

ARTICLE 7

SPECIAL DISTRICT REGULATIONS

Section 7.001 Authority to Establish Special Districts.

Special Districts, as defined in Article 2.0 (Zoning Districts), are hereby established in accordance with Section 503 of the Michigan Zoning Enabling Act. These Special Districts are designed to accomplish the objectives of this Ordinance through a development review process intended to achieve integration of the proposed development project with the characteristics of the project area. These Special Districts are intended to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the development and use of land, natural resources, energy, and the provision of public services and facilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township. This Article is further intended to:

1. Provide for increased flexibility and encourage innovation in design and layout of land development, subject to proper administrative standards and procedures.
2. Lessen the burden of traffic on streets and highways, and provide for an integrated system of sidewalks, pedestrian pathways, and other non-motorized transportation facilities.
3. Provide for a compatible mix of land uses in each Special District.
4. Establish planning, review, and approval procedures that properly relate the type, design, and layout of development to the site and surrounding area.
5. Encourage innovation in residential and non-residential development so that greater opportunities for better housing, recreation, and shops conveniently located to each other may extend to all citizens and residents of Superior Township; and so that the growing demands of the Township's population may be met by a greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to these buildings.

The provisions of this Article are intended to result in land development substantially consistent with zoning standards generally applied to the proposed uses, while allowing for the option of Township approval for limited modifications from the applicable use or development standards of this Ordinance as applied to a particular site and development project.

Section 7.002 Scope.

Special District projects shall not materially add public service or facility loads beyond those contemplated in the Growth Management Plan or other adopted policies or plans. All uses, structures, and properties shall comply with all applicable regulations and requirements of this Ordinance, except as provided within this Article.

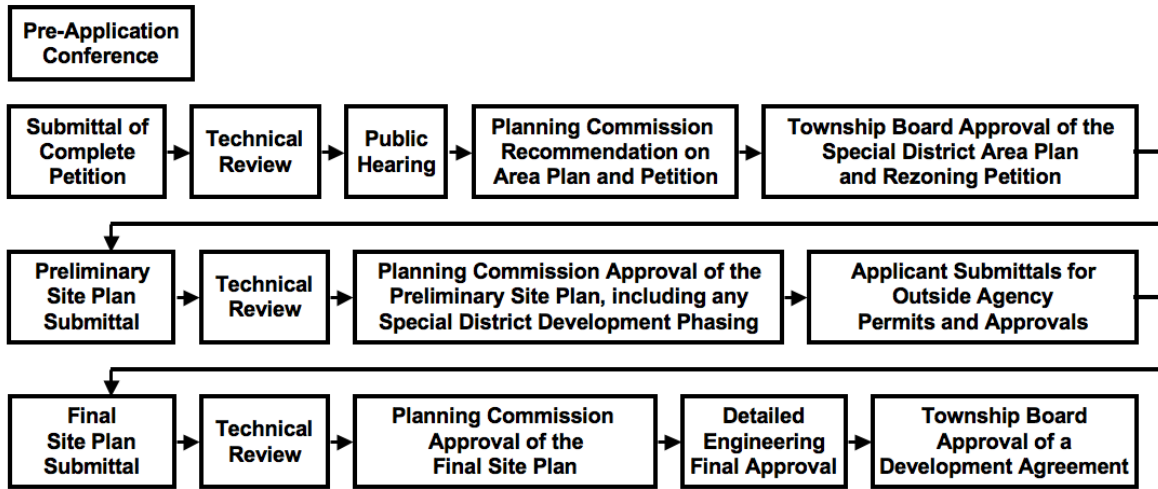
1. The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of the Area Plan, and on approved final site plans, and any attached documents shall have the full force and permanence of this Ordinance as though such regulations were specifically set forth in this Ordinance.
 - a. Such regulations shall be the continuing obligation of any subsequent interests and assigns in a Special District and shall not be altered except in accordance with Section 7.106 (Amendment and Revision).
 - b. The approved plan(s) and any documents attached thereto shall control any subsequent planning or development at any stage in the process.
2. 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 approved preliminary and final site plans.
3. 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.

Section 7.003 Regulatory Flexibility.

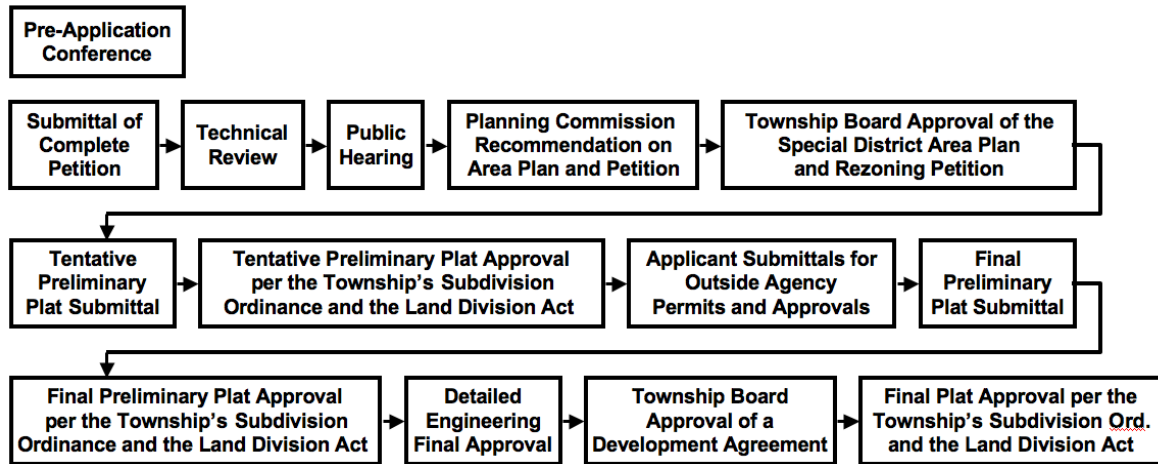
Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, all standards of this Ordinance shall be applicable to uses and development in a Special District. To encourage flexibility and creativity consistent with the intent of this Article, limited deviations from specific Ordinance standards may be authorized, subject to the following:

1. Proposed deviations shall be identified on the Area Plan, and shall be subject to review and recommendation by the Planning Commission and approval by the Township Board.
2. Such deviations may include modifications to dimensional standards except maximum net dwelling unit density standards; parking, loading, lighting, landscaping, other site design standards; and other Ordinance requirements.
3. Such deviations may include modifications to the permitted uses as specified in Article 4.0 (Land Use Table) and the maximum net dwelling unit density standards of Article 3.0 (Dimensional Standards) only in accordance with Section 7.301 (Planned Community (PC) Special District).
4. Such deviations shall be consistent with the intent and scope of this Article, shall be compatible with the Growth Management Plan, and shall result in a higher quality of development than would be possible without the deviation.
5. Such deviations shall not include modifications from the standards of this Article, unless specifically authorized herein.

SECTION 7.100 REVIEW PROCEDURES



Special District Approval Process - Site Plans



Special District Approval Process - Subdivision Plats

Section 7.101 Pre-Application Conference.

A potential petitioner for a Special District classification shall request a pre-application conference with Township officials prior to filing such application. The purpose of the conference is to inform Township and other officials of the proposed development concept, and to provide the potential petitioner with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies that may apply to the proposed development. To this end, the petitioner is encouraged to present conceptual plans, site data, aerial photos, and other information that explains the development concept.

1. The request shall be made to the Township Clerk, who shall convey the request to the Township Planner and Planning Commission Chair. A date shall be set for the conference, and the Township Board of Trustees and Planning Commissioners shall be invited to attend.
2. Other officials who may have an interest in the proposed development or who may assist the Township in the review process may also be invited to attend; such as but not limited to designated Township consultants, officials from the Washtenaw County Drain Commissioner and Road Commission, and other agencies with jurisdiction.
3. Statements made in a pre-application conference shall not be legally binding commitments.

Section 7.102 Petition Requirements.

