SUPERIOR TOWNSHIP ZONING ORDINANCE

Ordinance No. 174

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Superior Charter Township, Washtenaw County

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ARTICLE 1

TITLE, PURPOSE AND LEGAL CLAUSES

Section 1.01 SHORT TITLE.

This Ordinance shall be known and may be cited as the Superior Charter Township Zoning Ordinance and shall be referred to herein as "this Ordinance."

Section 1.02 ENABLING AUTHORITY.

This Ordinance has been prepared for and adopted by the Township Board of Superior Charter Township under the authority of the Michigan Zoning Enabling Act, (Public Act 110 of 2006, as amended) establishes the authority to adopt comprehensive zoning regulations, and empowers the Township to enact a Zoning Ordinance and provide for its administration, enforcement, and amendment.

Section 1.03 INTENT AND PURPOSE.

A. The Township deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience, and general welfare of its residents.

B. The Township has prepared and adopted a Growth Management Plan under the authority of the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended) designed to guide growth in a logical and orderly fashion; to lessen congestion on the public streets; to protect and preserve its natural resources; and to ensure a well-balanced community considering its present and potential physical, economic, cultural, and environmental assets.

C. The Township has identified districts on a Zoning Map and prepared regulations in this Zoning Ordinance pertaining to such districts, in coordination with the Township's Growth Management Plan, and for the specific purpose of:

1. Protecting the character and stability of agricultural, residential, commercial, and industrial areas of the Township; and promoting the orderly and beneficial development of such areas;

2. Regulating the intensity of land use; and determining lot areas and open spaces necessary to surround buildings to provide adequate light and air;

3. Lessening and minimizing congestion and conflicts on public roads and highways;

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4. Providing for the needs of agriculture, recreation, residences, commerce, and industry in future growth;

5. Providing adequate light, air, privacy and convenience of access to property, and promoting healthful surroundings for family life in residential and rural areas;

6. Fixing reasonable standards to which structures and other site improvements shall conform, and prohibiting uses or structures that are incompatible with the character of development or the uses or structures permitted in specific districts;

7. Protecting against fire, explosion, noxious fumes, odors, heat, dust, smoke, light pollution, glare, noise, vibration, radioactivity, and other nuisances and hazards;

8. Preventing the overcrowding of land and undue concentration of buildings so far as is possible and appropriate in each zoning district by regulating the use, height, location, and bulk of buildings in relation to the surrounding land; and

9. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

Section 1.04 SCOPE.

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

A. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.

B. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance.

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This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement that such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

C. Unlawful uses, structures, and other site improvements. A use, structure or other site improvement not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.

D. Vested right. Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Section 1.05 COMPLIANCE REQUIRED.

No structure, site or part thereof shall be constructed, altered or maintained and no use of any structure or land shall be established, maintained, altered or expanded except in conformity with this Ordinance.

Section 1.06 SEVERABILITY.

A. Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the section or provision so declared to be unconstitutional or invalid.

B. Should any court of competent jurisdiction declare the application of any provision of this Ordinance to any lot, structure, or use to be unconstitutional or invalid, such declaration shall not affect the application of said provision to any other lot, structure, or use not specifically included in said judgment.

Section 1.07 REPEAL OF PREVIOUS ORDINANCES.

A. All previous zoning ordinances adopted by the Township Board of Superior Charter Township, Washtenaw County, Michigan, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance. However, no offense committed, nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired.

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B. Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

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ARTICLE 2

DEFINITIONS

Section 2.01 PURPOSE.

For the purpose of this Ordinance certain terms are herewith defined.

Section 2.02 RULES OF CONSTRUCTION.

The following rules of construction apply to the text of this Ordinance:

A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases which have acquired a particular and appropriate meaning in the law or within this Ordinance shall be construed and understood according to such particular and appropriate meaning.

B. The particular shall control the general.

C. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural shall include the singular, unless the context clearly indicates the contrary.

D. The words "shall" and “must” are always mandatory and not discretionary. The word "may" is permissive and authorizes the official or approving body identified in the applicable provision to exercise reasonable discretion consistent with the standards of this Ordinance..

E. All measurements shall be to the nearest integer, unless otherwise specified herein.

F. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."

G. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.

H. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."

I. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.

J. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Any term not defined herein shall have the meaning of common or standard use.

K. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "and/or," or "either/or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

4. "And/or" indicates that either the conjunctive or the disjunctive may apply, as appropriate in the circumstances.

L. Words or phrases in headings shall in no way by their presence or absence limit or affect the meaning of this Ordinance.

M. Where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

N. In computing a period of days in connection with petitioner or applicant submissions, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 2.03 DEFINITIONS.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

Access Drive. A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.

Access Management. A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Accessory Use, Building, or Structure. A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related. An accessory structure shall not include dwellings or be used for residential or lodging purposes or sleeping quarters for human beings.

