

**PUBLICATION BY POSTING NOTICE
YORK CHARTER TOWNSHIP
ORDINANCE NO. 142**

AN ORDINANCE TO AMEND ARTICLES 2.0, 20.0, 40.0, 43.0, 50.0 AND 54.0 OF THE CHARTER TOWNSHIP OF YORK ZONING ORDINANCE TO INSERT PROVISIONS FOR VOLATILE BIOFUEL PRODUCTION FACILITIES IN THE AGRICULTURAL DISTRICTS AND PLACE ADDITIONAL LIMITS ON REVIEW AND APPROVAL OF CERTAIN WIRELESS COMMUNICATION FACILITIES AS REQUIRED BY PUBLIC ACT 110 OF 2006, AS AMENDED; CORRECT TYPOGRAPHICAL ERRORS; TO UPDATE MINIMUM SITE PLAN REQUIREMENTS AND ADD MINOR SITE PLAN AND ADMINISTRATIVE REVIEW OPTIONS BY AUTHORITY OF PUBLIC ACT 110 OF 2006, BEING MCL 125.3101 ET. SEQ., AS AMENDED.

Ordinance #142, an amendment to the Charter Township of York Ordinance No. 65, the Township Zoning Ordinance, regulating the development and use of land, had second reading at a regular Charter Township of York Board of Trustees meeting held August 13, 2013, and said Ordinance was adopted. It will become effective upon the 8th day following publication of this Notice of Adoption, or such later date as is otherwise provided by law.

The following is a summary of the regulatory effect of the zoning amendment: Correction of typographical errors in Sections 43.05B1, 43.07 and 43.09H; In Article 2 of the current Zoning Ordinance, to insert new definitions for "biofuel" & a "volatile farm-based biofuel production facility"; In Article 20 of the existing Zoning Ordinance, to insert two new land uses in the Land Use Table; In Article 40 of the existing Zoning Ordinance, to insert a new Section 40.607 entitled "Volatile Farm-Based Biofuel Production"; In Article 50 of the existing Zoning Ordinance, delete and replace subsections "B" and "C" of Section 50.28 to update the provisions for co-location of a new antennae on existing towers and for reviewing proposed alterations to existing tower sites as required by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended); and in Article 54 of the existing Zoning Ordinance, to delete, replace and insert additional text relating to the site plan review and approval process.

Publication of Ordinance #142 was made by posting a copy of said Ordinance in the Office of the York Township Clerk, 11560 Stony Creek Rd., Milan, MI 48160 and on the Township's website at www.twp-york.org pursuant to Section 8 of the Charter Township Act, being MCL 42.8(3)(b). The proposed Ordinance is available for inspection at the Clerk's office, Monday-Friday, 9:00 a.m.-12:00 noon or on the Township's website.

Helen Neill, Clerk, Charter Township of York

Publish: August 22, 2013

**CHARTER TOWNSHIP OF YORK
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 142**

EFFECTIVE DATE: August 30, 2013

[AN ORDINANCE TO AMEND ARTICLES 2.0, 20.0, 40.0, 43.0, 50.0 AND 54.0 OF THE CHARTER TOWNSHIP OF YORK ZONING ORDINANCE TO INSERT PROVISIONS FOR VOLATILE BIOFUEL PRODUCTION FACILITIES IN THE AGRICULTURAL DISTRICTS AND PLACE ADDITIONAL LIMITS ON REVIEW AND APPROVAL OF CERTAIN WIRELESS COMMUNICATION FACILITIES AS REQUIRED BY PUBLIC ACT 110 OF 2006, AS AMENDED; CORRECT TYPOGRAPHICAL ERRORS; TO UPDATE MINIMUM SITE PLAN REQUIREMENTS AND ADD MINOR SITE PLAN AND ADMINISTRATIVE REVIEW OPTIONS BY AUTHORITY OF PUBLIC ACT 110 OF 2006, BEING MCL 125.3101 ET. SEQ., AS AMENDED.]

THE CHARTER TOWNSHIP OF YORK, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1 – AMENDMENTS, ADDITIONS AND DELETIONS

A. TYPOGRAPHICAL ERRORS ARE CORRECTED IN SECTIONS 43.05B1, 43.07, and 43.09H WHICH ARE AMENDED TO READ AS FOLLOWS:

USES	DISTRICTS																USE STANDARDS						
	Rural			Residential				Business				Other											
	CP	A-1	A-2	R-1	R-2	MH	P	R-4	C-1	C-2	C-3	HC	RO	P	OP	CC		P	I-1	I-2	RP	D	PSP
Volatile Farm-Based Biofuel Production Facility With an Annual Production Capacity Greater Than 100,000 Gallons of Biofuel		S	S																				Section 40.607

D. THE FOLLOWING NEW SECTIONS ARE ADDED TO “USE STANDARDS”, IN ARTICLE 40, AS FOLLOWS:

Section 40.607 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 30.0 (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 57.10 (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 53.10 (Re-Application).

2. **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.

E. SUBSECTIONS “B” AND “C” OF SECTION 50.28, SUPPLEMENTARY REGULATIONS AND STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES, ARE DELETED AND REPLACED WITH THE FOLLOWING NEW SUBSECTIONS FOR THE PURPOSE OF UPDATING PROVISIONS FOR COLLOCATION OF ANTENNAES ON EXISTING TOWERS AND FOR REVIEW OF NEW ALTERATIONS AS REQUIRED UNDER THE MICHIGAN ZONING ENABLING ACT (P.A. 110 OF 2006, AS AMENDED).

