

**SUPERIOR CHARTER TOWNSHIP PLANNING COMMISSION
SUPERIOR TOWNSHIP HALL
3040 N. PROSPECT, SUPERIOR TOWNSHIP, MI 48198 AGENDA
JULY 24, 2024
7:00 p.m.**

1. CALL TO ORDER
2. ROLL CALL
3. DETERMINATION OF QUORUM
4. ADOPTION OF AGENDA
5. APPROVAL OF MINUTES
 - A. May 22, 2024
6. CITIZEN PARTICIPATION
7. CORRESPONDENCE
8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS
9. REPORTS
 - A. Ordinance Officer Report
 - B. Building Department Report
 - C. Zoning Administrator Report
10. OLD BUSINESS
11. NEW BUSINESS
12. POLICY DISCUSSION
 - A. PA 233 of 2023-Renewable Energy
 - B. Zoning Ordinance Update-Audit Memo
13. ADJOURNMENT

Thomas Brennan III, Commission Secretary
3040 N. Prospect, Ypsilanti, MI 48198, 734-482-6099

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1. CALL TO ORDER

Chairman Gardner called the regular meeting to order at 7:00 p.m.

2. ROLL CALL

The following members were present: Brennan, Dabish-Yahkind, Findley, Gardner, McGill, Sanii-Yahyai, and Steele. Also present: Ben Carlisle, Carlisle Wortman and Claire Martin, OHM.

3. DETERMINATION OF QUORUM

A quorum was present.

4. ADOPTION OF AGENDA

A motion was made by Chairman Gardner and supported by Commissioner Brennan to adopt the agenda as presented. The motion carried.

5. APPROVAL OF MINUTES

A. Minutes of the February 28, 2024, Meeting

A motion was made by Commissioner Brennan and supported by Commissioner Findley to approve the minutes as presented.

Commissioner Gardner requested an amendment to the minutes. Regarding the Hospital Sub-Area boundary, the minutes reflect Commissioner Gardner was compelled to move the land into the Gale Sub-Area. Commissioner Gardner indicated he was not “compelled”, but “inclined to move the land into the Gale Sub-Area”. He requested the minutes be amended to reflect the correction. The change was accepted without objection.

The motion was amended and carried out.

6. CITIZEN PARTICIPATION

Brenda Baker, Ashton Ct., explained that she was a member of the Master Plan Steering Committee and recently attended the Township Board meeting where it was discussed a Steering Committee made up of the Planning Commission would be formed for the Zoning Ordinance Rewrite. Ms. Baker proposed that if a Steering Committee was created, the Township consider a larger subset of members.

Mr. Carlisle explained establishing a Steering Committee for a Zoning Ordinance Rewrite is a traditional and customary practice, but it is unusual to

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have outside representation other than the Planning Commission because zoning ordinances are technical in nature. Steering Committee members are usually selected from the Township Board and the Planning Commission. Ms. Baker also conveyed her concerns regarding the impact of the Bazley Foster Drain on the residents of Ypsilanti Township. She deemed it essential to apprise the members as the drain borders the Autumn Woods Community (Superior Township) who put in a culvert for the pond. Ms. Baker made the Planning Commission aware that the residents of Superior Township may be affected by the culvert when future developments arise.

7. CORRESPONDENCE

No communication received or to file.

8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

No Public Hearings.

9. REPORTS

A. Ordinance Officer

Commissioner Sanii-Yahyai voiced concern about residents whose neighbors were neglecting to maintain their lawns.

Commissioner Brennan informed the members that while some municipalities have ordinances prohibiting grass cutting in May, the Charter Township of Superior does not have such regulations.

It was proposed to bring the matter to the attention of the Ordinance Officer.

A motion was made by Commissioner Sanii-Yahyai and supported by Commissioner Brennan to receive the report/communication. The motion carried.

B. Building Inspector

Building Department Report – Bill Balmes was present and indicated the report was approved at the May 20, 2024, Charter Township of Superior Board of Trustees meeting.

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Commissioner Brennan motioned to accept the report, which was seconded by Commissioner McGill for receiving the report. The motion carried.

The Zoning Administrator report – Ben Carlisle was present and indicated that on May 20, 2024, the Township Board of Trustees approved Carlisle Wortman and Associates to serve as Township Zoning Official. This action was in response to the departure of Laura Bennett, previous Planning and Zoning Administrator. A motion was made by Commissioner Brennan to accept the report, which was seconded by Commissioner McGill for receiving the report.

The motion carried.

10. OLD BUSINESS

None.

11. NEW BUSINESS

A. STPC 24-01 Prospect Pointe West Phase 2 Final Site

Ben Carlisle noted that all conditions including outside agency approvals have been met and recommends Prospect Pointe move ahead to Phase 2.