Adult Day Care Center. A center other than a private residence, in which more than six (6) adults are supervised and receive group care for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Regulated Uses/Controlled Uses. The following are definitions for those uses defined as "Controlled Uses" herein:

a. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” or “specified anatomical areas.”

b. **Adult Book or Video Store.** An establishment having a substantial portion equaling more than twenty percent (20%) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities” or “simulated nudity,” which are offered for sale or rental or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.

c. **Adult Entertainment Cabaret**. A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.

d. **Adult Model Studio**. Any place where models who display "specified anatomical areas" are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

e. **Adult Motel**. A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:

(1) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or

(2) Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two (2) or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

f. **Adult Motion Picture Theater.** An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an

emphasis on matter depicting, describing, or relating to **"Specified Sexual Activities"** or **"Specified Anatomical Areas"** for observation by patrons therein.

g. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

(1) Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.

(2) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;

(3) Establishments which offer massages performed by certified massage therapists;

(4) Gymnasiums, fitness centers and health clubs;

(5) Electrolysis treatment by a licensed operator of electrolysis equipment;

(6) Continuing instruction in martial or performing arts or in organized athletic activities;

(7) Hospitals, nursing homes, medical clinics or medical offices;

(8) Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;

(9) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear “nude” or in “a state of nudity;”

(10) Adult photography studios whose principal business does not include the taking of photographs of “specified anatomical areas” as defined herein.

h. **Adult Physical Culture Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of an Adult Physical Culture Establishment:

(1) establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;

(2) electrolysis treatment by a licensed operator of electrolysis equipment;

(3) continuing instruction in martial or performing arts or in organized athletic activities;

(4) hospitals, nursing homes, medical clinics, or medical offices;

(5) barbershops, beauty parlors, or salons which offer massages to the scalp, face, neck, and shoulders only; and

(6) therapeutic massage establishments as defined and regulated by this Ordinance.

i. **Adult Supply Store.** Premises used for the sale, distribution, display, or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia, videos, or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to **"Specified Sexual Activities"** or **"Specified Anatomical Areas."**

j. **Adult Theater**. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances which are

distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities."

(1) **Adult Motion Picture Arcade or Miniature-Motion Picture Theater**. Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."

(2) **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities or "specified anatomical areas."

(3) **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

k. **Escort Service.** An establishment that provides the services of escorting members of the opposite sex for payment of a fee.

l. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or "specified sexual activities" while appearing in a "state of nudity," "simulated nudity" or while displaying "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.

m. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a "state of nudity," "simulated nudity" or displays "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.

n. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one (1) or more of the persons is in a "state of nudity" or "simulated nudity" and the activity is intended to provide sexual stimulation or sexual gratification to its customers.

o. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to "specified anatomical areas" or as part of, in connection with or related to "specified sexual activities" (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.

p. **Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:

(1) **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.

(2) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:

(a) Genitals, whether or not in a state of sexual arousal;

(b) Pubic region or pubic hair;

(c) Buttock(s);

(d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or

(e) Any combination of the above.

(3) **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."

(4) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's

body or of any object, into the genital or anal openings of another's body.

q. **Specified Anatomical Areas.** Portions of the human body defined as follows:

(1) Less than completely and opaquely covered;

(a) Human genitalia and pubic region;

(b) Buttock and anus; or

(c) Female breast below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

r. **Specified Sexual Activities.** The explicit display of one (1) or more of the following:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;

(3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation oral copulation, sexual intercourse or sodomy;

(4) Human excretory functions as part of or as related to, any of the activities described above;

(5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.

s. **Substantial Portion.** A use or activity accounting for more than twenty percent (20%) of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.

Agriculture. The use of land for the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas

trees, and other similar uses and activities operated on contiguous, neighboring, or associated land as a single unit carried on by the owner-operator, manager, or tenant farmer by his or her own labor or with assistance of members of his or her household or hired employees. See also "**Farm**."

Agricultural Service Establishment. A facility for the performing of corn shelling; grain storage; hay baling and threshing; sorting, grading, and packing fruits and vegetables for the grower; farm produce milling and processing for the grower; grain cleaning; and similar animal husbandry, horticultural, and farm-support services.

Alterations.

a**. Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.

b**. Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.

c. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.

Amusement Center. Business from which the proprietor's primary income is derived from the operation of pool tables, billiard tables, or amusement devices, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not generate the proprietor's primary income.

a. **Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges a flat rate to use the device.

b. **Arcade.** A place of business that has in operation in excess of five (5) mechanical amusement devices; electronic tables featuring bowling, basketball, football, or the like; or electronic games of skill or dexterity

utilizing video tapes or video screen or T.V. adaptations; or similar activities for hire or amusement.