Petitions for Special District approval shall be subject to the following:

A. Special District Approval Procedures.

Petition for a Special District classification shall be as an amendment to the Official Zoning Map, subject to the following review and approval procedures:

1. **Initiating petition.** A petition for a Special District classification for a parcel of land may be made by the owner(s) of record of such parcel, or by one or more persons acting on behalf of the owner(s) of record of such parcel. The filing shall be in the name of and signed by all owners of record. The petitioner shall provide evidence of ownership of all land in a proposed Special District, such as legal title or execution of a binding sales agreement, prior to approval of the petition by the Township Board.
 - a. A petition for a NSC or VC Special District classification may be initiated by the Township Board or Planning Commission.
 - b. An Area Plan shall be required as part of a petition for Special District approval, with the minimum required information for such plans as specified in Section 10.07 (Required Site Plan Information).
 - c. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the petition is filed with the Clerk. A petition submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
 - d. The petition shall be filed with the Township Clerk. The Clerk shall transmit the petition to the Planning Commission for review and recommendation to the Township Board.

2. **Technical review.** Prior to Planning Commission consideration, copies of the petition shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.
3. **Planning Commission study.** Upon receipt of a complete and accurate petition from the Clerk, the Planning Commission shall undertake a study of the proposed Area Plan and petition materials.
4. **Public hearing and notice.** A public hearing date shall be established for the petition and notice shall be given in accordance with Section 1.14 (Public Hearing Procedures).
 - a. **Contents of the public hearing.** At the public hearing, the petitioner shall present evidence regarding the following characteristics of the proposed development:
 - (1) General character and substance.
 - (2) Objectives and purposes to be served.
 - (3) Compliance with regulations and standards.
 - (4) Scale and scope of development proposed.
 - (5) Environmental impact.
 - (6) Economic feasibility of the proposed uses.
 - (7) Community impact, in terms of streets and traffic, schools, recreation facilities, costs and revenues, and utility systems.
 - (8) Development schedules.
 - (9) Compliance with the adopted Growth Management Plan.
 - (10) Compliance with the applicable Zoning Ordinance standards and other applicable Township ordinances.

To this end, factual evidence and expert opinion shall be submitted by the petitioner in the form of maps, charts, reports, models, and other materials; and in the form of testimony by architects, engineers, real estate agents, professional community planners, land economists, and other experts to describe the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other Township officials and consultants.

5. **Planning Commission report and recommendation.** The Planning Commission shall prepare a report containing an analysis of the petition and recommendations to the Township Board. The Planning Commission shall report its findings and recommendations on the petition to the Township Board after

the public hearing, but within 180 calendar days of the filing date of a complete and accurate petition.

- a. This time limit may be extended by agreement between the petitioner and the Planning Commission.
 - b. The report to the Township Board shall state the Planning Commission's findings of fact and conclusions on the petition for Special District approval; including an analysis of the petition's compatibility with the Growth Management Plan, an analysis of any proposed deviations from applicable Zoning Ordinance standards, recommendation(s) for action, and any recommended conditions relating to an affirmative decision.
6. **Township Board action.** The Township Board shall review the petition, report and recommendation of the Planning Commission, the public hearing record, and any other reports thereon; and shall take action to approve, approve with conditions, deny or postpone to a date certain for future consideration the petition.
- a. As part of its action, the Township Board shall reference the Planning Commission's report, and shall state the basis for its decision and any conditions imposed on an affirmative decision.
 - b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed petition, the Board may refer the request back to the Planning Commission for further review and recommendation within a time specified by the Board, prior to Township Board action thereon.
 - c. Reasonable conditions may be required with the approval of a Special District petition and Area Plan. The conditions may include conditions necessary to ensure 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 ensure 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:
 - (1) 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 Township as a whole.
 - (2) Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.

- (3) Be necessary to meet the intent and purposes of this Article and Ordinance, be related to applicable standards of this Ordinance, and be necessary to ensure compliance with those standards.
7. **Petitioner review and agreement.** If the Township Board approves the petition, the petitioner shall review the petition in its approved form, including any conditions of approval. The petitioner and all owner(s) of record of all property included within a Special District or the legal representatives of said owner(s) shall then sign a statement that the approved petition and Area Plan shall be binding upon the petitioner 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 petitioner submit a preliminary or final site plan, where applicable, until the signed statement has been received by the Township Clerk.
8. **Changes to the Official Zoning Map.** Following the official approval of a petition by the Township Board and receipt of the signed statement from the petitioner and owner(s) of record as specified above, the Special District designation shall be noted on the Official Zoning Map in accordance with the procedures specified in Section 2.205B (Changes to Official Zoning Map).

C. Standards of Petition Review.

The Planning Commission shall determine and provide evidence in its report to the Township Board that the petition meets the following standards:

1. **Growth Management Plan policies.** The proposed development shall conform to the adopted Growth Management Plan.
2. **Ordinance standards.** The proposed development shall conform to the intent, regulations, and standards of the proposed Special District and this Ordinance.
3. **Public facilities.** 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, and 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, such facilities and services.
4. **Open space and recreation areas.** The common open space, any other common properties, individual properties, and all other elements of a Special District 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. **Common areas and improvements.** The petitioner shall have made satisfactory provision to ensure 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. Provisions shall have been made to provide for the

financing and maintenance of improvements shown on the plan for open space areas, and common use areas which are to be included within the development.

6. **Location and layout.** 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 Planning 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. **Compatibility of land uses.** The proposed use(s), mix of housing unit types and densities, or mix of residential and non-residential uses shall satisfy the intent of the proposed Special District, conform to applicable use standards and limitations, and be acceptable in terms of convenience, privacy, compatibility, and similar standards.
8. **Minimize adverse impacts.** 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. **Preservation of natural features.** The proposed development shall create a minimum disturbance to natural features and landforms.
10. **Streets.** 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. **Pedestrian facilities.** Major pedestrian circulation shall be provided for within the site and shall interconnect all use areas, where applicable. The pedestrian system shall provide for logical extensions of pedestrian ways outside the site, and pedestrian connections to the site boundaries, where applicable.

D. Effect of Petition and Area Plan Approval.

Approval of a petition and Area Plan by the Township Board shall indicate its acceptance of the overall development concept for the Special District site. This shall include acceptance of the general site layout, conceptual building design and location(s), preliminary street network, permitted land uses, and the types, range(s) of dwelling and lot sizes, and maximum number of permitted dwelling units for residential projects. Area Plan approval does not grant site plan approval, but does authorize the petitioner to file a preliminary site plan per Section 7.103 (Site Plan Approval), or a preliminary plat for tentative approval in accordance with Section 7.104 (Subdivision Plat Approval) and the Township's Subdivision Control Ordinance.

1. Where new or additional information required for preliminary and/or final site plan approval is determined by the applicant or Planning Commission to necessitate changes to the site layout, building locations, street network, maximum number of permitted dwelling units, or permitted land uses on the site, such changes shall be subject to review and approval per Section 7.106 (Amendment and Revision).
2. The Planning Commission shall, as part of such a determination, set a deadline of not less than 90 calendar days for the petitioner to request approval of a major or minor change to the approved petition or Area Plan. Failure of the petitioner to submit a written request for such approval by the deadline shall be considered grounds for denial of the site plan.
3. The preliminary and final site plans for the project shall conform to the petition and Area Plan approved by the Township Board and all Ordinance regulations for the Special District in which the project is located, as determined by the Planning Commission [see Section 7.103 (Site Plan Approval) and Section 10.10 (Standards for Site Plan Approval)]. Nonconformance to the approved petition and Area Plan shall be considered grounds for denial of the site plan.
4. No construction shall begin within any phase until after a final site plan is approved as required under this Ordinance, except as follows:
 - a. The Planning Commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Building Inspector for preliminary site work to begin for soils exploration and incidental site clearing.
 - b. The conditions which may be attached to such permits shall include, but shall not be limited to:
 - (1) Measures to control erosion.
 - (2) Exemption of the Township from any liability if a final site plan is not approved.
 - (3) Provision of a performance guarantee per Section 1.08C (Performance Guarantees) for site restoration if work does not proceed to completion.

Section 7.103 Site Plan Approval.

Review and approval of a preliminary site plan and a final site plan shall be required for all Special District developments in accordance with the requirements of Article 10.0 (Site Plan Review) and the following:

1. The preliminary site plan shall cover the entire property involved in the Special District, and shall clearly indicate the location, size, and character of each development phase.

2. A final site plan shall be submitted for review and approval of each development phase, as shown on the approved preliminary site plan.
3. The preliminary and final site plans shall conform to the approved Area Plan, as determined by the Planning Commission.
4. The Planning Commission shall transmit the approved final site plan to the Township Board for its information.

Section 7.104 Subdivision Plat Approval.

A preliminary plat for all or part of a Special District may be submitted for review and approval following approval of the petition and Area Plan by the Township Board. The Township Board shall have the authority to deny or postpone an application for tentative approval of a preliminary plat if, in its opinion and after recommendation from the Planning Commission, such plat will result in premature development of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

Section 7.105 Phasing of Development.