The Engineer suggests Prospect Pointe West advance to Phase 2, noting the Fire Department approval of the Phase 2 Site Plan as well as permits and agency approvals previously obtained. It was further noted, by the Engineer, that there are low points, storm structure call outs and she spoke of a Soil Erosion Permit.

Robert Steele asked the builder to clarify the status of “reservations” for Phase 2. It was noted that “reservations” = a sales contract.

Motioned by Commissioner Findley, supported by Commissioner Brennan to approve STPC 24-01 Prospect Pointe West Phase 2 - Final Site Plan with the following conditions:

1. Address all items in the Township Engineers May 9, 2024, review.
2. Revise elevations and “Standard Housing Specifications” to ensure that no more than 50% of the total area elevation is vinyl, aluminum, or steel.
3. Meet all conditions including outside agency approvals.

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Roll Call:

Yes: McGill, Dabish-Yahkind, Steele, Gardner, Findley, Sanii-Yahyai, Brennan.
No: None.
Abstain: None.
Absent: None.

The Motion Carried Unanimously.

B. STPC 23-05 Brookwood Superior Preliminary Site Plan

Ben Carlisle provided a favorable recommendation to Chairman Gardner.

Chairman Gardner requested the Engineering Report.

The Engineer advised conducting a site plan review to assess the swales and shallow ditches. The Engineers' recommendation also included the construction of enclosed backyard catch basins.

Commissioner Gardner raised concerns regarding parking.

Commissioner Steele clarified that garages and duplex parking contributed to the parking count, adding an additional 26 spaces. It was emphasized that these 26 spaces would not be concentrated in one area.

Commissioner Gardner inquired about the impact on natural resources, particularly slopes. He expressed uncertainty regarding which slopes would be affected and sought clarification on how the integrity of these slopes would be preserved given the grading.

The Planning Report noted that 97% of the slopes would be maintained.

Motion to approve STPC 23-05 Brookwood Superior Preliminary Site Plan with the following conditions:

1. Address all items in the Township Engineers May 9, 2024, review.
2. Provide additional details on Natural Feature Plan including how the 25% slopes will be protected and their integrity remain intact.

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3. Provide a more detailed landscape plan that meets all landscape, screening, and woodland preservation requirements.
4. Provide lighting and photometric plan.
5. Provide a detailed narrative of the architectural concept for the site including materials details.

Roll Call:

Yes: McGill, Dabish-Yahkind, Steele, Gardner, Findley, Sanii-Yahyai, Brennan.
No: None.
Abstain: None.
Absent: None.

The Motion Carried Unanimously.

12. POLICY DISCUSSION

Diane Mulville-Friel from Carlisle Wortman informed members about the Township's engagement of Carlisle Wortman for planning and zoning services. Additionally, she delivered an update on the Zoning Ordinance Rewrite Proposal and handed out the proposal, which was approved during the April 15, 2024, Board of Trustee's meeting. She outlined the proposal's five distinct phases and underscored the direct notification and public meeting invitations that would be extended to affected landowners.

The Planning Commission was asked to review the scope of the Zoning Ordinance and to consider serving on the Steering Committee.

Commissioner Dabish-Yahkind asked about the duration of the planning and zoning services contract with Carlisle Wortman. Ben Carlisle responded that it is a one-year contract with a 60-day termination clause.

Chairman Gardner sought clarification regarding the proposed timeline for the Ordinance Zoning Rewrite, in comparison to past township projects such as the Master Plan. Diane Mulville – Friel's opinion was that a year would suffice for the project. Ben Carlisle acknowledged that the Zoning Ordinance Rewrite was behind schedule a bit with Carlisle Wortman taking over planning and zoning administrative duties due to Laura's departure and may take longer than anticipated.

Commissioner Findley sought clarification on the composition of the Steering Committee. Ben Carlisle clarified that closed meetings would involve four members, while open meetings would include five. He further explained that decisions at the board level typically require majority approval, prompting

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many organizations to opt for an odd number of directors to prevent tie votes.

Ben also proposed two options for expressing interest in joining the Steering Committee for the Zoning Ordinance Rewrite:

- He could draft a letter to the Township Board on behalf of interested members or;
- Individuals could send their letters directly to him.

He suggested that meetings could potentially be scheduled monthly coinciding with the Planning Committee meetings.

13. ADJOURNMENT

Motion by Commissioner Findley to adjourn the meeting, supported by Commissioner Brennan.

The Motion Carried.

The meeting was adjourned at 8:10 pm.