Animal, Domestic. An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:

a. Bird (caged)

b. Cat (domestic)

c. Prairie Dog (bred)

d. Chinchilla

e. Dog

f. Fish (non-biting or non-poisonous)

g. Lizard (non-poisonous)

h. Marmoset (bred)

i. Primate (only as a trained aide for a disabled person)

j. Rodent (bred)

k. Snake (non-poisonous)

l. Spider (non-poisonous)

Animal, Wild or Exotic. Any animal not indigenous to the Township; incapable of being completely domesticated; requiring the exercise of art, force, or skill to keep it in subjection; or that a person is prohibited from possessing by law. Wild or exotic animals shall include, but not be limited to, the following:

a. Alligator and crocodile (family)

b. Badger

c. Bear

d. Bird (wild)

e. Cat (wild family)

f. Wolf or coyote

g. Deer (family)

h. Ferret

i. Fish (biting and or poisonous)

j. Lemur

k. Lizard (poisonous)

l. Marten

m. Opossum (family)

n. Primate (family)

o. Raccoon

p. Snake and other reptile (poisonous)

q. Skunk

r. Spider (poisonous)

s. Weasel (family)

t. Wild boar or swine (family)

Appeal. An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.

Architectural Feature. The architectural style, design, general arrangement, and components of the exterior surfaces of a building, including the type, color, and texture of building material(s), cornices, eaves, gutters, belt courses, sills, lintels, bays, ornaments, windows, doors, lights, and other surface or raised details and fixtures appurtenant to the building.

Artisan Food and Beverage Production. A commercial use involving the small-scale production, processing, or preparation of food or beverages using craft, manual, or specialized methods, typically in limited batches, where production is the primary activity. Such uses may include, but are not limited to, bakeries, creameries, chocolatiers, coffee roasters, cideries, breweries,

wineries, distilleries, fermenters, and similar craft producers. Artisan Food and Beverage Production does not include industrial-scale food manufacturing, large-scale bottling or canning operations, slaughtering, rendering, or food processing uses characterized by high-volume production, continuous processing, or substantial off-site distribution.

Awning. Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

Balcony. An exterior floor projecting from and supported by a structure without additional independent supports.

Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story except as provided for in the definition of "**Story.**" (see "**Basic Structural Terms**" illustration).

Bed and Breakfast Inn. A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

Berm. See "**Landscaping**."

Biofuel. A renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including but not limited to ethanol and bio-diesel; and not including methane or any other fuel product from an anaerobic digester.

Block. The property abutting one (1) side of a road and lying between the two (2) nearest intersecting roads; railroad right-of-way; alley; un-subdivided acreage; lake, river or stream; boundary lines of the Township; or any other barrier to the continuity of development (see "**Block**" illustration).

Brewpub. A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCLA 436.31b and 436.31c.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building.

a. **Accessory Structure.** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses, and swimming pools (see "**Accessory Structure**" illustration).

b. **Principal Building.** A building or, where the context so indicates, a group of buildings, which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.

c. **Building Setback.** The line parallel to the front lot line or road right-of-way line that defines the separation distance required from the road right-of-way or front lot line.

Building Envelope. The portion(s) of a lot located outside of all road and other rights-of-way, utility and other easements, and required perimeter yard setback areas. The building envelope shall not include any areas determined to be unbuildable due to soil conditions, slopes, wetlands or other factors (see "**Building Envelope**" illustration).

Building Line. The line formed by either of the following, as applicable:

a. The junction of the plane of the outer surface of the front or rear of the building with the plane of the finish grade or surface of the adjoining ground, where this line is generally parallel to the nearest front or rear lot boundary.

b. The line tangent to the point of the building nearest to the front or rear lot boundary and extending to the side lot boundaries in a manner generally parallel to the nearest front or rear lot boundary.

c. At no point shall a building line extend closer to the front or rear lot boundaries than the minimum required yard setbacks for the zoning district (see "**Building Lines**" illustration).

Building Inspector. The person or persons designated by the Township to administer and enforce the State Construction Code.

Bulk Feed and Farm Supply Stores. An agricultural commercial business offering for sale and/or rental farm supplies, tools, and equipment; and sales of animal and livestock feed, equestrian supplies and equipment, pet food, lawn care and gardening supplies, mulch, fertilizer, seeds, and other items used directly and principally for agricultural purposes, but not including sale or rental of farm implements, machinery or vehicles. (See "**Farm Implements**")

Caliper-inch. The measurement of the diameter of a tree trunk. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

Car Wash. A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks or other motor vehicles or recreational vehicles are automatically or manually cleaned.

Carport. A partially open accessory structure and shelter for housing of vehicles. Such structure shall comply with all yard requirements applicable to private garages.

Cemetery. Land used for the burial of the dead, including columbiums and mausoleums.

Certificate of Zoning Compliance. Authorization given by the Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. This term is synonymous with the term "**Zoning Permit**."

Child Care Facility. The following definitions shall apply in the application of this Ordinance:

a. **Child Day Care Center**. A facility, other than a private residence, receiving more than one (1) or more child for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

b. **Child Family Day Care Home**. A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family day care home" includes a home in which care is given to an

unrelated minor child for more than four (4) weeks during a calendar year.

c. **Child Group Day Care Home**. A private home in which more than six but not more than twelve (12) minor children are given care and supervision for periods of less than twenty- four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group day care home" includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

d. **Private Home**. A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.

