

**SUPERIOR CHARTER TOWNSHIP PLANNING COMMISSION
SUPERIOR TOWNSHIP HALL
3040 N. PROSPECT, SUPERIOR TOWNSHIP, MI 48198
AGENDA
APRIL 23, 2025 - 7:00 PM**

1. CALL TO ORDER
2. ROLL CALL
3. DETERMINATION OF QUORUM
4. ADOPTION OF AGENDA
5. APPROVAL OF MINUTES
 - A. Approval of the March 26, 2025, Regular Meeting Minutes
6. CITIZEN PARTICIPATION
7. CORRESPONDENCE
8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS
9. REPORTS
 - A. Building Department Report
 - B. Zoning Administrator Report
10. OLD BUSINESS
11. NEW BUSINESS
12. POLICY DISCUSSION
 - A. Zoning Ordinance Rewrite
13. ADJOURNMENT

Thomas Brennan III, Commission Secretary

Michelle Marin, Planning & Zoning Administrator
3040 N. Prospect, Ypsilanti, MI 48198 734-482-6099

SUPERIOR CHARTER TOWNSHIP

Planning Commission

Regular Meeting Minutes - DRAFT

March 26, 2025, 7:00 PM

Township Hall - 3040 North Prospect

Superior Township, MI 48198

1. CALL TO ORDER

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

2. ROLL CALL

Present: Jay Gardner, Chair
Dr. Robert Steele, Vice Chair
Thomas Brennan, Secretary
Patrick McGill
Brenda McKinney, Board Representative
Nahid Sanii-Yahyai

Absent: Curt Wolf

Also Present: Planning Consultants – Benjamine Carlisle and Diane Mulville-Friel, Carlisle Wortman
Engineering Consultants - Claire Martin, OHM

3. DETERMINATION OF QUORUM

A quorum was present.

4. ADOPTION OF AGENDA

MOTION by Sanii-Yahyai, supported by Brennan, to adopt the March 26, 2025, agenda as presented

Motion passed unanimously by voice vote.

5. APPROVAL OF MEETING MINUTES

A. Approval of the February 26, 2025- Regular Meeting Minutes

MOTION by Sanii-Yahyai, supported by Brennan, to adopt the February 26, 2025, meeting minutes as presented.

Motion passed unanimously by voice vote.

6. CITIZEN PARTICIPATION

Chair Gardner opened the Citizen Participation portion of the meeting and asked if anyone wanted to speak. He reiterated that the agenda did not include any public hearing items or site plan reviews. The following citizens offer public comment regarding the DTE Grenada Substation Expansion project that was included as a public hearing item on the February 26, 2025 agenda: Ray Franzen, David Rhoades, Jack Goodnoe, and Chandra Aya. All persons who commented had requests that the Planning Commission require DTE to provide additional details on the possible environmental and

public health effects and that DTE be required to provide more buffering and screening, and/or reduce the overall footprint of the proposed expansion project.

Chair Gardner and Ben Carlisle elaborated on the fact that the Township had submitted a list of additional requirements that DTE needs to address prior to resubmitting the proposal. Those items are outlined in the February 26, 2025, Planning Commission minutes. Mr. Carlisle also stated that Township staff had meet with the DTE project team after that February meeting to discuss the proposal and the Township’s concerns. Mr. Carlisle and the Supervisor asked DTE to also consider alternative sites.

Jack Goodnoe and Ray Franzen requested to be notified, if possible, when DTE resubmitted their plans. Mr. Carlisle stated that the property would be continued to be posted, however, additional public notice (e.g., 300 foot radius mailings and newspaper legal advertisement) was not required because when the project is resubmitted and brought before the Planning Commission for action it would be considered a continuance of the public hearing. Citizens were advised that the Planning Commission’s regular meetings are held on the third Wednesday of the month and that public notices as well as meeting agendas and packets are posted to the Township website prior to those meetings.

7. CORRESPONDANCE

Ms. Mulville-Friel noted that correspondence from the following individuals was attached to the meeting packet:

- Brita Lahann (received February 2025)
- Joerg Lahann (received February 2025)
- Ray and Lori Frazen (dated March 10, 2025)
- Property owners adjacent to DTE Grenada Electrical Substation (dated March 7, 2025)
- Linda Atkins and Thomas Kenney (dated March 10, 2025)

MOTION by Brennan supported by Sanii-Yahyai, to receive the correspondence.

Motion passed unanimously by voice vote.

8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

None

9. REPORTS

A. Building Department Report

Ms. Mulville-Friel provided the Commission with an overview of the status of building permits issued in January broken down by category (e.g., comm/multi-family, residential). There were 205 permits issued since January 2025 with an estimated construction costs of \$6 mil. Approximately \$77K in permit fees were collected.

B. Zoning Administrator Report

Ms. Mulville-Friel provided the Commission with an overview of active development projects (Prospect Pointe West, Brookwood, Garrett’s Space, and The Meadows at Hawthorn Mills), the status of recent Zoning Board of Appeals (ZBA) cases, future cases to be reviewed by the Planning Commission, and other business/news.

MOTION by Sanii-Yahyai supported by Brennan, to receive the reports.

Motion passed unanimously by voice vote.

10. OLD BUSINESS

None.

11. NEW BUSINESS

12. None.

13. POLICY DISCUSSION

A. Zoning Ordinance Re-write

Ms. Mulville-Friel provided an update on the status of the Zoning Ordinance Rewrite. During the previous Steering Committee meetings, it was discussed how much of the current language in the Zoning Ordinance was appropriate and that only minor changes to wording were required to improve clarity and logic and to modernize it to current day standards were necessary. The most significant change would involve reorganizing the chapters, sections, and subsections to assist the general public and applicants as well as Township staff and the Planning Commission who administer these regulations and standards.

The Steering Committee and CWA staff have convened to review the following draft Articles:

ARTICLE 1: TITLE, PURPOSE AND LEGAL CLAUSES

ARTICLE 2: DEFINITIONS

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

ARTICLE 4: ZONING DISTRICT REGULATIONS

Articles 6 and 7 have been reworked and a draft of these articles is the focus of this month’s review. Because the Planning Commission meeting agenda for March is light, it was decided that Articles 6 and 7 would be presented to the Commission as a whole for discussion.

Ms. Mulville-Friel pointed out some of the substantive changes proposed for Article 6:

- Section 6.03.F (Density Bonus) pertains to Open Space Preservation Residential Development (OSPRD). This is a new section that encourages the use of the OSPRD, if all standards set forth in 6.03.F are met, the underlying density established by 6.03.E may be increased by up to 20% at the discretion of the Planning Commission. Density bonuses shall be based upon a demonstration by the applicant of at least one of the following items listed under 1-3.

- Planning Commission members agreed that former Section 14.04 (Design Review) which was moved to new Section 6.04 and changed to “Dixboro Design Review” should be sent to the Dixboro Design Review Board for comment.