Respectfully submitted,

Thomas Brennan III, Planning Commission
Secretary

Kristina Rankin, Clerk Assistant

Superior Charter Township
3040 N. Prospect Rd.
Ypsilanti, MI 48198 (734) 482-6099



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Superior Township Planning Commission
FROM: Ben Carlisle, AICP
Diane Mulville-Friel
DATE: July 15, 2024
RE: New Renewable Energy Legislation

In light of new renewable energy legislation that Governor Whitmer signed on November 28, 2023 local governments must now re-evaluate how large, utility-scale wind, solar and energy storage facilities will be regulated in their communities. The new legislation includes many gray areas that will hopefully be clarified in the coming months. However, it is important for communities that want to retain local regulatory control under the new legislation to act, and coordinate with their neighbors, before November 29, 2024.

This memorandum provides our summary and recommendations regarding the legislation as we currently understand it.

PLEASE NOTE: It is important that Superior consult with our legal counsel before undertaking substantiated actions towards addressing this legislation.

SUMMARY OF LEGISLATION

The new legislation consists of three separate bills that are outlined in the table below. The bills are meant to streamline the permitting process for renewable energy facilities, diversify Michigan’s sources of electricity, and promote the use of clean and renewable energy resources through mandated benchmarks.

Act	Effective Date
<u>Public Act 233 of 2023</u> : Establishes review procedures and siting requirements for utility scale wind, solar, battery storage facilities (Part 8 of the Clean and Renewable Energy and Energy Waste Reduction Act)	November 29, 2024
<u>Public Act 234 of 2023</u> : Amends the Michigan Zoning Enabling Act (MCL 125.3205) so that zoning is subject to the new Part 8, grants nonconforming status to renewable facilities approved on or after January 1, 2021.	February 13, 2024
<u>Public Act 235 of 2023</u> : Sets benchmarks for the percentage of energy that must come from renewable or clean sources within the next decade and beyond.	February 27, 2024

PA 233 of 2023 is significant because it preempts local governments' authority over the siting and permitting of utility-scale renewable energy facilities, which is typically exercised by zoning. After the Act takes effect, the only permissible way for local governments to regulate utility-scale wind, solar and energy storage facilities will be under a "Compatible Renewable Energy Ordinance" (CREO), which cannot be more restrictive than PA 233 of 2023. However, if the Michigan Public Service Commission (MPSC) finds that a local government failed to comply with the Act's requirements, the CREO status will be lost. Communities can also choose to forgo local regulations and require developers to apply directly to the MPSC for review and approval.

PA 233 of 2023 only applies to wind, solar, and energy storage facilities with large "nameplate capacity" thresholds. "Nameplate capacity" is the facility's designed sustained energy output. It is our understanding that the Act does not apply to energy facilities below these thresholds, which may still be regulated under a community's zoning authority. The nameplate capacity thresholds listed in the Act are below, along with estimates of the total land area that these facilities may occupy.

- Any solar energy facility with a nameplate capacity of 50 megawatts or more. Approximately 400-500 acres.
- Any wind energy facility with a nameplate capacity of 100 megawatts or more. Approximately 650 acres.
- Any energy storage facility with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more. Approximately 5 acres.

A facility's total footprint is influenced by specific site conditions such as topography, wetlands, and vegetation. In addition, the size of energy equipment is constantly changing as technologies evolve, so please note that these estimates are broad. However, it is apparent that renewable energy facilities above and below the PA 233 thresholds can have large footprints, and have significant health, safety, and welfare implications.

PA 233 also appears to require an unprecedented level of coordination between all effected local governments. While 400-650 acres may be difficult to obtain in Superior, single renewable energy facilities may be located on more than one parcel of land, including noncontiguous parcels, and across municipalities. While still a gray area, the language in the Act suggests that *all* effected local units of governments (counties, townships, villages and cities) must have a CREO in effect in order to require local review. What this means is that a facility may be located in multiple jurisdictions and if one of those jurisdictions does not have a CREO, all other impacted jurisdictions cannot apply their own CREO. CWA works with approximately 80% of Washtenaw County jurisdictions and we are trying to coordinate multiple CREO adoptions. For abutting municipalities, CWA works for the cities of Ann Arbor and Saline, and the Townships of Ypsilanti, Augusta, Ann Arbor, and Superior. We do not work with York or Lodi Township. In addition, we are trying to work with Washtenaw County to coordinate CREO adoption.

COSIDERATIONS FOR LOCAL REGULATIONS

In our view, Superior Township has two primary decisions to make in light of the new legislation:

1. Adopt a CREO and retain very limited local review authority over utility-scale renewable facilities;
or

2. Leave utility-scale renewable facility review to the Michigan Public Services Commission (MPSC).

If Superior Township does not adopt a CREO, review of large “nameplate capacity” will be conducted by the MPSC. The MPSC review requires a public review, including a public meeting.