Development within a Special District may be divided into two (2) or more phases as delineated on the approved Area Plan. Such phasing 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, or open spaces and recreation facilities; and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
2. The Township Board, upon recommendation of the Planning Commission, may require that development be phased so that:
 - a. 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.
 - b. No overloading of utility services or community facilities will result.
 - c. The various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any single phase.
3. The Planning Commission may require the petitioner to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a Special District request for recommendation to the Township Board with respect to this requirement.

4. The Planning Commission may require the petitioner to post a performance guarantee per Section 1.08C (Performance Guarantees) 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.
5. Development in accordance with the approved final site plan shall be completed within three (3) years of the date of final site plan approval by the Planning Commission. If said development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent phases of a Special District unless good cause is shown for not completing the phase.

Section 7.106 Amendment and Revision.

Changes to an approved Special District petition, Area Plan, preliminary site plan or final site plan shall be prohibited, except in accordance with this Section. 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 therefore in the minutes at the meeting at which the action is taken.

A. Major/Minor Change Review Procedure.

Requests for approval of a major or minor change to an approved petition or Area Plan, preliminary site plan, or final site plan shall be made by the petitioner in writing to the Planning Commission. The burden shall be on the petitioner to show good cause for any requested change, subject to the standards of this Section.

1. The petitioner shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and petitioner; such as technical causes, site conditions, state or federal projects, or changes in state laws.
 - a. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
 - b. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
2. The Planning Commission shall determine whether the requested change is major or minor, as defined in this Section.
 - a. Major changes, as determined by the Planning Commission per Section 7.106B (Major Changes), shall require an amendment to the approved petition and Area Plan. Submittal and approval of such amendments

shall follow the procedures and standards for a new petition per Section 7.102A (Special District Approval Procedures).

- b. Minor changes, as determined by the Planning Commission per Section 7.106C (Minor Changes), shall require Planning Commission approval, including, at the Commission's discretion, revised site plan drawings.
 - (1) The petitioner and owner(s) of record or legal representative of such owner(s) shall sign revised drawings requested by the Planning Commission as part of an approval of a minor change.
 - (2) The Planning Commission shall notify the Township Board and other applicable agencies if it approves a minor change.

B. Major Changes.

Changes to be considered major shall include, but shall not be limited to 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 or other structure as identified on the approved Area Plan.
- 4. Increase in the number of dwelling units or other structures.
- 5. Increase in non-residential floor area of over five percent (5%).
- 6. Increase in GFC or FAR of the entire Special District of more than one percent (1%).
- 7. Rearrangement of lots, blocks or building tracts.
- 8. Reduction in land area set aside for common area open space or the relocation of such area(s).
- 9. Increase in building height.
- 10. Any change that will have an adverse impact on neighboring properties or uses.

C. Minor Changes.

Changes to be considered minor shall include, but shall not be limited to the following:

- 1. A change in residential floor area.
- 2. An increase in non-residential floor area of five percent (5%) or less.
- 3. Minor variations in layout that do not constitute major changes.

4. An increase in GFC and FAR of the entire Special District of one percent (1%) or less.
5. A decrease in the number of approved dwelling units.

Section 7.107 Expiration of Approval.

Approval of a Special District petition, Area Plan, preliminary site plan, and final site plan shall remain effective for specific periods of time as defined in this Section and Ordinance:

A. Expiration of Area Plans.

An approved Special District Area Plan shall expire unless:

1. A final site plan is submitted to the Planning Commission within two (2) years of the date of approval of the Special District petition by the Township Board for review and approval of the first phase of the project, or of the entire property in the Special District if the development is not to occur in separate phases; and
2. If the development is to occur in separate phases, a final site plan for each subsequent phase is submitted to the Planning Commission for review and approval within three (3) years of the date of approval of the immediately preceding final site plan.

B. Expiration of Final Site Plan.

A Special District final site plan shall expire and be of no effect unless:

1. Within 365 calendar days of the date of final site plan approval by the Planning Commission, a fully executed Development Agreement has been recorded and the construction drawings have received detailed engineering final approval; and
2. Within 545 calendar days of the date of final site plan approval by the Planning Commission, construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

C. Effects of Expiration.

If an approved Special District Area Plan or final site plan expires as set forth in this Section, no permits for any development or use of the property included in the Special District shall be issued until the applicable requirements of this Section have been met. The Township Board shall be authorized to revoke the right to develop under the approved Area Plan per Section 7.108 (Rescinding Special District Approval) and the following:

1. Revocation of an approved Area Plan shall be duly noted on the Official Zoning Map per Section 2.205B (Changes to Official Zoning Map).

2. If revoked by the Township Board, submittal and approval of a new Area Plan shall follow the procedures and standards for a new petition per Section 7.102A (Special District Approval Procedures).
3. Said expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts per Article 18.0 (Amendments).
4. If no action is taken by the Township Board, the Area Plan shall remain in effect, but new preliminary and final site plan approvals shall be required in accordance with the procedures and standards of this Article and Ordinance.

D. Extension of Area Plan Approval.

Upon written request received prior to the expiration date and a showing of good cause by the petitioner, the Township Board may grant an extension of Area Plan approval for up to 365 calendar days, provided that the approved Area Plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site. The Township Board may refer the request to the Planning Commission for a recommendation within a time specified by the Board, prior to taking action on the request.

E. Extension of Preliminary or Final Site Plan Approval.

Extension of preliminary or final site plan approval shall be subject to the provisions of Section 10.08 (Expiration of Site Plan Approval).

Section 7.108 Rescinding Special District Approval.

Approval of a Special District petition or Area Plan may be rescinded by the Township Board upon determination that the approved Area Plan or development agreement have been violated; that the approved petition or Area Plan has expired per Section 7.107 (Expiration of Approval); or that the site has not been improved, constructed or maintained in compliance with approved plans. 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 Township Board in accordance with the procedures set forth in Section 1.14 (Public Hearing Procedures), at which time the developer of the project, the owner of an interest in land for which Special District approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

Section 7.109 As-Built Drawings.

As-built drawings shall be provided in accordance with Section 10.14 (As-Built Drawings).

Section 7.110 Compliance Required.

Special District Area Plans, preliminary site plans, final site plans, and development agreements approved under this Article and Ordinance shall have the full force, validity, and regulatory authority of this Zoning Ordinance.

1. No construction, grading, tree removal, topsoil stripping or other site improvements or alterations shall take place, and no permits shall be issued for development on a zoning lot under application for Special District approval until the requirements of this Article have been met.
2. To ensure compliance with all plans approved under this Article, requirements of this Article, development agreement provisions, and conditions attached to any approved plan, the Township may require that a performance guarantee be deposited with the Township Treasurer, subject to the standards of Section 1.08C (Performance Guarantees).
3. Violation of any plan approved under this Article, or failure to comply with any requirements of this Article, development agreement provisions, or conditions attached to any approved plan shall be grounds for the Township Board or Zoning Inspector to order that all construction be stopped and all permits and certificates of occupancy be withheld until the violation is removed, or adequate guarantee of such removal is provided to the Board.
4. Violations of any plan approved under this Article, or failure to comply with any requirements of this Article, development agreement provisions, or conditions attached to any approved plan shall be deemed a violation of this Ordinance subject to Section 1.13 (Violations and Penalties).

SECTION 7.200 GENERAL STANDARDS

Section 7.201 Circulation and Access.

All developments and uses in Special Districts shall be subject to the applicable circulation and access standards of this Ordinance and the following:

A. Vehicular Access.

Each lot or principal building in a Special District shall have vehicular access from a public street or from a private street approved by the Township Board after recommendation from the Planning Commission as part of the Planning Commission's recommended action on a Special District petition. Individual dwelling units shall not have direct vehicular access to a collector street or primary road as classified by the master transportation plans of the Township, or county or state road authorities.

B. Pedestrian Access.

Each lot or principal building in a Special District shall have pedestrian access from a public or private sidewalk, where deemed appropriate by the Township Board after recommendation of the Planning Commission as part of the Planning Commission's recommended action on a Special District petition. All parts of a Special District shall be interconnected by either sidewalks, pedestrian pathways, and other non-motorized transportation facilities that provide for safe and convenient movement of pedestrians.