Ms. Mulville-Friel pointed out some of the substantive changes proposed for Article 7:

- Former Section 5.201 (Accessory Dwellings) was moved to new Section 7.03.C (Accessory Dwellings). Purpose and intent was expanded as well as the application of regulations and standards of approval. Essentially, it is proposed that accessory dwelling units be conditionally allowed in the Rural, Rural Residential and Urban Residential Districts if standards of approval as outlined 1-6 are met. The Planning Commission members agreed that this was a good approach and were supportive of expanding where ADUs were conditionally permitted in the Township.

Chair Gardner proposed that if the monthly meeting agenda was light, it would be more expeditious if the Planning Commission as a whole reviewed and discussed draft Articles for the Zoning Ordinance rewrite. Planning Commissioners agreed this would be a good idea.

14. ADJOURNMENT – *next regularly scheduled meeting on April 23, 2025*

MOTION by Brennan, supported by Sanii-Yahyai to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting was adjourned at 8:08 pm.

Meeting Minutes Respectfully submitted,

Thomas Brennan III, Planning Commission Secretary
Diane Mulville-Friel, Recording Secretary
3040 N. Prospect, 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 Zoning Ordinance Rewrite Steering Committee

FROM: Benjamin Carlisle and Michelle Marin, Planning Consultants

DATE: April 18, 2025

RE: Fourth Zoning Ordinance Rewrite Committee Meeting – Articles 8 & 9

BACKGROUND

To date, the Zoning Ordinance Rewrite Steering Committee and CWA staff have convened to review the following draft Articles:

ARTICLE 1: TITLE, PURPOSE AND LEGAL CLAUSES
ARTICLE 2: DEFINITIONS
ARTICLE 3: ADMINISTRATION AND ENFORCEMENT
ARTICLE 4: ZONING DISTRICT REGULATIONS
ARTICLE 6: DEVELOPMENT OPTIONS
ARTICLE 7: GENERAL PROVISIONS

Article 8 (currently Article 10) detailing the site plan review process and standards and Article 9 regulating conditional uses (currently Article 11) have been revised to improve clarity, remove ambiguity, and enhance the conditional use/site plan approval procedure. Due to the lack of other agenda items on the April Planning Commission meeting, it was decided that Articles 8 and 9 would be presented to the full Planning Commission for discussion.

During the previous Steering Committee meetings, we discussed how much of the current language in the Zoning Ordinance was appropriate and that only minor changes to wording were required to improve clarity and logic and to modernize it to current day standards were necessary. The most significant change would involve reorganizing the chapters, sections, and subsections to assist the general public and applicants as well as Township staff and the Planning Commission who administer these regulations and standards.

The revised table of table of contents is as follows:

ARTICLE 1: TITLE, PURPOSE AND LEGAL CLAUSES
ARTICLE 2: DEFINITIONS

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

ARTICLE 3:	ADMINISTRATION AND ENFORCEMENT
ARTICLE 4:	ZONING DISTRICT REGULATIONS
ARTICLE 5:	SPECIAL DISTRICT REGULATIONS
ARTICLE 6:	DEVELOPMENT OPTIONS
ARTICLE 7:	GENERAL PROVISIONS
ARTICLE 8:	SITE PLAN REVIEW
ARTICLE 9:	CONDITIONAL USE REVIEW
ARTICLE 10:	SPECIFIC USE STANDARDS
ARTICLE 11:	ACCESS, PARKING, AND LOADING REQUIREMENTS
ARTICLE 12:	SITE DESIGN STANDARDS
ARTICLE 13:	ENVIRONMENTAL STANDARDS
ARTICLE 14:	SIGN REGULATIONS
ARTICLE 15:	NONCONFORMITIES
ARTICLE 16:	ZONING BOARD OF APPEALS
ARTICLE 17:	AMENDMENT PROCEDURE

ZONING TEXT AMENDMENTS

Listed below are details of Articles 9 and 8 including purpose, outline, and substantive changes from the existing Zoning Ordinance:

Article 8: Site Plan Review

Purpose: The purpose of this Article is to establish consistent procedures and standards for review of site plans to verify compliance with the standards contained in this Ordinance and other applicable regulations and ordinances.

Substantive Changes:

- 1) Purpose amended to more closely reflect the updated Master Plan policies.
- 2) Projects subject to administrative site plan approval expanded upon.
- 3) 180 day time limit and other references to time limit for Planning Commission action removed.
- 4) Authorization of issuance of zoning compliance permit and development agreement added to “Effect of Final Site Plan Approval.”
- 5) Site plans must be prepared by licensed architect of engineer only. Ability for site plans to be prepared by landscape architects of land surveyors removed.
- 6) Verification from other relevant governmental agencies added as a requirement for minor site plan and final site plan approval.
- 7) Preliminary site plan approval filed with the Zoning Administrator instead of the Clerk.
- 8) Expiration timeline increased from 1 year to 2 years.
- 9) “Variance Requests” section included to indicate that conditional preliminary site plan approval must be issued prior to the variance request being heard by the ZBA.

- 10) "Development agreements" section added to indicate that entrance into a development agreement may be a condition of final site plan approval.

Article 9: Conditional Uses

Intent: The purpose of this Article is to provide standards, regulations, and procedures applicable to the conditional uses listed in the table of use regulations in Section 4.11.

Section 9.01	Intent
Section 9.02	Scope
Section 9.03	Application Procedures
Section 9.04	Planning Commission Action
Section 9.05	Conditions of Approval
Section 9.06	Rescinding Conditional Use Permit Approval
Section 9.07	Compliance with Conditional Use Permit Approval
Section 9.08	Amendments, Expansion, or Change in Use

Substantive Changes:

- 1) *Intent* amended to indicate that uses may be designated as Conditional where they cannot be reasonable designated as Permitted.
- 2) Email addresses required in the application.
- 3) Planning Commission Actions consolidated rather than divided by type of action (postponement, approval, denial). Inclusion of findings of fact, public record, and resolution procedures, relevant for any Planning Commission action related to conditional uses.
- 4) One Standard for Approval added: "The conditional use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. A conditional use shall be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses."
- 5) The Effect of Approval is elaborated to also include the effect of permit Expiration, Abandonment, and Application Resubmittal.
- 6) New Section: Amendments, Expansion, or Change of Use. Applicable provisions for each scenario are detailed.

SUMMARY

Attached are Articles 8 and 9 with proposed changes in an underline/strikethrough format as follows:

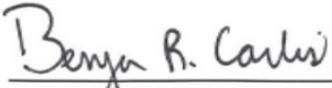
- Deleted text shown in strikethrough

- Inserted text shown in underline

Section references throughout the Ordinance as well as a careful review of numbering and organizational hierarchy will be undertaken once a complete draft of all Articles are complete. Text shown in [brackets] is optional text including additional limitations recommended by staff that needs further consideration.

We look forward to meeting with you.

Sincerely,



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



CARLISLE/WORTMAN ASSOC., INC.
Michelle Marin, AICP
Community Planner

Attachment: Articles 8 & 9

ARTICLE 8 SITE PLAN REVIEW

Section 8.01 Purpose.

