existing fencing, vegetation, buffer areas or other existing conditions would satisfy the purpose of this subsection.

## Section 11.07 Impact Assessment

- A. Purpose.** The submission of an Impact Assessment is necessary to provide relevant information concerning the effects that a proposed project may have on the community, and to provide the data necessary for the Township of York to make a rational determination on the request.

The Impact Assessment is required in order to explain the purposes of the request and to indicate what the proposal would add to the current Township's Growth Management Plan. The assessment shall evaluate the proposal's impact upon:

1. The natural environment of the area.
  2. Traffic operations and safety.
  3. Utilities and public facilities including storm sewers, sanitary sewers, or water mains.
  4. Recreation, school, and public safety needs.
  5. Future land use of the surrounding area.
- B. When Required.** An Impact Assessment shall be required and shall be submitted by a petitioner whenever the following matters are petitioned for consideration:
1. Requests for zoning change when such request represents a departure from the land use proposed in the Township's Growth Management Plan of land use applicable to the parcel in question.
  2. Any Planned Unit Development (PUD), Research Park District (RPD), Hamlet Center District (HCD), Residential/Office Park District (ROP), Office Park District (OP), or Commercial Commons Park District (CCP) shall require an Impact Assessment.
  3. Any commercial or industrial development five (5) acres or greater.
  4. A plat subject to the York Township Subdivision Control Ordinance and/or site condominiums when deemed necessary by the Planning Commission.
- C. Traffic Impact Study.** A traffic impact study shall be submitted for a project under any of the following situations:
1. All situations noted in [Section 11.07B.1](#), [Section 11.07B.2](#), and [Section 11.07B.3](#) above.
  2. Projects with frontage along major thoroughfares as designated in the Township Growth Management Plan that would be expected to generate fifty (50) directional vehicle trips (i.e. 50 inbound or 50 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets.
  3. Projects that would be expected to generate one hundred (100) direction vehicle trips (i.e. 100 inbound or 100 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets. (Forecasted trip generation shall be based upon equations/rates outlined in the most recent version of the Institute of Transportation Engineer's (ITE) Trip Generation manual. The ITE data may be supplemented by actuate trip generation data from similar establishments in Michigan).

- B.** The Impact Assessment is required in order to explain the purposes of the request and to indicate why the proposal would be a logical alternative to policies contained within the Township's Growth Management Plan. The Assessment shall also evaluate the proposals impact upon the natural

environment of the area, on traffic operations and safety, on public facility needs and on the future land use of the surrounding area.

In addition to the effects on the natural environment the proponent shall also submit an analysis of the resulting impact on utilities and public facilities including storm sewers, sanitary sewers or water mains and recreation, school and public safety needs.

- C. Minimum Contents of Traffic Impact Study.** The following shall be submitted to the Township Planning Commission for review and evaluation. The Planning Commission shall determine the applicability and/or necessity of the following items as they pertain to a specific project or rezoning request.
1. Existing conditions including existing daily and peak hour traffic volumes on adjacent street(s). Intersections in the vicinity which are expected to be impacted as identified by the Township and a description of any site distance limitations along the site's right-of-way frontage. Existing traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The following times/situations should also be avoided where possible so that the traffic count data, would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The consultant performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations) for the area under study. Traffic data over one (1) year old will not be accepted unless the applicant can document that volumes have not changed more than two percent (2%).
  2. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent Institute for Traffic Engineers Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.

For requests for zoning change when such request represents a departure from the land use proposed in the Township Growth Management Plan, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Zoning Inspector.

3. For any project with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent street network using a forecast based on historic annual percentage increases and/or on expected development in the area.

Traffic impact assessments shall acknowledge the traffic impacts of other uses approved, but not yet constructed which may affect traffic operations for the subject site, as determined by the Township.

4. The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site driveways and nearby intersections and illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached.

5. Capacity analysis at the proposed driveway(s) using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Before and after capacity analyses shall also be performed at all street intersections where the expected traffic will comprise at least five-percent (5%) of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the Township or Washtenaw County Road Commission.
  6. Traffic accident data covering the most recent three (3) years for intersections analyzed in the impact Study shall be summarized in collision diagrams. The Township may require traffic accident data if the segment of roadway adjacent to or near the subject site has experienced accident problems.
  7. A map and description of the location and design of proposed access (driveway or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet, other data to demonstrate that the design and number of driveways proposed is the fewest necessary, and the driveway(s) will provide safe and efficient traffic operation and be in accordance with the standards of this Ordinance.
  8. An analysis of the potential need for bypass lanes or deceleration tapers/lanes including attachment of any correspondence by the Washtenaw County Road Commission.
  9. A general description and illustration with arrows of internal site circulation, truck circulation, and how the site plan minimizes the amount of impervious surface.
  10. Documentation of approval for size and location of fire lanes and emergency vehicle access by the Fire Department.
  11. A general description of pedestrian circulation on and across the roadways including any pedestrian facilities provided.
- D. The requirements set forth in this Section shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or any other Ordinance enacted by the Township or by other public agencies having jurisdiction.
- E. Fees for the review of Impact Assessments shall be established by resolution of the Township Board of Trustees.

### **Section 11.08 Public Sanitary Sewage Treatment and Disposal**

In addition to the requirements established by the Michigan Department of Environmental Quality (MDEQ), the following site development and use requirements shall apply to all publicly owned and operated sewage treatment and disposal plants, and to all community wastewater systems (PWS):

- A. All operations shall be completely enclosed by a fence not less than six (6) feet high.
- B. All operations and structures shall be surrounded on all sides by a buffer strip at least two hundred (200) feet wide within which grass, trees and shrubs, and structural screens shall be placed to enhance the appearance of the installation. The Township Planning Commission shall have the authority to review and approve the design and treatment of all buffer strips.

- C. No device for the collection, treatment, and/or disposal of sewer wastes shall be installed or used without approval of the Washtenaw County Environmental Health Division or Michigan Department of Environmental Quality (MDEQ), where appropriate.

### **Section 11.09      Underground Wiring**

All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout a subdivision or multiple family residential development. Overhead lines may be permitted upon recommendation of the Planning Commission and approval by the Township Board at the time of tentative approval of the preliminary plat or approval of the preliminary site plan where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as surface mounted transformers, power terminal pedestals, meters and meter boxes, street lights, and street light poles.

### **Section 11.10      Pond Permit**

- A. A construction permit will be required to construct a pond.
- B. Unless a permit is obtained, soil cannot be removed from property and must remain on site.
- C. If removal of an excess of fifty (50) cubic yards of soil is necessary, see [Section 7.603](#), "[Extraction Operations](#)" and [Section 15.04](#), "[Land Filling and Alteration](#)", herein.
- D. Construction of a pond shall be subject to the regulations of Washtenaw County Soil Conservation District.

### **Section 11.11      Sale of Christmas Trees**

Cutting of trees on individual lots for the purpose of Christmas tree sales and/or the sale of previously cut trees assembled on individual lots for sale shall be subject to the following regulations.

- A. Christmas trees may be sold in A-1, A-2, C-1, and C-2 Districts. Christmas tree sales shall not be permitted in residentially zoned districts.
- B. Churches, schools, or other non-profit organizations may sell Christmas trees on property owned by such institution or organization in any zoning district.
- C. Unless Christmas tree sales are accessory to the principal use of the site, a permit shall be obtained from the Building Official to allow temporary use of the site for such sales. Such permit shall be issued after an inspection is made by the Building Official or his representative of the proposed sale site. Such inspection shall include but not limited to any and all wiring, lighting, or other apparatus to be utilized in the sale of such trees.
- D. Such use and occupancy shall be temporary and shall not adversely impact adjacent and surrounding properties.
- E. Tree storage and display areas shall comply with the minimum setback requirements for the district in which the outdoor sale of trees is located.

- F. The portion of any parcel used for tree sales shall be located no closer than two hundred fifty (250) feet from any other parcel that is zoned or used for residential purposes.
- G. All loading and parking areas shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads. Such use and occupancy will not create a traffic hazard and congestion.
- H. All trees, parts of trees and any other refuse or debris resulting from Christmas tree sales, and all signs, lights, poles, wires or other items in connection therewith shall be removed from said property not later than the 28th day of December of the year the property is so used and appropriate permit obtained from the building official.

## Section 11.12 Wireless Communications Facilities

- A. **Purpose.** The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:
  - 1. Permit the location of wireless communication facilities within given geographical areas of the Township, while protecting the safety and character of nearby residential areas and the Township as a whole;
  - 2. Require collocation of transmission and receiving apparatus and antennas on existing towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;
  - 3. Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;
  - 4. Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;
  - 5. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;
  - 6. Require wireless communication towers and antennas to be configured in a way that minimizes adverse visual impacts, through careful design, siting, landscape screening, and innovative camouflaging techniques;
  - 7. Establish consistent review procedures and information requirements for construction, alteration, and enlargement of wireless communication facilities; and
  - 8. Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as amateur radio antennas, satellite dish antennas, and collocation of additional antennas on an existing, approved wireless communications tower.
- B. **Type of Review Required.** Wireless communications facilities shall be subject to review and approval in accordance with the following table:



Type of Wireless Communications Facility	Required Review and Approval		
	Special Use Approval	Certificate of Zoning Compliance	Exempt
<b>NEW TOWERS AND ANTENNAS</b>			
Construction, alteration or enlargement of a wireless communication tower.	●		
Antenna installation covering less than five (5) square-feet on an existing principal building or accessory structure, not exceeding the structure height, and where all accessory equipment is installed and maintained within the existing structure.		●	
Any other antenna installation on an existing principal building or accessory structure.	●		
<b>EXISTING TOWERS</b>			
Alteration or enlargement of a wireless communication tower conforming to maximum height requirements that includes an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see <a href="#">Section 11.12B.3</a> .	●		
Alteration or enlargement of a wireless communication tower conforming to maximum height requirements and without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		●	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. Also see <a href="#">Section 11.12B.3</a> .	●		
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.		●	
Collocation of a new antenna on an existing tower conforming to maximum height requirements that includes an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see <a href="#">Section 11.12B.3</a> .	●		
Collocation of a new antenna on an existing tower conforming to maximum height requirements and without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		●	
Construction or expansion of a ground equipment building or installation of new ground equipment within an approved ground equipment building or enclosure.		●	
<b>SATELLITE DISH ANTENNAS</b>			
Installation of a satellite dish antenna with a diameter of less than 1.5 meters.			●
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		●	

Type of Wireless Communications Facility	Required Review and Approval		
	Special Use Approval	Certificate of Zoning Compliance	Exempt
<b>AMATEUR RADIO ANTENNAS</b>			
Installation of an amateur radio transmission and reception antenna or antenna structure.		●	
Installation of a citizen band radio base station antenna structure, contractor’s business antenna structure or similar facility.		●	
Installation of short wave facilities, amateur radio reception-only antenna, television reception antenna, or wireless Internet antenna for personal use.			●
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			●
<b>OTHER PROJECTS</b>			
Repair or service of existing wireless communications facilities, provided that all work complies with applicable regulations and approved plans.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

1. **Exempt Facilities** - Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities exempt from review per [Section 11.12B](#) shall be permitted by right, subject to the applicable federal and state regulations.
  
2. **Facilities Subject to Zoning Inspector Approval** - Facilities subject to certificate of zoning compliance approval per [Section 11.12B](#) shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and [Section 20.03 \(Certificates of Zoning Compliance\)](#).
  
3. **Special Provisions for Review of Certain Alterations and Collocations.** In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to special use approval per [Section 11.12B](#) and referencing this subsection shall be modified as follows:
  - a. **60-Day Time Limit on Planning Commission Action.** The Planning Commission shall complete its review and take final action on the application in accordance with [Section 16.06 \(Planning Commission Action\)](#) within 60 calendar days after the date that the application is considered to be administratively complete per [Section 11.12C.3.b](#). The application shall be deemed approved if the Planning Commission takes no final action within this 60 calendar day period.
  
  - b. **Limitation on Conditions of Approval.** Planning Commission authority, per [Section 11.12C.6](#) and [Section 16.08 \(Conditions of Approval\)](#), to impose conditions on any approval

subject to the additional requirements of this subsection shall be limited to conditions intended to:

- (1) Verify compliance with the applicable requirements of this Ordinance; or
- (2) Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.

C. **Special Use Permit.** Wireless communications facilities subject to special use approval per [Section 11.12B](#) shall require review and approval of a Special Use Permit by the Planning Commission, subject to the standards of this Section and [Article 16.0 \(Special Uses\)](#).

1. **Amendments to an Approved Special Use Permit** - The following changes to an existing wireless communication tower for which a valid Special Use Permit was previously approved shall be subject to review and approval as an amendment to the approved Permit:
  - a. Alteration or enlargement of an existing wireless communication tower;
  - b. Construction of a new ground equipment building within an existing ground equipment enclosure area; or
  - c. Expansion of an existing ground equipment enclosure area.
2. **New Special Use Permit Required** - All wireless communication facilities subject to Special Use Permit approval shall require review and approval of a new Permit by the Planning Commission.
3. **Special Provisions.** In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of any application for a Special Use Permit per [Section 11.12B](#) shall be modified as follows:
  - a. **Limitation on Review Fees.** A fee required to accompany an application for a Special Use Permit under this Section shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
  - b. **14-Day Time Limit to Determine Eligibility and Completeness.** After an application for a Special Use Permit under this Section is filed in accordance with this Section, the Clerk shall immediately transmit a copy of the application materials and plans to the Township Planner to determine whether the application is administratively complete per [Section 11.12C.5](#).
    - (1) The Township Planner shall transmit a written response to the Clerk and the applicant within 14 business days stating either that the application is administratively complete or listing the specific information needed for a complete application.
    - (2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.
4. **90-Day Time Limit on Planning Commission Action.** For any Special Use Permit application not subject to the additional requirements of [Section 11.12B.3](#), the Planning Commission shall complete its review and take final action per [Section 16.06 \(Planning Commission Action\)](#) within 90 calendar days after the date that the application is considered to be administratively

complete. The application shall be deemed approved if the Planning Commission takes no final action within this 90 calendar day period.

5. **Information Required** - In addition to any information required by [Article 16.0 \(Special Uses\)](#), applicants for a Special Use Permit for a wireless communication facility shall submit the following information:
- a. **Site Inventory.** Each applicant shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of York Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, and the following:
    - (1) The separation distance between the proposed wireless communication facility and other structures shown on the site inventory. The applicant shall also identify the type of construction and owner(s)/operator(s) of existing towers, if known.
    - (2) Location(s) of future wireless communication facilities proposed or anticipated by the applicant within York Township, based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
    - (3) The Growth Management Plan classification of the site and all properties within the site inventory area.

Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of York Township. The sharing of such information shall not constitute a representation or warrant by the Township that such sites are available or suitable.
  - b. **Site Plan.** In addition to applicable requirements of [Article 17.0 \(Site Plan Review\)](#), a scaled site plan shall be submitted that includes the following minimum required information and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section:
    - (1) The location, type and height of the proposed tower; on-site and abutting land uses and zoning, including across road rights-of-way; adjacent roadways and proposed means of access; on-site topography and parking; setbacks from property lines; and elevation drawings of the proposed tower and any other structures.
    - (2) A maintenance plan to ensure long term, continuous maintenance to a reasonably prudent standard, and any applicable maintenance agreement identifying who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
    - (3) Legal description of the parent tract and leased parcel (if applicable).
    - (4) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
    - (5) Method of fencing, and finished color and, if applicable, the method of camouflage, and details of any tower illumination.

- (6) A landscape plan showing the specific size, species, amount, and planting details for proposed landscape materials.
- c. **Removal Agreement** - The applicant shall submit a signed and notarized removal agreement for the future removal of the facility in accordance with [Section 11.12K](#). The applicant shall submit an estimate for the cost of removal of the facility and restoration of the site, certified by a licensed professional engineer and verified by the Township Engineer. This agreement shall be binding on all owners, operators, successors, and assigns. Where a development agreement is required per [Section 17.14 \(Effect of Final Site Plan Approval\)](#), the removal agreement shall be included within the development agreement.
- d. **Tax-Related Information** - The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Planning Commission that this condition has been satisfied.
- e. **Franchise Information** - Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of all such franchises shall be filed with the Township.
- f. **Collocation Information** - A notarized statement by the applicant indicating that design of a proposed tower will accommodate collocation of additional antenna arrays equal to that submitted by the applicant.
- g. **Additional Required Information**
- (1) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
  - (2) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.
  - (3) A technical analysis setting forth the minimum height necessary for reasonable communication by the applicant and an evaluation of alternative designs that might result in a need for fewer towers and/or lower tower heights.
  - (4) An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.
6. **Conditions of Approval** - In granting a Special Use Permit not subject to the additional requirements of [Section 11.12B.3](#), the Planning Commission may impose conditions to the extent that the Planning Commission determines are necessary to minimize any adverse impact of the proposal on adjoining or nearby properties, in addition to the conditions of approval specified in [Article 16.0 \(Special Uses\)](#). The Planning Commission may also require that a

removal and restoration guarantee be posted with the Township as a condition of Special Use Permit approval.

- a. The purpose of this guarantee is to ensure the facility's future removal and site restoration if the owner or operator fails to do so as required by [Section 11.12K](#).
- b. The guarantee shall be in the form of a cash bond, irrevocable letter of credit, or similar instrument acceptable to the Building Official, which names the facility owner as the obligor and the Township as the obligee, together with a written and notarized agreement in the form approved by the Township providing for the future removal of the facility.

**7. Factors to Consider in Granting a Special Use Permit** - In addition to any standards for consideration of Special Use Permit applications contained in [Article 16.0 \(Special Uses\)](#), the Planning Commission shall consider the following factors in determining whether to issue a Special Use Permit. The Planning Commission may waive or reduce one (1) or more of these criteria upon determination that the purposes of this Section are better served thereby:

- a. Height of the proposed tower or antenna structure, size of the antennas, and visual impact of the structure or antennas.
- b. Proximity of the tower to residential structures and residential district boundaries.
- c. Nature of uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Surrounding tree coverage and foliage.
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. Proposed ingress and egress.
- h. The design of the proposed structure will accommodate collocation of additional users.
- i. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

**8. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology** - No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology.

The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- D. General Standards.** All wireless communication facilities shall be subject to the following regulations:
1. **Grounded** - Antennas and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.
  2. **Wind Load** - Structures with antennas shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.
  3. **State and Federal Regulations** - Towers and structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal regulations are adopted in the future, the operator of the tower shall bring the antennas into conformance with such standards within 180 calendar days of its adoption, or the Special Use Permit shall be subject to revocation per [Section 11.12J](#). The operator of the tower shall bear the costs for testing and verification of compliance.
  4. **Franchises** - Owners and/or operators of structures or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with York Township.
  5. **Engineering Certification** - Any civil, mechanical or structural engineering information supplied by the applicant shall be certified by a licensed professional engineer.

6. **Not Essential Services** - Structures and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
  7. **Land Division for Facility** - The division of property for the purpose of locating a wireless communication facility is prohibited unless all requirements of the Township Ordinances are met.
  8. **Signage** - The wireless communication facility shall not be used for advertising purposes and shall contain no signs except a permitted nameplate and as otherwise required by the Federal Aviation Administration (FAA).
  9. **Climb Prevention** - All wireless communication towers and antenna structures shall be protected by anti-climbing devices; such as security fences or anti-climbing devices. Anchor points for guy wires or anchoring points shall be enclosed by a fence or shall be located within the confines of a yard that is completely fenced.
- E. **Standards for Wireless Communication Towers and Antennas on Towers.** Wireless communication towers and antennas on towers shall be subject to the following:
1. **Permitted Locations** - Wireless communications towers shall only be permitted on parcels in the A-1 (Primary Agriculture), A-2 (Interim Agriculture), C-2 (General Commercial), C-3 (Regional Commercial), I-1 (Light Industrial), and I-2 (General Industrial) Districts. Wireless communications towers shall also be permitted on parcels in the PUD (Planned Unit Development) District, where the approved PUD development on the parcel consists exclusively of non-residential uses.
  2. **Collocation** – The applicant shall submit evidence that there are no reasonable and suitable alternatives for location of equipment on an existing communications tower within the service area of the proposed tower. The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review.
  3. **Setbacks for Towers** - A tower shall have a minimum setback from all property boundaries equal to the height of the tower. Guys and accessory buildings shall satisfy minimum zoning district dimensional standards.
    - a. No tower shall be located within 3,000 feet of another wireless communication tower. This requirement may be waived where the tower is of an exceptional design so as to create a positive architectural or environmental feature compatible with the character of the surrounding area and community.
    - b. No tower shall be located closer than 800 feet from the boundary of any residential zoning district, including any PUD District incorporating residential uses.
    - c. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.