WHAT CAN LOCAL GOVERNMENTS CONTROL UNDER PA 233 of 2023

In short, it’s unclear. The State is still releasing rules on how these regulations will be applied and how local government may place additional regulations above what is set forth in PA 223. What is clear is that municipalities are not able to prohibit facilities that meet the minimum “nameplate capacity” threshold, but they are able to require them to go through the local Site Plan process and place the same regulations that are already set forth in the ACT to mitigate secondary impact. Additional requirements such as establishing a conditional use process for these facilities or adding additional regulations like landscaping and screening have been considered by local municipalities but it is unclear if they would be in compliance with PA 233. If a local CREO is adopted and the developer “challenges” it, the MPSC would have authority to determine if the State gets final review or if the local CREO applies. It is likely that it will take multiple challenges and even case law to determine the authority for local control.

We note that this is still evolving and recommendations may change as additional rules are established by the State. As of now, Superior may adopt an CREO that regulations the following:

Solar

For solar facilities, municipalities may regulate:

1. Setbacks- ROW, occupied buildings, and non-participating properties
2. Fencing- height and safety minimums
3. Height- limit height to 25 feet maximum
4. Sound- limit sound to a maximum sound of 55 average hourly decibels
5. Lighting - Implement dark sky-friendly lighting solutions compliance

Wind

For solar facilities, municipalities may regulate:

1. Minimum Setbacks- occupied buildings, property lines, ROW, non-participating properties, and overhead communication and electric transmission lines
2. Placement – establish a maximum shadow flicker
3. Height – Comply with FAA regulations
4. Sound - limit sound to a maximum sound of 55 average hourly decibels
5. Lighting- light-mitigating technology
6. Radar interference – technology to limit radar interference

Battery

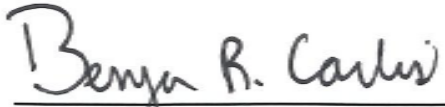
For battery facilities, municipalities may regulate:

1. Minimum Setbacks- ROW, occupied buildings, and non-participating properties
2. Installation safety- compliance with NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems"

3. Sound - limit sound to a maximum sound of 55 average hourly decibels
4. Lighting- light-mitigating technology

SUMMARY

At the Planning Commission meeting on July 24th we will discuss this memo and potential options for the Township to consider.



CARLISLE/WORTMAN ASSOC., INC
Benjamin R. Carlisle, AICP, LEED AP
President



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Superior Township Planning Commission
FROM: Ben Carlisle, AICP and Diane Mulville-Friel, AICP
DATE: July 17, 2024
RE: Superior Township Zoning Ordinance Evaluation

Introduction

The current Superior Township Zoning Ordinance (Ord. No. 174) was adopted by the Township Board in August 2008 and has been amended numerous times with the most recent amendments in 2018. The Township adopted a comprehensive Master Plan rewrite in 2024 and, pursuant to best practices, Superior Township is undertaking a comprehensive rewrite of the Zoning Ordinance.

As a first step in the rewrite process, we have conducted an evaluation of the current Zoning Ordinance in light of the updated Master Plan, outdated policies and practices, and better organizational tool. In addition, a significant factor in reviewing the Zoning Ordinance is the complete revision of and subsequent amendments to Michigan’s zoning enabling statute. Michigan operated under separate zoning statutes for cities and villages, townships, and counties until 2006 when zoning enabling laws were consolidated into a single act, the Michigan Zoning Enabling Act (hereinafter referred to as MZEA), which is PA 110, as amended.

Guiding Principles

When CWA is asked to review a Zoning Ordinance, we recommend a set of guiding principles which will generally improve the Ordinance. The following is what we would recommend to other communities as well as Superior Township:

1. Use Improved Technology – The Ordinance should be designed not only for hard copy but also for online use. Techniques such as improved searchability and the use of hyperlinks will allow cross-references to section references, definitions, etc. by clicking on key words. The Township hosts its Zoning Ordinance on its website, and we will work with the Township to ensure that the new updated ordinance is searchable to make the Ordinance more user-friendly.
2. Use Improved Graphics – The use of graphics in the document better illustrates Ordinance requirements such as dimensional regulations, landscaping, signage, etc. Currently, there are a limited number of graphic illustrations in the Ordinance.
3. Improved Organization – Ordinance organization is key to how easy an ordinance is to use. Organizing information logically and consistently will aid in both using and understanding the

Benjamin R. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal*, Megan Masson-Minock, *Principal*, Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

Ordinance. There are several areas, pointed out in this report, where we recommend improvements in organization. We have also included as Attachment I, a recommended organizational outline.