The purpose of this Article is to establish consistent procedures and standards for review of site plans to verify compliance with the standards contained in this Ordinance and other applicable regulations and ordinances. The intent is to encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses, achieve efficient use of the land, encourage innovative design solutions, protect natural resources, ensure safety for both internal and external vehicular and pedestrian users, achieve innovative stormwater management solutions, and prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives and consistency with the Township Master Plan.

~~Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity. It is the further purpose of this Article to protect natural, cultural, and civic resources; minimize adverse impacts on adjacent properties and surrounding areas; encourage cooperation and consultation between the Township and the applicant; and facilitate development in accordance with the Growth Management Plan.~~

Section 8.02 Site Plan Approval Required.

The ~~Zoning Inspector~~Zoning Administrator shall not issue a Certificate of Zoning Compliance, and the Building Inspector shall not issue a Building Permit for construction of or addition to any structure or use for which site plan approval is required until a site plan has been approved and is in effect. No use for which site plan approval is required shall be commenced or expanded, nor shall the ~~Zoning Inspector~~Zoning Administrator issue a Certificate of Zoning Compliance, nor shall the Building Inspector issue a Certificate of Occupancy for such use until a site plan has been approved and is in effect. ~~Except where authorized per Section _____ 8.05.F (Effect of Preliminary Site Plan Approval), n~~No grading, cutting of trees or other vegetation, excavation, landfilling, or construction of improvements shall commence for any development for which site plan approval is required until a site plan is approved and is in effect.

A. Preliminary and Final Site Plan Approval.

The following development projects and uses shall require review and approval of detailed preliminary and final site plans by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use. Exceptions listed below shall not be subject to site plan approval, but may be subject to approval per Section _____3.02 (Certificates of Zoning Compliance):

- ~~1. All conditional uses, subject to the provisions of Article ____ 9.0 (Conditional Uses).~~
1. All proposed or permitted uses and related buildings, except
 - a. One (1) single-family detached dwelling and customary accessory structures on an existing residential lot of record.
 - b. One (1) two-family or duplex dwelling and customary accessory structures on an existing residential lot of record.
 - c. Family day care homes ; ~~adult foster care family homes and small group homes; and child foster family homes and family group homes,~~ as licensed by the State of Michigan.
 - d. Establishment of a home occupation listed in Section ____ (Home Occupations) as a permitted accessory use.
2. All proposed conditional uses and related buildings.
3. Any alteration, addition, or expansion of an existing permitted or conditional use and/or related building.
4. Any building or use for which site plan review is required by this chapter.
5. Any parking lot or addition thereto.
- ~~2. All RURAL USES, as specified in Article ____ 4.11 (Land Use Table of Use Regulations), for which site plan approval is required per Article ____ 4.11 (Use Standards). All RURAL USES subject to the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from site plan approval.~~
- ~~3. All RESIDENTIAL USES, as specified in Article ____ 4.11 (Land Use Table), for which site plan approval is required per Article ____ 10 (Use Standards). The following RESIDENTIAL USES shall be exempt from site plan approval:
 - a. One (1) single family detached dwelling and customary accessory structures on an existing residential lot of record.
 - b. One (1) two family or duplex dwelling and customary accessory structures on an existing residential lot of record.
 - c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
 - d. Establishment of a home occupation listed in Section ____ (Home Occupations) as a permitted accessory use.~~
- ~~4. All OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES, as specified in Article ____ (Land Use Table).~~
- ~~5. All OTHER USES, as specified in Article ____ (Land Use Table), for which site plan approval is required per Article ____ (Use Standards).~~
- ~~6. Construction, expansion, or alteration of a manufactured housing park shall be subject to preliminary plan approval in accordance with the procedures and standards of Section ____ (Manufactured Housing Parks).~~
- 7.6. Creation, expansion, or alteration of a Special District project shall be subject to approval in accordance with the procedures and standards of Article ____ (Special District Regulations).
- 8.7. Construction, expansion, or alteration of a condominium development shall be subject to condominium site plan approval in accordance with the procedures and standards of Article ____ (Condominium Regulations).
- 9.8. Construction, expansion, or alteration of an Open Space Preservation

Residential Development shall be subject to approval in accordance with the procedures and standards of Section ____ (Open Space Preservation Residential Development).

~~10.9.~~ Construction, expansion, or alteration of a wireless communications facility shall be subject to approval in accordance with the procedures and standards of Section ____ (Wireless Communication Facilities).

B.

BE. Minor Site Plan Approval.

The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

1. Farm-based tourism/entertainment activities.
2. Public or commercial riding stables.
3. Accessory dwelling.
4. Adult foster care large group home.
5. Bed and breakfast inn.
6. Child day care home, group.
7. Home occupations not listed in Section ~~_____~~ 12.04 (Home Occupations).
8. Landscaping and maintenance operations and snow removal operations in a Rural District.
9. Temporary outdoor sales in accordance with Section ~~_____~~ 7.04 (Temporary Outdoor Sales).
10. A change of use for an existing building, construction of an addition to an existing building, or expansion of an existing, conforming use, subject to the following:
 - a. The site has previously received site plan approval.
 - b. The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
 - c. No variances to the requirements of this Ordinance are required.
 - d. The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or one thousand (1,000) square feet, whichever is less.
11. Similar projects and uses, as accepted by the ~~Zoning Inspector~~ Zoning Administrator.

The Planning Commission shall have the authority to require submittal of a preliminary and a final site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.

C. Administrative Approval.

~~_____~~ The Township Zoning Administrator shall have the authority to conduct an administrative review of a site plan, provided that all other standards of this chapter

are met as set forth in (insert section). The Township Zoning Administrator may seek the review and comments of applicable Township staff and/or consultants and reserve the right to refer the matter to the Planning Commission if desired.

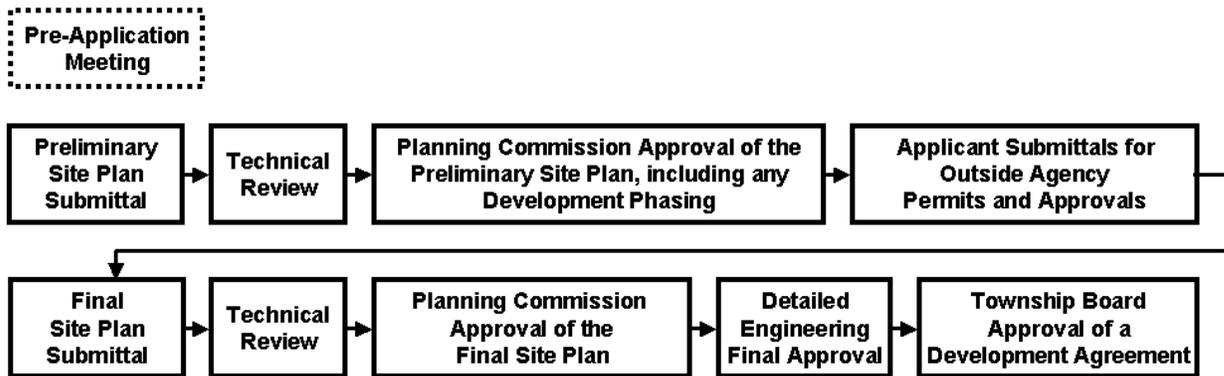
~~Projects to be reviewed administratively.~~ Administrative review of a site plan may be conducted for the following projects or under the following circumstances:

- ~~1.~~ 1. ~~Incidental changes during construction due to unanticipated site constraints or outside agency requirements, consistent with an approved site plan.~~
- ~~1.~~ 2. ~~Incidental landscaping changes or species substitutions, consistent with an approved site plan.~~
- ~~2.~~ 3. ~~Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.~~
- ~~3.~~ 4. ~~Construction of an accessory structure for a multiple-family or non-residential use, or installation of screening around a waste receptacle, mechanical unit or similar equipment.~~
- ~~4.~~ 5. ~~Sidewalk or pedestrian pathway construction, and barrier-free access improvements.~~
- ~~5.~~ 6. ~~Incidental exterior lighting changes that conform to Section _____ (Exterior Lighting).~~
- ~~6.~~ 7. ~~Minor changes required by outside governmental agencies during construction as determined by the Zoning Administrator.~~
- ~~7.~~ 8. ~~Changes to the building height that do not add additional floor area nor exceed the maximum height requirements of the district.~~
- ~~8.~~ 9. ~~A change in use to a similar or less intense use, provided that the site will not require any significant changes to the existing site improvements, such as parking, landscaping, lighting, signs, or sidewalks.~~
- ~~9.~~ 10. ~~Accessory buildings associated with a nonresidential use, provided that the site will not require any significant changes to the existing site improvements, such as parking, landscaping, lighting, signs, or sidewalks.~~
- ~~10.~~ 11. ~~Aesthetic and architectural changes to a nonresidential structure.~~
- ~~11.~~ 12. ~~Site improvements, such as installation of walls, fences, lighting, or landscaping consistent with the chapter standards.~~
- ~~12.~~ 13. ~~Temporary uses, sales, and seasonal events.~~
- ~~13.~~ 14. ~~Construction of a wind energy conversion system where such construction is considered an accessory use in the district.~~

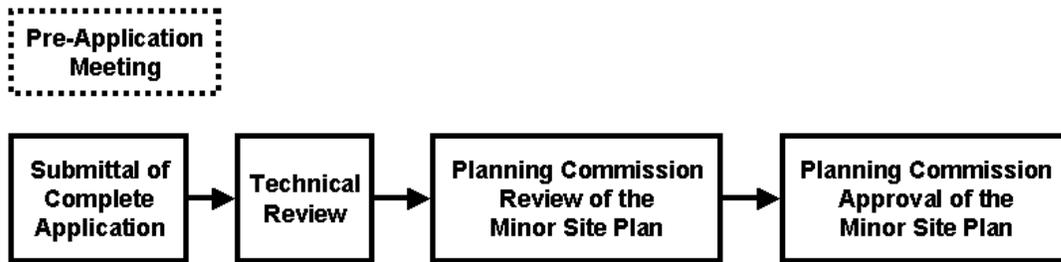
14. Construction of solar collection systems where such construction is considered an accessory use in the district.

15. The following activities are eligible for administrative review and approval by the Township Planner and Zoning Inspector. The Zoning Inspector or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval:

1. Incidental changes during construction due to unanticipated site constraints or outside agency requirements, consistent with an approved site plan.
2. Incidental landscaping changes or species substitutions, consistent with an approved site plan.
3. Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.
4. Construction of an accessory structure for a multiple-family or non-residential use, or installation of screening around a waste receptacle, mechanical unit or similar equipment.
5. Sidewalk or pedestrian pathway construction, and barrier free access improvements.
6. Incidental exterior lighting changes that conform to Section ____ (Exterior Lighting).



Preliminary and Final Site Plan Approval Process



Minor Site Plan Approval Process

Section 8.03 Pre-Application Meeting.

Applicants are encouraged to request a pre-application meeting with the Township Planner and designated Township consultants to discuss a conceptual site plan, site issues, and application of Ordinance standards, prior to submitting a site plan application for formal review.

1. Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities.
2. The Township may require payment of a fee or escrow deposit to cover the costs of a pre-application meeting.
3. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent site plan review.

Section 8.04 Applications for Site Plan Approval.

Any person with a legal interest in a lot may apply for site plan approval. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the application for site plan approval.

A. Application Submittal and Technical Review.

Application shall be made by filing all completed forms and ~~sixteen-three (163)~~ full-size copies of the site plan drawing(s) as specified in the application with the Township Clerk Zoning Administrator, and along with payment of required review fees and escrow deposits to the Township Treasurer.

1. Any application or site plan that does not satisfy the information requirements of this Article shall be considered incomplete and shall be returned to the applicant.
2. The Township Clerk Zoning Administrator, upon receipt of all required application materials, shall forward the site plan and application materials to

the Planning Commission, with copies to the Township Planner and other designated Township officials and consultants.

- a. A ~~preliminary~~ site plan for ~~RESIDENTIAL USES or COMMERCIAL USES or for~~ a lot within the Fleming Creek Watershed, as defined in Section ~~_____~~ 2.0 (Definitions), shall be forwarded to the Fleming Creek Advisory Council per Section ~~_____?~~ (Fleming Creek Area Developments).
- b. A ~~minor or preliminary~~ site plan for a lot ~~located in the Dixboro community, as defined in the adopted Growth Management Plan within the boundaries of the Dixboro Design Review Board, as set forth in section (include seccion),~~ shall be forwarded to the Dixboro Design Review Board. ~~per Section _____? (Design Review).~~

- 3. Each ~~final~~ site plan shall be prepared by an architect ~~or, community planner,~~ engineer, ~~landscape architect, or land surveyor~~ registered or licensed in the State of Michigan and shall bear the professional seal of the preparer. ~~[amended 6/18/2018, Ord. 174 21]~~

B. Information Required.

Each application for site plan approval shall include all required information for the type of site plan under review, as specified in Section ~~_____~~ 8.07 (Required Site Plan Information).

C. Technical Review.

Prior to Planning Commission consideration, copies of the site plan and application materials shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.

Section 8.05 Planning Commission Action.

The Planning Commission shall review the minor, preliminary, or final site plan and application materials ~~s~~ at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any outside agencies with jurisdiction. As part of its review, the Planning Commission shall consult with the Township Planner, ~~Zoning Inspector~~ Zoning Administrator, Fire Chief, Township Engineer, other designated Township consultants, and such other officials and agencies that may have an interest in or be affected by the proposed development.

~~The Planning Commission shall, within one hundred eighty (180) calendar days of receipt of a complete and accurate application, approve or reject the minor, preliminary, or final site plan. The time limit for Planning Commission study and action may be extended by mutual agreement of the applicant and Planning Commission recorded in the Planning Commission's meeting minutes.~~

A. Environmental Contamination and Remedial Action.

If the Planning Commission, in its discretion, determines that the prior or current uses of, or activities on, the land indicate the possibility of environmental contamination, it

may require that the applicant provide evidence that no such contamination exists (e.g., through a Level II investigation or such other environmental assessment as the Planning Commission, in its discretion, shall deem advisable).