4. **Access** - Unobstructed access, constructed in accordance with all provisions of this Ordinance, shall be provided to the tower and ground equipment building and enclosure to ensure service by police, fire, and emergency vehicles.
5. **Structural Design and Installation** - The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes.
  - a. All structures must meet or exceed current standards and regulations of the FAA, the FCC, and other agency of the state or federal government with the authority to regulate structures and antennas. If such standards and regulations are changed, then the owners of the structures and antennas governed by this Section shall bring such structures and antennas into compliance with such revised standards and regulations within 180 calendar days of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring structures and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - b. To ensure the structural integrity of structures, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the State Construction Code, other applicable building, fire, and electrical codes, and applicable standards for structures as published by the Electronic Industries Association. If, upon inspection, York Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 calendar days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - c. All signal and remote control conductors extending substantially horizontally above the ground between a tower or antennas and a structure, or between structures, shall be at least eight (8) feet above the ground at all points, unless buried underground.
  - d. The base of the tower shall occupy no more than 500 square feet.
6. **Lighting** - Structures shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The use of strobe lights on a tower shall be prohibited in the absence of a demonstrated need.
7. **Height** - Structures shall not exceed 180 feet in height, as measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
8. **Design** - The design of the tower, antenna(s), ground equipment building(s) and related structures and enclosure shall use, to the maximum extent possible, materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings. The paint scheme of the tower and antennas shall be designed to minimize off-site visibility of the antennas and tower.

- a. Metal structures shall be constructed of, or treated with, corrosive resistant material.
  - b. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
  - c. The antennas shall be painted to match the exterior treatment of the tower.
- 9. Fencing and Landscaping** - The tower and ground equipment building(s) shall be secured by fencing a minimum of six (6) feet in height. The ground equipment enclosure area and fencing shall be screened with a landscape strip at least 20 feet wide along each side of such fencing and building.
- a. Specifications for spacing and plant materials shall be as set forth in [Section 14.03 \(Green Belt Buffer\)](#). The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness.
  - b. Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible.
  - c. The Planning Commission may waive the landscaping requirements of this subsection where natural growth around the property perimeter may provide sufficient buffer, such as facilities sited on large, wooded lots.
- 10. Employees** - No employees shall be located on the site on a permanent basis to service or maintain the tower or antennas. Occasional or temporary repair and service activities are excluded from this restriction.
- F. Standards for Antennas Located on Principal Buildings and Accessory Structures.** Antennas shall be permitted on principal buildings or accessory structures in any zoning district, except single-family dwellings, two-family dwellings, and multiple-family residential principal buildings, subject to approval per [Section 11.12B](#) and the following standards:
1. The antenna and support structure shall not extend into any required yard setback areas, and shall not exceed the building or structure height by more than ten percent (10%).
  2. The antennas, supporting structure, and electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the principal building or accessory structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
  3. The antenna and support structure shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction.
  4. Such antenna shall be securely attached and anchored to the structure. Structural improvements needed to support the added weight of the antenna and support structure shall conform to State Construction Code standards.
- G. Standards for Satellite Dish Antennas.** Satellite dish antennas shall be permitted in any zoning district, subject to approval per [Section 11.12B](#) and the following standards:

1. Such antennas shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
  2. Satellite dish antennas shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
  3. A maximum of one (1) satellite dish antenna shall be permitted per single-family dwelling, two-family dwelling, or multiple-family residential principal building on a lot or parcel.
  4. Satellite dish antennas shall conform to the minimum yard setbacks of the zoning district where the antenna is located.
- H. Standards for Amateur Radio Antennas.** Amateur radio antennas shall be permitted in any zoning district, subject to approval per [Section 11.12B](#) and the following standards:
1. Such antennas shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
  2. Amateur radio antennas shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
  3. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
  4. For retractable, telescoping or tilt-down antennas, the minimum required setback distance shall be equal to the height of the antenna structure in the “down” or retracted position. Such antennas shall be maintained in the “down” or retracted position when not in use.
- I. Existing Wireless Communications Facilities.** Wireless communications facilities existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval. Collocation of additional antennas on such existing towers shall be permitted in accordance with the requirements of this Section and Ordinance.
- J. Rescinding Approval of Wireless Communications Facilities.** Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Township about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:
1. **Public Hearing** - Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with [Section 20.10 \(Public Hearing Procedures\)](#), at which time the owner or operator of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination** - Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.
- K. Cessation of Operation.** The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than 365 contiguous days, or that has been determined by the Township to be abandoned, subject to the following:
1. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.
  2. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any removal and restoration guarantee provided for that purpose.
  3. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.
  4. If there are two (2) or more antennas on a single tower, this subsection shall not take effect until all users cease using the tower.
  5. Any wireless communication facility that is not operated for a continuous period of 365 calendar days shall be deemed abandoned.

### **Section 11.13      Open Space Preservation Residential Development**

- A.** In order to comply with the Michigan Zoning Enabling Act, Public Act 110 of 2006, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned CP, A-2, R-1, R-2, or PUD, may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than fifty (50) percent of the land, if all of the following apply:
1. Not less than fifty (50) percent of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenants, or other legal means that runs with the land.
  2. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by these provisions would also depend upon such an extension as designated by Township policy.
  3. The development option provided pursuant to this section has not been previously proposed with respect to the subject property.

**B. General Principles**

1. An Open Space Preservation Residential Development shall be approved by one of the following means:
    - a. **Site Plan Review.** Where the lot division is by Metes and Bounds, the Open Space Preservation Residential Development shall be submitted to the Planning Commission for review in accordance with [Article 17.0](#). The Township Assessor shall not approve any land division for an Open Space Preservation Residential Development until the requirements of [Article 17.0](#) are met.
    - b. **Subdivision Plat.** Where the Open Space Preservation Residential Development is a subdivision plat, it shall be submitted in accordance with the approval process provided in the Township Subdivision Ordinance and the Township Zoning Ordinance.
    - c. **Site Condominium.** When the Open Space Preservation Residential Development is a site condominium, it shall be submitted in accordance with the approval process provided in [Section 11.05](#) of this Ordinance.
  2. **Guarantee of Preservation.** The Dedicated Open Space shall in perpetuity remain in an undeveloped state. The applicant shall guarantee to the satisfaction of the Township Board of Trustees that all Dedicated Open Space will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided approval of such transfer is provided to the Township Board and the land uses continue as approved in the Open Space Preservation Residential District area plan.
  3. **Clustering.** Dwelling units shall be grouped so that Dedicated Open Space within a development is at least fifty (50) percent the Total Buildable Area.
  4. **Dedicated Open Space.** The Dedicated Open Space shall be located to preserve significant natural features and to connect open spaces throughout the development with adjacent open space. Open space along the exterior public roads shall have a depth of at least one hundred (100) feet, as measured from the right of way line, either landscaped with natural vegetation or preserved in a natural wooded condition. All planted vegetation shall be native to the area. Preservation of existing trees is essential.
- C. **Density Calculations.** The maximum permitted density in an Open Space Preservation Residential District shall be determined as follows:
1. The maximum permitted net residential density shall not be greater than that normally permitted within the zoning district. The maximum density shall be the maximum number of lots permitted by the approved parallel design plan as outlined within this Section. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots that can be developed on the subject parcel.
  2. A parallel design plan shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all State, County and Township regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated by Federal, State, County or local agencies.

3. It must be determined by the Planning Commission that this parallel design plan is able to be physically constructed and meet all current regulations, should the Open Space Preservation Residential Development be denied or not constructed. If there are questions regarding water, septic, wetlands or floodplains, the Planning Commission may request the applicant to obtain approval from the proper regulatory authority. If the Planning Commission determines, through these responses, that the number of lots proposed is unfeasible, the parallel design plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage.
  
4. The Planning Commission may also waive the submission of a parallel design plan if the Planning Commission determines that the number of housing units proposed for the Open Space Preservation Residential Development is well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission. Waivers may only be granted if it is determined by the Planning Commission that the proposed open space design will be a major benefit to the Township and achieve all the goals and objectives set forth in the York Township Growth Management Plan.

**Section 11.14 Wind Energy Conversion Systems**

This Section is intended to permit the effective and efficient use of wind energy conversion systems (WECS) in a manner that protects the public health, safety, and welfare of neighboring property owners and the residents of the Township. The siting, design, location, and installation regulations of this Section have been determined to be the minimum requirements necessary to meet the intent and purposes of this Section and Ordinance. Wind energy conversion systems in the Township shall be subject to the following:

**Table 11.33-1. Wind Energy Conversion System Requirements**

Type of Wind Energy Conversion System (WECS)	Required Approval		Minimum Lot Area (acres)	Minimum Yard Setback (percentage of WECS height)	Maximum WECS Height (feet)	Applicable WECS Standards in <a href="#">Section 11.14</a>
	Special Use Approval	Certificate of Zoning Compliance				
Agricultural WECS installation or alteration up to 75.0 feet in height		<b>X</b>	5.0	200%	75.0	<a href="#">Section 11.14A</a> – <a href="#">Section 11.14E</a>
Agricultural WECS installation or alteration 75.1 to 100.0 feet in height		<b>X</b>	20.0	300%	100.0	<a href="#">Section 11.14A</a> – <a href="#">Section 11.14E</a>
Agricultural WECS installation or alteration greater than 100.0 feet in height	<b>X</b>		20.0	300%		<a href="#">Section 11.14A</a> – <a href="#">Section 11.14E</a>
Private WECS installation or alteration up to 35.0 feet in height		<b>X</b>	1.0	100%	35.0	<a href="#">Section 11.14A</a> – <a href="#">Section 11.14D</a> , <a href="#">Section 11.14F</a>
Private WECS installation or alteration 35.1 to 60.0 feet in height		<b>X</b>	5.0	150%	60.0	<a href="#">Section 11.14A</a> – <a href="#">Section 11.14D</a> , <a href="#">Section 11.14F</a>
Private WECS installation or alteration 60.1 to 75 feet in height		<b>X</b>	10.0	200%	75.0	<a href="#">Section 11.14A</a> – <a href="#">Section 11.14D</a> , <a href="#">Section 11.14F</a>

Type of Wind Energy Conversion System (WECS)	Required Approval		Minimum Lot Area (acres)	Minimum Yard Setback (percentage of WECS height)	Maximum WECS Height (feet)	Applicable WECS Standards in <a href="#">Section 11.14</a>
	Special Use Approval	Certificate of Zoning Compliance				
Private WECS installation or alteration 75.1 to 100.0 feet in height		<b>X</b>	20.0	300%	100.0	<a href="#">Section 11.14A</a> - <a href="#">Section 11.14D</a> , <a href="#">Section 11.14F</a>
Private WECS installation or alteration greater than 100.0 feet in height	<b>X</b>		20.0	300%		<a href="#">Section 11.14A</a> - <a href="#">Section 11.14D</a> , <a href="#">Section 11.14F</a>
Commercial WECS installation or alteration of any height	<b>X</b>		20.0	300%		<a href="#">Section 11.14A</a> - <a href="#">Section 11.14D</a> , <a href="#">Section 11.14F</a> , <a href="#">Section 11.14G</a>

- A. Type of Review Required.** Wind energy conversion systems shall be subject to review and approval in accordance with [Table 11.33-1](#) and the following:
- 1. WECS Subject to Zoning Inspector Approval.** WECS subject to certificate of zoning compliance approval per [Table 11.33-1](#) shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and [Section 20.03](#) ([Certificates of Zoning Compliance](#)).
  - 2. Special Use Permit.** WECS subject to special use approval per [Table 11.33-1](#) shall require Special Use Permit approval in accordance with the applicable standards of this Section and [Article 16.0](#) ([Special Uses](#)).
- B. Required Information.** The following additional information shall be submitted with any application for WECS approval:
- 1.** Documentation of any potential interference that the proposed WECS may cause with microwave transmissions, residential television reception or radio reception.
  - 2.** Documentation of compliance with applicable federal and state regulations for the installation.
  - 3.** A plan for the long-term, continuous maintenance of the facility, including who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
  - 4.** Elevation drawings of the proposed WECS and any associated facilities. The drawings shall identify the type, design, materials, and height for the proposed WECS and associated facilities; and the name and location of the WECS manufacturer, if applicable.
  - 5.** Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating:

- a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;
  - b. That the facility is designed in accordance with applicable dead load and wind pressure standards; and
  - c. That the facility is designed to conform to the State Construction Code and all other applicable building, electrical, and fire codes.
6. The applicant shall submit an agreement for the future removal of the facility upon cessation of operation, signed and notarized by the property owner and WECS owner/operator. This agreement shall be binding on all owners, operators, successors, and assigns. Where a development agreement is required per [Section 17.14 \(Effect of Final Site Plan Approval\)](#), the removal agreement shall be included within the development agreement.
- C. **Permitted Locations.** Wind energy conversion systems shall only be permitted in the following zoning districts:
1. **Agricultural WECS.** C-P (Conservation Preservation), A-1 (Essential Agricultural), and A-2 (Interim Agricultural) zoning districts.
  2. **Private WECS.** C-P (Conservation Preservation), A-1 (Essential Agricultural), A-2 (Interim Agricultural), R-1 (Single-Family Rural Residential), RPD (Research Park), and PSP (Public/Semi-Public Services) zoning districts.
  3. **Commercial WECS.** C-P (Conservation Preservation), A-1 (Essential Agricultural), A-2 (Interim Agricultural), I-1 (Light Industrial), I-2 (General Industrial), RPD (Research Park), and PSP (Public/Semi-Public Services) zoning districts.
  4. **WECS in a Planned Unit Development (PUD) District.** A WECS may also be permitted as part of a Planned Unit Development (PUD) project, subject to the standards of [Article 8.0 \(Planned Unit Development District – \(PUD\)\)](#) and the following:
    - a. A separate Special Use Permit shall not be required for a WECS approved as part of a PUD area plan and final site plan.
    - b. All other standards of this Section shall apply to a WECS in a PUD district.
- D. **General WECS Standards.** All agricultural, private, and commercial WECS shall be subject to the following standards:
1. **Minimum Ground Clearance.** No WECS shall be installed with any moving part less than 15 feet above grade.
  2. **Minimum Yard Setbacks.** All WECS projects shall be set back from lot boundaries, road rights-of-way, and principal building(s) a minimum distance as listed in [Table 11.33-1](#).
  3. **Anti-Climbing Devices.** All agricultural and commercial WECS project towers or poles shall be protected by anti-climbing devices such as: fences with locking portals at least six feet high; anti-



climbing devices 12 feet from base of pole; or anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.

- 4. Nuisances, Signage, and Lighting Prohibited.** A WECS shall not cause interference with microwave transmissions, residential television reception or radio reception. The noise level measured at the property line of the property on which the agricultural WECS project has been installed shall not exceed 55 decibels. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes. Structures shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other applicable authority.
- 5. Electrical Codes and Fire Safety.** All WECS projects shall adhere to all applicable electrical codes and standards, shall remove fuel sources (such as vegetation) from the immediate vicinity of electrical gear and connections, and shall utilize twistable cables on turbines.
- 6. Compliance with Township Ordinances.** All WECS projects shall be in compliance with all requirements of this Section and Ordinance, and other applicable Township ordinances.
- 7. Maximum Permitted WECS density.** The maximum density of all other agricultural and private WECS units on any single lot or parcel of land in the Township shall not exceed one (1) WECS unit per five (5) acres of gross lot area. Commercial WECS units shall be subject to determination by the Planning Commission that the proposed density of such units is in accordance with [Section 16.07 \(Special Use Standards\)](#).
- 8. Annual Zoning Compliance Inspection.** An annual zoning compliance inspection shall be required for all WECS units in the Township.
- 9. Review and Inspection Fees.** The Township Board shall, by resolution, establish a schedule of fees for WECS applications and inspections required under this Section.
- 10. Shadow Flicker.** WECS owners shall be responsible for any off-site impacts from the visible shadow flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures during daylight hours, causing a repeating pattern of light and shadow:
  - a.** WECS units subject to Certificate of Zoning Compliance approval per [Table 11.33-1](#) shall be located within the subject parcel so as to prevent shadow flicker from passing over any off-site road right-of-way, occupied dwelling or other principal building during daylight hours from one (1) hour after sunrise to one (1) hour before sunset:
    - (1)** A letter from the WECS owner or contractor installing the WECS verifying compliance with this subsection shall be included with the Certificate of Zoning Compliance application.
    - (2)** Three (3) or more documented complaints of shadow flicker passing over any off-site road right-of-way, occupied dwelling or other principal building received and verified by the Zoning Inspector within any 365 calendar day period shall be grounds for the Township to require that the WECS unit be shut down and secured against movement during the hours and seasons of the year when such off-site impacts have occurred.

- b. WECS units subject to Special Use Permit approval per [Table 11.33-1](#) shall be subject to the following:
- (1) A shadow casting study, including maps and/or a computer animation in a format compatible with Township computer systems, shall be submitted with the application for Special Use Permit approval. The study shall identify the projected shadow arcs and all areas anticipated to be impacted by shadow flicker from the proposed WECS over one (1) calendar year, including:
    - (a) All land areas anticipated to be impacted during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
    - (b) Additional land areas anticipated to be impacted during the first one (1) hour after sunrise and the last one (1) hour before sunset.
    - (c) Approximate locations of all dwellings and other principal buildings within the shadow flicker impact areas.
  - (2) To minimize off-site impacts from shadow flicker, the Planning Commission may require additional perimeter screening per [Section 14.03 \(Green Belt Buffer\)](#), limit hours of WECS operation, or place other conditions on a Special Use Permit approval in accordance with [Section 16.08 \(Conditions of Approval\)](#).
  - (3) If a WECS unit is in violation of this Ordinance or any condition of approval, the Planning Commission may seek to rescind the Special Use Permit approval per [Section 16.11 \(Revocation of Permit\)](#).
- E. **Agricultural WECS Standards.** The agricultural WECS shall be accessory to a permitted farm or agricultural operation in the Rural Districts, and shall be designed and built to serve the needs of the farm or agricultural operation.
- F. **Private and Commercial WECS Standards.** The following additional standards shall apply to private and commercial WECS in the Township:
1. **Design Safety Certification.** A Professional Engineer registered in the State of Michigan shall certify the safety of the design of all private and commercial WECS towers. The standard for certification shall be included with the permit application.
  2. **Controls and Brakes.** All private and commercial WECS projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer shall certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
  3. **Height.** Per [Section 6.201 \(Height Exceptions\)](#), WECS units are exempt from the maximum height requirements of the zoning district in which they are located. WECS units are subject to the height requirements listed in [Table 11.33-1](#) of this Section, and the following:

- a. All WECS units shall comply with Federal Aviation Administration (FAA) regulations.
  - b. Height for all WECS units shall be measured from grade to the top of the extended blade in vertical position.
  - c. Commercial WECS units shall be subject to determination by the Planning Commission that the proposed height of such units is in accordance with [Section 16.07 \(Special Use Standards\)](#).
4. **Installation Certification.** The Professional Engineer shall certify that the construction and installation of the private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.
  5. **Waste.** All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
  6. **Liability Insurance.** The owner or operator of the private or commercial WECS project shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of Special Use Permit approval. For a private WECS projects accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.
- G. **Additional Standards for Commercial WECS Projects.** The following additional standards shall apply to all commercial wind energy conversion systems in the Township:
1. **Color.** Towers and blades shall be painted a neutral color that minimizes off-site visibility, or as otherwise required by law.
  2. **Compliance with FAA.** It shall be the responsibility of the person in charge of the commercial WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.
  3. **Warnings.** A visible warning sign of high voltage may be required by the Township to be placed at the base of all commercial WECS projects. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.
  4. **Annual Safety Inspection.** Every commercial WECS project shall be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to the Zoning Inspector and considered a part of the continuing Special Use Permit approval.

5. **Compliance with Additional Regulations.** It shall be the responsibility of the person in charge of the commercial WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation.
6. **Migratory Birds.** The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS project may present to migratory birds. The costs for such study shall be paid by the commercial WECS and its owners. The study as part of the special use permit shall provide assurances that the WECS project does not negatively impact the path of migratory birds.
7. **Decommissioning Plan and Escrow.** Commercial WECS projects shall include a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within 180 calendar days of the end of project life or facility abandonment. The decommissioning plan shall also include an agreement between the applicant and the Township which shall provide for all of the following:
  - a. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited.
  - b. The financial resources for decommissioning shall be in the form of a cash bond, irrevocable letter of credit, or other form of security deemed acceptable by the Township Board in an amount equal to the Professional Engineer's estimated cost of decommissioning.
  - c. The Township shall have access to these financial resources for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within 180 calendar days of the end of project life or facility abandonment.
  - d. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
  - e. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

## Section 11.15 Solar Energy Systems

- A. **Purpose.** It is the purpose of this section to promote the safe, effective, and efficient use of solar energy systems to generate electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for solar energy systems.