Civic Club. A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit. See also "**Lodge**."

2. **Clinic, Medical.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients but may not include facilities for overnight patient care or major surgery.

3. **Cocktail Lounge or Night Club.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

4. **Commercial Vehicle.** Any motor vehicle or trailer whose characteristics are described below:

a. Used for the transportation of passengers for hire;

b. Constructed or used for the transportation of goods, wares, or merchandise for hire or sale;

c. Designed and used for carrying, towing, or pulling other vehicles;

d. A commercial vehicle capable of attaching to and propelling semi-trailers and similar units, and which is not customarily operated without an attached trailer;

e. A semi-trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height;

f. A cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more then eight (8) inches;

g. Construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles; and

h. Any vehicle that has or requires commercial license plates.

5. **Common Land.** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a Planned Community.

6. **Common Open Space.** An unoccupied area within a Planned Community which is reserved primarily for the leisure and recreational use of all the Planned Community residents, owners and occupants, and generally owned and maintained in common.

7. **Composting.** A controlled process of degrading compostable organic material by microorganisms.

   a. **Compostable Material.** Compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.

   b. **Composting Methods.** Composting may be achieved by several methods:

(1) **Mechanical.** A method in which the compost is continuously and mechanically mixed and aerated;

(2) **Ventilated cell.** Compost is mixed and aerated by being dropped through a vertical series of ventilated cells; and,

(3) **Windrow.** An open-air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed. The process may be anaerobic or aerobic, however, for purposes of this Ordinance only aerobic is permitted. Furthermore, sheet composting is not permitted.

c. **Composting Support Service Facility.** Those structures and spaces necessary for the operation of a composting facility. Such support services shall be devoted exclusively to the facility to which they are adjacent.

d. **Sheet Composting.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.

Conditional Use. See "**Use, Conditional."**

Condominium. A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

a. **Condominium Act.** Act 59 of the Michigan Public Acts of 1978, as amended.

b. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.

c. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.

d. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of

common elements, and other information required by Section 66 of the Condominium Act.

e. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.

f. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.

g. **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

h. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

i. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.

j. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

k. **Site Condominium.** All allocation or division of land permitted under the Condominium Act, which permits single-family detached housing pursuant to a master deed.

l. **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

m. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:

(1) **Front Yard Setback.** The distance between the public road right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall equal two hundred percent (200%) of the minimum required setback for the zoning district and shall be measured from the nearest pavement edge to the foundation of the unit.

(2) **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.

(3) **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.

Construction. The mass grading and similar site work conducted upon land in preparation for a new use, establishment of necessary site improvements for a new use, and development of a new structure, relocation of a structure, or addition to an existing structure on land in the Township.

Corner Clearance Zone or Area. A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one (1) right-of-way line to the other at points set a specific distance from the intersection point.

Cul-de-Sac. A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.

Curb Cut. The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Data Center. A facility used for the centralized storage, management, processing, and transmission of digital information, typically containing computer servers, data storage systems, telecommunications equipment, power distribution systems, cooling and ventilation systems, uninterruptible power supplies, backup generators, and associated support infrastructure. The term includes colocation centers, cloud-computing facilities, hyperscale computing facilities, and similar high-intensity information technology operations. The term does not include small server rooms, IT closets, or similar equipment rooms that are clearly accessory and subordinate to another lawful principal use.

Data Processing Center. A building or portion of a building used primarily for the manipulation, analysis, computation, or transformation of digital information through computer hardware or specialized equipment. A Data Processing Center may include servers or digital processing equipment, but is typically of smaller scale or lower intensity than a Data Center and may involve office or administrative functions associated with data manipulation. The term does not include general business offices or accessory server rooms subordinate to a principal use.

Dedicated Open Space. Open land that is permanently set aside by the owner for protection in a generally undeveloped state.

Deck. A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units per net acre of land.

Detention basin. A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.

Development. The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the site work conducted upon land in preparation for a new use. See also "**Construction**."

Development Agreement. An agreement, as required under this Ordinance, entered into between the Township and the owner(s)/developer(s) of any

property upon which a residential, commercial, industrial, or other land use is to take place.

Diameter Breast Height (D.B.H.). The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.

Distribution Center. A use which typically involves both warehouse and office/administrative functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

District. A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "**Zoning District**."

Dixboro Design Review Board. The advisory committee established by Section 6.04 (Dixboro Design Review) of this Ordinance to provide advisory recommendations to the Planning Commission regarding the quality of design of Dixboro community buildings and sites subject to redevelopment, expansion or new construction.

Downshielded. When used to refer to outdoor lighting, downshielded shall mean that the light from the lighting fixture is directed at the surface to be lighted. Shields shall be used to prevent light, glare, or reflection from illuminating adjacent properties or the area above the height of the light fixture.