If investigation reveals that contamination is present on the property, the applicant shall take such remedial actions as are required by law and shall provide proof of same to the Planning Commission, prior to receiving preliminary or final site plan approval.

B. Standards for Site Plan Approval.

In reviewing a site plan, the Planning Commission shall determine whether the applicable standards for the type of site plan under review, as specified in Section ~~8.10~~ (Standards of Site Plan Approval), have been met by the applicant.

C. Actions.

The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny the minor, preliminary, or final site plan as follows:

1. **Postponing.** Upon determination by the Planning Commission that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone ~~until a date certain~~ further consideration of the site plan.
2. **Denial.** Upon determination that the site plan does not comply with the requirements of this Ordinance, the ~~Growth Management Plan~~ Township Master Plan, or other applicable Township ordinances or state statutes, or would require extensive revisions to comply with such requirements, the site plan shall be denied. ~~Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval.~~ If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial.
3. **Approval.** Upon determination that the site plan complies with the standards of this Ordinance, the ~~Growth Management Plan~~ Master Plan, and other applicable Township standards, ordinances or state statutes, the site plan shall be approved.
4. **Approval subject to conditions.** The Planning Commission may approve the site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.

D. Recording of Site Plan Action.

Planning Commission action on the minor, preliminary, or final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location

of the project, most recent plan revision date, findings of fact and conclusions or grounds for the Planning Commission’s action, and any conditions of approval.

1. The Planning Commission shall advise the applicant in writing of its actions on the site plan. A copy of the minutes of the meeting at which action was taken sent by first class mail may constitute the written notification.
2. After the Planning Commission has taken action on the site plan, at least one (1) copy of the site plan shall be marked APPROVED or DENIED as appropriate, with the date that action was taken and a list of any conditions of approval, and shall be placed on file at the Township offices per State of Michigan retention guidelines.

E. Effect of Minor Site Plan Approval.

Approval of a minor site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance and a building permit to begin site work or construction, provided all other construction and engineering requirements have been met. In the case of uses without structures, approval of a minor site plan authorizes issuance of a Certificate of Zoning Compliance and issuance of a Certificate of Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

F. Effect of Preliminary Site Plan Approval.

Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section ~~_____~~ 8.10 (Standards for Site Plan Approval). ~~The Planning Commission may, at its discretion and with appropriate conditions attached, authorize the issuance of permits by the Township for preliminary site work to begin for soils exploration and incidental site clearing. 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 _____ 3.09 (Performance Guarantees) for site restoration if work does not proceed to completion.!~~

G. Effect of Final Site Plan Approval.

~~Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section _____ 3.06 (Development Agreement). Upon approval of a final site plan by the Township Planning Commission, the applicant shall file seven sealed copies thereof with the Township reflecting all changes and conditions, if any, attached to the Township Planning Commission's approval. Upon review thereof for compliance with any conditions of approval, the Township Zoning Administrator, or his/her their designee, shall stamp and sign the plans certifying that the site plan conforms to all~~

of the provisions of this article and the Township Zoning chapter as determined and approved by the Township Planning Commission.

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance and allows for the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 3.06 (Development Agreement).

Execution of the Development Agreement authorizes issuance of a Building Permit to begin site work or construction, provided all other construction and engineering requirements have been met. No site work or construction shall begin prior to the execution and recording of the Development Agreement.

In the case of uses without structures, approval of a final site plan authorizes issuance of a Certificate of Zoning Compliance and issuance of a Certificate of Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

Section 8.06 Combining Preliminary and Final Site Plans.

An applicant may, at the applicant's discretion and risk and with the approval of the Planning Commission, combine a preliminary and final site plan in an application for approval. The applicant shall pay the usual fees for both preliminary and final site plan review.

1. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant.
2. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

Section 8.07 Required Site Plan Information.

The following minimum information shall be included with each application for approval of a minor site plan, preliminary site plan, final site plan, or Special District Area Plan per Article ~~5.0~~ 5.0 (Special District Regulations). An item of required information not applicable to the project or site may be omitted from a site plan, subject to acceptance by the Planning Commission:

<u>Table 8.07-1</u> Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
SITE PLAN DESCRIPTIVE INFORMATION				
Applicant and developer's name(s), address(es), telephone and facsimile numbers, and interest in the property; and property owner's name, address, telephone number, and signed consent if applicant is not the owner.	●	●	●	●
The name, address, telephone, and facsimile numbers of the firm or individual preparing the site plan. Site plans prepared by an architect <u>or</u> engineer <u>or</u> landscape architect or land surveyor registered or licensed in the State of Michigan shall bear the individual's professional seal.	●	●	●	●
Location, address(es), and tax identification number(s) of subject parcel(s).	●	●	●	●

Table 8.07-1 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
Dimensions of the site, and the gross and net land area.	●	●	●	●
Legal description(s) of the subject parcel(s).		●	●	●
Legal description of the proposed development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.			●	●
Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.				●
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.		●	●	●
Gross and net dwelling unit density for residential projects.		●	●	●
General description of the number, size ranges, and types of proposed dwelling units; and proposed facade materials.		●		
A schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units, and lot area per dwelling unit.			●	●
Average initial sales price ranges for dwelling units to be offered for sale, and average initial rents of rental dwelling units.		●		●
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	●	●	●	●
SITE PLAN DATA AND NOTES				
Vicinity map showing the general location of the site.		●	●	●
Scale, north arrow, initial plan date, and any revision date(s).	●	●	●	●
Preliminary and final site plans shall be drawn to an engineer's scale not greater than 1:100 and appropriate for the required sheet size of twenty-four (24) inches by thirty-six (36) inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.		●	●	●
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●	●
Minor site plans shall be drawn to a scale appropriate for a sheet size between eight and a half (8.5) inches by fourteen (14) inches (minimum) and twenty-four (24) inches by thirty-six (36) inches (maximum); and of such accuracy that the Planning Commission can readily interpret the plan.	●			
Owners' names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).			●	●
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.		●	●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●	●
Percentage of lot coverage, total ground floor area, and floor area ratio.			●	●

Table 8.07-1 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
Calculations for parking and other applicable Ordinance requirements.	●		●	●
EXISTING CONDITIONS				
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	●	●	●	●
Location of existing walls, signs, utility poles and towers, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.			●	●
SITE PLAN DETAILS				
Delineation of required yards, setback areas, and transition strips.	●		●	●
Identification of general location(s) and area(s) of each development phase.			●	●
Planned construction program and schedule for each development phase.			●	●
Location, width, purpose, and description of all existing and proposed easements and rights-of-way on or adjacent to the site.	●		●	●
Location, type, area, height, and lighting specifications of proposed signs.	●			●
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.				●
Location, area, and dimensions of any outdoor sales, display or storage areas.	●		●	●
Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross section showing materials and dimensions.			●	●
BUILDING DESIGN AND ORIENTATION				
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	●	●	●	●
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.			●	●
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.			●	●
Conceptual drawings of exterior building façades for principal buildings and building additions, drawn to an appropriate scale.		●		
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.	●		●	●
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.				●
ACCESS AND CIRCULATION				
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.		●	●	●
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	●	●	●	●