- B. Findings.** The Township has found that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents and utility companies would like to make use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the Township's energy supply.
- C. Roof-Mounted and Wall-Mounted Solar Energy Systems:** Roof--mounted solar energy systems are permitted accessory structures in all zoning districts, subject to the following regulations:
- 1. Height.** Roof-mounted systems shall not extend more than two (2) feet above the roofline and shall not exceed the maximum permitted height of the structure to which it is attached. Wall-mounted systems shall not exceed the height of the wall.
  - 2. Location.** Roof-mounted solar energy systems may be located anywhere on the roof of a principal or accessory structure, but shall not protrude beyond the edge of the roof and shall not be located within a required setback area. Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.
  - 3. Capacity for Residential Use.** Roof-mounted and wall-mounted solar energy systems for residential use must be limited to 10 kW or less.
- D. Minor Ground-Mounted Solar Energy Systems (10 kW or less).** Minor ground mounted solar energy systems (10kW or less) are permitted accessory structures in all zoning districts, subject to the following regulations:
- 1. Location and Setbacks.** Minor ground-mounted solar energy systems shall be located to the side or rear of the principal building, and shall meet the minimum setbacks of the zoning district.
  - 2. Height.** The height of the minor ground-mounted solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt.
  - 3. Screening.** Evergreen landscaping shall be provided to screen the racking from view on all sides.
  - 4. Area.** Minor ground-mounted solar energy systems shall be subject to the maximum lot coverage standards for accessory structures in the zoning district.
- E. Utility Grade Ground-Mounted Solar Energy Facilities (over 10 kW).** Utility grade ground mounted solar energy systems over 10 kW capacity are permitted subject to special land use approval in the A-1, A-2, I-1, I-2, and RPD zoning districts, and subject to the following regulations:
- 1. Location and Setbacks.** The utility grade ground-mounted solar energy system shall not be located closer to the street than any portion of the principal building, and shall meet the minimum front, side and rear yard setbacks of the zoning district.
  - 2. Height.** The height of the utility grade ground-mounted solar energy system and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

3. **Screening.** Evergreen landscaping shall be provided to screen the racking from view on all sides.
  4. **Area.** Utility grade ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district.
  5. **Operator.** A utility grade ground-mounted solar energy system shall be operated by a utility company, government entity, or qualified on-site business only. The operator's qualifications must be submitted with the special land use application and maintained while the system is operable.
- F. **General Standards.** The following requirements are applicable to all roof-mounted or ground-mounted solar energy systems.
1. **Building Permit.** A building permit shall be required for any roof-mounted or ground-mounted solar energy system.
  2. **Batteries.** When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
  3. **Anti-Reflective Coating.** All solar panels shall be covered with an anti-reflective coating and shall not cause glare.
  4. **Removal Provisions.** As a condition of approval, the Township may require that the property owner enter into an agreement with the Township for the removal of the solar energy system upon disuse or abandonment of the system as described in [Section 11.15F.5](#). The agreement shall be in recordable form, provide the necessary authority for the Township to enter the property to remove the unit when a property owner fails to do so as required in [Section 11.15F.5](#), and also provide that the Township may have a lien for costs if it becomes necessary for the Township to exercise its rights under the agreement. This agreement shall be recorded with the Washtenaw County Register of Deeds.
  5. **Removal.** If a solar energy system ceases to perform its intended function (generating electricity) for more than six (6) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the six (6) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof only if there is a recorded agreement authorizing the Township to do so pursuant to [Section 11.15F.4](#). If there is a recorded agreement authorizing the Township to remove the solar energy system or portion thereof pursuant to [Section 11.15F.4](#), the Township's actual cost and reasonable administrative charges may be placed as a lien on the property and the lien on the property shall be superior to all other liens except taxes.

## Article 12.0 Off-Street Parking and Loading-Unloading Requirements

### Section 12.01 General Provisions for Off-Street Parking

- A. The regulations of this Article shall be met in all districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.
- B. Plans and specifications showing required off-street parking spaces, including the means of access, ingress, egress, and circulation, shall be submitted to the Zoning Inspector and Building Inspector for review at the time of application for a building permit for the erection or enlargement of a building or at the time spaces are added or altered, unless a site plan is required under [Article 17.0](#), "[Site Plan Review](#)," herein, in which case this requirement shall not apply.
- C. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- D. Overnight parking of motor vehicles in the following districts: R-1, R-2, R-3, R-4, C-P, and MHP shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed 10,000 LBS Gross Vehicle Weight (GVW), shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those belonging to a church or school and parked on church or school property, is prohibited in these districts. Parking of recreation vehicles shall be regulated as provided in [Section 11.04](#), herein. Parking spaces for dwelling units may be provided in garages, carports, or parking areas, or combinations thereof, and shall be located on the premises of the principal building(s).
- E. Parking of motor vehicles in the A-1 and A-2 districts is subject to the provisions of [Section 12.01D](#), except in the case of a vehicle that exceeds 10,000 LBS GVW that is used as part of a farming operation.
- F. The storage of merchandise or vehicle parts in any parking lot in any district is prohibited.

### Section 12.02 Specifications for Parking Areas

- A. Required off-street parking facilities shall be located on the same lot as the principal building for which the parking is intended or on another lot wherein the parking facilities are within three hundred (300) feet of the building they serve.
- B. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following regulations:
  - 1. All off-street parking spaces and all driveways shall not be closer than ten (10) feet to any property line, unless a wall, screen, or compact planting strip is provided as a parking barrier along the property line, except in C-P, A-1, and A-2 and all single family zoning districts, in which case a minimum distance is not required for residences only.

2. Off-street parking spaces shall not be located in the front yard setback or when the lot is a corner lot, the parking spaces shall not be located within the required setback of either street.
3. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and surface drainage onto public streets. All parking areas shall be paved and parking spaces shall be marked with striping.
4. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining streets or residential lots.
5. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins a lot in any residential district by a wall, screen, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
7. All spaces shall have adequate access by means of aisles or lanes.
8. Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives.
9. Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movements. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.
10. Not more than fifteen (15) parking spaces shall be permitted in a continuous row in rural and urban residential districts without being interrupted by landscaping. Not more than twenty (20) parking spaces shall be permitted in a continuous row in business and industrial districts without being interrupted by landscaping.
11. All required landscaped areas and screens shall be maintained in a healthy, neat, and orderly appearance.
12. Each off-street parking space for automobiles shall not be less than ten (10) feet wide and eighteen (18) feet deep, exclusive of access drives or aisles, and shall be of usable shape and condition. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:
  - a. For ninety (90) degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
  - b. For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet in width.
  - c. For forty-five (45) degree parking, thirteen (13) feet.



- C. Off-street parking facilities for trucks at restaurants, service stations, and similar establishments shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities.

### Section 12.03 Rules for Calculating Required Number of Parking Spaces

- A. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area used for parking within the principal building, incidental service, storage, installations of mechanical equipment, heating systems, and similar uses need not be included.
- B. In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other seating facilities, each eighteen (18) inches of such seating shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and added together.
- C. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- D. For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local county or state building, fire, or health codes.
- E. Any fractional space shall be counted as one (1) additional required space.
- F. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided in [Section 12.03G](#) and [Section 12.03H](#), herein.
- G. If a parking lot serves two or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of requirements of each use, to a limit of the sum of one-half (1/2) of the parking requirements of each use. In no case, however, shall the number of spaces required be less than the sum of the largest number of spaces required for one use plus one-half (1/2) of the required spaces for each additional use. The Zoning Inspector shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces which shall be permitted, in accordance with this Subsection.
- H. Off-street parking spaces required for churches may be reduced by fifty percent (50%) where churches are located in nonresidential districts and within three hundred (300) feet of existing usable public or private off-street spaces where permission is granted. The Zoning Inspector shall determine if such public or private spaces qualify under this Section. The required number of off-street parking spaces may also be reduced in accordance with [Section 12.03G](#), herein, if applicable.
- I. Where a use is not specifically listed in the Schedule of Requirements, the parking requirements of a similar use shall apply. The Zoning Inspector shall made the interpretation.

**Section 12.04 Schedule of Off-Street Parking Requirements****A. The minimum required off-street parking spaces shall be set forth as follows:**

1. **Automobile Service Stations.** One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees, plus five (5) spaces for each service bay. If towing is provided by- the station, an additional five (5) spaces for each service bay shall be required.
2. **Automobile or Machinery Sales and/or Service Establishments.** One (1) space for each two hundred (200) square feet of showroom floor area plus five (5) spaces for each service bay plus one (1) space for each two (2) employees. If towing service is provided by the garage, an additional five (5) spaces for each service bay shall be required.
3. **Automobile Wash, Drive-In.** Five (5) spaces for each washing stall (not including space in each stall) plus one (1) space for each employee.
4. **Banks, Business and Professional Offices.** One (1) space for each two hundred (200) square feet of gross floor area.
5. **Barber Shops and Beauty Parlors.** One (1) space for each chair plus one (1) space for each employee.
6. **Bowling Alleys.** Five (5) spaces for each alley.
7. **Churches, Auditoriums, Stadiums, Sport Arenas, Theaters, Dance Halls Other Than Schools.** One (1) space for each (4) seats.
8. **Contractors Establishments.** One (1) space for each employee, plus one (1) space for each vehicle stored on the premises.
9. **Dwellings - Single family.** Two (2) spaces for each family or dwelling unit.
10. **Dwellings - Mobile Home Park.** Two and one-half (2 1/2) spaces per unit plus one (1) space for each two (2) employees of the park.
11. **Dwellings - Two Family and Multiple Family.** Two (2) spaces for each family or dwelling unit.
12. **Dwellings - Senior Citizens Units.** One (1) space for each two (2) dwelling units, plus one (1) space for each employee.
13. **Funeral Homes and Mortuaries.** Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area, plus one (1) space for each fleet vehicle, whichever is greater.
14. **Furniture and Appliance Stores, Household Equipment and Furniture Repair Shops.** One (1) space for each four hundred (400) square feet of floor area.
15. **General Retail Sales Establishments, Not Elsewhere Classified.** One (1) space for each two hundred (200) square feet of gross floor area.

16. **Golf Courses** Six (6) spaces for each golf hole and one (1) space for each employee, plus spaces as required for each accessory use, such as a restaurant.
17. **Hospitals.** One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
18. **Hotels, Motels, Lodging Houses, Tourist and Boarding Homes.** One (1) space for each living unit plus one (1) space for each two (2) employees.
19. **Junkyards.** One (1) space for each employee, plus one (1) space for each operating vehicle stored on the premises, plus two (2) spaces for each acre of land in the yard.
20. **Libraries, Museums.** One (1) space for each five hundred (500) square feet of floor area.
21. **Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories.** One (1) space for each one and one-half (1 1/2) employees on maximum shift.
22. **Material Distribution Center - Truck Terminal.** One (1) space for automobile parking for each person employed on the premises, including truck drivers; one (1) space for each truck stored on the premises.
23. **Medical and Dental Offices, Clinics, Banks.** One (1) space for each one hundred (100) square feet of floor area plus one (1) space for each employee.
24. **Mini-Warehouse - Self-Storage.** One (1) space for each four (4) storage units equally distributed throughout the site; two (2) spaces for the manager's residence; one (1) space for each twenty-five (25) storage units, to be located at the office of the storage complex.
25. **Nursery Schools, Day Nurseries, Child Care Centers.** One (1) space for each three hundred fifty (350) square feet of floor area and one (1) space per employee.
26. **Pharmacy, Retail Sales of Medical and Dental Supplies and Medical/Dental Laboratories.** One (1) space for each four hundred (400) square feet of floor area in such use, plus the parking space required for other uses of the premises.
27. **Private Clubs, Lodge Halls.** One (1) space for each three (3) persons of maximum capacity.
28. **Professional and Business Offices.** One (1) space for each two hundred (200) square feet of gross floor area.
29. **Roadside Stands.** Five (5) spaces for each attendant.
30. **Restaurants, Cocktail Lounges, Taverns and Night Clubs.** One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two ( 2) employees.
31. **Retail Sales in Wholesale Establishments.** One (1) space for each two hundred (200) square feet of retail sales floor area.

32. **Self-Service Laundry or Dry Cleaning Stores.** One (1) space for each two (2) washing and/or dry cleaning machines.
33. **Schools - Private or Public Elementary and Junior High Schools.** One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
34. **Schools - Senior High Schools and Institutions of Higher Learning Private or Public.** One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
35. **Shopping Centers.** Five and one-half (5 1/2) spaces for each 1,000 square feet of gross leasable floor area.
36. **Supermarket, Self-Service Food and Discount Stores.** One (1) space for each two hundred square feet of gross leasable floor area.
37. **Swimming Pool Clubs, Tennis Clubs, and Similar Uses.** One (1) space for each two (2) member families plus spaces as required for each accessory use, such as a restaurant.
38. **Utility Sub-Stations.** Two (2) spaces.
39. **Vehicle Repair, Minor.** Five (5) spaces for each service bay plus one (1) space for each two (2) employees.
40. **Vehicle Repair, Major.** Ten (10) spaces for each service bay plus one (1) for each two (2) employees.
41. **Wholesale Establishments.** One (1) space for each two hundred (200) square feet of sales floor area, plus one (1) space for each two (2) employees plus one (1) space for each vehicle to be stored on the premises.
42. **Warehousing/Storage.** One (1) space for each two thousand (2,000) square feet of floor area plus one (1) space for each vehicle to be stored on the premises plus one (1) space per employee.

### **Section 12.05      General Provisions for Off-Street Loading Facilities**

- A. In connection with every building or part thereof hereafter erected, except single and two-family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.
- B. Plans and specifications showing required loading and unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the Zoning Inspector for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure or at the time such spaces are added or altered, unless a site plan is required under [Article 17.0, "Site Plan Review,"](#) herein, in which case this requirement shall not apply.

## Section 12.06 Specifications for Loading Facilities

- A. Each off-street loading-unloading space shall not be less than the following:
  - 1. In any rural or residential district, a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fifteen (15) feet in height.
  - 2. In any commercial or industrial district a loading unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length and, if a roofed space, not less than fifteen (15) feet in height.
- B. Subject to the limitations of [Section 12.06E](#), a loading-unloading space may occupy part of any required side or rear yard; except the side yard along a side street in the case of a corner lot shall not be occupied by such space. In no event shall any part of a required front yard be occupied by such loading space.
- C. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residence district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height, in which case such space shall not be located closer to the lot line than the required yard.
- D. In the case of mixed uses on one lot or parcel the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- E. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on the site and not within a public right-of-way.

## Section 12.07 Schedule of Off-Street Loading Requirements

- A. Off-street loading/unloading spaces where required shall be provided at the rate of one (1) space for the first five thousand (5,000) square feet of gross floor area, and one (1) space for each additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof.
- B. Required off-street parking spaces shall not be included in the counting of required loading spaces.
- C. In the case of mixed uses on one lot or parcel the total requirements for off-street loading facilities shall be the sum of the various uses computed separately.

## Article 13.0 Sign Regulations

### Section 13.01 Purpose

The sign regulations in this Article are intended to balance the public and private interests. The purpose of this Article is to promote a safe, well-maintained, vibrant, and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. To that end, the regulations of this Article allow for a variety of sign types and sizes. The objectives of this Article are:

- A. **Public Safety.** To promote the free flow of motorized and non-motorized traffic and protect motorists, passengers, and pedestrians from injury and property damage caused by, or which may be fully or partially attributable to, signage that results in a distraction, confusion or hindrance of focus or vision. Also, to protect public safety by prohibiting or removing signs that are structurally unsafe or poorly maintained.
- B. **Community Aesthetic Quality and Character.** To protect and enhance the physical appearance of the community (including the preservation of its historic and cultural resources, scenic areas and viewsheds, and the dark night sky) and property values by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views and/or property values of the community. Also, to promote signage that contributes to the streetscape element and aids in creating a “sense of place.”
- C. **Free Speech.** To ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication.
- D. **Effective Communication.** To encourage the appropriate design, scale, and placement of signs in a manner that communicates effectively to the intended reader while preserving public interest and safety.
- E. **Economic Development and Control of Sign Proliferation.** To allow for adequate and effective signage for businesses to inform, identify, and communicate effectively. The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. All other signs, commonly referred to as off-site advertising, outdoor advertising, or billboards which advertise products or businesses not connected with the site or building on which they are located, are deemed by this Article to constitute a principal use of the lot. Any widespread display of outdoor advertising is deemed to be inappropriate to the character and sound development of the Township and it is intended that such advertising be confined to undeveloped commercial or industrial property.
- F. **Ease of Administration.** To have standards and administrative review procedures that are simple for property owners, tenants, and sign installers to understand and follow. Signs that are lawfully erected and maintained under the provisions of this Article are consistent with customary usage.

### Section 13.02 Definitions

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

- A. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days.

- B. **Accessory Sign.** A sign that pertains to the principal use of the premises.
- C. **Billboard or Non-Accessory Signs.** Signs that do not necessarily pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as “outdoor advertising.”
- D. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature.
  - 1. **Awning Sign.** A building-mounted wall sign that is painted or printed on, or attached to an awning or canopy.



Awning Sign

Awning Sign

- 2. **Building Directory.** A building-mounted wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
- 3. **Nameplate.** A small building-mounted wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
- 4. **Projecting Sign.** A building-mounted display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.



Projecting Sign

5. **Wall Sign.** A building-mounted sign painted on, or attached parallel to the exterior surface of a building wall, door, or related architectural feature and extending not more than eighteen (18) inches from the wall with no copy on the sides or edges.



Wall Sign

6. **Window Sign.** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.



Window Sign

- E. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- F. **Color Value.** The perception of an internally illuminated color's lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.
1. **Saturation.** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- G. **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.
- H. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- I. **Freestanding Sign.** A sign mounted or anchored to the ground, including "pole signs" and "ground signs."



1. **Pole Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface.



Pole Sign

2. **Ground Sign.** A freestanding sign mounted directly to a base with no clearance between the established grade and the bottom of the sign. A ground sign shall have a solid supporting base equal to or greater than eighty percent (80%) of the width of the sign face constructed of a decorative and durable material (e.g., masonry) , and shall have no separations between the sign face and the base. The supporting base shall have a minimum 24-inch vertical height.



Ground Sign

- J. **Incidental Sign.** A small sign, usually two (2) square feet or less, designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity. The Zoning Inspector shall determine whether a sign is an incidental sign, based on the visibility of the sign from the lot line and/or the number of signs in close proximity of each other, and the Zoning Inspector may deny an incidental sign if it is a sign that is regulated by another standard in this Ordinance.
- K. **Noncombustible Material.** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- L. **Nonconforming Sign.** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of “nonconforming sign” shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.
- M. **Portable Sign.** A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one location to another.
- N. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
- O. **Sign.** Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall

include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of “sign” includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- P. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- Q. **Signable Area.** The area of the street level portion of a principal building’s front facade wall, including doors and windows, facing a public road where the address or primary public entrance is located.
- R. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
  - 1. **Animated Copy.** Sign copy that flashes, moves, revolves, cycles, scrolls, fades, dissolves, osculates, spins, twirls, or is otherwise altered or changed by mechanical or electrical means in any other way than an instantaneous change.
  - 2. **Changeable Copy.** Forms of sign copy, not including animated copy, which can be altered by manual, mechanical or electrical means without replacing the sign copy area and which change instantaneously.
- S. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
- T. **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
- U. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
  - 1. **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
  - 2. **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
  - 3. **Inflatable Sign.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.

4. **Sandwich Board Sign.** A portable temporary sign or sign board that is freestanding and not permanently anchored or secured to either a building, structure, or the ground. Often referred to as “sidewalk signs,” sandwich board signs include, but are not limited to, so called “A” frame, “T” shaped, or inverted “T” shaped stands.
5. **Yard Sign.** A portable temporary sign or sign board that is freestanding and temporarily anchored or secured to the ground.
- V. **Unlawful Sign.** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
- W. **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.

### **Section 13.03      General Sign Regulations**

- A. **Traffic Safety.** No sign shall be erected or replaced at any location where, by reason of position, size, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic.
- B. **Design, Construction, and Maintenance.** All signs shall be designed, constructed, and maintained in accordance with this Article so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the essential character of such area.
- C. **Yard and Height Requirements.** Signs, including signs painted onto building walls, shall conform to all yard and height requirements of the district in which located unless otherwise provided in this Article.
- D. **Permit Required.** A permit for any sign, whether freestanding or mounted on or applied to a building, including signs painted on building walls, or other structures, or for any change in copy, shall be obtained from the Township Zoning Inspector before such sign may be erected, replaced, or relocated.

**Section 13.04 Signs Permitted in Conservation/Preservation (CP), Agricultural (A-1 and A-2), and Residential (R-1, R-2, MHP, and R-4) Districts**

Sign Type	CP, A-1, A-2, R-1, R-2, MHP, and R-4 Districts (Single-family, duplex, triplex, and quadplex residential only)	CP, A-1, A-2, R-1, R-2, MHP, and R-4 Districts (Residential Developments and Non-Residential Principal Uses only)
Permanent On-Premise Ground Signs	Not Permitted	<b>Maximum Number:</b> 1 per frontage of a lot or development. <b>Maximum Height:</b> 6 feet. <b>Maximum Area:</b> 18 sq. ft.
Permanent On-Premise Accessory Freestanding Signs	Not Permitted	<b>Maximum Number:</b> 1 per entrance or exit, plus 1 per 100 linear feet of driveway. <b>Maximum Height:</b> 4 feet. <b>Maximum Area:</b> 6 sq. ft. <b>Location:</b> Not more than 6 feet from a driveway or sidewalk.
Permanent On-Premise Building-Mounted Wall Signs	<b>Maximum Number:</b> 1 per lot. <b>Maximum Area:</b> 2 sq. ft.	<b>Minimum Height (Projecting Sign Only):</b> 8 ft. <b>Maximum Area (Total):</b> 32 sq. ft.
Permanent On-Premise Building-Mounted Projecting Signs	Not Permitted	
Temporary Yard or Banner Sign (Noncommercial)	<b>Maximum Number:</b> 4 per lot. <b>Maximum Height:</b> 6 feet. <b>Maximum Area:</b> 64 sq. ft. total (e.g., 16 sq. ft. for 4 signs or a single 64 sq. ft. sign).	<b>Maximum Number:</b> 4 per lot. <b>Maximum Height:</b> 6 feet. <b>Maximum Area:</b> 64 sq. ft. total (e.g., 16 sq. ft. for 4 signs or a single 64 sq. ft. sign), or the area of the permanent sign if temporarily covering the permanent sign.
Temporary Yard or Banner Sign (On-Premise Commercial)	<b>Maximum Number:</b> 1 per lot. <b>Maximum Height:</b> 6 feet. <b>Maximum Area:</b> 16 sq. ft.	<b>Maximum Number:</b> 1 per lot. <b>Maximum Height:</b> 6 feet. <b>Maximum Area:</b> 32 sq. ft. , or the area of the permanent sign if temporarily covering the permanent sign.
Flags (On-Premise Commercial)	Not Permitted	<b>Maximum Number:</b> 1 per lot. <b>Maximum Area:</b> 16 sq. ft.
Window Signs (Noncommercial or On-Premise)	15% of the window area.	