C. Design and Construction of Streets.

Public and private streets shall be designed and constructed according to established standards for public streets, except where deviations from such standards are approved in accordance with this Section and Section 7.003 (Regulatory Flexibility). If private streets in a Special District are to be dedicated to a public agency in the future, 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.

D. Deviations from Street Design Standards.

Deviations from applicable standards of design and construction for public and private streets within a Special District shall be appropriate to adequately provide the anticipated service required, as determined by the Township Board after recommendation from the Planning Commission.

1. Any deviation from applicable standards for public and private streets shall be subject to Township Board approval after Planning Commission recommendation.
2. Any proposed deviation from Washtenaw County Road Commission (WCRC) standards for public streets shall also be subject to WCRC approval.

Section 7.202 Utilities.

All developments and uses in Special Districts shall be subject to the applicable utility standards of this Ordinance and the following:

A. Access to Water and Sewer.

Access to a potable water supply and sanitary sewage treatment and disposal facilities for developments in the Special Districts shall be subject to the following:

1. Each principal building in a Planned Community (PC) District located in the Public Sanitary Sewer Service Area or "Urban Service Area" as defined in the Growth Management Plan shall be connected to publicly owned water and sanitary sewer lines.
2. Each principal building in a Planned Community (PC) District outside of the Public Sanitary Sewer Service Area or "Urban Service Area" as defined in the Growth Management Plan shall be connected to:
 - a. An independent, on-site water well and sanitary septic system approved by the Washtenaw County Environmental Health Division; or
 - b. A private community wastewater system (PCWS) in compliance with the standards of this Article and Ordinance, and the Private Community Wastewater Systems Ordinance (Ord. No. 166, as amended.).
3. Each principal building in any other Special District shall be connected to publicly owned water and sanitary sewer lines, or to an independent, on-site water well and sanitary septic system approved by the Washtenaw County Environmental Health Division and Superior Charter Township.

B. Stormwater Management Facilities.

Each site in a Special District shall be provided with stormwater management facilities and systems meeting or exceeding applicable Township and Washtenaw County Drain Commissioner standards. Such facilities and systems shall be approved by and dedicated to the Washtenaw County Drain Commissioner's office, unless otherwise provided for as part of the development agreement.

C. Utility Lines and Equipment.

Electrical, telephone, and cable television distribution lines shall be placed underground, unless the location(s) of overhead lines and poles has been approved as a deviation in accordance with Section 7.003 (Regulatory Flexibility). 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.

Section 7.203 Open Space Regulations.

Open space areas within a Special District development shall be subject to the following:

1. Open space areas shall be conveniently and equitably located throughout a Special District in relation to the location of dwelling units, principal buildings, and natural features.
2. 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.
3. The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as ravines, rock outcrops, wooded areas, meadows, tree or shrub specimens, wildlife habitats, steep slopes, ponds, streams, marshes, or other wetlands be preserved as part of the open space system of a Special District.
4. Unbuildable areas, such as watercourses, wetlands, woodlands, floodplains, and steep slopes, may be incorporated into open space areas but shall not be included in overall net density calculations.
5. Recreational structures, drives, walkways, and similar improvements may be permitted in open space areas if, in the Planning Commission's opinion, they are related and necessary to the functions of the open space.
6. Other buildings and improvements shall be prohibited from open space areas.

Section 7.204 Parking and Loading Requirements.

The parking and loading requirements of Article 8.0 (Off-Street Parking and Loading Regulations) herein shall apply, except that the number and size of spaces, and the width of parking lot aisles may be reduced in a Special District in accordance with Section 7.003 (Regulatory Flexibility). Such reduction shall be justified by the petitioner 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(s) of use(s) proposed; that walk-in trade for commercial centers will reduce parking demand; or similar factors.

Section 7.205 Common Areas and Facilities.

The location, extent, and purpose of all common areas and facilities shall be clearly identified on the area plan, on the preliminary site plan, and on each final site plan. All such areas and facilities that are to be conveyed to any agency shall be clearly identified accordingly on the final site plans.

A. Dedication of Common Areas and Facilities.

The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a public agency. Such rights shall not include those needed to improve the common open space areas in accordance with the approved Area Plan and final site plan. 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, unless a binding agreement for dedication is provided in lieu of dedication.

B. Maintenance of Common Areas and Facilities.

Common areas and facilities in Special Districts shall be subject to the applicable maintenance standards of this Ordinance and the following:

1. **Review of maintenance documents.** Legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities shall be submitted to the Township for review and approval as part of the final site plan submittal. Recorded copies of said documents are to be provided to the Township Clerk immediately after recording by the petitioner.
2. **Association requirements.** Where a Homeowners' Association (HOA) or equivalent entity is to be used to maintain and preserve common areas and facilities, the developer shall file with the Special District petition copies of all proposed bylaws, articles of incorporation, covenants, and restrictions that will govern the HOA for Township approval. Such covenants and restrictions shall include, but shall not be limited to the following:
 - a. The HOA shall be established before any dwellings in the Special District are sold.
 - b. Membership in the HOA shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.
 - c. Restrictions shall be permanent.
 - d. The HOA shall be made responsible for liability.
 - e. Dwelling unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA may become a lien on the individual properties.
 - f. The HOA shall have authority to adjust the assessment to meet changed needs.
 - g. All open spaces and common facilities shall be assessed to the HOA and all taxes thereon shall be paid by the HOA.

C. Trustee.

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 used, the trustee shall employ a professional manager. The trustee may be an HOA, a trust company, or similar organization.

D. Easements.

Easements shall be given to each individual owner for the use of such common areas and facilities.

Section 7.206 Outdoor Lighting.

All outside lighting shall be arranged and downshielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind with adjacent roads or adjacent properties and uses. Exterior lighting shall conform to the standards of Section 14.11 (Exterior Lighting), except where a deviation has been approved per Section 7.003 (Regulatory Flexibility).

SECTION 7.300

ADDITIONAL DISTRICT STANDARDS

Section 7.301 Planned Community (PC) Special District.

The Planned Community (PC) Special District option encourages greater collaboration between the developer and the Township in the development process, and allows additional freedom for the developer to take an even more creative approach to land use and development than otherwise permitted under this Ordinance. The PC Special District option offers greater flexibility in the design of land development, maximizing the developer's ability to take advantage of natural topography, vegetation, watercourses, and other site features in designing the development.

Clustering and density bonus options available for residential PC projects may result in a more efficient use of land and a reduction in development costs for street and utility systems. For potential homebuyers, the PC option may result in an improved mix of housing types and compatible neighborhood arrangements, offering greater choice in living environments.

The following standards shall apply to Planned Community (PC) Special Districts:

A Eligibility Criteria.

To be eligible for approval as a Planned Community (PC) Special District, the petitioner shall demonstrate, to the Township Board's satisfaction after recommendation from the Planning Commission, that the petition and Area Plan are compatible with the following:

1. **Compatibility with the Special District intent.** The proposed development shall be consistent with the intent and scope of this Article and the intent and purposes of the specific Special District.
2. **Compatibility with the Growth Management Plan.** The proposed development shall be compatible with the adopted Growth Management Plan.
3. **Availability and capacity of public services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and stormwater management facilities, availability of water, and suitability for septic or capacity of existing or planned utility facilities.
4. **Sufficient land area for proposed uses.** The proposed Planned Community (PC) site shall include sufficient contiguous land area to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PC project, and to ensure compatibility between uses and the surrounding area. Additional non-contiguous land areas within the Township may be included as part of the proposed open space dedications for a PC project.

5. **Additional eligibility criteria.** The petition and Area Plan shall be compatible with one (1) or more of the following additional criteria:
 - a. **Conservation of open space.** Long-term conservation of open space, agricultural lands, or lands with significant natural features in the Township will be achieved in accordance with the adopted Growth Management Plan.
 - b. **Preservation of natural resources.** Long-term conservation of natural resources will be achieved, where such resources of the Township would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).
 - c. **Public benefit.** A recognizable and material benefit will be realized by both the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under the provisions of this Ordinance.
 - d. **Economic impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance or planned in the adopted Growth Management Plan.

The Township Board may also, after recommendation from the Planning Commission, accept any site for consideration as a Planned Community (PC) Special District that is designated as a brownfield under state or federal law, or is otherwise determined to be subject to unusual physical constraints or hardships that would prevent reasonable use or development in accordance with the strict application of Zoning Ordinance requirements.