4. Improve Readability – Without compromising legal precision, there are many sections of the Ordinance which need editing. To the extent possible, the Ordinance should be understandable to the average user.
5. Clarify Conflicting Language – Whenever an Ordinance is amended multitude times without a comprehensive review, there are bound to be conflicts. Conflicting language can often lead to misunderstandings. Due to the level of changes needed, we expect that conflicting language will be removed during the rewrite process.
6. Improve Efficiency and Avoid Repetition – There is unnecessary repetition in the Ordinance, particularly in the District regulations relative to permitted and special land uses. Much greater use can be made of presenting information in a tabular or schedule form.
7. Statutory and Case Law Updates – Update the Zoning Ordinance for portions relevant various statutory and case law including cell towers, renewable energy, places of worship, and foster care.

General Major Updates:

Reorganization

We find that the current Zoning Ordinance to be disjointed and it is hard to find some regulations. As a result, we find the Ordinance is difficult to administer and a simple reorganization would greatly improve the clarity. A revised Table and Contents and clearer organization of regulations will assist the general public and applicants in understanding the Ordinance and will assist the Township staff and Planning Commission in administering it.

Attachment 1 contains an updated draft Table of Contents. Please note that the basic framework of the draft Table of Contents should not change much during the rewriting process, however, please expect some small changes during the rewriting process.

Add Landscaping Standards

The current zoning ordinance does not have any specific landscaping requirements. Most proposed new development includes landscaping. Minimum landscaping requirements for multiple family, commercial, office, and institutional uses are important for community aesthetics, environmental benefits, increasing and maintaining property values, and improving overall quality of life. Landscaping requirements are not adequately addressed in the current Ordinance and the rewrite will address landscape standards for parking lots, street trees, stormwater detention facilities, buffers/screening between various land uses, and site and building landscaping.

Consolidate and Update Special Districts

The current Zoning Ordinance has seven (7) Special or Other districts as follows: Public/Semi-Public Services (PSP) Other District, Planned Community (PC) Special District; Medical Services (MS) Special District; Planned Manufacturing (PM) Special District; Village Center (VC) Special District; Neighborhood Shopping Center (NSC) Special District; and Open Space Preservation (OSP) Special Overlay District.

The number of districts for a community such as Superior Township is not necessary and very confusing in both application and administration. We recommend consolidating the number of districts and updating regulations as necessary.

Update Site Plan Review Standards

The Site Plan review section (Article 10) is perhaps the most viewed and utilized section in the Zoning Ordinance and this section needs to be streamlined. We recommend a full review and update of the following:

- Submittal information requirements;
- Review process;
- Consider expansion of administrative approval;
- Review what constitutes a major vs minor amendment;
- Expirations, and;
- Standards for Site Plan review and approvals.

Update Use Standards by District

Article 5 (Use Standards) should be reviewed in detail and updated to adapt for changing needs, promote sustainability, provide appropriate land use transitions, update for case law and new regulations, promote denser development in more appropriate locations in the Township and implement the policies and goals identified in the Master Plan.

In addition, we will review the purpose and intent of each district and may recommend consolidation and removal of districts. For example, four (4) different single family zoning districts and the Office (O-1) District may not be necessary.

Update Definitions

The exact meaning of a definition is necessary for staff and Planning Commission administration of the zoning ordinance and can be the deciding factor for important decisions or to fend off legal challenges. A thorough review of each definition is an important task along with the addition of any new definitions, which will add substance to the Ordinance.

Master Plan Update

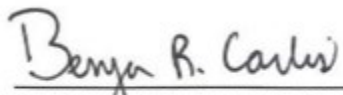
The Township completed and adopted a comprehensive Master Plan rewrite in 2024. The Zoning Ordinance should be updated to be consistent with the Master Plan recommendations including:

- Implementation of the Future Land Use Plan including Dixboro Special Area Plan;

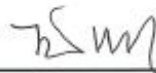
- Strengthen natural feature protection (woodland, steep slope protection, stream corridors and other water bodies, wetlands, prime agricultural lands, groundwater recharge areas, wildlife corridors);
- Strengthen urban service boundary, create standards that allow for and regulate creative “missing middle” housing;
- Review land use and landscaping requirements to buffer existing neighborhoods from inconsistent uses;
- Review land use to integrate neighborhood commercial development into residential communities through design and development standards, and;
- Review land use and districts to provide opportunities for more housing diversity including missing middle, lower density multiple family housing, and senior housing.