Note: [Section 13.18](#) permits any lawful sign to contain noncommercial content.

**Section 13.05 Signs Permitted in Commercial, Office, and Institutional (C-1, C-2, C-3, HCD, CCP, ROP, OP, and PSP) Districts**

Sign Type	C-1, C-2, C-3, and CCP Districts	ROP, OP, and PSP Districts
Permanent On-Premise Ground Signs	<b>Maximum Number:</b> 1 per frontage of a lot or development. <b>Maximum Height:</b> 8 feet. <b>Maximum Area:</b> 1 sq. ft. per 1 linear foot of principal building frontage, not to exceed 90 sq. ft. per sign.	<b>Maximum Number:</b> 1 per frontage of a lot or development. <b>Maximum Height:</b> 8 feet. <b>Maximum Area:</b> 36 sq. ft.
	<b>A lot with an approved drive-through lane</b> may have 1 additional ground sign located within 6 feet of the drive-thru lane, not greater than 8 feet high or 48 sq. ft., and not visible from the right-of-way or any lot line.	
Permanent On-Premise Accessory Freestanding Signs	<b>Maximum Number:</b> 1 per entrance or exit, plus 1 per 100 linear feet of driveway. <b>Maximum Height:</b> 4 feet. <b>Maximum Area:</b> 6 sq. ft. <b>Location:</b> Not more than 6 feet from a driveway or sidewalk.	
Permanent On-Premise Building-Mounted Wall or Projecting Signs	<b>Min. Height (Projecting Sign Only):</b> 8 ft. <b>Maximum Area (Total):</b> 2 sq. ft. per linear ft. of principal building frontage.	
Temporary Yard or Banner Sign (Noncommercial)	<b>Maximum Number:</b> 4 per lot. <b>Maximum Height:</b> 6 feet. <b>Maximum Area:</b> 64 sq. ft. total (e.g., 16 sq. ft. for 4 signs or a single 64 sq. ft. sign), or the area of the permanent sign if temporarily covering the permanent sign.	
Temporary Yard or Banner Sign (On-Premise Commercial)	<b>Maximum Number:</b> 1 per lot. <b>Maximum Height:</b> 6 feet. <b>Maximum Area:</b> 32 sq. ft. , or the area of the permanent sign if temporarily covering the permanent sign.	
Flagpole Signs (On-Premise Commercial)	<b>Maximum Number:</b> 1 per lot. <b>Maximum Area:</b> 16 sq. ft.	
Temporary On-Premise Sandwich Board Signs	<b>Maximum Number:</b> 1 per business. <b>Maximum Height:</b> 3 feet. <b>Maximum Area:</b> 6 sq. ft. <b>Location:</b> Within 15 ft. of the primary building entrance door.	
Window Signs (Noncommercial or On-Premise Commercial)	15% of the window area.	

Note: [Section 13.18](#) permits any lawful sign to contain noncommercial content.

**Section 13.06 Signs Permitted in Research Park District (RPD) and Industrial Districts (I-1 and I-2)**

Sign Type	RPD	I-1 and I-2 Districts
Permanent On-Premise Ground Signs	See <a href="#">Section 9.02H</a>	<b>Maximum Number:</b> 1 per frontage of a lot or development. <b>Maximum Height:</b> 8 feet. <b>Maximum Area:</b> 80 sq. ft.
Permanent On-Premise Accessory Freestanding Signs	<b>Maximum Number:</b> 1 per entrance or exit, plus 1 per 100 linear feet of driveway. <b>Maximum Height:</b> 4 feet. <b>Maximum Area:</b> 6 sq. ft. <b>Location:</b> Not more than 6 feet from a driveway or sidewalk.	
Permanent On-Premise Building-Mounted Wall Signs	See <a href="#">Section 9.02H</a>	<b>Maximum Area (Total):</b> 1 sq. ft. per linear ft. of building wall to which it is attached.
Temporary Yard or Banner Sign (Noncommercial)	<b>Maximum Number:</b> 4 per lot. <b>Maximum Height:</b> 6 feet. <b>Maximum Area:</b> 64 sq. ft. total (e.g., 16 sq. ft. for 4 signs or a single 64 sq. ft. sign), or the area of the permanent sign if temporarily covering the permanent sign.	
Temporary Yard or Banner Sign (On-Premise Commercial)	<b>Maximum Number:</b> 1 per lot. <b>Maximum Height:</b> 6 feet. <b>Maximum Area:</b> 32 sq. ft., or the area of the permanent sign if temporarily covering the permanent sign.	
Flagpole Signs (On-Premises Commercial)	<b>Maximum Number:</b> 1 per lot. <b>Maximum Area:</b> 16 sq. ft.	
Window Signs	15% of the window area.	

Note: [Section 13.18](#) permits any lawful sign to contain noncommercial content.

### Section 13.07 Outdoor Advertising Signs (Billboards)

Outdoor advertising signs (Billboards) shall only be permitted in the C-3, I-1 and I-2 districts only along limited access interstate highways, and shall be considered the principal use of such lots. Signs shall not be placed on a lot with any other building thereon, and no other structure shall be placed on a lot where such sign is located.

- A. **Spacing:** Billboards shall be spaced so that no billboard is within fifteen hundred (1,500) feet of another billboard and not more than three (3) billboards may be located per linear mile of street or highway, regardless of the fact that such billboards may be located on different sides of the subject highway. The linear mile measurement shall not be limited to the boundaries of York Township where the particular highway extends beyond such boundaries.
- B. **Linear Highway Allotment:** Multi-faced billboard structures like back-to-back, tandem, tri-sided, V-shaped and stacked signs shall be considered separate billboards whose surface areas shall be considered separately toward the total linear highway allotment of billboards.
- C. **Display Areas:** Any side of a billboard shall not have a surface display area exceeding three hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of all sign faces may not exceed this square footage limitation.
- D. **Height:** The billboard shall not exceed 30 feet above the average grade of:
  - 1. the ground on which the billboard sits; or
  - 2. the grade of the abutting roadway, whichever is higher.
- E. **Placement, Roof:** Shall not be on top of, cantilevered, or otherwise suspended above the roof of any building.
- F. **Proximity to Residential Structures and Uses:** Billboards shall not be located within three-hundred (300) feet of a residential zone and/or existing residence.
- G. **Lighting:** Billboards shall not be illuminated.
- H. **Construction:** Billboards shall be constructed as a pole sign in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message. The plans submitted for a billboard shall be signed and sealed by a structural engineer licensed by the State of Michigan.
- I. **Proximity to the Road Right-of-Way:** Billboards shall be no closer to any right-of-way line than the front line of the nearest building within three hundred (300) feet.

### Section 13.08 Exemptions

The following types of signs are exempted from all the provisions of this Ordinance except for construction and safety regulations and the following standards:

- A. Signs erected by, or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, and informational signs.

- B. Temporary signage in accordance with [Section 13.04](#), [Section 13.05](#), and [Section 13.06](#), provided it be maintained in accordance with [Section 13.16.E](#).
- C. Names of buildings, dates of erection, monument citations, commemorative tablets and the like, when carved into stone, concrete, or similar material.
- D. Horizontal signs on and flush with paved areas.
- E. “No trespassing,” “no hunting,” “hazard,” “danger,” and similar signs prohibiting invasion of private property, provided the area of such sign shall not exceed two (2) square feet.
- F. Decorations commemorating a holiday that are not displayed in a manner that promotes commercial activity.
- G. Signs erected by a public agency on a Township , County, State, or Federal building or land.
- H. Incidental signs.
- I. Portable signs carried by people in a public or private right-of-way.
- J. Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- K. Address numbers, being essential to public safety and emergency response, with a numeral height no greater than six (6) inches for each dwelling unit and eighteen (18) inches for any other use, including multiple-family buildings.
- L. Noncommercial flags.

### **Section 13.09 Prohibited Signs**

The following signs are prohibited anywhere within York Township:

- A. Signs which imitate an official traffic sign or signal, which may contain the words “stop,” “go,” “slow,” “caution,” “danger,” “warning,” or similar words and are determined by the police department or Road Commission to be hazardous to traffic safety. This does not include traffic signs provided in [Section 13.08G](#), herein.
- B. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
- C. Signs which contain or consist of festoons, pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar devices, except for decorations commemorating a holiday that are not displayed in a manner that promotes commercial activity.
- D. Signs which are placed on a street or in the public right-of-way.



- E. Signs which are pasted or attached to utility poles, light poles, trees, benches, or other signs, except as provided in [Section 13.08E](#). Prohibited utility pole and light pole signs shall not include signs lawfully installed by an authorized public entity.
- F. Signs which move in any manner or have a major moving part or give an illusion of motion.
- G. Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment.
- H. Inflatable signs.
- I. Unsafe signs and any other sign that is deemed structurally or electrically unsafe by the Building Official.
- J. Abandoned signs.
- K. Roof signs.
- L. Unlawful signs.
- M. Animated signs.
- N. Signs attached to a wall or fence unless explicitly permitted elsewhere in this Ordinance.
- O. Any sign containing off-premise commercial content, except as permitted by [Section 13.07](#).

### **Section 13.10 Permit and Fees**

- A. Application for a permit to erect or replace a nonexempt sign, or to change copy resulting in a change of use for the site thereon, shall be made by the owner of the property on which the sign is to be located, or his authorized agent; to the Township Zoning Inspector, by submitting the required forms, fees, exhibits, and information. Fees for sign permits shall be determined by resolution of the Township Board and no part of such fee shall be returnable to the applicant. No fee shall be required of any governmental body or agency.
- B. The application shall contain the following information:
  - 1. The applicant's name and address in full, and a complete description of relationship to the property owner.
  - 2. The signature of the property owner concurring in submittal of said application.
  - 3. An accurate survey drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
  - 4. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.

- C. All signs shall be inspected by the Township Zoning Inspector for conformance to this Ordinance prior to placement on the site. Foundations shall be inspected by the Building Inspector on the site prior to pouring of the concrete for the sign support structure.
- D. Any sign involving electrical components shall be wired by a licensed electrician in accordance with the York Township Electrical Code and the electrical components used shall bear an Underwriters Laboratories, Inc., seal of inspection.
- E. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. A permit may be renewed and no additional fee shall be collected for the renewal.
- F. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or copy change is made, shall not require a sign permit.
- G. All signs shall comply with the requirements of the building code of York Township.

### **Section 13.11     Illumination**

- A. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect onto or into residential structures.
- B. No sign shall have blinding, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing. Nothing contained in this Ordinance shall, however, be construed as preventing the use of lights or decorations related to commemorating a holiday that are not displayed in a manner that promotes commercial activity. Beacon lights or search lights are prohibited for advertising purposes.
- C. No exposed reflective type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.
- D. The maximum luminance level of internally illuminated signs shall be 10,000 NITS, except the luminance level shall be 700 nits from 30 minutes before dusk until dawn, as determined by the National Oceanic and Atmospheric Association (NOAA). All internally illuminated signs shall be equipped with a photocell and automatic dimmer, and a cut sheet for the sign must be submitted to the Township at the time of permit application showing compliance with these requirements.
- E. Sign illumination intensity shall not exceed one and a half (1.5) foot-candles as measured four (4) feet above the ground and ten (10) feet from the base of the sign.
- F. Temporary yard signs, banner signs, and sandwich board signs shall not be illuminated.

### **Section 13.12     Changeable Copy**

- A. **Frequency of Change.** A message change cycle of a changeable-copy sign shall be not less than one (1) minute.
- B. **Copy Change Action.** The copy of a changeable-copy sign must change instantaneously. Flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, or other type of motion are prohibited.

### Section 13.13 Computation of Surface Area

- A. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of surface area.
- B. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back, parallel to one another, and no more than twenty-four (24) inches apart, the area of the sign shall be the area of one (1) face.

### Section 13.14 Removal

- A. The Zoning Inspector shall order the removal of any sign erected or maintained in violation of this Ordinance. Thirty (30) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this notice, the Township may enforce the violation provisions of [Section 20.09C](#), including seeking an appropriate equitable action in the Washtenaw County Circuit Court to remove the sign. The Township may also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be a lien on the property.
- B. Signs shall be removed by the owner or lessee of a business when the business, product, service, or activity is no longer being conducted. If the owner or lessee fails to remove the signs, the Township may enforce the violation provisions of [Section 20.09C](#), including seeking an appropriate equitable action in the Washtenaw County Circuit Court to remove the sign. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business, product, service, or activity and agrees to maintain the signs as provided in this Ordinance or changes the copy on the signs to advertise the type of business, product, service, or activity being conducted and provided the signs comply with the other provisions of this Ordinance. Whether a sign meets the requirements of this sub-section shall be determined by the intent of the owner of the signs.

### Section 13.15 Non-Conforming Signs

No non-conforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with [Article 18.0](#) of this Ordinance and the following regulations:

- A. **Copy Changes.** Copy may be changed on non-conforming signs, provided that the sign area is not increased, and provided that no structural changes are made to the sign.

- B. Repairs and Maintenance.** Normal maintenance shall be permitted, provided that any non-conforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-destruction fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs, replacement of faded or damaged surface panels, and repair or replacement of electrical wiring or electrical devices.

### **Section 13.16 Responsibilities for Signs**

The following regulations apply to all signs:

- A.** The property owner and/or advertiser is hereby made responsible for copy, structure, lighting, and all other parts of a sign.
- B.** Signs requiring permits shall be constructed and erected only by individuals or companies licensed in the State of Michigan for such purpose.
- C.** All signs requiring permits shall display, in a conspicuous place, evidence of the permit and containing such data as might be required by the Zoning Inspector, including the name of the individual or company erecting the sign.
- D.** Each individual or company erecting signs within York Township shall annually provide the Zoning Inspector with a certificate of public liability insurance. A permit for erecting a sign shall not be issued unless such certificate is on file with the Zoning Inspector.
- E.** All signs and components thereof shall be kept in good repair and in a safe, clean, neat, and attractive appearance. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, rusted, faded, or missing material or parts shall be repaired or replaced within thirty (30) days of written notification by the Zoning Inspector.

### **Section 13.17 Registry**

The Zoning Inspector shall maintain an up-to-date registry of each sign erected in York Township after the effective date of this Ordinance. The registry shall contain the following information: location of the sign, name and address of the property owner, advertiser, and individual or company erecting a sign and height, dimensions, and face area, and date of placement on the site.

### **Section 13.18 Substitution Clause**

Any lawful sign permitted under the provisions of this Ordinance may contain non-commercial content.

## Article 14.0 Landscaping and Screening

### Section 14.01 Frontage Landscaping Strip

For any use subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#) and as otherwise required by this Ordinance, a landscape strip shall be provided along and adjacent to the front property line, along all road frontages, and across the entire width of the lot, subject to the following:

- A. The landscape strip may overlap the required front yard setback area for the zoning district.
- B. The required landscape strip shall have a minimum width of 20 feet, except in the Hamlet Center (HCD) District, the minimum landscape strip width shall be eight (8) feet. Where a front yard setback is less than 20 feet, the minimum landscape strip width shall be equal to the front yard width.
- C. No road, driveway, parking area, sidewalk or similar improvement shall be located in this strip, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent road right-of-way.
- D. The landscape strip and required front yard setback area shall be improved with landscape improvements and plantings in accordance with Ordinance standards.
- E. Where RESIDENTIAL USES are proposed adjacent to a road right-of-way, the landscape strip shall not be part of any individual lot, but rather shall be part of the common land area for the development.

### Section 14.02 Transition Buffer

Transition buffers shall be required in accordance with the following:

- A. **Circumstances.** Except as otherwise provided in this Ordinance, a transition buffer is required in the stated widths and under the circumstances as described and provided for in the following Table of Transition Buffer Standards.

Transition Buffer Standards		
Use Group	Abutting Use Group, Zoning District, or Use	Minimum Transition Buffer Width
RESIDENTIAL USES	a Public Park	10 feet
OFFICE, SERVICE, AND COMMUNITY USES	RURAL USES, RESIDENTIAL USES, Rural Districts, Residential Districts, or a Public Park	20 feet
COMMERCIAL USES		20 feet
INDUSTRIAL, RESEARCH, AND LABORATORY USES		40 feet
OTHER USES		40 feet

- B. **Exceptions and limitations.** The following exceptions and limitations shall apply to transition buffer requirements:

1. A transition buffer shall not be required between abutting residential and non-residential uses within the Hamlet Center (HCD) District.
  2. The public park shall be owned by the Township, Washtenaw County, the State of Michigan, or another municipality or public agency.
- C. Additional standards.** The following additional standards shall apply to required transition buffers:
1. Existing trees shall be preserved within a required transition buffer abutting a public park, unless the Planning Commission approves removal or replacement as part of final site plan approval.
  2. The transition buffer shall be provided along every lot line, except front lot lines, which is contiguous to or across a road right-of-way from such abutting use group(s), zoning district(s), or use(s).
  3. No road, driveway, parking area, sidewalk or similar improvement shall be located in the transition buffer area, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent road right-of-way.
  4. For any use subject to site plan approval per [Article 17.0 \(Site Plan Review\)](#), landscaping and screening improvements and plantings shall be provided within the transition buffer and adjacent yard setback areas per [Section 14.03 \(Green Belt Buffer\)](#) and other requirements of this Ordinance. The Planning Commission may also require that a solid fence, wall, or hedge not less than four (4) feet nor more than six (6) feet in height be provided as part of the screening improvements.
  5. Where a required transition buffer abuts or overlaps a lot boundary, all required building and yard setbacks for the lot shall be measured from the near boundary of the transition strip. Such transition buffer shall not be included as part of any required side or rear yard setback area.
  6. The transition buffer area shall not be included in the area used in calculating lot coverage or floor area ratio.

### **Section 14.03 Green Belt Buffer**

Prior to the commencement of construction of any structure or building in a Commercial District or Industrial District where such property abuts, adjoins, or is adjacent to a residential zone, or where a greenbelt is required elsewhere in this Ordinance, a greenbelt shall be established in accordance with this Section. However, where permitted elsewhere in this Ordinance, a six (6) foot masonry wall may be built in lieu of a greenbelt.

A greenbelt, minimum width of twenty (20) feet, which shall be completed within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. Specifications for spacing and plant materials are shown below. Materials to be used are merely suggestions and shall not be limiting, provided their equal in characteristics is used.

**A. Spacing.**

1. Unless agreed to by the Planning Commission in the site plan review process, plant materials shall not be placed closer than three (3) feet from the fence line or property line.

2. Where plant materials are planted in two or more rows, planting shall be staggered in rows.
3. Evergreen trees shall be planted not more than thirty (30) feet on centers.
4. Narrow evergreens shall be planted not more than three (3) feet on centers.
5. Deciduous trees shall be planted not more than thirty (30) feet on centers.
6. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
7. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

**B. Plant Materials.**

	<b>Minimum Size (In height/feet)</b>
<b>1. Evergreen Trees</b>	<b>Five (5)</b>
Juniper	
Red Cedar	
White Cedar	
Pines	
<b>2. Narrow Evergreens</b>	<b>Three (3)</b>
Pyramidal Arbor Vitae	
Columnar Juniper	
<b>3. Tree-like Shrubs</b>	<b>Four (4)</b>
Flowering Crabapple	
Mountain Ash	
Dogwood	
Redbud	
Rose of Sharon	
<b>4. Large Deciduous Shrubs</b>	<b>Six (6)</b>
Honey Suckle	
Viburnum	
Mock Orange	
Forsythia	
Lilac	
Ninebak	
<b>5. Large Deciduous Trees</b>	<b>Eight (8)</b>
Oak	
Hard Maple	
Ash	
Hackberry	
Sycamore	

**C. Trees Not Permitted.**

- Box Elder
- Soft Maple

Elms (American)  
Poplar  
Ailunthus (Tree of Heaven)  
Willow

- D. Green Belt Performance Guarantee.** A bond or cash of an amount equal to five dollars per lineal foot of required greenbelt shall be deposited with the Township Clerk until such time as the greenbelt is planted. In the event that weather or seasonal conditions prevent transplanting, the petitioner shall be granted six (6) months from the date of issuance of certificate of occupancy to install said greenbelt or the Township shall be authorized to use said funds to install said greenbelt.

In all cases, however, the Township shall be authorized to withhold ten (10) percent of bond or cash for a period of two (2) years from date of issuance to insure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two (2) year period. It shall be the responsibility of the property owner to maintain the greenbelt for its original intent and purpose.