B. Limitations on Uses.

Permitted principal and accessory uses in a PC Special District shall be limited to the RESIDENTIAL USES, OFFICE, SERVICE, AND COMMUNITY USES, and COMMERCIAL USES as listed in Article 4.0 (Land Use Table), subject to the standards of Article 5.0 (Use Standards) and the following use limitations:

1. Uses in a PC Special District shall be limited to those specific uses included in the listing of uses shown on the approved Area Plan, preliminary site plan, or final site plan, whichever is applicable. All other uses shall be prohibited, unless otherwise permitted by this Ordinance.
2. Uses in a PC Special District shall be limited to those that are compatible with the Township's adopted Growth Management Plan, and that are harmonious and compatible with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
3. A residential area, designated on an approved Area Plan, preliminary site plan, or final site plan may contain one (1) or more types of dwelling units, provided that

such combination of dwelling unit types will not interfere with orderly and reasonable planning, development, and use of an area.

4. Multiple family dwelling units may be located in buildings containing, or intended to contain, COMMERCIAL USES or OFFICE, SERVICE, AND COMMUNITY USES, provided that COMMERCIAL USES shall be permitted only on the street level or first, ground, or main floor of such buildings. Dwelling units shall not be permitted on any floor on which such non-residential uses are located.
5. Home occupations shall be permitted, shall be subject to the standards of Section 5.204 (Home Occupations).
6. Private community wastewater systems (PCWS) may be permitted as an accessory use within a development in the PC Special District, under the following conditions:
 - a. The development shall be located outside of the Public Sanitary Sewer Service Area or "Urban Service Area" as defined in the Growth Management Plan.
 - b. The PCWS shall comply with the standards of this Ordinance and the Private Community Wastewater Systems Ordinance (Ord. No. 166, 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 PCWS 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 PC Special District for which a PCWS is proposed shall include permanent conservation of fifty percent (50%) or more of the land area proposed for development as agricultural land or open space.

C. Density Regulations.

The maximum net dwelling unit density regulations that apply within a PC Special District shall be based upon the density standards of the zoning district which the Planning Commission determines most nearly reflects the policies of the Growth Management Plan. Density shall be regulated as follows:

1. **Maximum net residential density.** The maximum permitted net residential density for a PC Special District shall not exceed the planned residential density for the area included in the PC Special District, as shown on the Township's adopted Growth Management Plan. If the Growth Management Plan does not show a residential density for land included in a PC rezoning petition, the maximum net residential density permitted in the standard zoning district most

nearly reflecting the policies in the Growth Management Plan that apply to the area in question shall be used as the density limit, and the residential density and character of the surrounding area.

- a. The applicant shall prepare and present to the Planning Commission as part of the Special District petition a parallel design for the project consistent with state and Township requirements.
 - (1) This design shall identify all lots and buildable lands as would be allowed by the existing zoning district(s) of the parcel, the suitability of the soils, and the policies and standards of the Growth Management Plan.
 - (2) The Planning Commission shall review the design and shall determine the number of lots that could feasibly be developed following the parallel design. This number, as determined by the Planning Commission, shall be considered by the Planning Commission, in addition to the other requirements of this subsection, in calculating the maximum net residential density of the PC Special District.
 - b. Land once used to provide acreage sufficient to meet density regulations in a project within a PC Special District shall not be used to compute density in another project within the PC Special District unless the gross and net densities, lot coverages, and floor area ratios of the subject property and all previous projects in the district are maintained at or less than the limits established in the approved area plan.
 - c. The standards of Section 3.204 (Density Regulations) shall apply to the parallel plan design and dwelling unit calculation.
2. **Density calculations.** Density calculations shall meet the following requirements:
- a. Land area used in calculating gross and net densities, lot coverage, and floor area ratios shall be delineated on the Area Plan, preliminary site plan, where applicable, and final site plan.
 - b. The land area used for calculating gross residential density shall include the total residential land area designated on the area plan, preliminary site plan, where applicable, and final site plan, less any area within existing public street rights-of-way.
3. **Lot coverage and floor area ratio calculations.** The maximum floor area ratio and maximum lot coverage for PC Special District projects shall be in accordance with the following:
- a. **With individual lots.** The maximum floor area ratio and maximum lot coverage for PC Special District projects or portions thereof with

individual lots (such as site condominium developments) shall be specified on the approved PC Area Plan for the project. Such standards shall be in accordance with requirements of the standard zoning district most nearly reflecting the policies in the Growth Management Plan that apply to the area in question, subject to any approved deviations per Section 7.003 (Regulatory Flexibility).

- b. **Without individual lots.** The maximum floor area ratio for PC Special District projects or portions thereof without individual lots shall not exceed 0.35, and the maximum lot coverage shall not exceed twenty five percent (25%).
- (1) Lot coverage and floor area ratio calculations for residential structures shall be based upon the acreage designated for such use.
 - (2) Land areas for such calculations may include acreage for private drives, parking and loading areas, open spaces around structures, landscape areas, and similar areas, but shall not include acreage in existing or planned public street rights-of-way.
 - (3) The lot coverage and floor area ratio calculations shall include assumed ground floor area and total floor area for proposed single-family detached dwelling units. Such assumed floor areas shall be listed in the required calculations.

D. Density Bonus for Off-Site Open Space Preservation.

Section 503(3) of the Michigan Zoning Enabling Act grants the Township authority to approve a PC Special District development that includes preservation of non-contiguous open space, effectively allowing transfers of permitted residential density from a planned conservation area to a proposed development area within the Township. The intent of this subsection is to encourage conservation of lands designated in the Township's Growth Management Plan for agricultural land, open space or natural resources preservation by clustering permitted dwelling units into areas planned for more intensive residential development.

The Township Board may, after recommendation from the Planning Commission, permit a residential PC project to include a density bonus above the number of dwelling units otherwise permitted by Section 7.301C (Density Regulations), subject to the following:

1. **Minimum conservation area.** The proposed PC Area Plan and petition shall include conservation of a minimum of 20 acres of non-contiguous farmland or open space within an area designated in the Township's Growth Management Plan for agricultural land, open space or natural resources preservation.
2. **Maximum residential density.** The maximum permitted dwelling unit density within the proposed development area(s) of a residential PC project, including permitted bonus dwelling units, shall conform to the planned maximum

residential density for the development area(s) and the open space conservation area(s) shown on the PC Special District Area Plan, as designated in the Growth Management Plan.

3. **Standards for areas to be conserved.** Land proposed to be conserved shall be primarily used for farmland or active agricultural uses, or set aside for preservation of open space or significant natural resources. Such land may include one (1) rural residential dwelling and structures accessory to an active agricultural use on the same parcel. The Township Board may, after recommendation from the Planning Commission, accept or reject any land area proposed for conservation.
4. **Conservation easement.** Non-contiguous land to be conserved as part of the residential PC project shall be protected by a dedicated conservation easement, subject to the following:
 - a. The conservation easement shall ensure to the Township Board's satisfaction that conserved open space areas will be permanently preserved and irrevocably committed for that purpose.
 - b. The agency or entity intended to receive and hold the conservation easement holder shall be identified. The agency or entity shall demonstrate to the Township's satisfaction that it has the capability to hold and maintain the easement.
 - c. The conservation easement shall describe the permitted use(s) of the conserved open space, including specific restrictions regarding use, alteration, and permitted development activities.
 - d. The landowner shall be responsible for maintaining the conserved land in accordance with the conservation easement provisions. Public access to the conserved land shall not be required for the conservation easement.
 - e. The conservation easement shall include procedures for periodic verification by the easement holder that the conserved land has been maintained in compliance with the conservation easement.
 - f. The conservation easement shall be recorded with the Washtenaw County Register of Deeds to provide record notice of the restrictions to all persons having a property interest in the conserved open space areas.