Drive-In Establishments. A business establishment that provides facilities or spaces for the purpose of serving patrons in or momentarily stepped away from their motor vehicles, or to facilitate consumption within motor vehicles.

Drive-Through Lanes or Establishments. Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure.

Driveways. A hard-surfaced access connecting parking space for motor vehicles with a road or alley and permitting ingress and egress of a motor vehicle.

Dwelling. A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.

a. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for

one (1) family or a group of individuals living together as a single housekeeping unit.

b. **Accessory Dwelling.** A dwelling unit for one (1) family located as an accessory to a principal dwelling with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. "mother-in-law" apartment).

c. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.

d. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

e. **Detached Dwelling.** A dwelling unit that is not attached to any other dwelling unit by any means.

f. **Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:

(1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.

(2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.

(3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

g. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport.

h. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families.

i. **Site Built Dwelling.** A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.

j. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.

k. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane. Each dwelling unit is capable of individual use and maintenance, and access, utilities, and service facilities are independent for each dwelling.

l. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.

m. **Two-Family or Duplex Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.

Earth-Sheltered Home. A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

Easement. A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.

Elderly Housing. See "**Senior Housing**."

Enforcement Official. The person or persons designated by the Township to be responsible for enforcing and administering this Ordinance. The Enforcement Official may be referred to as the Building Inspector, Zoning Inspector, Township Planner, Township Engineer, or their agents. Such titles do not necessarily refer to a specific individual, but rather indicate the office to which the person or persons may hold.

Erect. To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for

development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.

a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.

b. Wireless communication facilities, wind energy conversion systems (WECS), private community wastewater treatment and disposal systems (PCWS), and utility buildings and storage yards shall not be considered essential services under this Ordinance.

Excavation. Any act by which an amount in excess of fifty (50) cubic yards of any soil or rock which is cut into, dug, quarried, uncovered, removed, displaced, or relocated in any calendar year is excavated or removed except excavation in connection with the construction of a building or within public highway rights-of-way.

Extractive Operation. Any pit, excavation or mining operation for the purposes of searching for or removing any earth, sand, gravel, clay, stone or other non-metallic mineral in excess of fifty (50) cubic yards per calendar year. The term shall not include an oil well or excavation preparatory to the construction of a structure, road or pipeline.

Exception. An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.

Exotic Animals. Include a specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. Animals of this nature that can or may be hazardous to human health or safety or the environment are prohibited.

Facade. The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.

Family. Means either of the following:

c. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

d. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by appeal of the Zoning Inspector's determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.

Farm-Based Tourism/Entertainment Activities. Activities accessory to an active farming or agricultural operation that promote agriculture, rural lifestyle, or farm product sales; preserve rural open space; enhance the local agricultural economy; expand the range of revenue sources from agriculture; improve understanding and knowledge of agriculture among non-farmers; and/or diversify the types of farm products available to consumers. Such activities may include but are not limited to agricultural festivals and events, farm-based attractions, corn mazes, farm markets, wineries, cider mills, and farm-based educational centers.

Farm Implements. Machinery, vehicles, and attachments used directly and principally for the purpose of producing agricultural products, including those used for the preparation, seeding, irrigation or cultivation of soil for growing or harvesting of agricultural products.

Farm Products Direct Marketing Business. A business operation accessory to an active farm operation for sales, trade, and delivery of farm produce, herbs, flowers, seeds, fruits, vegetables, Christmas trees, and other agricultural products directly to the end user, but which does not include an on-site store or retail sales to the general public. Examples: direct sales and deliveries of fruits and vegetables to area restaurants; and cooperatives with regular deliveries of produce in season to co-op owners.

Farming and Active Agricultural Uses. See also "**Agriculture**."

a. **Farm.** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.

(1) Farms shall not include establishments for keeping or raising fur-bearing animals, private riding arenas or boarding stables, kennels, or greenhouses; except where such RURAL USES are permitted by this Ordinance.

(2) A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those ANIMAL AND AGRICULTURAL USES permitted by this Ordinance or incidental to the active agricultural use.

b. **Farm Structures.** Any structure constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations, including barns, silo, granary, milkhouse, and similar structures, but not including any building used as a dwelling.

c. **Farm Labor Housing**. Temporary facilities provided for the housing of workers who are employed in the seasonal planting, harvesting, or processing of crops. This term is synonymous with "migratory labor camp."

d. **Feed Lot.** Includes any of the following facilities:

(1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; and

(2) any structure, pen, or corral wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

e. **Livestock** or **Farm Animals.** Animals used for human food and fiber, or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.

Fence. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.

a. **Chain-link fence.** A fence constructed of galvanized steel, or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area.

b. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block vision to an extent greater than fifty percent (50%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.

c. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than fifty percent (50%) for the purpose of obscuring or screening an area from public view.

d. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart, and which does not block vision to an extent greater than fifty percent (50%).

e. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event.