Table 8.07-1 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.	●		●	●
Details of locations, widths, and paving of proposed sidewalks and pedestrian ways, including alignments, typical cross sections, connections to existing or planned off-site facilities, and easement or right-of-way dedications.				●
Parking space dimensions, pavement markings, and traffic control signage.	●		●	●
Parking space angles; maneuvering aisle, island, and median dimensions; surface type; fire lanes; drainage patterns; location of loading areas; and typical cross-section showing surface, base, and sub-base materials.			●	●
Identification of the proposed name(s) for new public or private road(s) serving the site.			●	●
Spot elevations of the road surface for existing roads on and adjacent to the subject parcel(s), including surface elevations at intersections with the internal roads and drives serving the proposed development; curve-radii and road grades; location and details of curbs, and turning lanes; and typical road cross sections showing surface, base, and sub-base materials and dimensions.				●
NATURAL FEATURES AND OPEN SPACE AREAS				
General description and delineation of existing natural features on and abutting the site; such as trees, shrubs, wooded areas, general topography and soil information, areas of steep slopes, bodies of water, watercourses, drainageways, and wetlands; with clear indication of all features to be preserved, removed, or altered.		●	●	●
Details of all existing natural features on the site as required by Section ____ (Natural Features Protection) or the Township Wetlands Ordinance; including type, location, size, and species; slopes from twelve (12%) percent to twenty-five (25%) percent and steep slopes twenty-five (25%) percent and above; clear indication of all features to be preserved, removed, or altered; and proposed mitigation measures.				●
Delineation of the one hundred (100) year floodplain on and abutting the site [see Section ____ (Floodplains)].		●	●	●
Description of groundwater recharge areas located on the subject parcel(s), and a rough delineation of their borders [see Section ____ (Groundwater Recharge Areas)].			●	●
Delineation of all vegetation within required open space setback from watercourses and wetlands per Section ____ (Watercourses and Wetlands).				●
Outdoor open space and recreation areas; location, area, and dimensions.		●	●	●
Description of the organization that will own and maintain open space and recreation areas, and a long-term maintenance plan for such areas.				●
SCREENING AND LANDSCAPING				
Location and size of required landscape strips, if applicable.		●	●	●
General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.	●		●	●
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.				●

Table 8.07-1 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
Planting list for proposed landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.				●
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.				●
Proposed fences, walls, and other screening devices, including typical cross section, materials, and height above grade.	●		●	●
Screening methods for any waste receptacle areas, ground-mounted generators, transformers, mechanical (HVAC) units, and similar devices.	●		●	●
Proposed screening of rear dwelling elevations facing towards and visible from abutting primary roads, where proposed as an alternative to the rear façade material standards of Section ____ (Residential Building Exteriors).				●
UTILITIES, STORMWATER MANAGEMENT, AND GRADING				
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities.		●	●	●
Location and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site.			●	●
Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.			●	●
Layout, line sizes, inverts, hydrants, flow patterns, and location of manholes and catch basins for proposed sanitary sewer and water supply systems.				●
Calculations for capacity of stormwater management and drainage facilities.				●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.				●
General areas of intended filling or cutting.		●	●	●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within one hundred (100) feet of the site. All finished contour lines are to be connected to existing contour lines within the site or at the parcel boundaries.				●
Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.			●	●
Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.				●
<u>Verification that plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.</u>	●			●
ADDITIONAL REQUIRED INFORMATION				
Other information as requested by the Township Planner or Planning Commission to verify that the site and use are in accordance with the intent, purposes, and requirements of this Ordinance and the policies of the Township's <u>Growth Management Master Plan</u> .	●	●	●	●

Section 8.08 Expiration of Site Plan Approval.

Planning Commission approval of a site plan shall expire in accordance with the following:

A. Expiration of Minor Site Plan Approval.

A minor site plan shall expire and be of no effect unless, within three hundred sixty-five (365) calendar days of the Planning Commission’s approval, appropriate permits have been approved, construction has begun on the property, and such work is diligently pursued in conformance with the approved minor site plan.

B. Expiration of Preliminary Site Plan Approval.

Approval of a preliminary site plan shall be valid for a period of three hundred sixty-five (365) calendar days from the date of approval and shall expire and be of no effect unless an application for final site plan approval for all or part of the area included in the approved preliminary site plan is filed with the ~~Township Clerk~~Township Zoning Administrator within that time period.

If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case, the Planning Commission may require a new preliminary site plan be submitted, unless good cause can be shown for the delay.

C. Expiration of Final Site Plan Approval.

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

Final site plan approval is valid for a period of two years from the date of final action by the Township Planning Commission within which time all necessary building or construction permits shall be secured.

- ~~1. Within three hundred sixty five (365) calendar days of the Planning Commission’s approval, a fully executed Development Agreement has been recorded and the construction drawings have received detailed engineering final approval; and~~
- ~~2. Within five hundred forty five (545) calendar days following the date of approval, construction has begun on the property and is diligently pursued in conformance with the approved final site plan.~~

D. Extension of Site Plan Approval.

The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a minor, preliminary, or final site plan approval for up to three hundred sixty-five (365) calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.

Section 8.09 Phasing of Development.

The applicant may divide the development into two (2) or more phases. Phasing shall be subject to the following requirements:

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
4. The Planning Commission may require the applicant to post a performance guarantee per Section ~~_____~~3.09 (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.

Section 8.10 Standards for Site Plan Approval.

In reviewing a minor, preliminary, or final site plan, the Planning Commission shall determine that the following standards are met, as applicable to the type of site plan:

Table 8.10-1 Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Pan
All required information has been provided.	●	●	●
The proposed development conforms to all regulations of this Ordinance for the district(s) in which it is located and all other applicable regulations and ordinances; and are compatible with the adopted Growth Management Plan.	●	●	●
The applicant is legally authorized to apply for site plan approval.	●	●	●
The proposed development will be harmonious with and not harmful, injurious, or objectionable to existing and future uses in surrounding area, or the environment.	●	●	●
Preservation and/or mitigation of natural resources conforms to the standards of Section 14.05 (Natural Features Protection), and the development as proposed will not cause soil erosion or sedimentation.		●	●
The proposed development respects natural topography and minimizes the amount and extent of cutting and filling.		●	●
Organic, wet, or other soils that are not suitable for development will be undisturbed, or modified in such fashion as to make development feasible.		●	●
The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.	●	●	●

Table 8.10-1 Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Pan
The proposed development is adequately coordinated with improvements serving the area, and with other existing or planned development in the vicinity.	●	●	●
Satisfactory and harmonious relationships will exist between the proposed development and the existing and planned development of contiguous lands and the surrounding area.		●	●
Development phases are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility service, drainage, or erosion control.		●	●
The final site plan conforms to the approved preliminary site plan.			●
The plan, including all engineering drawings, meets specifications of Superior Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Township Engineer and Fire Chief.			●
Grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect adjacent properties or the surrounding area.			●
Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.			●
The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●		●

Section 8.11 Compliance with an Approved Site Plan.

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township Treasurer, subject to the standards of Section ~~3.09~~ 3.09 (Performance Guarantees) [amended 12/16/2013, Ord. 174-13].