E. Density Bonus for Exemplary Project Design.

The Township Board may, after recommendation from the Planning Commission, permit a residential PC project to include a density bonus of up to twenty percent (20%) above the number of dwelling units otherwise permitted by Section 7.301C (Density Regulations), subject to the following:

1. **Maximum residential density.** The maximum permitted dwelling unit density within a residential PC project, including permitted bonus dwelling units, shall not exceed one hundred twenty percent (120%) of the planned maximum residential density for the subject land, as designated in the Growth Management Plan.
2. **Bonus dwelling unit calculation.** The residential PC project shall include a minimum of three (3) of the following elements or other elements, as accepted by the Township Board after recommendation from the Planning Commission. The Planning Commission's recommendation shall be based upon an assessment of the following elements, as applied to the specific characteristics of the PC development and the applicable policies of the Growth Management Plan:
 - a. Provisions for a minimum of fifty percent (50%) of the gross land area of the development site to be permanently preserved as dedicated open space.
 - b. Dedicated open space areas abutting a primary road as defined in the master transportation plans of the Township, or state or county road authorities, which shall be designed to preserve the rural appearance of the site from the road right-of-way with a minimum depth of 150 feet.
 - c. On-site or off-site pedestrian walkways and access improvements substantially above the minimum required by this Ordinance.
 - d. Improvements to public facilities, access, or utilities above the minimum required by this Ordinance, other Township ordinances, or other governmental agencies with jurisdiction.
 - e. Provisions for new or improved recreation facilities substantially above the minimum required by this Ordinance.
 - f. An integrated mixture of housing types or lot sizes.
 - g. Rehabilitation and re-use of a blighted site, contamination removal or demolition of obsolete structures.
 - h. Innovations in motorist or pedestrian safety, energy efficient design, or other project design elements that would result in a material benefit to all or a significant portion of the ultimate users or residents of the project.

F. Perimeter Open Space and Yard Requirements.

The following perimeter open space, transition buffer, and landscape strip requirements shall apply to PC Special District projects:

1. **Transition buffer.** Transition buffers between land uses within the PC Special District and along the perimeter of the PC Special District shall be provided in accordance with Section 3.203E (Transition Buffer).

2. **Landscape strip.** Landscape strips shall be provided along and adjacent to all road rights-of-way within the PC Special District and on the perimeter of the PC Special District in accordance with Section 3.203F (Landscape Strip).
3. **Planned rights-of-way.** Where planned future road rights-of-way for existing roads within the PC Special District and on the perimeter of the PC Special District are larger than the existing right-of-way, all dimensional standard measurements shall be taken from the planned right-of-way, which shall be reserved for such use as part of the PC Special District.
4. **Special corridor standards.** An open space setback area shall be provided along and adjacent to all road rights-of-way within the PC Special District and on the perimeter of the PC Special District designated as natural beauty roads, scenic roads, and special landscape corridors in the Growth Management Plan, subject to the following:

| Corridor | Minimum Open Space Setback |
|----------------------------|-----------------------------------|
| Natural Beauty Road | 75 feet |
| Scenic Road | 75 feet |
| Special Landscape Corridor | 50 feet |

- a. Existing vegetation and natural features within such areas shall be preserved, except where mitigation measures and/or minimal encroachments for access, utility, or other improvements are approved by the Planning Commission as part of site plan approval.
 - b. Open field areas may be planted with additional trees and other plantings in accordance with Section 14.10 (Screening and Land Use Buffers) and the Growth Management Plan.
5. **Setbacks for individual lots within a PC Special District.** Required yard setback areas individual lots within a PC Special District project or portions thereof that incorporate individual lots (such as site condominium developments) shall be specified on the approved PC Area Plan for the project. Such standards shall be in accordance with requirements of the standard zoning district most nearly reflecting the policies in the Growth Management Plan that apply to the area in question, subject to any approved deviations per Section 7.003 (Regulatory Flexibility).
 6. **Perimeter open space for PC Special Districts without individual lots.** The following requirements shall apply to PC Special District projects or portions thereof without individual lots, subject to any approved deviations per Section 7.003 (Regulatory Flexibility):
 - a. An open space setback area at least 50 feet wide shall be provided along the perimeter of the PC Special District adjacent to all road rights-of-way.

- b. An open space setback area at least 20 feet wide shall be provided along the perimeter of the PC Special District not adjacent to a road right-of-way.
- c. An open space setback area at least 35 feet wide shall be provided along the right-of-way of a collector street proposed within a PC Special District, and a yard at least 50 feet wide shall be provided along the right-of-way of a primary road proposed within a PC Special District.
- d. Such open space setback area shall be landscaped in accordance with Section 14.10 (Screening and Land Use Buffers), and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas.

G. Distances Between Buildings.

The location of buildings and uses, and distances between buildings as shown by dimensions, shall be clearly indicated on the Area Plan, preliminary site plan, where applicable, and final site plan, and shall control the development and continued use of the property. Distances between buildings shall be sufficient to meet fire regulations, and to provide for natural light, air circulation, and solar access.

H. Exterior Views.

Views of PC Special Districts from exterior roads shall be minimized by the use of changes in topography, existing vegetation, additional landscaping, or landscaped berms.

I. Height Regulations.

Unless otherwise approved by the Township Board after recommendation by the Planning Commission, no building shall exceed a height of two and one-half (2 1/2) stories or 35 feet. Approval of a taller building shall be in accordance with Section 7.003 (Regulatory Flexibility) and the following:

- 1. Approval shall be based on findings of fact regarding:
 - a. natural light;
 - b. air circulation;
 - c. airport and heliport flight patterns;
 - d. solar access rights for neighboring buildings and properties;
 - e. compatibility with surrounding uses, including viewsheds; and
 - f. recommendations from the Township Fire Chief or designated fire official regarding fire protection and safety.

2. Where the height of any building exceeds two and one-half (2 1/2) stories or 35 feet, the Township Board, upon recommendation from the Planning Commission, may require larger lot areas or setbacks to preserve the integrity of open areas, or to make the building more compatible with surrounding land uses.
3. The height of each building shall be clearly indicated on the Area Plan, preliminary site plan, and final site plan.

J. Cluster Residential.

Clustering of residential dwellings on to a portion of the land area of the PC Special District without increasing the number of permitted dwelling units may be permitted where deemed appropriate by the Planning Commission in accordance with Section 7.003 (Regulatory Flexibility), provided that all other standards and requirements of the PC Special District are met, and provided that the clustering of dwellings takes place primarily on interior portions of the district. Clustering of dwellings along the perimeter of the PC Special District or along perimeter road rights-of-way shall be consistent with the policies of the Growth Management Plan for certain road corridors and for transitions between land uses of differing intensities.

Section 7.302 Medical Services (MS) Special District.

The following standards shall apply to Medical Services (MS) Special Districts:

A Eligibility Criteria.

To be eligible for approval as a Medical Services (MS) Special District, the petitioner shall demonstrate, to the Township Board's satisfaction after recommendation from the Planning Commission, that the petition and Area Plan are compatible with the adopted Growth Management Plan.

B. Limitation on Uses

Uses in a PM Special District shall be limited to those uses specifically included in the listing of uses shown on the approved area plan, approved preliminary site plan, or approved final site plan, whichever is applicable. No other uses shall be permitted unless the applicable plans are revised or amended in accordance with the provisions of this Ordinance.

C. Density Regulations.

Density shall be regulated as follows:

1. **Residential density.** The maximum permitted residential density, including multiple-family units and dormitory units, shall not exceed 20 dwelling units per acre, or 40 dormitory units per acre, based upon the area designated for residential purposes on the area plan.

2. **Maximum ground floor coverage.** The total ground floor coverage of an entire MS Special District shall not exceed twenty-five percent (25%).
3. **Maximum floor area ratio.** The total floor area ratio of an entire MS Special District shall not exceed 0.50.
4. **Density calculations.** Density calculations shall meet the following requirements:
 - a. Land areas to be used in calculating gross and net densities, ground floor coverages, and floor area ratios as provided in this Section shall be delineated on the Area Plan, preliminary site plan where applicable, and final site plan.
 - b. The land area used for calculating gross residential densities shall include the total residential land area as designated on the area plan or final site plan, less any area within existing or future public street rights-of-way or major private streets.
 - c. The surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marsh lands, or similar areas may be included in the acreage used for calculating residential densities, ground coverage, and floor area ratios, if fifty percent (50%) or more of the frontage of such areas are part of lands devoted to parks and open space uses for and accessible to residents, employees, and occupants within the MS Special District.
 - d. Ground floor coverage and floor area ratio calculations for residential structures shall be based on the acreage designated for calculation of gross residential densities. Ground floor coverage and floor area ratio calculations for non-residential uses shall be based on land areas designated for such uses, including acreage for private drives, parking and loading areas, open spaces around structures, landscaped areas and similar areas, but not including acreage in existing or future public street rights-of-way or major private streets.
 - e. Land once used to provide acreage sufficient to meet density regulations in a project within an MS Special District shall not again be used to compute density in another project within the district unless the gross and net densities, ground floor coverages, and floor area ratios of the subject project and all previous projects are maintained at or below the limits established in the approved Area Plan.
 - f. The Planning Commission may exclude land with slopes of twenty five percent (25%) or greater from the area used for density calculations if such land is not usable for designated recreation/open space purposes.