Filling. Filling shall mean the depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

Fixed costs and expenses. Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, facility construction, maintenance and repair, postage, and publication.

Fleming Creek Advisory Council. A regional committee established by joint action of Ann Arbor, Salem, and Superior townships, with assistance from the Washtenaw County Water Resources Commissioner and Huron River Watershed Council, to advise residents, property owners, and township officials, boards, and commissions about safeguards and best practices to protect the water resources of Fleming Creek.

Fleming Creek Watershed. The geographic area of land in the Township that serves as a drainage basin or catchment for Fleming Creek, within which surface waters ultimately drain to any point along the channel of this watercourse, as determined by reference to the most current topographic survey maps available from time to time.

Flood or **Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of Inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

a. **Flood, 100-Year.** A flood having an average frequency of occurrence in the order of once in one hundred (100) years, although the flood may occur in any year.

b. **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

(1) That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year flood.

(2) Principal estuary courses of wetland areas that are part of the river flow system.

(3) Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

Floor Area. The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage areas, recreational rooms, boiler rooms, and other areas within or contiguous to the structure. The measurement shall include the floor space of all accessory buildings measured similarly.

Floor Area Ratio. A ratio calculated by dividing the floor area of a building by the net lot area of the lot on which it is located. For example, if a floor area ratio of 0.40 is specified and the net lot area is two (2) acres [or 87,120 square feet], the maximum permitted floor area on the lot is 34,848 square feet. Subject to the provisions of this Ordinance regarding height and story limitations, the maximum building floor area may be 17,424 square feet for each of two (2) stories, or 11,616 square feet for each of three (3) stories.

Foster Family Group Home. A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Frontage. A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.

Garage. An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.

Garbage. Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables; including spoiled food, dead animals, animal manure and fowl manure.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

Golf Course or Country Club. The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

a. **Par-3 Golf Course.** A golf course consisting of shortened fairways, typically no longer than two hundred (200) yards. Par-3, eighteen-hole golf courses typically occupy fifty (50) to sixty (60) acres.

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

a. **Grade, Average.** The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a structure.

b. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

c. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. See "**Landscaping**."

Ground Floor Coverage (GFC). The total ground floor area of the principal and all accessory buildings, divided by the net lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.

Groundwater. Water stored in, and slowly filtering through, geologic formations.

Groundwater Recharge Area. A land surface and subsurface with limited filtering and purification capabilities and of high permeability that readily permits water to move downward into an aquifer to a depth where it is likely to be tapped by wells.

Growth Management Plan. The adopted master land use and growth management plan for Superior Charter Township, including any portions, supplements or amendments to such plan, and consisting of graphic and written text indicating the Township's development goals and objectives, planned future uses of all lands in the Township, general location for roads and other transportation infrastructure, public and community facilities, parks and recreation facilities, agriculture and open space preservation areas, and all physical development.

Height. The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front (see "**Building Height**" illustration).

Hazardous Materials. Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):

a. Any substance that is demonstrated, on a case-by-case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.

b. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).

c. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

d. "Petroleum" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

Health Club or Fitness Center. A type of indoor recreational facility that provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, swimming pool, or gymnasium, but does not include spectator seating or facilities for sporting events; bowling alleys or curling centers; indoor soccer, racquetball or tennis facilities; ice- or roller-skating rinks; firearms ranges.

Hobby. An incidental activity, not meeting the definition of a home occupation, carried on by the occupant of the premises for personal enjoyment, amusement or recreation; where the articles produced or constructed are not sold, other than incidental sales.

Home Occupation: Any business, occupation or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.

a. **Home Office.** A type of home occupation in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic mail; preparing or maintaining business records; word or data processing; and similar activities.

Hospital. An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.

Hotel or **Inn.** One (1) or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.

Surface. A surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of portland cement, bituminous asphalt, paving brick, composed stone or gravel, or any other surface that allows no water penetration.

Impervious Surface Coverage. The percentage of lot area covered by all buildings, pavement, driveways, parking lots, and all other structures, excluding ground mounted solar panels (area of all structures, pavement, and parking lots divided by the gross lot area).

Improvements. Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area, including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.

Ingress and Egress. Used in this Ordinance in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.

Institutional Uses. The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:

a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.

b. Auditoriums, theaters, concert halls, and similar places of assembly.

c. Libraries, museums, and similar centers for cultural activities.

d. Churches, temples, and other places of worship.

e. Post offices.

f. Private clubs, fraternal organizations, and lodge halls.

Junk. Building debris, scrap material, or any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

Kennel. Any building, lot or premises where six (6) or more dogs over six (6) months of age are kept, housed or raised. This definition shall not include the raising of animals for agricultural purposes.

a. **Pen.** An enclosed and secured area in which one (1) or more dogs are restrained or confined for short or extended periods of time

Laboratory. A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landfill. A tract of land that is used to collect and dispose of "solid waste" as defined and regulated under the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

Landmark Tree. All trees that have a diameter at breast height (D.B.H.) of twenty-four (24) inches or greater, and trees otherwise designated and regulated as landmark trees by this Ordinance.