We look forward to meeting with the Planning Commission to discuss this in more detail at the July 24th meeting.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC
Benjamin R. Carlisle, AICP, LEED AP
President



CARLISLE/WORTMAN ASSOC., INC.
Diane Mulville-Friel, AICP
Senior Associate

ATTACHMENT 1: DRAFT TABLE OF CONTENTS

Article 1: Title; Purposes; Legal Clauses

Purpose: This article of the Zoning Ordinance provides the legal basis for the regulations embodied in the Ordinance. In fact, it may be the first line of defense in any legal challenges to the Ordinance. The purpose section should closely mirror the language which establishes the legal authority found in the Michigan Zoning Enabling Act (MZEA), PA 110 of 2006.

Article outline:

- 1.01 Title.
- 1.02 Repealer.
- 1.03 Authority, findings, and purposes.
- 1.04 Validity and severability clause.
- 1.05 Scope and construction of regulations.
- 1.06 Conflict with other laws.
- 1.07 Effective date.

Article 2: Definitions

Purpose: The exact meaning of a definition is necessary for staff and Planning Commission administration of the Zoning Ordinance and can be the deciding factor for important decisions or to fend off legal challenges. A thorough review of each definition is an important task along with the addition of any new definitions, which will add substance to the Ordinance.

A definition needs to be confined to a description of terms. Mixing regulations in with a definition always runs the risk that the actual regulation may be missed if the definition is not consulted. All definitions should be included in Article 2.

- 2.01 Intent.
- 2.02 Rules of interpretation.
- 2.03 Terms defined.
- 2.04 Undefined terms.

Article 3: Administration and Enforcement

Purpose: This article provides the procedures for the administration of the chapter, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this chapter and amendments.

- 3.01 Intent.
- 3.02 Administration.
- 3.03 Duties of Zoning Administrator.
- 3.04 Certificate of zoning compliance.

- 3.05 Notices.
- 3.06 Fees, charges, and expenses.
- 3.07 Violations and penalties.
- 3.08 Compliance with permits and certificates.
- 3.09 Performance guarantee.
- 3.10 Development agreements.

Article IV District Regulations

Purpose: The article divides the Township into different zoning districts as shown on the Official Zoning Map and provides detailed and specific rules governing land use and development within different zoning districts. These regulations ensure that land use is organized and managed in a way that promotes the health, safety, and general welfare of the community. Note that some of the existing zoning districts listed below may be consolidated/eliminated as the audit progresses.

- 1.01 Intent.
- 1.02 Establishment of districts.
- 1.03 Provision for Official Zoning Map.
- 1.04 Rules for interpretation.
- 1.05 Application of regulations.
- 1.06 Scope of provisions.
- 1.07 Recreation-Conservation (R-C) District.
- 1.08 Agricultural (A-1) District.
- 1.09 Agricultural (A-2) District.
- 1.10 Single-Family Residential (R-1) District.
- 1.11 Single-Family Residential (R-2) District.
- 1.12 Single-Family Residential (R-3) District.
- 1.13 Single-Family Residential (R-4) District.
- 1.14 Manufactured Housing Park (R-6) District.
- 1.15 Multiple-Family Residential (R-7) District.
- 1.16 Neighborhood Commercial (C-1) District.
- 1.17 General Commercial (C-2) District.
- 1.18 Office (O-1) District.
- 1.19 Public/Semi-Public Services (PSP) District.
- 1.20 Planned Community (PC) Special District.
- 1.21 Medical Services (MS) Special District.
- 1.22 Planned Manufacturing (PM) Special District.
- 1.23 Village Center (VC) Special District.
- 1.24 Neighborhood Shopping Center (NSC) Special District.
- 1.25 Open Space Preservation (OSP) Special District.
- 1.26 PUD Planned Unit Development Districts.
- 1.27 Supplemental dimensional regulations applicable to all districts.
- 1.28 Residential, Recreation Conservation and Agricultural District Use Table.
- 1.29 Nonresidential Use Table.

Article 5: Planned Unit Development

Purpose: This article sets forth the regulations and procedures to establish a Planned Unit Development (PUD). A PUD project is viewed as an integrated development concept. To that end, the provisions of this article are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to allow flexibility and mixture of uses, and to improve the design, character, and quality of new development. The use of a PUD to permit variations from other requirements of this chapter shall only be approved when such approval results in improvements to the public health, safety, and welfare in the area affected, and in accordance with the intent of this article.

- 5.01 Intent.
- 5.02 Application requirements.
- 5.03 Final site plan requirements.
- 5.04 Subdivision plats.
- 5.05 Permitted uses.
- 5.06 Planning and development regulations.
- 5.07 Common areas and facilities.
- 5.08 Amendment and revision.
- 5.09 Expiration of plan approvals.
- 5.10 Extension of time limits.
- 5.11 As-built drawings.
- 5.12 Performance guarantee.