## **Article 15.0 Supplemental Environmental Standards**

### **Section 15.01 General Standards**

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition that would to adversely affect the surrounding area or adjoining premises. Uses in all applicable districts shall comply with the following performance standards:

**A. Fire hazard,**

1. Does not constitute a fire hazard per se;
2. Complies to the applicable laws of the State of Michigan including (Act 207, P.A. 1941, as amended) and the rules and regulations promulgated thereunder by all authorized agencies—state and local;
3. Commercial and industrial uses are protected by adequate and proper fire suppression and fire fighting equipment;
4. Commercial and industrial uses provides for isolated and approved storage for all flammable, explosive and corrosive materials and substances.

**B. Water Pollution,**

1. Conforms to the applicable laws of the State of Michigan, including (i.e. Act 245, P.A. 1929, as amended) and rules and regulations promulgated thereunder by all authorized agencies—state and local.

**C. Air Pollution**

1. Conforms to the applicable laws of the State of Michigan including (i.e. Act 250, P.A. 1965, as amended, and Act 348, P.A. 1965, as amended).
2. Does not emit or cause fumes, gas, mist, odor, smoke, vapor, dust-including road or other earth dust or any combination thereof in excess of minimum standards established under the authority of the laws of the State of Michigan, or in such volume as to create a public nuisance.

**D. Noise abatement.**

1. Is provided with noise abatement materials and equipment;
2. Will not generate unpleasant and objectionable noise greater in volume or intensity than the average of traffic noises at exterior property lines.

**E. Vibrations.** No vibrations shall be permitted which are discernible without instruments on any adjoining lot or property.

**F. Glare and Exterior Lighting**

1. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
2. The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
3. Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.
4. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

No direct or reflected glare shall be permitted which is visible from any property, or from any public street, road, or highway.

- G. Radioactive hazards.** Any use or operation which involves the use, possession, or transportation of any form of radioactive materials or substances is expressly prohibited unless the use is in conformity to specifications, regulations, and standards promulgated by the Atomic Energy Commission of the United States and by the Michigan Department of Public Health.
- H. Electrical disturbances.** Manufacturing and processing machinery, and use of other equipment and domestic appliances using electrical power which generates radio frequency interferences at levels in excess of those approved by the Federal Communications Commission are prohibited.
- I. Erosion.** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams. Any use of land shall be in accordance with the provisions of the Soil Erosion and Sedimentation Control Act of 1972, Act 347, P.A. 1972.
- J. Smoke.** Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.
- K. Odors.** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

### **Section 15.02      Preservation of Environmental Quality**

The following provisions shall apply:

- A. In any zoning district no river, stream, water course or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person except when done in conformance with state and Federal law and standards.
- B. No person shall alter, change, transform or otherwise vary the edge, bank, or shore of any lake, river, or stream except as provided in the Inland Lakes and Streams Act, Act 346 of the Public Acts of 1972.

- C. No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation, or natural conditions of a marsh, swamp, or wetland of one (1) acre or larger, except after receiving approval of a site plan therefor from the Planning Commission in accordance with [Article 17.0, "Site Plan Review,"](#) herein. Any such alterations shall conform to applicable State and Federal requirements.

### **Section 15.03 Wetland and Water Course Buffer**

Prior to the commencement of construction of any structure, building, or any land alteration on a site in any zoning district that contains a wetland and/or water course or where the site abuts, adjoins, or is adjacent to a wetland or water course, a buffer shall be established. The purpose of the buffer is to protect and preserve the existence of wetlands and watercourses and to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding. The buffer shall run parallel to the edge of a wetland or water course, and shall be of a width determined as follows:

- A. A minimum fifty (50) foot buffer from the boundary or edge of a wetland as determined in accordance with part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, and the Administrative Rules thereunder, as amended.
- B. A minimum fifty (50) foot buffer from the ordinary high water mark of a watercourse.
- C. The buffer shall remain permanently undisturbed and in its natural condition with natural vegetation for the following purposes:
  - 1. To serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage;
  - 2. To provide preservation, proper maintenance, and minimize disturbance to wetlands; and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or the destruction of the natural habitat;
  - 3. To provide for continuity of ecological systems designed to protect existing wildlife habitats; and
  - 4. To provide for the paramount public concern for these natural resources in the interest of health, safety and general welfare of the residents of this Township, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963, and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.
- D. Where a required wetland or water course buffer abuts or overlaps a lot boundary, all required building and yard setbacks for the lot shall be measured from the near boundary of the wetland buffer.
- E. **Exemptions.** If and to the extent the Township is prohibited by its ordinances and/or law from regulating wetland and water course natural features buffer areas, regulation under this section shall not apply. In addition, the following activities shall be exempt from regulation under this Section, provided, it is not the intent of this provision to prevent regulation by other ordinance provisions related to wetlands or other natural features:

1. Installation of a fence within a buffer area or building setback.
2. Maintenance of previously established lawn areas.
3. Grading and filling necessary in order to conform with express requirements recommended by the Township Engineer.
4. Planting of trees and other vegetation, but not the use of fertilizer.

## **Section 15.04 Land Filling and Alteration**

**A. Dumping of Soil, Sand, Clay, Gravel or Similar Material.** A permit for filling, dumping, removal, adjusting or balancing of land by reason of which the existing topography of the land is altered, shaped or changed shall be required from the Zoning Inspector of the Township of York, except in the following permitted instances:

1. The amount of material utilized for filling, dumping, removal, adjusting or balancing, whether obtained on the land involved or from outside the premises, does not:
  - a. Exceed three hundred (300) cubic yards;
  - b. Exceed one (1) acre in area;
  - c. Is not less than five hundred (500) feet from a lake or stream; or
  - d. That the material is composed only of gravel, clay, natural rock, earth, or top soil.

Any land balancing shall take in such a manner as will not adversely affect the existing use or occupancy of abutting lands and the normal development thereof and will not impair, obstruct, divert or change any drain, creek, river or other water course on the land involved or any abutting lands, and will not encroach or occur upon the floor area or plain thereof.

2. The filling, dumping, removal, adjusting or balancing occurs pursuant to a Site Plan or Plat which has been approved in accordance with the Township Ordinance.

**B. Dumping of Waste, Junk, or Similar Materials.** The use of land for the storage, collection, burial or accumulation of used construction materials, or for the dumping or disposal of junk, offal, refuse, ash, garbage, rubbish, waste material, including construction materials such as asphalt, or industrial by-products or vehicles, vehicle parts or trailers shall not be permitted in any district, except in conformity with The Charter Township of York Regulations.

**C. Excavation.** The excavation or continued existence of unprotected holes, pits, or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited; provided, however, that this restriction shall not apply to excavations for which a permit has been acquired, provided such excavations are properly protected. Excavations which may be permitted if proper permits are acquired include excavation related to construction of a driveway, walk, a permitted wall, or building or part thereof, or movement of soil within the boundaries of a parcel for the purposes of preparing a site for building construction or another permitted use.

**D. Application and Procedure for filling permit.** The owner of premises may apply to the Zoning Inspector for a filling permit, upon such forms as may be designated by the Zoning Inspector and payment of such fees as the Township Board may set by resolution, in the following manner:

1. An application to the Zoning Inspector shall contain the following information:
  - a. Names and address of owner of the premises and type of ownership.
  - b. Legal description of the premises.
  - c. Name and address of owners of adjacent premises.
  - d. Written description of the nature of the proposed filling, dumping, removal, adjusting or balancing to be undertaken, including the quantity of fill or removal and the composition of same.
  - e. A scale drawing of the premises designating property lines and dimensions; adjacent public roads, drains, creeks, rivers or other water courses and the flood area or plain thereof on the premises and on adjacent premises; landmarks and topographical features of the premises; and areas to be filled or subject to removal.
  - f. Statement of intended land use for the premises following the completion of the filling to removal and the expected time needed to complete the filling or removal.
  - g. A copy of erosion permit from the Washtenaw County Erosion Enforcement Officer shall be submitted to the Zoning Inspector prior to approval of the filling permit as required.

The Zoning Inspector will consider the filling application and determine whether the proposed filling or removal shall be granted approval. In determining the same, the Zoning Inspector shall review the applicant's soil erosion control permit, consider the impact of the filling or removal on existing water drainage, detention, retention, flood plain, flood area and flow, the prevention of water pollution and sedimentation, the prevention of wind erosion, wind blown dust, the composition and compaction qualities of the fill, the provision for ground cover and any impacts on adjacent neighboring premises.

The Zoning Inspector shall keep a record of all filling permits. Failure to comply with the terms and conditions of the filling permit shall be subject to [Section 20.08](#), herein.

### **Section 15.05 Stormwater Management**

Design and implementation of stormwater management shall be according to Washtenaw County Drain Commission specifications. A copy of the approved stormwater plan shall be included for every project requiring site plan review as specified within this Zoning Ordinance.

### **Section 15.06 Hydrogeologic Assessment**

All projects requiring hydrogeologic assessment shall be according to Washtenaw County Environmental Health Department requirements and specifications. When required, hydrogeologic assessments shall be part of the site plan review process as specified within this Zoning Ordinance.

### **Section 15.07 Natural Features Protection and Preservation Requirements**

**A. Purpose.** An essential part of the character and quality of life in York Township and the surrounding region is the variety of natural features that remain largely undisturbed by land development in the Township. As the Township's Growth Management Plan specifies, the policy of the Township is that these natural features need to be protected and preserved to the maximum extent possible when land is developed. The protection and preservation of natural features will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy. The purpose of this Section is to establish procedures and standards to protect and preserve these natural features.

**B. Definitions**

1. **Critical Root Zone** – The circular area surrounding a tree which is considered to contain tree roots within 18 inches of the ground surface. The radius of the critical root zone is, in feet, the same numerical value as the tree's DBH in inches and is measured outward from the center of the tree. For example, the critical root zone of a 12-inch DBH tree has a radius of 12 feet.
2. **Diameter at Breast Height (DBH)** – Diameter of a tree measured four feet above the existing grade.
3. **Groundwater Recharge Area** – An area with a highly permeable natural surface which allows the rapid percolation of surface precipitation to groundwater, replenishing the groundwater.
4. **Landmark Tree** – Any tree that has a DBH of 24 inches or greater, or that is of a type and DBH equal to or greater than shown on the Landmark Tree List in [Section 15.07G](#).
5. **Steep slope** – A naturally occurring landform with a vertical change in elevation of 12 percent or more and a length of 30 feet or more measured parallel to the contour lines.
6. **Threatened or Endangered Species Habitat.** The habitat necessary to maintain the existence of those plants and animals listed pursuant to law on the current federal and state lists of endangered, threatened, or special concern species.
7. **Woodland** – A forested area of ½ acre or more containing 20 trees per ½ acre greater than 6 inches in diameter at breast height (DBH), or ½ acre or more with a minimum average DBH of 10 inches. The critical root zone of all trees on the perimeter of the forested area or plantation defines the area of a woodland.

**C. Natural Features Statement of Impact, Protection, and Mitigation**

1. When activity requiring site plan review or PUD approval under this zoning ordinance involves the development of land containing natural features, a Natural Features Statement of Impact, Protection, and Mitigation shall be submitted to the Township Planning Commission accompanying the site plan or PUD application. The following information shall be provided in the Natural Features Statement:
  - a. A site inventory and map identifying the location of existing natural features and containing a written description of their quality, character, and health. The map shall clearly show the

locations and types of all existing natural features on the site and extending 100 feet beyond the property lines.

- b. A natural features protection plan specifically identifying natural features to be preserved.
- c. For any natural features identified pursuant to [Section 15.07C.1.a](#) that are proposed to be removed or disturbed rather than preserved, a report containing the following information:
  - (1) Alternative plans that were considered which would limit the proposed disturbance or removal of natural features on and adjacent to the site.
  - (2) Justification for the course of action proposed, including an explanation of why the proposed disturbance or removal is the minimum necessary to reasonably accomplish the permitted use.
  - (3) A mitigation plan, consisting of a written and graphic description of the measures proposed to mitigate the proposed removal or disturbance of natural features, that complies with the requirements of [Section 15.07D](#).

- 2. No person shall conduct any activity for which an approved preliminary or final site plan is required under this article unless a Natural Features Statement for the activity has also been approved by the Township Planning Commission. When approved by the Township Planning Commission, a Natural features Statement for a development shall be incorporated into and considered part of the preliminary and/or final site plan for the development and shall be enforceable as such.

**D. Mitigation of Natural Features**

- 1. The following mitigation measures, as applicable, shall be provided for in the Natural Features Statement for all natural features proposed to be removed or disturbed:
  - a. **Wetlands:** shall be mitigated as provided pursuant to any state or federal permit issued for the wetlands activity and protected by compliance with all setback and setback zone requirements of this Section.
  - b. **Water Bodies, Channels, and Floodplains:** shall be mitigated to provide no net loss of flood storage capacity and shall comply with any conditions of a valid permit from the Michigan Department of Environmental Quality in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, and the administrative rules thereunder, as amended, and protected by compliance with all setback and setback zone requirements of this section.
  - c. **In Groundwater Recharge Areas,** any land use which will result in the coverage of more than 30% of a lot or parcel of land with structures and/or parking or storage areas with impervious surfaces shall be designed and constructed in such a way that all run-off water shall be collected, retained, filtered and purified as necessary to be suitable for return by natural percolation to the naturally occurring aquifer, and returned to the land in such a way that the full, natural recharge of the groundwater aquifer is maintained.

- d. **Landmark Trees and Woodlands:** shall be replanted or replaced according to the following requirements:
    - (1) Replacement trees shall be of species native to Michigan, have natural habitat characteristics comparable to the removed trees, be Michigan State Department of Agriculture Nursery Grade No. 1 or better and non-sterile varieties, and must be inspected and approved by the Township prior to planting. Replacement trees must be staked, fertilized, and mulched, and shall be guaranteed for survival for two years at the responsibility and expense off the property owner. If more than 20 replacement trees are required, a mixture of three or more species shall be used.
    - (2) Replacement trees may be provided from on-site via transplanting if they meet the requirements of the preceding subsection.
    - (3) All replacement trees shall have a diameter at breast height (DBH) or height as follows: For deciduous trees, replacement shall be on a total caliper basis, with the total calipers of replacement trees equal to the DBH of the tree(s) being replaced. For example, a tree with a 12 inch DBH shall be replaced with trees with an aggregate of calipers totaling 12 inches. All replacement deciduous trees must have a minimum DBH of two and one half (2 ½) inches. Conifers shall be replaced on a total height basis, with the total height of the replacement trees equal to the height of the trees being replaced. The minimum size of a replacement conifer shall be four feet.
  - e. **Steep Slopes:** Disturbed areas of steep slopes shall approximate the natural terrain and be planted with native vegetation at the completion of construction. No new drainage may be directed over areas of disturbed slope. No development shall be permitted on slopes greater than 18 percent.
  - f. **Threatened or Endangered Species Habitat:** Such habitat shall be mitigated in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451 as amended.
2. In cases where providing mitigation will cause undue hardship, the applicant may request relief from the Planning Commission as part of the site plan review process. Relief will only be granted when the applicant provides evidence supporting all of the following findings:
- a. The hardship is exceptional and peculiar to the property and results from conditions which do not exist generally throughout the township and region.
  - b. The condition upon which the requested relief is based is not a self-imposed or self-created hardship.
  - c. The relief to be granted is the minimum amount necessary to allow a reasonable, economically viable use of the land.

- E. **Protection of Natural Features During Construction.** Natural features that are identified in the Natural Features Statement as features to be preserved shall be protected during construction as follows:



1. Prior to any development, clearing, or other activity for which a permit is required, temporary construction fences shall be installed in the following locations to restrict access to protected natural features:
  - a. At the limits of soil disturbance adjacent to natural features.
  - b. At the perimeter of the critical root zone of landmark trees which are located within a disturbance area. Where encroachments into the critical root zone are allowed as part of an approved site plan or plat, the fencing must be located at least 10 feet from the trunk of the tree at all points.
  - c. At the edge of the natural features open space.
2. No filling, depositing, excavating, or storage of materials, debris, or equipment shall take place within the fenced area.
3. Temporary construction fencing shall be maintained in place in good condition until it is authorized to be removed by the Township.
4. Any landmark tree that is determined to be dead, dying, or severely damaged due to on-site construction activity within three years after issuance of a certificate of occupancy or final permit approval for development authorized by an approved site plan or plat shall be replaced by the applicant in the amount specified in the requirements for mitigation of landmark trees. To ensure replacement of trees which are or may become damaged, dead, or dying within, the applicant shall post security in the form of cash, surety bond, or letter of credit in an amount calculated to cover the cost of the total replacement. The security shall be deposited with the Township Clerk Prior to the issuance of a certificate of occupancy, or within 20 days after written notice to the property owner that the township has determined that replacement of a landmark tree will be required under this subsection.

**F. Review Criteria for Natural Features Statement**

1. The Planning Commission shall approve the Natural Features Statement in conjunction with the site plan review process after it determines that all of the following requirements have been met:
  - a. The Natural Features Statement accurately and completely identifies all natural features on, and within 100 feet of, the property covered by the site plan;
  - b. The contemplated development would comply with all applicable state, local and federal law, ordinances, standards, and regulations;
  - c. The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety, or welfare;
  - d. The development will limit the overall removal or disturbance of natural features to the minimum necessary to allow a reasonable, economically viable use of the land or, in the

case of wetlands, the development is permitted under applicable state or federal laws and regulations.

2. In determining whether the proposed removal or disturbance of natural features is limited to the minimum necessary to allow a reasonable, economically viable use of the land, the Planning Commission shall apply the following criteria:
    - a. The importance and overall value of a natural feature, both on the site and on a township and regional basis. In general, the importance of a natural feature increases with its rarity, size, age, or condition.
    - b. The existence of overlapping natural features in one area. Overlapping natural features increase the importance and overall value for preservation of an area.
    - c. The impact of the proposed disturbance on the integrity of ecological systems or the continuity between natural features. Wherever possible, ecological systems and continuity between natural features should be preserved.
    - d. The amount of disturbance in relation to the scale of the proposed development and to that permitted under this Zoning Ordinance.
    - e. The adequacy of the mitigation plan.
- G. Landmark Tree Chart.** Any tree having a DBH of 24 inches or greater, or a tree of a type and corresponding DBH equal to or greater than shown on the following chart, are considered Landmark Trees:

<i><b>Common Name</b></i>	<i><b>Scientific Name</b></i>	<i><b>DBH</b></i>
Ash	Fraxinus spp. (not cultivars)	18 inches
Basswood	Tilia spp.	18 inches
Beech	Fagus spp.	18 inches
Buckeye (horse chestnut)	Aesculus spp.	18 inches
Cedar of Lebanon	Cedrus spp.	18 inches
Cherry, Black	Prunus serotina	18 inches
Elm	Ulmus spp. (except pumila)	18 inches
Fir	Abies spp.	18 inches
Fir, Douglas	Pseudotsuga menziesi	18 inches
Kentucky Coffee Tree	Gymnocladus dioicus	18 inches
Maple, Silver	Acer saccharinum	18 inches
Pine	Pinus spp.	18 inches
Spruce	Picea spp.	18 inches
Sycamore: London Plane	Platanus spp.	18 inches
Tuliptree	Liriodendron tuliperifers	18 inches
Walnut, Black	Julans nigra	18 inches
Hickory	Carya spp.	16 inches
Honey Locust	Gleitsia triacanthos	16 inches
Maple	Acer spp. (unless otherwise noted)	16 inches
Oak	Quercus spp.	16 inches
Arbor vitae	Thuja occidentalis	12 inches

Bald Cypress	Taxodium distichum	12 inches
Birch	Betula spp.	12 inches
Black Tupelo	Nyssa sylvatica	12 inches
Cherry, Flowering	Prunus spp.	12 inches
Crabapple (cultivar)	Malus spp.	12 inches
Dawn Redwood	Metasequiia glyptostroboides	12 inches
Eastern Hemlock	Tsuga canadensis	12 inches
Ginkgo	Ginkgo biloba	12 inches
Hackberry	Celtis occidentalis	12 inches
Hawthorn	Crataegus spp.	12 inches
Larch/Tamarack	Lrix spp.	12 inches
Pear	Pyrus spp.	12 inches
Persimmon	Dispyros virginiana	12 inches
Populus	Populus (except deltoides, alba)	12 inches
Sassafras	Sassafras albidum	12 inches
Sweetgum	Liquidambar styraciflua	12 inches
Yellow Wood	Cladrastis Lutea	12 inches
Cedar	Juniperus spp. and upright cultivara	8 inches
Eastern Redbud	Cercis canadensis	8 inches
Dogwood, Flowering	Cornus florida	8 inches
Hornbeam, Blue Beech	Carpinus spp.	8 inches
Ironwood	Ostrya virginiana	8 inches
Maple, Mountain/Striped	Acer spicatum/pensylvanicum	8 inches
Pawpaw	Asimino triloba	8 inches
American Chesnut	Castanea dentata	6 inches
Butternut	Juglans cinerea	6 inches

## Article 16.0 Special Uses

### Section 16.01 Purpose

The formulation and enactment of this ordinance is based upon the division of the un-incorporated portions of The Charter Township of York into districts in each of which are permitted specified uses which are mutually compatible and permitted by right. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which it may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

This Ordinance, therefore, requires approval of a special use permit of each use listed in the several zoning districts as special uses and specifies in this Article the procedures and standards to be followed in granting such permits. If compliance with the procedures and standards set forth in this Article and in [Article 4.0, Zoning Districts](#), and in [Article 11.0, Supplementary Regulations and Standards](#), if applicable, conditions may be imposed. No special use shall commence until a special use permit is issued therefore in accordance with this Ordinance.