Landscaping. The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting

the requirements for landscaping. Various landscaping-related terms are defined as follows:

a. **Berm.** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

b. **Groundcover.** Low-growing perennial plants that form a dense, extensive growth after one (1) complete growing season, and that tend to prevent weeds and soil erosion.

c. **Hedge.** A row of closely planted shrubs or low growing trees which commonly form a continuous visual screen, boundary, or fence.

d. **Screen or Screening.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier.

e. **Shrub.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.

f. **Sod.** An area of grass-covered surface soil held together by matted roots.

g. **Tree.** A self-supporting woody, deciduous, or evergreen plant with a well-defined central stem which normally grows to a mature height of fifteen (15) feet or more in Washtenaw County, Michigan. Types of trees are defined as follows:

(1) **Deciduous Tree.** A variety of trees that has foliage that is shed at the end of the growing season.

(2) **Evergreen Tree.** A variety of trees that has foliage that persists and remains green throughout the year.

(3) **Ornamental Tree.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about twenty-five (25) feet or less.

(4) **Shade Tree.** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater in Washtenaw County, Michigan, having a trunk with at least five (5) feet of clear stem at maturity.

h. **Vine.** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

Landscaping Operation. Nursery operations which include operations necessary to install and maintain plant materials off-site, including storage of trucks for transportation of plants, soils, and other landscaping materials; grading equipment; and tree-moving equipment. Commercial snow-removal equipment, construction equipment, or road-maintenance is not considered to be a part of a landscaping business. See also "**Landscaping/Maintenance Operations**" and "**Nursery, Commercial**."

a. **Landscaping/Maintenance Operations.** Uses that include the use of commercial vehicles and/or equipment not permitted in nursery or landscape operations. Landscaping/Maintenance Operations may be characterized by the use and storage of large vehicles and equipment, significant noise levels, and emissions that are incompatible with surrounding rural, agricultural, or residential land uses. See also "**Landscaping Business**" and "**Nursery, Commercial**."

Lighting. The following definitions are related to lighting:

a. **Color Temperature.** A measure of the apparent "warmth" or "coolness" of a light source, expressed in degrees Kelvin (K), that describes the spectral characteristics of the emitted light. Lower color temperatures (e.g., 2700K–3000K) produce warmer, yellow/orange light, while higher color temperatures (e.g., 4000K and above) produce cooler, whiter/blue light.

b. **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.

c. **Floodlight.** A fixture or lamp designed to direct light over a broad area.

d. **Footcandle.** Illumination produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.

e. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not

visible from adjoining properties and does not cause glare or interfere with the vision of motorists.

f. **Glare.** An intense and blinding light that results in reduced visual performance and visibility and is often accompanied by discomfort.

g. **Lamp** or **Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.

(1) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.

(2) **Incandescent** or **Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.

(3) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.

(4) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.

(5) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.

h. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.

i. **Light Pollution.** The illumination of the night sky caused by unshielded artificial light sources on the ground, typically causing a brightening of the night sky and diminished star visibility, due to the scattering of artificial light by aerosol particles (water droplets, dust, etc.).

j. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).

k. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one (1) lumen per square foot. One (1) lux is one (1) lumen per square meter.

l. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

Livestock. See "**Farming**."

Loading Space, Off-Street. Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot. A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures and having frontage upon a public or private road (see "**Corner, Interior & Double Frontage Lots**" illustration).

a. **Corner Lot.** A lot located at the intersection of two (2) roads, or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.

b. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel roads.

c. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.

d. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:

(1) Single lot of record.

(2) Portion of a lot of record.

(3) Combination of lots of record, or portion(s) thereof.

(4) Condominium lot.

(5) Parcel or tract of land described by metes and bounds.

Lot Area.

a. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands, watercourses, and bodies of water.

b. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.

Lot Depth. The mean horizontal distance measured from the front road right-of-way line to the rear lot line (see "**Yard Terms**" illustration).

Lot Line. Any line dividing one lot from another lot or from a road right-of-way or from any public place.

a. **Front Lot Line.** The line separating a lot from a road right-of-way.

(1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and thirty-three (33) feet back from the centerline of the pavement.

(2) Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.

(3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained

b. **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

c. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

Lot Of Record. A parcel of land that meets any of the following conditions:

a. An existing lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Washtenaw County Register of Deeds and the Township Assessor;

b. An existing lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Washtenaw County Register of Deeds and the Township Assessor;

c. An existing lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan, recorded with the Washtenaw County Register of Deeds and the Township Assessor.

Lot Split or Consolidation. The dividing or uniting of lots by virtue of changes in the deeds recorded with the Washtenaw County Register of Deeds and the Township Assessor.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines (see "**Yard Terms**" illustration).