Article 6: Development Options

Purpose: The purpose of a development option within a zoning ordinance is to provide alternative methods or pathways for the use and development of land, allowing for flexibility and adaptability.

Article outline:

- 3.01 Intent.
- 3.02 Site condominiums.
- 3.03 Open Space Preservation.

Article 7: General Provisions

Purpose: The purpose of general provisions in a zoning ordinance is to establish broad, overarching rules that apply to all zoning districts in Superior Township. It is not unusual for general provisions to be the “catch all” for miscellaneous zoning provisions.

Article outline:

- 7.01 Intent.
- 7.02 Number of buildings permitted on lot.
- 7.03 Accessory buildings.
- 7.04 Temporary dwelling structures.
- 7.05 Essential services and utilities.

- 7.06 Manufactured housing.
- 7.07 Entrance structures.
- 7.08 Private sewer systems.
- 7.09 Commercial, industrial and institutional development height, setback and greenbelt provisions when adjacent to any residential zoned or used property.

Article 8: Site Plan Review

Purpose: The purpose of this article is to outline the process and submittal requirements for site plan review. This review ensures that developments comply with zoning regulations and meet community standards for safety, functionality, and aesthetics.

Article outline:

- 1.01 Intent.
- 1.02 Building, structures and uses requiring site plan review.
- 1.03 Preliminary site plan review.
- 1.04 Final site plan.
- 1.05 Administrative plan review.
- 1.06 Site plans within historic district.
- 1.07 Data required for preliminary and final site plans.
- 1.08 Standards for site plan review.
- 1.09 Engineering plan approval.
- 1.10 Site plan completion guarantee.
- 1.11 Certification of compliance.
- 1.12 Amendment, revision of site plan.
- 1.13 Extension, revocation, and abandonment of site plan approval.
- 1.14 Development agreements.

Article 9: Conditional Use Review

Purpose: The purpose of this article is to outline the process and submittal requirements for a conditional use, which allows certain types of land uses that are not outright permitted within a zoning district but may be allowed under specific conditions and after thorough review.

Article outline:

- 9.01 Intent.
- 9.02 Authority to grant permits.
- 9.03 Procedure.
- 9.04 Required standards and findings for making determinations.
- 9.05 Conditions of approval.
- 9.06 Effectiveness.
- 9.07 Amendments, expansions, or change in use.

Article 10: Article XI Specific Use Standards

Purpose: This article provides tailored requirements and conditions for particular types of land uses that may have unique characteristics or potential impacts.

Article outline:

- 10.01 Intent.
- 10.02 Agricultural processing and food storage.
- 10.03 Community supported agriculture (CSA) and farm markets.
- 10.04 Agricultural commercial/tourism.
- 10.05 Adult foster-care facilities.
- 10.06 Senior assisted and independent living.
- 10.07 Functional equivalent family; additional persons.
- 10.08 Convalescent center.
- 10.09 Bed-and-breakfast.
- 10.10 Accessory dwelling units.
- 10.11 Lodging facilities.
- 10.12 Live/work units.
- 10.13 Mobile home parks
- 10.14 Temporary housing.
- 10.15 Home occupation/home office.
- 10.16 Kennel regulations/pet day care.
- 10.17 Post-secondary schools (colleges and universities).
- 10.18 Primary/secondary schools.
- 10.19 Hospital.
- 10.20 Cemetery.
- 10.21 Places of worship.
- 10.22 Golf courses.
- 10.23 Sexually oriented businesses.
- 10.24 Massage therapy regulations.
- 10.25 Drive-through facilities.
- 10.26 Large-scale retail establishment.
- 10.27 Firearm retail sales.
- 10.28 Incidental sales and services.
- 10.29 Building material sales, garden centers, and similar uses.
- 10.30 Materials recovery facility.
- 10.31 Self-storage facilities.
- 10.32 Vehicle repair.
- 10.33 New, used, and vintage vehicle sales.
- 10.34 Vehicle fueling/multi-use station.
- 10.35 Vehicle towing/impoundment lot.
- 10.36 Vehicle wash.
- 10.37 Extractive operations.
- 10.38 Wireless communication facilities.
- 10.39 Open air business.
- 10.40 Outdoor storage and contractors/landscapers yard.

- 10.41 Outdoor seating and service.
- 10.42 Outdoor promotional activities.
- 10.43 Outdoor commercial recreation.
- 10.44 Outdoor wood-fire boiler.
- 10.45 Garage and yard sales.
- 10.46 Artisan food and beverage production.
- 10.47 Smoking lounge.
- 10.48 Utility-scale wind, solar and energy storage facilities.