### Section 16.02 Authority to Grant Permits

The Township Planning Commission shall have the authority to grant Special use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for only those special uses specified in the various district provisions of this ordinance.

### Section 16.03 Application and Fee

Application for any special use permit permissible under the provisions of this ordinance shall be made to the Planning Commission by filling in the official special use permit application form, submitting required data, exhibits and information, and depositing the required fee with the Township clerk. Such application shall be accompanied by a fee as set by the Charter Township of York Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

### Section 16.04 Data, Exhibits, and Information Required in Application

An application for a special use permit shall contain the following information:

- A. The applicant's name, address, and telephone number.
- B. The names and address of all owners of record and proof of ownership.
- C. The applicant's interest in the property, and if not the fee simple owner, a signed authorization from the owner(s) for the application.
- D. Legal description, address, and tax parcel number of the property.
- E. A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
- F. A detailed description of the proposed use.
- G. A site plan, meeting the requirements of a preliminary site plan, as set forth in [Section 17.03](#), herein.

- H. A written statement from the Zoning Inspector regarding the existing conditions of the property and its compliance with the Zoning Ordinance.

### **Section 16.05 Public Hearing**

Upon receipt by the Planning Commission of a complete and accurate application for special land use approval, a public hearing shall be scheduled and held in accordance with [Section 20.10 \(Public Hearing Procedures\)](#).

### **Section 16.06 Planning Commission Action**

The Planning Commission shall review the application for a special use permit in reference to the standards and findings required herein and in relation to any information received or provided at the public hearing. The Planning Commission shall approve, approve with conditions, or deny a special use permit application. The Planning Commission's analysis of the application, decision, findings of fact and conclusions in relation to applicable ordinance standards, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting at which action is taken.

### **Section 16.07 Special Use Standards**

- A. In the consideration of applications for approval of special uses, the Planning Commission shall review each case individually at a public hearing following due notice, based upon the standards set forth below, and, in addition, such uses, if approved, shall be subject to conditions, restrictions and safeguards as are authorized by law and deemed to be necessary by the Planning Commission:
- B. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; (2) the orderly development of the surrounding neighborhood and/or vicinity; and/or future uses reasonably anticipated in the area.
- C. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
- D. The proposed use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon a person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
- E. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- F. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

- G. The proposed use is to be so designed, located, planned and operated such that the public health, safety and welfare will be protected.
- H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the Zoning District and/or the present and/or intended character of the area.
- I. The proposed use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
- J. The proposed use shall not unreasonably burden the capacity of public services and/or facilities.
- K. The proposed use is consistent with the Township's Growth Management Plan/Master Plan.
- L. The proposed use will have adequate service by public services and facilities, and shall not unduly burden public sewers and facilities.

### **Section 16.08      Conditions of Approval**

The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State Law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to: (a) insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, (b) protect the natural environment and conserve natural resources and energy, (c) insure compatibility with adjacent uses of land, and (d) promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of this Ordinance; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be written in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions of initial approval.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the Planning Commission to terminate and cancel such special use permit.

If the facts in the case do not establish that the findings and standards set forth in this ordinance will apply to the proposed use, the Planning commission shall not grant a special use permit.

## **Section 16.09 Continuation and Expansion**

- A. **Continuation** - Any use lawfully existing on the date of adoption of this Ordinance or an amendment thereof that is considered or permitted as a conditional use under this Ordinance or amendment shall be deemed a conforming use, and may continue without approvals required in this article.
- B. **Expansion** - Any expansion of a conditional use shall require a conditional use permit.

## **Section 16.10 Re-Application**

No application for a special use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of three hundred and sixty five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Township Planning Commission to be valid.

## **Section 16.11 Revocation of Permit**

The Planning Commission may, after hearing and cause shown, revoke a conditional use permit for the following reasons: in case of false statement or misrepresentation of fact on which the permit was approved; or in case of failure to correct violations of this Ordinance; or in case of lack of compliance with the approved site plan, the conditional use permit, or any conditions attached to the permit; or when the conditional use has been abandoned or discontinued for one hundred eighty (180) consecutive days, or any conditions of the permit. The hearing shall be held in accordance with [Section 20.10 \(Public Hearing Procedures\)](#).

## Article 17.0 Site Plan Review

### Section 17.01 Purpose

It is recognized by this ordinance that there is a value to the public in establishing safe and convenient traffic movement, both within the site and in relations to access streets; that there is a value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this ordinance requires site plan review by the Township Planning Commission and approval by the Township Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, on adjacent land usage, and on the character of future urban development. Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity.

### Section 17.02 Building, Structures and Uses Requiring Site Plan Review

Three (3) separate review processes (preliminary/final site plan, minor site plan, and administrative approval) have been established in keeping with the purpose of this Article:

- A. Preliminary and Final Site Plan Approval.** The following development projects and uses shall require review and approval of detailed preliminary and final site plans by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:
1. All Rural Uses, as specified in [Article 5.0 \(Land Use Table\)](#), for which site plan approval is required per [Article 7.0 \(Use Standards\)](#).
  2. All Residential Uses, as specified in [Article 5.0 \(Land Use Table\)](#), for which site plan approval is required per [Article 7.0 \(Use Standards\)](#). The following Residential Uses shall be exempt from site plan approval:
    - a. One (1) single-family detached dwelling and customary accessory structures on an existing residential lot of record.
    - b. One (1) two-family or duplex dwelling and customary accessory structures on an existing residential lot of record.
    - c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
    - d. Home occupations and home offices, except in cases where special land use approval is required per [Article 5.0 \(Land Use Table\)](#).
  3. All Office, Service, and Community Uses and Commercial Uses, and Industrial, Research, and Laboratory Uses, as specified in [Article 5.0 \(Land Use Table\)](#).
  4. A Planned Unit Development, in accordance with the provisions specified in [Article 8.0](#).
  5. One (1) or more buildings or structures associated with a land use subject to site plan approval in any zoning district, with a floor area greater than 500 square feet.
  6. A parking lot or addition thereto containing 5 or more parking spaces.



7. Any condominium development.
  8. Special land uses, as specified in [Article 5.0 \(Land Use Table\)](#), except for those eligible for minor site plan approval per [Section 17.02B](#).
  9. Public utility buildings and structures, including poles, towers, and telephone repeater buildings, and all Other Uses, as specified in [Article 5.0 \(Land Use Table\)](#), except temporary construction structures and accessory structures and uses.
  10. Any Open Space Preservation Residential Development as defined in [Section 11.13](#).
- B. Minor Site Plan Approval.** The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of the structure or use:
1. Farm-based tourism or entertainment activities.
  2. Public or commercial riding stables.
  3. Accessory dwelling unit.
  4. Adult foster care large group home.
  5. Bed and breakfast inn.
  6. Child day care home, group.
  7. Home based businesses, and home occupations for which special land use approval is required per [Article 5.0 \(Land Use Table\)](#).
  8. Landscaping businesses or seasonal maintenance operations in a Rural District.
  9. Construction of one (1) principal building with a floor area of 500 square feet or less associated with a land use subject to site plan approval.
  10. A change of use for an existing building, construction of an addition to an existing building, or expansion of lawful land use, subject to the following:
    - a. The site has previously received site plan approval.
    - b. The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
    - c. No variances to the requirements of this Ordinance are required.
    - d. The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 2,000 square feet, whichever is less.
  11. Temporary uses not otherwise regulated by this Ordinance.

12. Similar projects and uses, as accepted by the Planning Commission.

The Planning Commission shall have the authority to require submittal of a preliminary and a final site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.

- C. **Administrative Approval.** The following activities are eligible for administrative review and approval by the Township Planner and Zoning Inspector. The Zoning Inspector or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval:
1. Incidental changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved final site plan.
  2. Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.
  3. Minor changes to a site required to comply with State Construction Code requirements.
  4. Construction of fences, new exterior lighting or improvements to existing exterior light fixtures; or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use.
  5. Any parking lot or addition thereto of five (5) or fewer parking spaces.
  6. Construction of one (1) accessory structure with a floor area of 500 square feet or less associated with a principal land use subject to site plan approval.
- D. **Permits and Certificates Contingent upon Site Plan Approval.** The Zoning Inspector shall not issue a Certificate of Zoning Compliance and the Building Inspector shall not issue a Building Permit for construction of, establishment of, or addition to any one of the above listed land uses, buildings or structures until a minor site plan or final site plan therefore has been approved and is in effect in accordance with this Section and Article. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development for which preliminary and final site plan approval is required until a final site plan is approved and is in effect, except as otherwise provided in this Article.

### **Section 17.03 Application and Fee for a Minor or Preliminary Site Plan**

Any person may file a request for a minor or preliminary site plan review by the Township Planning Commission by filing with the Township Clerk the completed application upon the forms therefore furnished by the Clerk and payment of the applicable fee as determined by resolution of the Charter Township of York Board. As an integral part of said application, the applicant shall file at least fifteen (15) copies of a minor site plan or preliminary site plan which shall conform to the following minimum requirements as found in [Section 17.05](#), herein.

### **Section 17.04 Planning Commission Review of Minor or Preliminary Site Plan**

Upon receipt of such application and minor site plan or preliminary site plan fee, the Clerk shall transmit the application materials and plans to the Planning Commission prior to its next regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall, within one hundred eighty (180) days, from the date of the first commission meeting at which the application is received by the Planning Commission, give its tentative approval or disapproval of the minor site plan or preliminary site plan, advising the applicant, in writing, of recommended changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this ordinance. This time limit may be extended upon a written request by the applicant and approval by the Planning Commission.

### **Section 17.05 Required Data For a Minor or Preliminary Site Plan**

Every minor site plan or preliminary site plan submitted to the Commission shall be in accordance with the requirements of this section.

- A. Required Information for all Minor and Preliminary Site Plans.** The following minimum information shall be included with any application for minor or preliminary site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:
1. Location and description of the site, dimensions and area.
  2. Property owner's name and address; applicant's name and address and interest in the property; owner's signed consent for preliminary site plan approval application if the applicant is not the owner.
  3. Scale, north arrow, date of plan. Site plans shall be drawn to an engineer's scale of 1:10, 1:20, 1:30, 1:40 or 1:50, as best fits the required sheet size. For a large development shown in sections on multiple sheets, one (1) overall composite sheet shall be provided for clarity, drawn to an engineer's scale.
    - a. Preliminary site plans shall be provided on a required sheet size of between 11.0 inches by 17.0 inches (minimum) and 24.0 inches by 36.0 inches (maximum).
    - b. Minor site plans shall be provided on a required sheet size of between 8.5 inches by 11 inches (minimum) and 24 inches by 36 inches (maximum).
  4. Existing zoning classification of property; and location and size of required transition and landscape strips, if applicable.
  5. Adjacent land uses and zoning; location of adjacent buildings, drives and streets.
  6. Location and width of all existing easements on the site.
  7. All adjacent property owned or controlled by the applicant or owner of the subject property.
  8. Outline of existing buildings/structures and drives; existing natural (woodlands, wetlands, surface water, floodplains, etc.) and manmade features to be retained or removed.
  9. Proposed buildings/structures; location, outline, general dimensions, distances between, floor area, number of floors, height, number and type of dwelling units (where applicable).

10. Location and size of open areas and recreation areas.
11. Any other information deemed necessary by the Planning Commission.

**B. Additional Required Information for all Preliminary Site Plans.** The following minimum information shall also be included with any application for preliminary site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

1. General topography (maximum ten (10) foot contour interval) and soil information.
2. Proposed streets/drives; general alignment, right-of-way (where applicable), surface type and width.
3. Proposed parking; location and dimensions of lots; typical dimensions of spaces and aisles; angle of spaces, surface, type number of spaces.
4. Dwelling unit phasing schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio.
5. Area of intended filling and/or cutting.
6. Location and area of development phases; building program for each phase; projected schedule of development by phase.
7. General description of proposed water, sanitary sewer, and storm drainage systems.
8. Where applicable, a natural features impact statement as required by [Section 15.07](#).
9. Any other information deemed necessary by the Planning Commission.

### **Section 17.06 Standards for Review**

In reviewing a minor site plan or preliminary site plan, the Planning Commission shall consider the following standards:

- A. That all required information has been provided.
- B. That the proposed development conforms to all regulations of the zoning district in which it is located.
- C. That the applicant may legally apply for site plan review.
- D. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- E. That the proposed site plan will be harmonious with, and not hazardous, detrimental, or damaging, to existing and future uses in the immediate area.
- F. That natural resources and natural features will be preserved to a maximum feasible extent.

- G. For preliminary site plans, that the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required.
- H. That organic, wet, or other soils which are not suitable for development, will be undisturbed, or will be modified in an acceptable manner.
- I. That the proposed development properly respects floodways, flood plains, and drainage ways on or in the vicinity of the subject property.
- J. For preliminary site plans, that phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- K. For preliminary site plans, that there is an approved natural features statement of impact, protection, and mitigation for the proposed development.

### **Section 17.07 Effect of Minor Site Plan Approval**

Approval of a minor site plan by the Planning Commission authorizes issuance of a certificate of zoning compliance and building permit(s), provided all other construction and engineering requirements have been met. In the case of uses without structures, approval of a minor site plan authorizes issuance of a certificate of zoning compliance and a certificate of occupancy, provided all other requirements for such certificate of occupancy have been met.

### **Section 17.08 Effect of Preliminary Site Plan Approval**

Approval of a preliminary site plan by the Township Planning Commission shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in [Section 17.06](#), herein. The Township Planning Commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Building Inspector for grading and foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption of the Township from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion.

### **Section 17.09 Expiration of Approval**

Approval of a minor or preliminary site plan shall be valid for a period of 365 calendar days from the date of approval, and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period. The Planning Commission Secretary shall, within ten (10) days of the date of approval of the minor or preliminary site plan, transmit a written certification of such approval to the applicant and Township Clerk.

If a final site plan is submitted for only a part of the area included in an approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Township Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the delay. In such case, the Township Planning Commission may require a new preliminary site plan be submitted.

### **Section 17.10 Application and Fee of a Final Site Plan**

Following approval of the preliminary site plan, the applicant shall submit to the Township Clerk, fifteen (15) copies of the proposed final site plan as well as the other data, exhibits and information hereinafter required, and pay to the Clerk, a final site plan review fee, the schedule of which shall be determined by resolution of the Charter Township of York Board.

The Clerk upon receipt of such detailed site plan drawings, other necessary data, and payment of the required fee, shall forthwith transmit the copies to the Planning Commission prior to its next regularly scheduled meeting and the Planning commission shall undertake a study of same and shall, within sixty-five (65) days from the date of the commission meeting at which the application is received from the Clerk shall approve or deny the detailed site plan. This time limit may be extended upon mutual agreement between the applicant and the Planning Commission. The Commission may require changes in the proposed site plan as are needed to gain approval. The Planning Commission may attach reasonable conditions to its approval.

The Planning Commission shall include in its study of the site plan consultation with the Township Zoning Inspector, the Township Fire Chief, and the Township Engineer, or other consultants and other government officials and departments and public utility companies that might have an interest in or be affected by the proposed development. Written notice shall be sent to the applicant stating the time and place of review of the site plan by the Township Planning Commission.

### **Section 17.11 Required Data for a Final Site Plan**

Every final site plan submitted to the commission shall be in accordance with the requirements of this section

- A. The site plan shall be drawn to an engineer's scale of 1:10, 1:20, 1:30, 1:40 or 1:50, as best fits the required sheet size. Final site plans shall be provided on a required sheet size of between 11.0 inches by 17.0 inches (minimum) and 24.0 inches by 36.0 inches (maximum). For a large development shown in sections on multiple sheets, one (1) overall composite sheet shall be provided for clarity, drawn to an engineer's scale.
- B. Scale, north arrow, name and date of plan; date of revisions thereto.
- C. Name and address of property owner and applicant; interest of applicant in property; name and address of developer.
- D. Name and address of designer. A final site plan shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered in the State of Michigan.
- E. A vicinity map; legal description of the property; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.
- F. Existing topography shall be at a maximum contour interval of two (2) feet; existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy; individual deciduous trees of six (6) inch diameter or larger and individual evergreen trees six (6) feet in height or higher, where not a part of a group of trees, shall be accurately located on the final site plan.

- G.** Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain or to be removed.
- H.** General description of deed restrictions, if any.
- I.** Owner, use and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
- J.** Existing public utilities on or serving the property location and size of water lines and hydrants; location, size and inverts for sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of wells, septic tanks and drain fields.
- K.** Name and right-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.
- L.** Zoning classifications of the subject property; location, of required yards; total ground floor area and lot coverage (percent); floor area ratio. In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size, and type of dwelling units.
- M.** Grading plan, showing finished contours at a maximum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
- N.** Location and exterior dimensions of proposed buildings and structures, with the location to be referenced to property lines or to a common base point; distances between buildings; height in feet and stories; finished floor elevations and contact grade elevations.

Description of building construction, including type of building materials to be used for all proposed buildings, shall accompany the final site plan. Scaled front elevation renderings of all buildings on the site, including site location, elevations, and landscaping shall also accompany the final site plan.

- O.** Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross-section of same showing surface base and sub-base materials and dimensions; location and typical details of curbs; turning lanes, with details (where applicable); location, width, surface elevations and grades of all entries and exits; curve-radii.
- P.** Location and dimensions of proposed parking lots; numbers of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.
- Q.** Location and size of proposed improvements of open spaces and recreation areas, and maintenance provisions for such areas.
- R.** Location, width, and surface or proposed sidewalks and pedestrian ways.
- S.** Location and type of proposed screens and fences; height, typical elevation, and vertical section of enclosures; showing materials and dimensions.

- T. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions.
- U. Location,-type, size, area, and height of proposed signs.
- V. Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of retention ponds and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone poles and wires; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields where applicable. Final engineering drawings for all site improvements such as, but not limited to, water, sanitary sewer and storm sewer systems; streets, drives and parking lots; retention ponds and other ponds or lakes; retaining walls; shall be submitted to and approved by the Township Engineer prior to Planning Commission approval of the final site plan. If on-site water and sewer facilities are to be used, a letter of approval of same, or a copy of the permit from the Washtenaw County Health Department shall be submitted to the Planning Commission Secretary prior to Planning Commission approval of the final site plan.
- W. Landscape plan showing location and size of plant materials.
- X. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.
- Y. Location of proposed retaining walls; dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
- Z. Location, type, direction, and intensity of outside lighting.
- AA. Right-of-way expansion where applicable; reservation or dedication of right-of-way to be clearly noted.
- BB. The natural features statement of impact, protection, and mitigation, if required.
- CC. Any other information deemed necessary by the Planning Commission.

### **Section 17.12 Township Approval of a Final Site Plan**

Upon the Township Planning Commission approval of a detailed site plan the applicant shall file with said Commission four (4) copies thereof. Within ten (10) days thereafter the secretary of said Commission shall transmit one copy each to the Township building inspector and Township Clerk with the secretary's certificate or that of his designated replacement affixed thereto, certifying that the site plan conforms to the provisions of this article of the Charter Township of York zoning ordinance as determined and approved by the Township Planning Commission. If the site plan is denied by the Township Planning Commission, explanation and notification of such denial shall be given to the applicant(s) within ten (10) days after such Commission action.

### **Section 17.13 Standards for Site Plan Review**



In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of the Township zoning ordinance. Further, in consideration of each site plan, the Commission shall endeavor to assure the following:

- A. That the final site plan conforms to the preliminary site plan as approved by the Township Planning Commission.
- B. That the plan meets all applicable information requirements per [Section 17.11 \(Required Data for a Final Site Plan\)](#), and that the proposed development and land use(s) conform to all applicable standards of this Ordinance.
- C. That the plan meets the specifications of The Charter Township of York for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Township Fire Marshal and the Township Engineer.
- D. That the proposed development will not cause soil erosion or sedimentation problems.
- E. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- F. That the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity.
- G. That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
- H. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- I. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- J. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.
- K. That the natural features statement for the development has been approved by the commission, and that the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.
- L. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.
- M. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets shall be safe and convenient.
- N. That provisions are made so that the proposed development will not be harmful to the existing and future uses in the immediate area and the vicinity.

- O. That assurance has been provided to the Township for completion of any anticipated public infrastructures which are depicted on the final site plan. Any intermediate methods of providing temporary facilities shall be depicted on the final site plan. The assurance that necessary bonds or securities, that are required with applicable governmental agencies for the completion of any final infrastructures depicted on the final site plan, have been secured and are in effect. Such temporary facilities may include signage for roadways, location of mailboxes for postal service, physical composition of roadways, drainage structures and/or other improvements.

