

4-22-08 As Adopted

**ANN ARBOR CHARTER TOWNSHIP AMENDMENT TO
ZONING CODE TO AUTHORIZE CONDITIONAL USES (ORDINANCE 2-2008)**

APRIL 22, 2008

Amendment to Ann Arbor Charter Township Zoning Code adopted at a regular meeting of the Ann Arbor Charter Township Board of Trustees held on April 22, 2008, at 3792 Pontiac Trail, Ann Arbor, Michigan 48105.

PRESENT: Richard Dieterle, John Allison, Michael Moran, Della DiPietro, Randolph Perry, Rena Basch

ABSENT: Vacant position Treasurer

Motion by Trustee: Allison; seconded by Trustee: Dieterle.

The Ann Arbor Charter Township Board of Trustees ordains that Chapter 74 of the Ann Arbor Charter Township Code is amended as follows:

ARTICLE II, DIVISION 3, CONDITION USE PERMITS, Section 74-131 General Provisions is amended to read as follows: [**Additions Underlined**]:

“Section 74-131. General provisions.

“(a) The formulation and enactment of this chapter is based upon the division of the unincorporated portions of the Township into districts in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are entirely appropriate and not essentially incompatible with the uses permitted by right in a zoning district but not at every or any location therein, or without restriction or conditions being imposed by reason of special problems presented by the use or its particular location in relation to neighboring properties from a zoning standpoint.

(b) This chapter, therefore, requires approval as to location of all uses listed in the several zoning districts as conditional uses and those similar uses approved as to location pursuant to Sec 74-426(i), and this division, and specifies in this article the procedures and standards to be followed in granting permits to allow such uses. If compliance with the procedures and standards set forth in

article IV of this chapter, district regulations, in article V of this chapter, supplementary district regulations, if applicable, and in this article is found, then a conditional use permit may be issued, subject to specific safeguarding conditions as may be imposed by reason of the nature, location, and external effects of such use. No conditional use shall commence until a conditional use permit is issued therefore in accordance with this chapter.

ARTICLE IV, DISTRICT REGULATIONS, Section 74-426 Subsections (c) Permitted Uses and Subsection (e) Conditional Uses are amended to read as follows: [**Additions Underlined**]

“74-426(c) Permitted uses. Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts. All other uses shall be prohibited unless approved as a conditional use in accordance with subsection 74.426 (e).”

“74-426(e) Conditional uses. Conditional uses are permitted as listed in the various zoning districts and if the required conditions are met. The required conditions are set forth in division 3 of article II of this chapter. Additional requirements for certain conditional uses are set forth in article V of this chapter. A conditional use not specifically listed in the schedule of use restrictions for a district (division 2 of this article) may be approved by the Township Board for a particular location within a district in accordance with subsection 74-426(i), and the requirements of article II, division 3 of this chapter being Sec 74-131 et seq.

ARTICLE IV, DISTRICT REGULATIONS, Section 74-426 is amended to add the following new subsection 74-426 (i) Uses not specifically included in a district: [**All New**]

“74-426(i) Uses not specifically included in a district.

“(1) In conjunction with an application for a conditional use permit submitted under 74-131 *et seq.* and pursuant to a request submitted under subsection (4) below, the Township Board may approve a conditional use not specifically listed in the schedule of use restrictions (division 2 of this article) for a particular location if all of the following are met:

- (i) the proposed conditional use is similar to, or a logical extension of, a permitted or conditional use specifically listed in the schedule of use restrictions for the district.

(ii) the proposed conditional use is not specifically listed as a permitted or conditional use in any other zoning district; and

(iii) the Planning Commission recommends approval of a request for such proposed conditional use after a public hearing in accordance with (4) below.”

“(2) In evaluating a request for a proposed conditional use, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted or allowed as a conditional use in the district, and the effect that the proposed conditional use at the particular location may have on (i) existing or future neighboring uses, persons, property or the public welfare; (ii) the natural environment, and existing and future land uses in the vicinity; (iii) availability of services of essential public facilities, and other standards described in Sec 74-136. Such characteristics shall include daily traffic generation and circulation, types of merchandise or service provided, types of goods produced, expected hours of operation, building characteristics, and the impact on natural resources, adjacent uses and community character.”

“(3) The Planning Commission shall have the authority to recommend standards and conditions under which the proposed conditional use at the particular location may be included in a district, in addition to the standards and conditions described in division 3 of article II of this chapter.”

“(4) A request for approval of a proposed conditional use at a particular location under this subsection 74-426(i) shall be submitted as a part of an application for a conditional use permit pertaining to such location pursuant to article II, division 3, of this chapter, 74-131 *et seq.* The applicant acknowledges by making such submission that its request for approval of the proposed conditional use for the location may be denied, that the conditional use permit application will thereupon be void, and that the costs associated with such application shall be borne solely by the applicant.”

AYES: Richard Dieterle, John Allison, Michael Moran, Della DiPietro, Randolph Perry,
Rena Basch

NAYES: NONE

ABSTAIN: NONE

ORDINANCE DECLARED ADOPTED

By: _____
Michael C. Moran, Township Supervisor

Approved: April 22, 2008
Published: April 27, 2008
Effective: May 4, 2008