Section 8.12 Amendment and Revision.

Changes to an approved minor, preliminary, or final site plan shall be prohibited, except in accordance with this Section and Article. 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 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 applicant 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~~Zoning Administrator. The ~~Zoning Administrator 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 Zoning Administrator~~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 _____ (Major Changes), shall require an amendment to the approved site plan. Submittal and approval of such amendments shall follow the procedures of this Article for a new site plan approval application. Changes 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 site plan.~~
 - ~~(4) Increase in the number of dwelling units or other structures.~~
 - ~~(5) Increase in non-residential floor area of over five (5%) percent.~~
 - ~~(6) Increase in GFC or FAR of more than one (1%) percent.~~
 - ~~(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.~~
 - a. ~~Minor changes, as determined by the Planning Commission per Section _____ (Minor Changes), shall require Planning Commission approval, including, at the Commission's discretion, revised site plan drawings.~~
 - ~~(1) The applicant 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.~~
 - b. The Planning Commission shall notify applicable agencies with jurisdiction if it approves a major or minor change. Changes 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 one percent (1%) or less.~~
- ~~(2)(5) A decrease in the number of approved dwelling units.~~

~~B. Major Changes.~~

~~Changes 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 site 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 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 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 one percent (1%) or less.~~
- ~~5. A decrease in the number of approved dwelling units.~~

Section 8.13 Rescinding Final Site Plan Approval.

A ~~minor or~~ final site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed, or maintained in compliance with approved permits, site plans, or conditions of site plan or conditional use approval. Such action shall be subject to the following:

- 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section ~~_____~~3.11 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner’s designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- 2. **Determination.** After the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

Section 8.14 As-Built Drawings.

The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances installed on a site for which a final site plan was approved. The drawings shall be submitted to the Building Inspector and shall be approved by the Township

Engineer prior to the release of any performance guarantee or part thereof covering such installation. The as-built drawings shall show, but shall not be limited to, the following:

1. The exact size, type, and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations.
2. Plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
3. All work as actually installed and as field-verified by a professional engineer or a representative thereof.

The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

Section 8.15 Inspection.

The ~~Zoning Inspector~~Zoning Administrator or his or her designated agent shall be responsible for inspecting all improvements for conformance with an approved site plan, subject to the following:

1. All sub-grade improvements, such as utilities, sub-based installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering.
2. The applicant shall be responsible for requesting all necessary inspections.
3. The ~~Zoning Inspector~~Zoning Administrator shall obtain inspection assistance from the Township Planner, Fire Chief, Building Inspector, and Township Engineer, where applicable.
4. The ~~Zoning Inspector~~Zoning Administrator shall notify the Township Board, Planning Commission, and the Building Inspector, in writing, when:
 - a. Any approved development has passed inspection with respect to the approved final site plan; or
 - b. Any approved development does not pass inspection with respect to the approved final site plan. The ~~Zoning Inspector~~Zoning Administrator shall report on the steps taken to achieve compliance, on progress toward compliance with the approved final site plan, and when compliance is achieved.

Section 8.16 Violations.

A site plan approved under this Article shall have the full force of this Ordinance. Any violation of such approved plan shall be grounds for the Township Board or ~~Zoning Inspector~~Zoning Administrator to order that all work be stopped, and to order that permits and Certificates of Occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Township Board. Any violation of any provision of this Article, and any violation of any plan approved under this Article, including any agreements and conditions attached to any approved plan, shall be deemed a violation of this Ordinance, as provided in Section ~~3.10~~3.10 (Violations and Penalties).

Section 8.17 Variance Requests

Variance requests. When the applicant intends to seek a variance from the Zoning Board of Appeals for a site plan, the applicant shall first receive tentative approval of the preliminary site plan from the Planning Commission. Tentative approval of the preliminary site plan by the Planning Commission shall be conditioned upon the granting of any necessary variances by the Zoning Board of Appeals.

Section 8.18 Development agreements.

The Township Planning Commission may, as a condition of final site plan approval, require the proprietor and/or developer to enter into a development agreement with the Township. Such agreement shall set forth and define the responsibilities of the proprietor and the Township, as set forth (insert section)

Effective Date: August 14, 2008

Article 1917
Legal Status Provisions Amendments

ARTICLE 9

CONDITIONAL USES

Section 9.01 Intent.

The formulation and enactment of this Ordinance is based upon the division of the Township into various zoning districts where certain mutually compatible uses are permitted by right. In addition to such permitted principal uses, there are certain other uses that, upon review by the Planning Commission, may be ~~essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such conditional uses are determined to be~~ appropriate and compatible with the uses permitted by right in a zoning district, ~~but not at every or any location therein, or without restrictions or~~ The Ordinance also permits conditions ~~being to be~~ imposed by reason of special problems or issues presented by the use or its location in relation to neighboring properties. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

This Article is intended to provide a consistent and uniform method for review of Conditional Use Permit applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Growth Management Plan.

Section 9.02 Scope.

This Ordinance, ~~therefore~~, requires approval of a Conditional Use Permit for ~~every any~~ use listed in the various zoning districts as a conditional uses. This Article specifies the procedures and standards to be followed in granting such permits. If the Conditional Use Permit application complies with all applicable procedures and standards of this Article and Ordinance, the right to a Conditional Use Permit shall exist, subject to such conditions as may be imposed. No conditional use shall commence until a Conditional Use Permit is issued in accordance with this Article.

Section 9.03 Application Procedure.

Conditional Use Permit applications shall be submitted in accordance with the following:

A. Filing of Application.

Application for a Conditional Use Permit shall be made by filing a complete and accurate application form, required information, and required review fee and escrow deposit with the Township Clerk. The Clerk shall transmit a copy of the application materials to designated Township officials and consultants and the Planning Commission.

B. Eligibility.

The application shall be submitted by the ~~operator of the use or~~ owner of the property, an agent of the owner, or a person having of an interest in the ~~land or structure(s) property~~ for which Conditional Use Permit approval is sought, ~~or by the owner's designated agent~~. Applications that are found by the Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.

C. Information Required.

An application for a Conditional Use Permit shall contain the following information:

1. The applicant's name, address, email address, and telephone number.
2. The names, addresses, email addresses, and telephone numbers of all record owners and proof of ownership.
3. The applicant's interest in the property, and if the applicant is not the fee simple owner, the signed authorization of the owner(s) for the application.
4. Legal description, address, and tax parcel number of the property.
5. A scaled and accurate survey drawing, correlated with the legal description and showing all existing buildings, drives, and other improvements.
6. A detailed description of the proposed use.
7. A site plan meeting the requirements of Article ~~8~~8 (Site Plan Review).

D. Required Fees and Escrow Deposits.

The Township Board shall establish, by resolution or ordinance, fees~~7~~ and escrow deposits for review of Conditional Use Permit applications. Required fees and escrow deposits shall be paid to the Township Treasurer at the time of the filing of the application. No fee or escrow deposit shall be required for Conditional Use Permit applications proposed or requested by the Township. No action shall be taken on any petition or appeal for which the required fees have not been paid in full.