### **Section 17.14 Effect of Final Site Plan Approval**

- A. Approval of a final site plan by the Planning Commission authorizes issuance of a certificate of zoning compliance and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s). Execution of the Development Agreement authorizes issuance of a building permit, provided all other requirements for a building permit have been met. No site work or construction shall begin prior to the execution and recording of the Development Agreement. If a private road is proposed in the development, the Private Road Maintenance Agreement shall be approved by the Township Board of Trustees and executed and recorded prior to any site work or construction.
- B. Approval of a final site plan by the Planning Commission authorizes that the developer of said project shall request and schedule, with the approval of the Township Engineer, a pre-development conference. It shall be the obligation of the developer to notify all applicable agencies and individuals necessary to attend such conference. The pre-development conference shall provide all necessary information as required by the Township Engineer prior to any site work or construction taking place on the development site.
- C. Approval of a final site plan by the Planning Commission authorizes that the developer shall provide the purchaser of each parcel within the development, a plot plan of the purchased parcel. The plot plan shall contain the following information or meet the following requirements:
  - 1. A scaled drawing with a scale no greater than 1"=50'.
  - 2. North arrow.
  - 3. All proposed site grading and storm sewer improvements must be shown.
  - 4. The estimated finish floor elevation of the building envelope must be shown.
  - 5. All elevations to be either based on USGS datum or approved by the Township Engineer
  - 6. Lot number
  - 7. Required front, rear and side yard setbacks
  - 8. Proposed or existing access road centerline and road ditch elevations.
  - 9. The centerline of all drainage courses that cross the parcel or one located within 150 feet of the parcel's property line.

The plot plan for each parcel will be used by the property owner to site their proposed building and must be submitted for review and approval at the time of the application for the Foundation Building Permit. As part of the building permit application for the foundation of a home, a plot plan of the site must be provided by the applicant. The plot plan must show the proposed home location and furnish first floor and basement elevations, the location of any proposed detached buildings, and their ground floor elevations, and the access drive to the site. In addition, the plot plan must show the existing and proposed ground elevations for all area within 100 feet from the house, and any auxiliary builds. Ground/surface elevations will also be required for the driveway, proposed site swales or ditches and

for any flowing drainage course that crosses the property, or if the drainage course is within 150 feet of the proposed house.

- D. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.

### **Section 17.15 Expiration of Final Site Plan Approval**

- A. Approval of a final site plan, including final site plan approval for any phase(s), shall expire and be of no effect unless a building permit shall have been issued within one hundred eighty (180) days of the date of approval of the final site plan.
- B. Approval of a final site plan, including final site plan approval for any phase(s), shall expire and be of no effect five hundred forty-five (545) days following the date of approval unless construction has begun on the subject phase of the property and is diligently pursued to completion in conformance with the approved final site plan.
- C. The Township Planning Commission may, at its discretion and upon showing of good cause by the petitioner, extend the time limits of [Section 17.15A](#) and [Section 17.15B](#).

### **Section 17.16 Combining Preliminary and Final Site Plans**

- A. **When Permitted**
  - 1. An applicant may, at the applicant's discretion and risk, with approval of the Township Planning Commission and with payment of fees required for a preliminary and final site plan, combine a preliminary and final site plan in an application for approval.
  - 2. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its option, the complexity and/or size of the proposed development so warrant.
- B. **Phased Developments.** A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

### **Section 17.17 Amendment and Revision**

- A. **In General**
  - 1. An applicant may request a change in an approved preliminary site plan or an approved final site plan.
  - 2. Any change in an approved preliminary or final site plan which results in a major change as defined in [Section 17.17B.1](#) below, in the approved petition, shall require an amendment to the approved petition. All such amendments shall follow the procedures and conditions herein required for original submittal and review in full.

3. Any change which results in a minor change as defined in [Section 17.17C.1](#) below shall require a revision to the approved petition, including, at the Planning Commission's discretion, revised site plan drawings.
4. The Planning Commission shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The Planning Commission shall record its determination and reasons therefor in the minutes at the meeting at which the action is taken.
5. The burden shall be on the applicant to show good cause for any requested change.

## B. Major Changes

### 1. "Major Change" Defined

Changes to be consider major, for which amendment is required, shall include, but shall not be limited to, the following:

- a. change in concept of the development;
- b. change in use or character of the development;
- c. change in type of dwelling unit or outer structure as identified on the approved site plan;
- d. increase in the number of dwelling units or other structures;
- e. increase in non-residential floor area of over five (5) percent;
- f. increase in GFC and FAR of more than one (1) percent;
- g. rearrangement of lots, blocks, or building tracts;
- h. reduction in land area set aside for common area open space or the relocation of such area(s);
- i. increase in building height; and
- j. any change that will have an adverse impact on environmental features or on neighboring properties or uses.

### 2. Procedure

- a. A request for an amendment shall be made in writing to the Planning Commission and shall clearly state the reasons therefore. Such reasons may be based upon considerations such as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of York Township and the developer, such as site conditions, state or federal projects or installations, and statutory revisions.
- b. The Planning Commission, if it finds such reasons and request reasonable and valid, shall so notify the applicant in writing.
- c. Following payment of the appropriate fee as required for original submittal, the developer shall submit the required information to the Planning Commission for review.
- d. If the request is for amendment to the application, the Planning Commission shall immediately notify the Township Board.

## C. Minor Changes

1. “Minor Change” Defined

Modifications considered to be minor changes shall include, but shall not be limited to, the following:

- a. a change in residential floor area;
- b. an increase in non-residential floor area of five (5) percent or less;
- c. minor variations in layout which do not constitute major changes;
- d. an increase in GFC and FAR of one (1) percent or less; and
- e. a decrease in the number of approved dwelling units.

2. Procedure

- a. An applicant may request Planning Commission approval of changes which constitute minor changes, as defined in this Section, in an approved petition, approved preliminary site plan, and approved final site plan.
- b. The Planning Commission shall notify the Township Board and other applicable agencies if it approves such a minor change.
- c. If revised drawings are requested by the Planning Commission, the revised drawings as approved shall each be signed by the petitioner and the owner(s) of record or the legal representative(s) of such owner(s).

**Section 17.18 As-Built Drawings**

- A. The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the Township Building Inspector, and shall be approved by the Township Engineer prior to the release of any performance guarantee or part thereof covering such installation.
- B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C. The as-built’ drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as “As-Built Drawings” in the title block of each drawing and shall be signed and dated by the owner of the development or the owner’s legal representative and shall bear the seal of a professional engineer.

**Section 17.19 Phasing of Development**

- A. **Phasing Permitted.** The applicant may divide the proposed development into two (2) or more phases.
- B. **Requirements.** Phasing shall be subject to the following requirements:

1. **Preliminary Site Plan Review.** In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
  2. **Final Site Plan Review.** In the case of a phased development, a final site plan shall be submitted for review and approval separately for each phase unless the phases submitted for final site plan review and approval are expected to proceed in accordance with [Section 17.15](#) without expiration.
  3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
- C. **Posting of Bond.** The Planning Commission may require the applicant to post a performance bond or provide such other financial assurance as the Planning Commission deems acceptable, in an amount deemed adequate by the Planning Commission and the Township Engineer, to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

## **Section 17.20      Inspection**

### **A.    Inspection by Zoning Inspector**

1. The Zoning Inspector or his or her designated official shall be responsible for inspecting all improvements for conformance with the approved final site plan.
2. All sub-grade improvements, such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering.
3. The applicant shall be responsible for requesting the necessary inspections.
4. The Zoning Inspector shall obtain inspection assistance from the Township Fire Marshall, Building Inspector, and Engineer, where applicable.

### **B.    Notification of Inspections**

1. The Zoning Inspector shall notify the Township Board, Township Planning Commission, and Building Inspector, in writing, when any development for which a final site plan is approved has passed inspection with respect to the approved final site plan.
2. The Zoning Inspector shall notify the Township Board, Township Planning Commission, and the Building Inspector, in writing, of any development for which a final site plan is approved, which does not pass inspection with respect to the approved final site plan, and shall advise the Township Board, Planning Commission, and Building Inspector of steps taken to achieve compliance. In such case, the Zoning Inspector shall periodically notify the Township Board, Planning Commission, and Building Inspector of progress toward compliance with the approved final site plan and when compliance is achieved.

## Section 17.21 Performance Guarantees

### A. General Provisions

1. Performance bonds, irrevocable bank letters of credit, cash deposits, or other forms of security in an amount and form deemed satisfactory by the Township and its Engineers shall be provided by the applicant to the Township Clerk by the applicant after a final site plan is approved and prior to issuance of a Building Permit for any buildings in the project...
2. The performance guarantee shall cover site improvements shown on the approved final site plan. Site improvements shall mean streets and drives, parking lots, sidewalks, grading, required landscaping, required streets, storm drainage, exterior lighting and utilities.
3. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by the Township Engineer. The form of the guarantee shall be approved by the Township Attorney.

### B. Failure to Perform.

1. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall have the authority to have such work completed. The Township Board may reimburse itself for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
2. If a cash deposit is used, the applicant and Township Clerk shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
3. The Zoning Inspector may refuse to sign a certificate of occupancy in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of occupancy shall be signed by the Zoning Inspector upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

## Section 17.22 Fees

Fees for the review of site plans and inspections as required by this article shall be established and may be amended by resolution of the Township Board.

## Section 17.23 Violations

- A. A preliminary or final site plan approved under this provision of this Article shall have the full force of this Ordinance. Any violation of such approved plan shall be grounds for the Township Board or Zoning Inspector to order that all work be stopped and to order that Building Permits and/or Certificates of Occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Township Board.

- B. Any violation of the provisions of this Article, and any violation of any plan approved under this Article, including any agreements and conditions attached to any approved plan, shall be deemed a violation of this Ordinance, as provided in [Article 20.0](#) ("[Administration and Enforcement](#)") herein, and shall be subject to all penalties provided therein.

### **Section 17.24 Certification of Compliance**

An issuance of a zoning compliance permit as described in [Article 21.0](#) shall be required prior to issuance of a certificate of occupancy.

### **Section 17.25 Accuracy of Information**

The applicant for site plan approval shall be responsible for the accuracy and completeness of all information provided on the site plan.

### **Section 17.26 Revocation of Site Plan Approval**

The Planning commission may, upon investigation and review, revoke approval of a site plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Zoning Inspector to issue a stop work order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the Planning Commission.



## Article 18.0 Non-Conformities

### Section 18.01 Intent

Certain lots, structures, and uses of lots and structures may exist within districts established by this Ordinance or amendments thereto which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such non-conformities to remain until they are discontinued or removed, but not to encourage their survival. It is further the intent of this Ordinance that such non-conformities be steadily upgraded to conforming status. It is further the intent of this Ordinance that non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and that non-conformities shall not be used as grounds for adding other structures which are prohibited in the same district. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various districts

### Section 18.02 Non-Conforming Lots of Record

A principal structure and customary accessory structures for a permitted use, otherwise conforming, may be erected on a lot made non-conforming by the adoption of this Ordinance. Use of such lot may be made even though such lot fails to meet the regulations for minimum lot area or width, or both, that are applicable in the district, provided that other area, placement, and height regulations of the district are met. Such lot shall be of record and must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the effective date of adoption of this Ordinance. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet the minimum lot width and area regulations established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the minimum regulations established in this Ordinance.

### Section 18.03 Non-Conforming Uses of Parcels and Lots

Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of a parcel or lots exists that is no longer permissible under the provisions of this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such non-conforming use of a parcel or lot shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance and no accessory use, building or structure shall be established therewith.
- B. No such non-conforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not occupied on the effective date of adoption or amendment of this Ordinance.
- C. If such non-conforming use of a parcel or lot ceases for any reason for a period of more than one hundred eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations of the district in which such parcel or lot is located.

### Section 18.04 Non-Conforming Structures

Where, on the effective date of adoption or amendment of this Ordinance, a previously lawful structure exists that will become non-conforming under the regulations of this Ordinance by reason of restrictions upon lot area, lot area per dwelling unit, lot width, lot coverage, floor area ratio, height, transition and landscape strips, off-

street parking, loading spaces, and yard requirements, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. Such building or structure may be enlarged, expanded, extended, or altered only if such enlargement, expansion, extension or alteration is approved by the Board of Appeals, in conformance with [Section 18.08](#), "[Expansion and Substitution](#)", herein.
- B. Should any such building or structure be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of such damage, it shall not be reconstructed except in conformity with the provisions of the district in which it is located. Should any such building be damaged to an extent of fifty percent (50%) or less of its replacement cost, it may be replaced in its location and term existing prior to such damage, provided such replacement is commenced within three (3) years of the date of damage, and provided such replacement is diligently pursued to completion. Failure to complete replacement shall result in loss of legal, non-conforming status.
- C. Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

### **Section 18.05 Non-Conforming Uses of Structures**

Where, on the effective date of adoption or amendment of this ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. A non-conforming use shall not be extended into any portion of a structure not occupied by such use at the effective date of adoption or amendment to this Ordinance.
- B. A non-conforming use shall not be expanded or increased in area or intensity.
- C. An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, constructed, reconstructed, moved, or structurally extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.
- D. When a non-conforming use of a structure, or structure and premises in combination, is discontinued for more than one (1) year except where government action impedes access to the premises, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- E. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations of the district in which situated, and the non-conforming use may not thereafter be resumed.
- F. Where a non-conforming status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conformance status of the land. Destruction for the purpose of this subsection is defined as damage to an extent or more than fifty (50) percent of the replacement costs at the time of damage.

### **Section 18.06 Repairs and Maintenance**

On any non-conforming structure or on any structure housing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on a repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed twenty-five (25) percent of the then current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the floor area or volume of such building, or the number of families housed therein, or the size of such structures as it existed on the date of adoption or amendment of this Ordinance shall not be increased.

If a non-conforming structure, or a portion of a structure, containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located, unless such duly authorized official shall order such structure restored to a safe condition.

### **Section 18.07 Change of Tenancy or Ownership**

There may be a change of tenancy, ownership, or management of an existing non-conforming use, building or structure.

### **Section 18.08 Expansion and Substitution**

- A. The Board of Appeals shall determine if a non-conforming building or structure may be enlarged, expanded, extended or altered, and the conditions under which such improvements shall be made. The following provisions shall apply:
1. **Limitations:** The reasons for a non-conformity shall be limited to a minimum lot area, lot width, required yards off-street loading and parking requirements, and transition strip and landscape strip requirements. In no case shall a building or structure that is non-conforming because of lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the non-conformity, except as permitted under a variance.
  2. **Permitted Uses:** The existing and proposed uses of such buildings and structures shall be among those permitted in the district in which situated.
  3. **Conformance Required:** The proposed improvement shall conform to all requirements of the district in which situated.
  4. **Determinations:** The Board of Appeals shall determine the following in approving a request:
    - a. That the retention of the non-conforming building or structure is reasonably necessary for the proposed improvement or that requiring removal of such building or structure would cause unnecessary hardship.
    - b. That the proposed improvement is reasonably necessary for the continuation of activities on the property.
    - c. That the enlarged or otherwise improved non-conforming building or structure will not adversely affect the public health, safety and welfare.
  5. **Authority of Board:** The Board of Appeals shall have authority to require modification of the non-conformity where such is reasonable, as a condition for approval. The Board of Appeals

may attach other conditions for its approval which it deems necessary to protect the public health, safety, and welfare.

6. **Site Plan Approval Required:** All expansions under this section shall meet all requirements of [Article 17.0](#), herein, [Site Plan Review](#).
- B. A non-conforming structure shall not be substituted for, or replace, any conforming of non-conforming structure.
- C. A non-conforming use of a structure may be substituted for another non-conforming use upon permission by the Board of Appeals, as set forth in [Section 19.07](#), herein, provided that no structural alterations are made, and provided, further that such other non-conforming use is more appropriate than the existing non-conforming use in the district in which it is located. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accordance with the provisions and intent of this Ordinance. A non-conforming use, when superseded by a more appropriate use as provided in this sub-section, shall not thereafter be resumed.

## Section 18.09 Non-Conforming Extraction Operations

- A. An extraction operation legally existing at the effective date of adoption or amendment of this Ordinance shall be a non-conforming use of a parcel of land and may continue, subject to the following provisions:
  1. Extraction may be extended within the property based upon the property lines of record at the effective date of this Zoning Ordinance, provided however, that such extension shall not cross a public road.
  2. All extensions to be commenced following the effective date of adoption or amendment of this Zoning Ordinance shall first comply with all provisions of this Section, and [Section 7.603, Extraction Operations](#), herein.
  3. Any extension of operations shall not exceed the depth of extraction of the portion existing at the effective date of adoption or amendment of this Ordinance unless extraction to a greater depth is specifically approved by the Township Board of Appeals.
  4. Plans for the future extension of operations and restoration of the site shall be filed with the Township Planning Commission within one (1) year of the effective date of this Zoning Ordinance. Failure to file said plans within the one (1) year period shall authorize the Township Board to refuse any extensions for the site following the one (1) year period. Failure to file may also be grounds for determining intent to abandon extraction operations for the remainder of the site.
- B. If a non-conforming extraction operation ceases for any reason for a period of two hundred seventy (270) consecutive days or more within any one (1) calendar year, or for a period of two hundred seventy (270) days within two (2) consecutive years, the extraction operation shall not be resumed and the subsequent use of such parcel shall thereafter conform to the regulations of the district in which located.
- C. The equipment and processes of a legal, non-conforming extraction operation may be upgraded periodically in order to maintain the operation in a modern condition and in order to meet

contemporary pollution control standards. Such changes shall be permitted, even if they will result in an increase of production, provided the following conditions are met:

1. The changes in equipment and processes shall not have the effect of changing the nature or character of the operation into a use prohibited in the district in which located.
2. The noise, dust, odors, and other objectionable attributes of the operation shall not be increased beyond the levels existing at the effective date of adoption or amendment of this Ordinance.
3. The owner of the extraction operation shall notify the Township in writing of each change prior to the installation of such change.
4. Building permits for any structure shall be obtained prior to installation or construction.

## Article 19.0 Zoning Board of Appeals

### Section 19.01 Board Established

A Zoning Board of Appeals, hereinafter referred to as the Board of Appeals, is hereby established, in accordance with the Michigan Zoning Enabling Act.

### Section 19.02 Membership and Terms

The Board of Appeals shall consist of five (5) members appointed by the Township Board. The first member shall be a member of the Township Planning Commission. The remaining members shall be selected from the electors of the Township residing in the un-incorporated area of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board but shall not serve as chairperson for the Board of Appeals. Employees and contractors of the Township shall be prohibited from serving as members of the Board of Appeals.

The term of office of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board respectively, whose terms shall be limited to the time they are members of those bodies. All members shall serve until their successors are duly appointed and qualified. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

A member shall abstain from voting on any question on which he/she has a conflict of interest. Failure of a member to abstain in such cases shall constitute malfeasance of office.

A member may be removed from office by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon written charges and following a public hearing held in accordance with [Section 20.10 \(Public Hearing Procedures\)](#). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the motion or resolution, if any, regarding removal from office, and the roll call vote of the Township Board.

### Section 19.03 General Regulations for the Board of Appeals

- A. **Rules** - The Board of Appeals shall adopt rules and regulations to govern its procedures. The Board of Appeals shall elect a Chair, Vice-Chair, and Secretary from its membership. A chair and a secretary shall be elected at the beginning of the first meeting of the new fiscal year.
- B. **Votes** - A concurring vote of a majority of the members of the Board of Appeals shall be necessary for any decision. The Board of Appeals shall not conduct business unless a majority of its members is present.
- C. **Representation** - Any person may appear on said persons own behalf at a hearing or may be represented by an agent or attorney.
- D. **Time Limit** - The Board of Appeals shall decide upon all matters within a reasonable time, not to exceed ninety (90) days from the filing date. The decision of the Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant or appellant and the Board of Appeals.
- E. **Meetings** - Meetings of the Board of Appeals shall be held at the call of the chair and at such times as the Board in its rules and regulations might specify. Minutes shall be kept of each meeting and the

Board shall record into the minutes all findings, conditions of approval, facts, and other relevant factors, and all its official actions. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

- F. **Oaths** - The Chair of the Board of Appeals, or in the Chair's absence, the vice-chair may administer oaths and compel the attendance of witnesses.

### **Section 19.04 Powers and Duties of Board of Appeals**

The Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Board of Appeals shall hear and decide, as provided herein:

- A. Appeals of any administrative decision of any official or body on any requirement of this Ordinance.
- B. Variances.
- C. Expansion of non-conforming buildings and structures.
- D. Substitution of non-conforming uses.

Notwithstanding the preceding, the Board of Appeals shall not hear and shall have no authority regarding any issue that involves a special use permit or a planned unit development. The Board of Appeals shall not alter or change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action that would result in making a legislative change.

### **Section 19.05 Fees**

A schedule of fees of the Zoning Board of Appeals shall be established by resolution of the Charter Township of York Board and shall be paid at the time of application.

The fee shall be paid to the Township Clerk at the time of the filing the appeal and shall be deposited in the Township's General Fund.

### **Section 19.06 Public Hearings**

The Board of Appeals shall give notice and hold a public hearing on each question submitted to it for decision in accordance with [Section 20.10 \(Public Hearing Procedures\)](#). If the notice is delivered by mail, an affidavit of mailing shall be filed with the Board of Appeals prior to public meeting. Where the hearing, as determined by the Board of Appeals, concerns matters of general applicability in The Charter Township of York and does not concern only individual lots or parcels, the notice of the hearing need only be given in a newspaper of general circulation within The Charter Township of York.

### **Section 19.07 Expansion and Substitution of Non-Conformities**

The Board of Appeals shall hear and decide upon applications for expansion of non-conforming structures and substitution of one non-conforming use for another such use in accordance with the provisions of [Section 18.08](#), herein. An application for such expansion or substitution shall be filed with the Township Clerk. The application shall consist of a complete application form and fee, and shall contain adequate information to assist the Board of Appeals in reaching a decision in accordance with [Section 18.08, "Expansion and Substitution"](#) herein. The Clerk shall transmit the application and information to each member of the Board of Appeals within three (3) days of the filing date.