Section 50.28 - Wireless Communications Facilities

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
NEW TOWERS AND ANTENNAS			
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.	●		

Type of Wireless Communications Facility	Required Review and Approval		
	Special Use Approval	Certificate of Zoning Compliance	Exempt
EXISTING TOWERS			
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 Section 50.28B.3. (Special Provisions for Review of Certain Alterations and Collocations).	●		
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 Section 50.28B.3. (Special Provisions for Review of Certain Alterations and Collocations).	●		
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 Section 50.28B.3. (Special Provisions for Review of Certain Alterations and Collocations).	●		
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.		●	
SATELLITE DISH ANTENNAS			
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.		●	
AMATEUR RADIO ANTENNAS			
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.		●	

Type of Wireless Communications Facility	Required Review and Approval		
	Special Use Approval	Certificate of Zoning Compliance	Exempt
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.			●
OTHER PROJECTS			
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 50.28B (Type of Review Required) 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 50.28B (Type of Review Required) shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and Section 57.03 (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 50.28B (Type of Review Required) 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 53.06 (Planning Commission Action) within 60 calendar days after the date that the application is considered to be administratively complete per Section 50.28C.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 50.28C.6. (Conditions of Approval) and Section 53.08 (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 50.28B (Type of Review Required) shall require review and approval of a Special Use Permit by the Planning Commission, subject to the standards of this Section and Article 53.0 (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 50.28B (Type of Review Required) 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 50.28C.5. (Information Required).
 - (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 50.28B.3. (Special Provisions for Review of Certain Alterations and Collocations), the Planning Commission shall complete its review and take final action per Section 53.06 (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 53.0 (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 54.0 (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 50.28K (Cessation of Operation). 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 54.13P (Effect of 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 50.28B.3. (Special Provisions for Review of Certain Alterations and Collocations), 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 53.0 (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 50.28K (Cessation of Operation).
- 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 53.0 (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.

F. ARTICLE 54, SITE PLAN REVIEW, SECTIONS 54.01, 54.02, 54.03, 45.05, 54.06, 54.07, 54.08, 54.09, 54.11(A) AND 54.13(B) ARE HEREBY DELETED AND REPLACED WITH THE FOLLOWING:

Section 54.01 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 54.02 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 20.0 (Land Use Table), for which site plan approval is required per Article 40.0 (Use Standards).
2. All RESIDENTIAL USES, as specified in Article 20.0 (Land Use Table), for which site plan approval is required per Article 40.0 (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 20.0 (Land Use Table).
3. All OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES, as specified in Article 20.0 (Land Use Table).

4. A Planned Unit Development, in accordance with the provisions specified in Article 43.0.
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 20.0 (Land Use Table), except for those eligible for minor site plan approval per Section 54.02B (Minor Site Plan Approval).
9. Public utility buildings and structures, including poles, towers, and telephone repeater buildings, and all OTHER USES, as specified in Article 20.0 (Land Use Table), except temporary construction structures and accessory structures and uses.
10. Any Open Space Preservation Residential Development as defined in Section 50.32.

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 20.0 (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 54.03 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 54.05, herein.

Section 54.04 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 54.05 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 50.31.
9. Any other information deemed necessary by the Planning Commission.

Section 54.06 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 54.07 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 54.08 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 54.06, 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 54.09 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 54.11 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.

Section 54.13 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 plan meets all applicable information requirements per Section 54.11 (Required Data for a Final Site Plan), and that the proposed development and land use(s) conform to all applicable standards of this Ordinance.

SECTION II – SEVERABILITY

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof, or of any other provisions in the Charter Township of York Zoning Ordinance.

SECTION III - REPEAL

All ordinances or parts of ordinances in conflict with this are hereby repealed.

SECTION IV - SAVINGS CLAUSE

The balance of the York Charter Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The repeal and amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

SECTION V - PUBLICATION AND EFFECTIVE DATE

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective on the 8th day after final publication of the Ordinance.

This Ordinance was duly adopted by the York Charter Township Board at its regular meeting called and held on the 13th day of August, 2013, and was ordered given publication in the manner required by law.

Helen Neill, Clerk
Charter Township of York

John W. Stanowski, Supervisor
Charter Township of York

Dated: _____, 2013

First Reading:	July 9, 2013
First Publication by Posting:	August 8, 2013
Adoption:	August 13, 2013
Final Publication by Posting:	August 22, 2013
Effective Date:	August 30, 2013

CLERK'S CERTIFICATE

I, Helen Neill, Clerk of the Charter Township of York, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of York Charter Township Ordinance No. 142, which was duly adopted by the Township Board of York Charter Township at a Regular Meeting of said Board, held on August 13, 2013, after said Ordinance had previously been introduced at a Regular Meeting of the Board held July 9, 2013, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Brian Iott moved for adoption of said Ordinance, and that Member Sally Louis seconded said motion.

I further certify that the following Members voted for adoption of said Ordinance Dan Pichla, Brian Iott, Helen Neill, John Stanowski, Sally Louis, Jane Kartje, Jill Hargrove, and that the following Members voted against adoption of said Ordinance: None; and that the following Members were absent or abstained from voting on the adoption of said Ordinance: None.

I further certify that after its passage the Ordinance was published by posting in *The Milan News-Leader* and *The Saline Reporter* on August 22, 2013 in accordance with P.A. 359 of 1947, as amended.

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 the Clerk.

Helen Neill, Clerk
Charter Township of York

Dated: _____, 2013