- g. Top decks of underground parking structures may be included in the land area used in density calculations if such decks are fully landscaped and are not used for the circulation or parking of vehicles.

D. Required Yards.

The following yard and setback requirements shall apply to MS Special District projects:

- a. A yard at least 50 feet wide shall be provided along the perimeter of the MS Special District that fronts along an existing or future public road right-of-way.
- b. A yard at least 20 feet wide shall be provided along the perimeter of an MS Special District not fronting on an existing or future public road right-of-way.
- c. A yard at least 35 feet wide shall be provided along the right-of-way of a collector street proposed within an MS Special District, and a yard at least 50 feet wide shall be provided along the right-of-way of a primary road proposed within an MS Special District.
- d. A yard at least ten (10) feet wide shall be provided between any parking lot and a boundary line of a use area within an MS Special District.

E. Distances Between Buildings.

The location of buildings and uses, and distances between buildings as shown by dimensions, shall be clearly indicated on the area plan, preliminary site plan, where applicable, and final site plan, and shall control the development and continued use of the property. Distances between buildings shall be sufficient to meet fire regulations, and to provide for natural light, air circulation, and solar access.

F. Height Regulations.

Unless otherwise approved by the Township Board after recommendation by the Planning Commission, no building shall exceed a height of two and one-half (2 1/2) stories or 35 feet. Approval of a taller building shall be in accordance with Section 7.003 (Regulatory Flexibility) and the following:

- 1. Approval shall be based on findings of fact regarding:
 - a. natural light;
 - b. air circulation;
 - c. airport flight patterns;
 - d. solar access rights for neighboring buildings and properties;

- e. compatibility with surrounding uses, including viewsheds; and
 - f. recommendations from the Township Fire Chief regarding fire protection and safety.
2. Where the height of any building exceeds three (3) stories or 35 feet, the Township Board, upon recommendation of the Planning Commission, may require larger lot areas and/or setbacks to preserve the integrity of open spaces and/or to make the building more compatible with surrounding land uses.
 3. The height of each building shall be clearly indicated on the Area Plan, preliminary site plan, where applicable, and final site plan.

Section 7.303 Planned Manufacturing (PM) Special District.

The following standards shall apply to Planned Manufacturing (PM) Special Districts:

A Eligibility Criteria.

To be eligible for approval as a Planned Manufacturing (PM) Special District, the petitioner shall demonstrate, to the Township Board's satisfaction after recommendation from the Planning Commission, that the petition and Area Plan are compatible with the adopted Growth Management Plan.

B. Limitation on Uses.

Uses in a PM Special District shall be limited to those uses specifically included in the listing of uses shown on the approved area plan, approved preliminary site plan, or approved final site plan, whichever is applicable. No other uses shall be permitted unless the applicable plans are revised or amended in accordance with the provisions of this Ordinance.

C. Density Regulations.

Density shall be regulated as follows:

1. **Maximum ground floor coverage.** The total ground floor coverage of an entire PM Special District shall not exceed twenty percent (20%).
2. **Maximum floor area ratio.** The total floor area ratio of an entire PM Special District shall not exceed 0.40.
3. **Total developed area.** The sum of the ground floor area of all buildings and the area in parking spaces, drives, and loading spaces of a lot shall not exceed fifty percent (50%) of the area of the lot.
4. **Density calculations.** Density calculations shall meet the following requirements:

- a. Land areas used in calculating ground floor coverage, floor area ratios, and total developed area percentages as provided in this section shall be delineated on the Area Plan, preliminary site plan, where applicable, and final site plan.
- b. The surface areas of lakes, streams, ponds (natural, man-made, or storm water retention), marsh lands, or similar areas may be included in the acreage used for calculating ground floor coverage and floor area ratios, if fifty percent (50%) or more of the frontage of such areas are part of lands devoted to parks and open space uses for and accessible to employees and occupants within the PM Special District.
- c. Ground floor coverage, floor area ratio, and total developed area calculations shall be based on land areas designated for the various uses, including acreage for private drives, parking and loading areas, open spaces around structures, landscaped areas and similar areas, but not including acreage in existing or future public street rights-of-way or major private streets.
- d. Land once used to provide acreage sufficient to meet density regulations in a project within a PM Special District shall not again be used to compute density in another project within the district unless the gross and net densities, ground floor coverages, floor area ratios, and total developed area percentages of the subject project and all previous projects are maintained at or below the limits established in the approved area plan.
- e. The Planning Commission may exclude land with slopes of twenty five percent (25%) or greater from the area used for density calculations if such land is not usable for designated or open space purpose.
- f. Top decks of underground parking structures may be included in the land area used in density calculations if such decks are fully landscaped and are not used for the circulation or parking of vehicles.

D. Required Yards.

The following yard and setback requirements shall apply to PM Special District projects:

1. A yard at least 100 feet wide shall be provided along the perimeter of an PM Special District that fronts along an existing or future road right-of-way.
2. A yard at least 50 feet wide shall be provided along the perimeter of a PM Special District not fronting on an existing or future road right-of-way.
3. A yard at least 35 feet wide shall be provided along the right-of-way of a collector street proposed within a PM Special District, and a yard at least 50 feet wide shall be provided along the right-of-way of a primary road proposed within a PM Special District.

4. The following minimum yard setbacks shall be provided for individual lots within a larger PM Special District:
 - a. Front: 50 feet
 - b. Side, interior: 10 feet
 - c. Side, corner: 50 feet
 - d. Rear: 35 feet
5. Larger minimum yards may be required at the time of area plan or preliminary site plan approval, whichever applies, for a building exceeding three (3) stories or 35 feet in height. The requirements shall be based upon considerations of characteristics such as, but not limited to, natural light, air circulation, and solar access, and other effects upon adjacent buildings or properties.

E. Transition Buffer.

A transition buffer at least 100 feet wide shall be required whenever any lot in this district is contiguous to or across the street from a lot in the Rural, Rural Residential, and Urban Residential Districts, including any PC Special District incorporating RESIDENTIAL USES. Such a buffer area shall be provided along every lot line, except front lot lines, which is contiguous to or across the road from a lot in such Districts, shall not be included as part of the required yard, and shall be improved with screening per Section 14.10D (Methods of Screening). In addition to the transition buffer area, the Planning Commission may require a fence to control access to the PM Special District parcel.

F. Distances Between Buildings.

The location of buildings and uses, and distances between buildings as shown by dimensions, shall be clearly indicated on the Area Plan, preliminary site plan, where applicable, and final site plan, and shall control the development and continued use of the property. Distances between buildings shall be sufficient to meet fire regulations, and to provide for natural light, air circulation, and solar access.

G. Height Regulations.

Unless otherwise approved by the Township Board after recommendation by the Planning Commission, no building shall exceed a height of two and one-half (2 1/2) stories or 35 feet. Approval of a taller building shall be in accordance with Section 7.003 (Regulatory Flexibility) and the following:

1. Approval shall be based on findings of fact regarding:
 - a. natural light;
 - b. air circulation;

- c. airport and heliport flight patterns;
 - d. solar access rights for neighboring buildings and properties;
 - e. compatibility with surrounding uses, including viewsheds; and
 - f. recommendations from the Township Fire Chief regarding fire protection and safety.
2. Where the height of any building exceeds three (3) stories or 35 feet, the Township Board, upon recommendation of the Planning Commission, may require larger lot areas and setbacks to preserve the integrity of open spaces or to make the building more compatible with surrounding land uses.
 3. The height of each building shall be clearly indicated on the area plan, preliminary site plan, where applicable, and final site plan.

Section 7.304 Village Center (VC) Special District.

The following standards shall apply to Village Center (VC) Special Districts:

A Eligibility Criteria.

To be eligible for approval as a Village Center (VC) Special District, the petitioner shall demonstrate, to the Township Board's satisfaction after recommendation from the Planning Commission, that the petition and Area Plan are compatible with the adopted Growth Management Plan.

B. Site Plan Approval.

Parcels proposed to be rezoned to the VC Special District shall be subject to Area Plan, preliminary site plan, and final site plan approval in accordance with this Article. Developments and uses on a parcel located within a previously approved VC Special District shall be subject to the site plan approval in accordance with this Article and Section 10.02 (Site Plan Approval Required).