E. Technical Review.

Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and consultants for review and comment.

F. Planning Commission Review and Public Hearing.

Upon receipt of a complete and accurate application for a Conditional Use Permit from the Clerk, the Planning Commission shall study the application. A public hearing shall be held on the petition and notice shall be given in accordance with Section ~~3.11~~3.11 (Public Hearing Procedures).

~~Section 9.04 — Authority to Grant Permits.~~

~~The Planning Commission shall have the authority to grant Conditional Use Permits and to attach conditions to a permit. Only those uses listed in each zoning district as conditional uses shall be considered for Conditional Use Permit review and approval.~~

Section 9.054 Planning Commission Action.

Subsequent to the public hearing, the Planning Commission shall, at a public meeting, review the application for a Conditional Use Permit and the information provided at the public hearing, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any outside agencies with jurisdiction.

A. Planning Commission action.

1. At the public hearing, the Planning Commission shall review the application for conditional use approval and shall either approve the application, approve the application with conditions, deny the application, or postpone action.
2. The Planning Commission's decision shall be made a part of the public record and incorporated into a resolution that includes a statement of findings and conclusions relative to the conditional land use which specifies the basis for the decision.
3. Any conditions required by the Planning Commission for approval shall also be made a part of the public record and incorporated into the resolution.

—The decision of the Planning Commission shall be final. The Zoning Board of Appeals shall have no authority to review Planning Commission decisions regarding conditional land use.

~~**A. Postponing.**~~

~~Upon determination by the Planning Commission that the Conditional Use Permit application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone further consideration of the application to a date certain. Action on a Conditional Use Permit application may be postponed for a maximum of sixty five (65) calendar days, after which final action shall be taken by the Planning Commission.~~

~~**B. Approval or Denial.**~~

~~The Planning Commission shall approve, approve with conditions, or deny a Conditional Use Permit application.~~

- ~~1. The Planning Commission's decision, all findings of fact and conclusions forming the basis for the decision, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting.~~

~~2.4. Upon determination that the Conditional Use Permit application conforms to all applicable standards of this Ordinance, other applicable ordinances, and state and federal statutes, the Conditional Use Permit shall be approved.~~

CB. Standards for Conditional Use Permit Approval.

The Planning Commission approval of a Conditional Use Permit shall be based upon determinations that the proposed use complies with all the following:

1. No Conditional Use Permit shall be granted unless the Planning Commission makes affirmative findings of fact and records adequate data, information, and evidence showing that:
 - a. The proposed use will be harmonious, and in accordance with the objectives, intent, and purposes of this Ordinance;
 - b. ~~The conditional use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. A conditional use shall be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses. The proposed use will be compatible with the natural environment and existing and future land uses in the vicinity;~~
 - c. The proposed use will be compatible with the ~~Growth Management~~Master Plan;
 - d. The proposed use will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for any such services;
 - e. The proposed use will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare; and
 - f. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
2. No Conditional Use Permit shall be issued unless the Planning Commission makes affirmative findings of fact and records adequate data, information, and evidence showing that the proposed use complies with all applicable standards of this Ordinance, including Article ~~10~~10 (Use Standards).
3. No Conditional Use Permit shall be granted unless the Planning Commission makes affirmative findings of fact and records adequate data, information, and evidence showing that the proposed use complies with all applicable regulations of federal, state, regional, and county agencies having jurisdiction.

Section 9.0~~6~~5 Conditions of Approval.

The Planning Commission may impose conditions or limitations upon a Conditional Use Permit approval in accordance with the following:

A. Conditions.

In granting a Conditional Use Permit, the Planning Commission shall impose any conditions it deems necessary to achieve the objectives and standards of this Ordinance and the Growth Management Master Plan, the standards of the Michigan Zoning Enabling Act, and the public health, safety, and welfare of Superior Township.

1. These conditions may include conditions necessary to ensure that:
 - a. Public services and facilities affected by a proposed conditional use will be capable of accommodating increased service and facility loads caused by the proposed conditional use;
 - b. The natural environment will be protected and natural resources and energy conserved;
 - c. The proposed use is compatible with adjacent land uses; and
 - d. The proposed use promotes the use of land in a socially and economically desirable manner.
2. Conditions imposed shall meet the following requirements:
 - a. The conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed land use or activity, residents and landowners immediately adjacent to the proposed conditional use, and the community as a whole.
 - b. The conditions shall be related to the valid exercise of the police power of the Township, and purposes that are affected by the proposed conditional use.
 - c. The conditions imposed shall be necessary to meet the intent and purpose of the Ordinance, shall be related to the standards established in the Ordinance for conditional uses, and shall be necessary to ensure compliance with those standards.

B. Violation of Conditions.

Failure to comply with such conditions shall be considered a violation of this Ordinance and may be punished in accordance with the provisions of Section ~~3.10~~ (Violations and Penalties) or rescinding of Conditional Use permit approval in accordance with the provisions of Section 9.06. -

C. ~~Effect and Modification of Permit.~~

An approved Conditional Use Permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner.

1. Remain in Force. Upon receipt of final site plan approval, conditional use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site parcel, unless otherwise specified in the Planning Commission resolution of approval.
2. Expiration. Any conditional use approval granted by the Planning Commission shall expire unless a preliminary site plan effectuating the conditional use is approved within two years of the date of approval.
3. Abandonment. When a use approved under the conditional use approval procedure ceases to function or is abandoned for a period of 12 months, the conditional use approval shall lapse and shall no longer be in effect.
4. Resubmittal. No application for a conditional use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
 - ~~1. A public hearing shall be held on any proposed changes as required for an original application.~~
 - ~~2. Any such approved changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.~~

Section 9.076 Rescinding Conditional Use Permit Approval.

Approval of a Conditional Use Permit may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed, or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or Conditional Use Permit approval. Such action shall be subject to the following:

A. Public Hearing

~~A. Public hearing.~~ Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section ~~_____~~3.11 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which Conditional Use Permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

~~B. Planning Commission Decision land or structure(s) for which Conditional Use Permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.~~

B. **Planning Commission Decision**

~~C. **Determination.**~~ Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator, or designated agent.

~~**Section 9.087 Re-Application.**~~

~~An application for a Conditional Use Permit which has been denied wholly or in part by the Planning Commission shall not be resubmitted for a period of three hundred sixty five (365) calendar days from the date of denial, except on grounds of new evidence not available to the applicant at the time of the original application or proof of changed conditions found by the Planning Commission to be valid.~~

Section 9.0987 Compliance with Conditional Use Permit Approval.

It shall be the responsibility of the property owner and operator of the use for which Conditional Use Permit approval has been granted to develop, operate, and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of Conditional Use Permit approval until the use is discontinued.

A. **Failure to Comply**

~~A. Failure to comply with the provisions of this Section or conditions of approval shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation. and may~~

~~B. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for rescinding Conditional Use Permit approval.~~

B. **Investigation**

~~1. The Zoning Inspector, Zoning Administrator, Township Planner, or other Township designee may make periodic investigations of developments for which a Conditional Use Permit has been approved.~~