### **Section 19.08 Administrative Review**

The Board of Appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Inspector in the interpretation and enforcement of this Ordinance. The Board of Appeals shall interpret zoning district boundaries according to the provisions of [Section 4.205E](#).

### **Section 19.09 Duties on Matters of Appeal**

All questions concerning the application of the provisions of this Ordinance shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Appeals only on appeal, from the decisions of the Zoning Inspector. Recourse from decisions of the Board of Appeals shall be to the courts as provided by the law.

### **Section 19.10 Procedures**

- A. Appeals concerning administrative review may be made within such time as prescribed by the Board of Appeals by general rule, by filing with the Zoning Inspector and the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven (7) days of the filing date. The appellant shall submit a clear description of the order, requirement, decision, or determination from which appeal is made, and may be required by the Board of Appeals to submit additional information to clarify the appeal.
- B. Appeals may be taken by any person aggrieved by a decision of the Zoning Inspector.
- C. An appeal shall stay all proceedings in the furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Appeals after the appeal is filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken, and on due cause shown.
- D. The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination constituted an abuse of discretion; was arbitrary or capricious; or was based upon an erroneous finding of a material fact or an erroneous interpretation of the Zoning Ordinance. After making such a determination, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made. To that end the Board of Appeals shall have the powers of the public official from whom the appeal is taken.

### **Section 19.11 Variances**

- A. **Intent** - The Board of Appeals shall have the power and duty to waive or relax the provisions of this Ordinance in specific cases. To this end, the Board of Appeals may grant variances, which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.
- B. **Filing** - An application for a variance shall be filed with the Township Clerk by the record owner of the property in question or by a person(s) authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required. The



Clerk shall transmit the application and information to each member of the Board of Appeals and to the Zoning Inspector within three (3) days of the filing date.

**C. Information Required** - An application for a variance shall contain the following information:

1. Legal description, address, and tax parcel number of the subject property.
2. An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearings of angles correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this Ordinance.
3. Name and address of the applicant, property owner(s), and the interest of the applicant in the property.

**D. Standards of Determination** - A variance shall not be granted unless all the following standards are met:

1. A written application for a variance is submitted, demonstrating:
  - a. Special conditions and circumstances exist which are unique to the land, structures or buildings involved, and are not applicable to other lands, structures or buildings in the same district.
  - b. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.
  - c. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.
  - d. Granting the variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
2. The existence of non-conforming uses of neighboring lands, structures, or buildings, in the same district, permitted or non-conforming uses of land, structures or buildings in other districts, and non-conforming structures, shall not be considered grounds for the issuance of a variance.
3. A variance granted shall be the minimum variance that will make possible a reasonable use of the land, building, or structure.
4. The variance granted shall be consistent with the intent of this Ordinance.
5. The variance granted will not be injurious to the neighborhood, the public safety, or otherwise detrimental to the public interest.
6. The ZBA shall determine and make a finding that all of the above standards of determination in this section have been satisfactorily met.

- E. **Motions** - Any motion for action on a variance application shall include specific findings of fact and conclusions made by the Board of Appeals on the request, which shall be incorporated into the written record of the meeting.
- F. **Use Variances Prohibited** - Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

### **Section 19.12 Voiding of Variance**

Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance has been commenced within one hundred eighty (180) days after granting of such variance and pursued diligently to completion, or the occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.

### **Section 19.13 Reapplication for Variance**

An application for a variance which has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence of changed conditions found by the Board of Appeals to be valid.

### **Section 19.14 Site Plan Requirements**

If an application or appeal to the Board of Appeals requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in [Article 17.0 \(Site Plan Review\)](#). The Planning Commission shall review said plan and shall determine the layout and other features required to obtain approval of said plan. The Planning Commission shall then transmit the plan and the Commission's findings thereon to the Board of Appeals. The Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision thereon to the Planning Commission for Commission action on the preliminary site plan.

### **Section 19.15 Appeals to Courts**

Any person aggrieved by a decision of the Board of Appeals shall have the right to appeal to the Circuit Court on question of law and fact, as provided for in Section 606 of the Michigan Zoning Enabling Act.

### **Section 19.16 Conditions of Approval**

The Board of Appeals may attach conditions to any affirmative decision, provided such conditions are in accordance with the requirements of this Ordinance and the Michigan Zoning Enabling Act. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township, where applicable. Violation of any condition imposed shall be deemed a violation of this Ordinance punishable under [Section 20.09 \(Violations\)](#).

## Article 20.0 Administration and Enforcement

### Section 20.01 Zoning Inspector

The office of Zoning Inspector is hereby created. The Zoning Inspector, hereafter referred to as Inspector, shall be appointed by the York Township Board.

### Section 20.02 Duties and Powers of the Zoning Inspector

The Inspector shall have the following duties and powers:

- A. Shall interpret all provisions of this ordinance.
- B. Shall enforce all provisions of this ordinance and shall issue all necessary notices or orders to insure compliance with this ordinance.
- C. Shall receive applications for and issue certificates of zoning compliance.
- D. Shall make all inspections required by this ordinance, and all inspections necessary to enforce this ordinance, and may engage the assistance of the Township Fire Chief and Building Inspector in making such inspections. The Inspector may engage other experts to assist in making such inspections, subject to approval by the York Township Board.
- E. Shall identify and process violations of this ordinance and of permits and certificates issued hereunder, and shall make periodic inspections in York Township for the purpose of finding such violations.
- F. Shall keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
- G. Shall submit to the Township Board a quarterly report or reports issued at more frequent intervals, as requested by the Township Board, in which a summary of the activities of the office is presented.

### Section 20.03 Certificates of Zoning Compliance

#### A. General Requirements

- 1. **Certificate of Zoning Compliance Required for All Development and Uses.** No person shall commence the following without first obtaining a Certificate of Zoning Compliance from the Zoning Inspector:
  - a. Construction, alteration or additions to buildings, structures, or parking lots;
  - b. Excavation or movement of land;
  - c. Commencement of a new use of land; and
  - d. Alteration of or addition to an existing use of land or a structure on the land.

2. **Application.** Applications for certificates of zoning compliance shall be made to the Inspector. Each application shall include a site plan as required in [Section 20.03A.5](#), herein, and all information necessary to determine zoning compliance.
3. **Applicant.** Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. The full name and address of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
4. **Zoning Inspector Review.** The Inspector shall examine or cause to be examined all applications for certificates of zoning compliance and amendments thereto within a reasonable time after filing. If an application or the plans do not conform to all requirements of this ordinance, the Inspector shall reject such application in writing, stating the reasons therefor. If the application and plans do so conform, the Inspector shall promptly issue the preliminary certificate of zoning compliance. The Inspector shall attach his/her signature to every certificate or may authorize a subordinate to affix such signature. The Inspector shall stamp or endorse all sets of corrected and approved plans submitted with such application as 'Approved.'
5. **Plan Required.** An application for a certificate of zoning compliance shall be accompanied either by a site plan as required in this section, or by a site plan as required under [Article 17.0](#), herein, whichever applies, and by a copy of the building plans to be submitted to the Building Inspector. If a site plan is not required under [Article 17.0](#), herein, a site plan shall be submitted as required in this section. Such site plan shall be drawn to scale, submitted in two copies, and shall provide the following information:
  - a. Scale, date, and north point.
  - b. Location, shape and dimensions of the lot.
  - c. Legal description, tax parcel number, and address of the lot.
  - d. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
  - e. A clear description of existing and intended uses of all structures.
  - f. Additional information as required by the Inspector for purposes of determining compliance with this ordinance.
6. **Plan Amendments.** Any amendments to a plan, application, or other records accompanying the same shall follow the same procedures as required for the original certificate of zoning compliance.

7. **Revocation.** The Inspector may revoke a certificate of zoning compliance in case of any false statement or misrepresentation of fact in the application or the plans on which the certificate was based.

**B. Preliminary Certificate of Zoning Compliance**

1. **Compliance Requirement.** Issuance of a preliminary certificate of zoning compliance shall indicate that the plans on which the certificate was issued comply with all requirements of this ordinance. A preliminary certificate of zoning compliance shall not be issued unless the structure to be constructed, the lot on which it will be situated, and the proposed use thereof, comply with this ordinance.
2. **Plan Review.** All plans submitted to the Building Inspector for a building permit shall first be submitted for review and approval by the Zoning Inspector with respect to the requirements of this ordinance. No building permit shall be issued unless a preliminary certificate of zoning compliance has been issued by the Zoning Inspector and is in effect.
3. **Conditions of Approval.** Issuance of a preliminary certificate of zoning compliance shall be subject to the following conditions:
  - a. No certificate shall be issued until the required fees have been paid.
  - b. All work shall conform to the approved application and plans, including approved site plans, for which the certificate has been issued and any approved amendments thereto.
4. **Expiration.** A preliminary certificate of zoning compliance shall expire six (6) months after the date of issuance unless a building permit has been issued. If work authorized by the building permit is suspended or abandoned by the end of six (6) months after the date of issuance of the building permit, the Zoning Inspector shall notify the applicant for the preliminary certificate of zoning compliance that the certificate has expired. The certificate may be reinstated upon showing of good cause for the suspension or abandonment of the work.

**C. Final Certificates of Zoning Compliance**

1. **Compliance Requirement.** A final certificate of zoning compliance shall not be issued for any use or structure unless the use or structure, the lot on which situated, and all site improvements meet all requirements of this ordinance and all permits and plans approved thereunder.
2. **Certificate Issuance.** A final certificate of zoning compliance shall state that the building, structure, and lot and use thereof, conform to the requirements of this ordinance, and shall list each legal non-conformity existing on the premises. Failure to obtain a final certificate of zoning compliance when required shall be a violation of this ordinance and punishable under [Section 20.09](#), herein.
3. **Change in Use.** A structure or part thereof, shall not be occupied by, and a lot shall not be used for, a use different from that existing at the date of adoption of this ordinance, unless a final certificate of zoning compliance is first issued for the different use.

4. **Existing Structures and Uses.** A final certificate of zoning compliance shall be issued upon the request of the owner for an existing structure, lot, or an existing use of land, including legal non-conforming lots, uses, and structures, if after inspection of the premises, it is found that such structures, lots, or uses comply with this ordinance, or otherwise have legal, non-conforming status. All legal non-conformities shall be clearly described in the final certificate of zoning compliance. A final certificate of zoning compliance shall not be issued for any premises on which illegal non-conformities exist.
5. **Accessory Uses and Structures.** An accessory structure or use shall require a separate final certificate of zoning compliance, unless included in the final certificate of zoning compliance issued for the principal structure or use, when such accessory structure or use is completed under the same building permit as the principal structure or use.
6. **Final Inspection.** The applicant for a final certificate of zoning compliance shall notify the Zoning Inspector when inspection is desired. The Zoning Inspector shall sign the final certificate of zoning compliance within ten (10) days after receipt of such application if he/she finds, after inspection that the building or structure, or part thereof, or site improvements, or the use of the land, or the lot, complies with all requirements of this ordinance and with any approved site plans. If the Zoning Inspector refuses to sign such certificate, he/she shall notify the applicant and the Building Inspector in writing of such refusal and the reasons thereof, within the aforesaid ten (10) day period.
7. **Expiration.** Final certificate of zoning compliance shall expire six (6) months after the date of issuance unless a certificate of occupancy shall have been issued. The Zoning Inspector may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding ninety (90) days each.

### **Section 20.04 Building Permits**

No building permit shall be issued for the erection, alteration, moving, placement, or repair of any structure or part thereof that does not comply with this ordinance, and unless a preliminary certificate of zoning compliance has been issued therefor by the Inspector and is in effect. No structure shall be erected, moved, placed on a lot, added to, or structurally altered unless a building permit shall have been issued therefor by the Building Inspector and is in effect.

### **Section 20.05 Certificate of Occupancy**

- A. It shall be unlawful to use or occupy or to permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Building Inspector. A certificate of occupancy shall not be issued by the Building Inspector until a final certificate of zoning compliance has been issued by the Zoning Inspector and is in effect.
- B. Where permitted under the Building Code, a temporary certificate of occupancy may be issued by the Building Inspector, provided that said issuance is first approved in writing by the Zoning Inspector.

### **Section 20.06 Records**

The Zoning Inspector and Building Inspector shall each maintain records of all certificates and permits issued under this ordinance and said records shall be open for public inspection.

### Section 20.07 Fees

The Township Board shall establish by resolution a schedule of fees for administering this ordinance. The schedule of fees shall be posted on public display in the office of the Zoning Inspector and may be changed only by resolution of the Township Board.

### Section 20.08 Compliance with Plans and Applications

Building permits and certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Inspector and the Building Inspector authorize only the use, design and construction set forth in such approved plans and applications, and no other use, design, or construction. Use, design, or construction different than that authorized shall be deemed a violation of this ordinance and punishable as provided in [Section 20.09](#), herein.

### Section 20.09 Violations

- A. **Notice of Violation.** The Inspector shall serve a notice of violation or order on the person responsible for a violation of this ordinance, or a violation of any certificate or permit issued hereunder. Such order shall direct the discontinuance of the illegal action or condition, and abatement of the violation.
- B. **Stop Work Order.** Upon notice from the Zoning Inspector that work on any structure or premises is being prosecuted contrary to this ordinance, such work shall be immediately stopped. The stop-work order shall be posted on the property. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order, except such work as such person is directed by the Zoning Inspector to perform in order to remove violations or unsafe conditions, shall be liable for the penalties set forth in [Section 20.09C](#), herein.
- C. **Violations.** A person who violates any provision of this Ordinance is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than fifty (50) dollars and not more than five hundred (500) dollars, plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL 600.8701 et. seq., as amended. Each day that a violation continues is a separate offense and subject to a separate penalty as provided for herein. The Zoning Administrator is hereby authorized to issue and process municipal civil infractions in accordance with the York Township Municipal Civil Infractions Ordinance and as otherwise permitted by law. Civil fines shall be not less than the following for each violation:
  1. For any general violation of the terms of this Ordinance the following schedule of fines shall apply:
    - a. Fifty (\$50.00) dollars for any first offense, plus costs;
    - b. One hundred (\$100.00) dollars for a first repeat offense, plus costs;
    - c. Two hundred and fifty (\$250.00) dollars for a second repeat offense, plus costs; and
    - d. Five hundred (\$500.00) dollars for any third or subsequent repeat offenses, plus costs.

2. For violations related to special use permit or site plan provisions in this Ordinance, the fine shall be assessed as follows:
  - a. One hundred (\$100.00) dollars for a first offense, plus costs;
  - b. Two hundred (\$200.00) dollars for a first repeat offense, plus costs;
  - c. Three hundred (\$300.00) dollars for a second repeat offense, plus costs; and
  - d. Five hundred (\$500.00) dollars for any third or subsequent repeat offenses, plus costs.

For the purpose of this section, a “repeat offense” means a second or subsequent violation of the same requirement or provision of this Ordinance. Nothing in this subsection shall be interpreted as abrogating the Township’s right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance.

- D. **Nuisance Per Se** - Any structure which is erected, altered, or converted, or any use of any structure or lot that is commenced or changed after the effective date of this ordinance, in violation of any of the provisions here, is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.

## **Section 20.10 Public Hearing Procedures**

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a complete and accurate application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

- A. **Public Notice.** Notice of the public hearing shall be required in accordance with the following:
  1. **Minimum Notice Contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, describe the nature of the zoning request, application, or action, and indicate when and where written comments will be received concerning the request.
  2. **Address of the Property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
    - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
    - b. If eleven (11) or more adjacent lots or parcels are proposed for rezoning, individual addresses shall not be required to be listed on the notice.
  3. **Posting and Publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
  4. **Mailing.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to



all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.

- a. If the name of the occupant is not known, the term “occupant” may be used in making notification.
  - b. Mailing or personal delivery of notices shall not be required for amendments to the text of the Zoning Ordinance, or if eleven (11) or more adjacent lots or parcels are proposed for rezoning.
  - c. Mailing or personal delivery of notices shall not be required for a hearing to remove a member of the Board of Appeals under [Section 19.10](#) of this ordinance.
- 5. Timing of Notice Posting, Publication, and Mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application or matter will be considered.
- B. Discretionary Notice.** The Township may, at its discretion, post this notice at other public-accessible locations, such as community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send this notice by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.
- C. Pre-Hearing Examination.** Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.
- D. Right to Submit Written Statements.** Any person may submit written comments regarding the application or matter being heard prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.
- E. Timeframe for Hearings.** The public hearing shall be scheduled for a date not more than 65 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.
- F. Rights of All Persons.** Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.
- G. Adjournment.** The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient. Notice shall be provided for the adjourned hearing per [Section 20.10A](#).

- H. **Governance.** All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

## Article 21.0 Amendments

### Section 21.01 Initiating Amendments

The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, or by petition of one or more of the property owners of York Township, or by one or more persons acting on behalf of a property owner(s) of York Township. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

### Section 21.02 Fees

The Township Board shall establish, by resolution, fees for zoning amendment petitions. The fee shall be paid in full to the Township Clerk at the time of filing of the petition and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by any government agency or body.

### Section 21.03 Amendment Procedure

The procedure for making amendments to this Ordinance shall be as follows:

- A. **Procedure.** The procedure for amending this Ordinance shall be in accordance with all provisions of this Article and the Michigan Zoning Enabling Act.
- B. **Public Hearing.** The original petition and eleven (11) copies thereof shall be filed with the Township Clerk. The Clerk shall transmit the petition and ten (10) copies thereof to the Township Planning Commission for review and report to the Township Board. The Planning Commission shall establish a date for and hold a public hearing on the petition and the Township Clerk shall give notice thereof in accordance with [Section 20.10 \(Public Hearing Procedures\)](#). If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing.
- C. **Planning Commission Recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from officials, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings of fact, conclusions, and recommendations for disposition of the petition to the Township Board within one hundred eighty (180) days of the filing date. The report shall include a summary of comments received at the public hearing. This time limit may be extended by agreement between the petitioner and the Planning Commission.
- D. **Optional County Review.** The proposed amendment may be forwarded to the Washtenaw County Planning Advisory Board for review and recommendation, prior to consideration by the Township Board.
- E. **Township Board Action.** Following receipt of the report and recommendation from the Planning Commission, the Township Board shall consider and vote upon the adoption of the proposed amendment.
  1. The Township Board may, at its discretion, refer the amendment back to the Planning Commission for further consideration or revision within a specified time limit.

2. The Township Board may hold additional public hearings on the proposed amendment in accordance with [Section 20.10 \(Public Hearing Procedures\)](#).
  3. The Township Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.
  4. Amendments shall be approved by a majority vote of the Township Board.
- F. Re-Application.** Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Planning Commission determines that one or more of the following conditions has been met:
1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
  2. New or additional information is available that was not available at the time of the review.
  3. The new application is materially different from the prior application.
- G. Conditional Rezoning Prohibited.** Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in the Township. Any application for a rezoning amendment to the official zoning map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.

## **Section 21.04 Information Required**

- A.** When the petition involves an amendment to the Official Zoning Map, the petitioner shall submit fifteen (15) copies of the following information the following information to the Township Clerk:
1. A legal description of the property, including a street address and the tax code number(s).
  2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  3. The name and address of the petitioner.
  4. The petitioner's interest in the property; if the petitioner is not the record owner, the name and address of the record owner(s), and that owner(s) signed consent to the petition.
  5. Signature(s) of petitioner(s) and owner(s), certifying the accuracy of the information.
  6. Identification of the zoning district requested and the existing zoning classification of property.
  7. A vicinity map showing the location of the property, and adjacent land use and zoning districts.

8. Scaled map or drawings with a general description of natural resources and features, including, but not limited to, wetlands, streams, and other water bodies, slopes over fifteen percent (15%), woodlands, and floodplains, etc.
  9. Reasons for the proposed amendment or zoning classification.
- B.** When a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information to the Township Clerk:
1. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
  2. Name and address of the petitioner.
  3. Reasons for the proposed amendment.

### **Section 21.05 Findings of Fact Required**

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. The Planning Commission shall report its findings in full, along with its recommendation for action on the petition, to the Township Board. The factors to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- A.** Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the original Ordinance.
- B.** The precedents, and the possible effects of such precedents, which might result from approval or denial of the petition.
- C.** The capacity of York Township or any other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- D.** Effect of approval of the petition on the condition and/or value of property in York Township or in adjacent municipalities.
- E.** Relation of the petition to the adopted Land Use Development Plan of York Township, and of other government units where applicable.

All findings of fact shall be made a part of the public records of the meetings of the Planning Commission.

### **Section 21.06 Publication**

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within York Township. The notice of adoption shall include the following information:

- A.** Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- B.** The effective date of the amendment.

- C. The place and time where a copy of the Ordinance may be purchased or inspected.

### **Section 21.07 Referendum**

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or official zoning map, a registered elector residing in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file a petition for referendum under this Section.

- A. If a notice of intent is filed, then within 30 calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or official zoning map, a petition may be filed with the Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of the Township for their approval. To qualify, the petition shall be signed by a number of qualified and registered voters residing in the unincorporated portion of the Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected.
- B. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
  - 1. The expiration of 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or official zoning map, if the petition is not filed within that time period.
  - 2. The Township Clerk finds that the petition, if filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, is inadequate.
  - 3. If a petition is filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, the Township Clerk finds that the petition is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.

### **Section 21.08 Conformance to Court Decree**

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.