Article 11: Access, Parking, and Loading Requirements

Purpose: This article provides the regulations for all vehicular and pedestrian movement to and within a site including access management, parking, and loading requirements.

Article outline:

- 11.01 Intent.
- 11.02 Visibility at intersections.
- 11.03 Access to public streets.
- 11.04 Access management regulations.
- 11.05 Traffic impact analysis.
- 11.06 Parking and circulation.
- 11.07 Off-street loading zone.
- 11.08 Pedestrian access.

Article 12: Site Design Standards

Purpose: The purpose of this article is to set standards and requirements for site elements as landscaping, waste receptacles, equipment screening, fences, and lighting.

Article outline:

- 12.01 Intent.
- 12.02 Landscaping.
- 12.03 Trash and recycling containers.
- 12.04 Equipment screening.
- 12.05 Lighting.
- 12.06 Fences.

Article 13: Environmental Standards

Purpose: The purpose of this article is to protect and preserve natural resources, promote sustainable development practices, and mitigate the environmental impacts of land use and development. These standards help ensure that development occurs in an environmentally responsible manner, safeguarding the health and well-being of the community and future generations.

Article outline:

- 13.01 Intent.
- 13.02 Performance standards.
- 13.03 Community wastewater systems.
- 13.04 Preservation of environmental quality.
- 13.05 Natural feature setbacks.
- 13.06 Protection of water quality and quantity.
- 13.07 Flood hazard regulations.
- 13.08 Tree and woodland protection.
- 13.09 Steep slope protection.
- 13.10 Groundwater recharge areas.
- 13.11 Wind energy conversion systems.
- 13.12 Solar energy collectors.
- 13.13 Geothermal energy systems.

Article 14: Sign Regulations

Purpose:

The purpose of sign regulations in a zoning ordinance is to control the size, placement, design, and illumination of signs within a community to ensure they contribute positively to the aesthetic, safety, and functional aspects of the environment. These regulations help maintain the visual character of an area, promote public safety, and provide clear guidelines for businesses and property owners. Sign regulations have unique constitutional protections.

Article outline:

- 14.01 Intent.
- 14.02 General sign regulations.
- 14.03 Prohibited signs.
- 14.04 Signs permitted in all districts without sign permit.
- 14.05 Permitted signs in Recreation-Conservation, Agricultural, and Residential Districts.
- 14.06 Permitted signs in C-1 and C-2 Districts.
- 14.07 Permitted signs in PF, I, and BD Zoning Districts.
- 14.08 Permitted signs in PUD districts.
- 14.09 Outdoor advertising signs.
- 14.10 Electronic message signs.
- 14.11 Temporary signs.
- 14.12 Nonconforming signs.
- 14.13 Permits and fees.
- 14.14 Removal of signs.
- 14.15 Violations.
- 14.16 Enforcement.

Article 15: Nonconformities

Purpose: Certain existing lots, structures and uses of lots and structures were lawful before this chapter was adopted but have become nonconformities under the terms of this chapter and its amendments. It is the intent of this chapter to permit such nonconformities to remain until they are abandoned or removed, but not to encourage their survival or, where abandonment or removal is not feasible, to gradually upgrade such nonconformities to conforming status.

Article outline:

- 15.01 Intent.
- 15.02 Nonconforming uses.
- 15.03 Nonconforming buildings and structures.
- 15.04 Repairs and maintenance.
- 15.05 Change of tenancy or ownership.
- 15.06 Extension and substitution.
- 15.07 Completion of pending construction.
- 15.08 Conditional uses.
- 15.09 Substandard, nonconforming lots of record.

Article 16: Zoning Board of Appeals

Purpose: This article provides the legal framework, function and powers and duties of the Zoning Board of Appeals.

Article outline:

- 16.01 Intent
- 16.02 General regulations.
- 16.03 Powers and duties.
- 16.04 Administrative review.
- 16.05 Variances.
- 16.06 Voiding of and reapplication for variance.
- 16.07 Expansion of nonconforming buildings and structures.
- 16.08 Appeals to Zoning Board of Appeals.
- 16.09 Duties on matters of appeal.
- 16.10 Substitution of nonconforming uses.

Article 17: Amendment Procedure

Purpose: The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established, whenever the public necessity and convenience and the general welfare require such amendment. This article outlines the procedure and standards to amend the Zoning Ordinance and Zoning Map.

Article outline:

- 17.01 Intent.
- 17.02 Initiating amendments and fees.
- 17.03 Amendment procedure.
- 17.04 Conformance to court decree.
- 17.05 Amendment request.
- 17.06 Findings of fact required.
- 17.07 Conditional rezoning procedures.