C. Location of VC Special Districts.

This district shall be located in the Dixboro community, in areas as designated in the adopted Growth Management Plan.

D. Limitations on Uses.

Uses permitted in the VC Special District shall be limited to the specific listing of uses shown on the approved site plan. No other uses shall be permitted, unless the site plan is amended by approval of the Planning Commission in accordance with the provisions of this Ordinance. Drive-in and drive-through facilities shall be prohibited in this district.

E. Landscape Strip.

Any landscape strip required along Church Street shall be landscaped with plant materials and architectural elements to screen views of parking lots and service areas from Church Street and properties to the north.

F. Design Standards

The following design standards and review procedures shall apply to VC Special Districts:

1. **Design review procedures.** Each building in the VC Special District, when remodeled, expanded, or constructed, shall be subject to design review and an advisory recommendation from the Dixboro Design Review Board in accordance with Section 14.04 (Design Review). The applicable design standards shall be interpreted in reference to the Growth Management Plan and the following building examples in the Dixboro community:

5164 Plymouth Road: tax parcel #10-18-261-002
5182 Plymouth Road: tax parcel #10-18-261-001
5258 Plymouth Road: tax parcel #10-18-260-007
5263 Plymouth Road: tax parcel #10-18-155-004
5347 Plymouth Road: tax parcel #10-18-155-001

2. **Outdoor lighting.** All outside lighting shall be arranged and downshielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind with adjacent roads or adjacent properties and uses. Exterior lighting shall conform to the standards of Section 14.10 (Exterior Lighting).
3. **Vehicular access to Church St.** A non-residential use shall not have vehicular access to Church Street.

Section 7.305 Neighborhood Shopping Center (NSC) Special District.

The following standards shall apply to Neighborhood Shopping Center (NSC) Special Districts:

A. Eligibility Criteria.

To be eligible for approval as a Neighborhood Shopping Center (NSC) Special District, the petitioner shall demonstrate, to the Township Board's satisfaction after recommendation from the Planning Commission, that the petition and Area Plan are compatible with the adopted Growth Management Plan.

B. Site Plan Approval.

Parcels proposed to be rezoned to the NSC Special District shall be subject to Area Plan, preliminary site plan, and final site plan approval in accordance with this Article.

Developments and uses on a parcel located within a previously approved NSC Special District shall be subject to the site plan approval in accordance with this Article and Section 10.02 (Site Plan Approval Required).

C. Limitations on Uses.

Uses in a NSC Special District shall be limited to those permitted in the district per Article 4.0 (Land Use Table), subject to the standards of Article 5.0 (Use Standards) and the following use limitations:

1. Uses in a NSC Special District shall be limited to those specific uses included in the listing of uses shown on the approved Area Plan, preliminary site plan, or final site plan, whichever is applicable. All other uses shall be prohibited, unless otherwise permitted by this Ordinance.
2. Uses in a NSC Special District shall be limited to those that are compatible with the Township's adopted Growth Management Plan, and that are harmonious and compatible with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
3. Drive-in and drive-through facilities shall be prohibited in any NSC Special District located in the Dixboro community as defined in the Growth Management Plan.

D. Yard Regulations.

All required yards shall be landscaped so as to create an attractive setting for the shopping center, to make the center compatible with neighboring uses, to filter views of the center from adjacent streets and properties, and to screen views of the center from adjacent residential areas.

1. A yard at least 50 feet wide shall be provided along the perimeter of an NSC Special District that fronts along an existing or proposed future public or private street right-of-way.
2. A yard at least 25 feet wide shall be provided along the perimeter of an NSC Special District not fronting on an existing or proposed future public or private street right-of-way.

E. Design Standards.

The following design standards and review procedures shall apply to NSC Special Districts:

1. **Design review procedures.** Each building in any NSC Special District located in the Dixboro community as defined in the Growth Management Plan, when remodeled, expanded, or constructed, shall be subject to design review and an advisory recommendation from the Dixboro Design Review Board in accordance with Section 14.04 (Design Review). The applicable design standards shall be interpreted in reference to the Growth Management Plan and the following:

- a. All roofs shall be gable roofs, with a minimum pitch of 3:12.
 - b. The front facade of each building shall have a predominantly horizontal direction.
 - c. The proportions of windows and doors in the front facade of each building shall have a predominantly vertical direction.
2. **Circulation and access.** A neighborhood shopping center shall not have more than two (2) access points on any one (1) road unless unusual conditions demonstrate the need for additional access points. 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 shopping center so that the devices will continually meet the standards of the Manual.
3. **Parking and service areas.** Parking and service areas shall be provided in accordance with this Article, Article 8.0 (Off-Street Parking and Loading Regulations), and the following:
- a. No service area may be located in any required yard or landscape or transition strip.
 - b. All service areas shall be screened from view from any street right-of-way and from any adjacent residential property.
 - c. Service areas shall be laid out so that, in the process of loading and unloading, no vehicle will block or extend into any other drive or public or private street.
4. **Number of buildings.** Permitted uses may be provided in one (1) or more buildings. If separate buildings are provided, they shall be organized on the site in such a way as to create a cohesive grouping of buildings around pedestrian malls, courtyards, or plazas, and shall be interconnected by sidewalks. Unified architectural and landscape treatment shall be provided in all parts of a shopping center.

Section 7.306 Open Space Preservation (OSP) Special District.

The following standards shall apply to Open Space Preservation (OSP) Overlay Special Districts:

A. Eligibility Criteria.

To be eligible for approval as an Open Space Preservation (OSP) Overlay Special District, the petitioner shall demonstrate, to the Township Board's satisfaction after recommendation from the Planning Commission, that the petition and Area Plan are compatible with the adopted Growth Management Plan.

B. Site Plan Approval.

Parcels proposed to be rezoned to the OSP Special District in accordance with Article 7.0 (Special District Regulations) shall be subject to Special District and Area Plan approval in accordance with this Article.

1. Site plan approval shall not be required if no more than incidental changes are proposed to the subject land in the OSP Special District, as determined by the Township Board after recommendation by the Planning Commission.
2. Other permitted uses on a parcel located within a previously approved OSP Special District shall be subject to the site plan approval in accordance with this Article and Section 10.02 (Site Plan Approval Required).

C. Density and Height Regulations.

The density and height regulations shall follow the regulations for the underlying district, except that all new structures shall have a minimum front yard of 200 feet unless built in a utility right-of-way or easement.

Construction of new single-family dwellings and land divisions for creation of new buildable lots shall be prohibited in the OSP Special District, except as follows:

1. The new single-family dwelling and/or land division conform to the requirements of this Ordinance for the underlying zoning district.

D. Amendments.

Land may be designated as Open Space Preservation lands in accordance with the procedures and requirements of Article 18.0 (Amendments). Land in the Open Space Preservation (OSP) Overlay Special District shall be rezoned to have the designation removed only in accordance with the procedures and requirements of Article 18.0 (Amendments) and the following:

1. **Public notice.** Public notice for all public hearings on a proposed rezoning to remove an Open Space Preservation (OSP) Overlay Special District designation shall conform to the requirements of Section 1.14A (Public Notice) and the following:
 - a. Such notices shall also include a map identifying the land area proposed to be removed from the OSP Special District designation, and including the area and main roads within a one (1) mile radius of the subject land.
 - b. Notice of public hearings under this subsection shall also be sent by mail or personal delivery to all households in Superior Township in which reside at least one (1) registered voter, and to all contiguous municipalities.
 - c. For any proposed rezoning to remove an OSP Special District designation, the public notice signage required per Section 1.14C (Posting of Signage)

shall state "PROPERTY PROPOSED FOR REZONING TO REMOVE THE OPEN SPACE PRESERVATION (OSP) DISTRICT DESIGNATION."

2. **Township Board public hearing required.** Following receipt of the report and recommendation from the Planning Commission, the Township Board shall hold an additional public hearing on the proposed amendment prior to considering and voting on a proposed rezoning to remove an Open Space Preservation (OSP) Overlay Special District designation. Public notice of the hearing shall be given in accordance with Section 1.14A (Public Notice) and this Section.
3. **Notice of adoption and referendum.** If the Township Board approves the rezoning to remove an Open Space Preservation (OSP) Overlay Special District designation, notice of the removal shall be published in accordance with Section 18.07 (Notice of Adoption). Such action shall be subject to the provisions of Section 18.08 (Referendum).

[amended 4/20/2009, Ord. 174-03]