Manufactured Housing Park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 125.2301 et seq.) and the Manufactured Housing Commission General Rules.

a. **Manufactured Home.** See "**Dwelling**."

b. **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

Manufacturing. The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

a. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

Master Plan. See "**Growth Management Plan**."

Material Recovery Facility. A place, structure, or use of land where used, discarded, or salvaged or salvageable materials are processed for recycling or reuse. A Material Recovery Facility shall not include motor vehicle storage or dismantling activities.

Mezzanine. An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story (see "**Basic Structural Terms**" illustration).

Michigan Planning Enabling Act. Act 168 of the Michigan Public Acts of 1959, as amended (also referred to as the "Township Planning Act"); Act 33 of the Michigan Public Acts of 2008, as amended (also referred to as the "Michigan Planning Enabling Act"); and any successor state statute.

Michigan Zoning Enabling Act. Act 110 of the Michigan Public Acts of 2006, as amended. This statute is the successor to the former Township Zoning Act, Act 184 of the Michigan Public Acts of 1943, as amended.

Mixed Use. A structure or project containing residential and nonresidential uses.

Motor Home (Trailer Coach). A self-propelled motorized vehicular unit primarily designed, used or constructed for travel or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."

Motor Vehicle Fueling Station. A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Motor Vehicle Repair Station. An enclosed building where minor and major motor vehicle repair services may be carried out.

a. **Major Repair.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.

Motor Vehicle Service Center. A place where motor oil and lubricants are sold directly to the public on the premises for the purposes of operation of motor vehicles, including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.

a. **Minor Repair.** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; steam cleaning, undercoating and rustproofing; or similar servicing or repairs that do not normally require any significant disassembly.

Natural Area. A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.

Natural Features. Include, but are not limited to, soils, wetlands, floodplains, water bodies and channels, groundwater recharge areas, topography, hedgerows, trees and other types of vegetative cover, and geologic formations.

Noise. Any sound which annoys or disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans.

a. **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).

b. **Day-night average sound level.** The twenty-four (24) hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.

c. **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

d. **Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.

e. **Noise disturbance.** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

f. **Noise sensitive zone.** An area which contains noise-sensitive activities such as but not limited to schools, libraries, churches, hospitals, and convalescent or nursing homes.

g. **Pure tone.** Any sound that can be distinctly heard as a single pitch, or a set of single pitches.

h. **Sound.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

i. **Sound level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the *American National Standards Institute*.

j. **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

Nonconformities:

a. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.

b. **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.

c. **Nonconforming Sign.** See **Signs**.

d. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.

e. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, regulations and codes.

f. **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, and regulations.

g. **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.

h. **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.

Noxious. An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

Nuisance. Any offensive, annoying, or disturbing emission, practice, or object, which prevents the free use or comfortable enjoyment of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.

Nursery. The use of land or greenhouses to grow plants intended to be transplanted for use in agriculture, forestry, or landscaping, or a space or structure, where live trees, shrubs, or other plants used for gardening and landscaping are propagated or stored. The definition of nursery within the meaning of this Ordinance does not include any space, structure used for the sale of fruits, vegetables or Christmas trees. See also "**Landscaping Maintenance Operations**" and "**Seasonal Sales**".

Obscene Material. As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362(4), as amended] found to be "obscene" [as defined in MCL752.362(5), as amended].

Occupancy or **Occupied.** The purpose for which a building or part thereof is used or intended to be used. The term "occupied" includes "arranged," "designed,"

"built," "altered," "converted to," "rented," "leased" or "intended to be inhabited."

Occupancy Load. The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.

Open Air Business. Any business that is conducted primarily out-of-doors. Unless otherwise specified by this Ordinance, "open air business" shall include:

a. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.

b. Roadside stands for the sale of agricultural products.

c. Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.

d. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.

Open Space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.

a. **Conservation easement.** A legal agreement and a conveyable interest in land in which the landowner retains ownership of private property but conveys certain specifically identified rights to a land conservation organization or a public body.

(1) A conservation easement provides limitation on the use of land or a body of water or development of structures or site improvements.

(2) A conservation easement defines the responsibilities of all parties for retaining or maintaining the land or body of water predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

(3) A conservation easement may require or prohibit certain acts on or with respect to the land or body of water.

(4) Also see definition of "conservation easement" in Section 2140 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended)].

b. **Development rights.** The rights to develop land to the maximum intensity of development authorized by law.

c. **Greenway.** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

d. **Restrictive covenant.** An agreement between two (2) or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.

e. **Undeveloped state.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be dedicated to the use of the public.

Outdoor Sales or Display. The placement or exhibition of products or services on a lot outside of a building. See also "**Open Air Business**."

Outdoor Storage. An open area where goods, equipment, merchandise, components awaiting assembly, finished products, building materials, and similar items are kept or stored for use on-site or later distribution or shipment off-site. The term does not include uses established entirely within enclosed buildings, motor vehicle storage or dismantling yards or drop-off stations for recyclables.

Outdoor Motor Vehicle Storage or Dismantling Yard. An open area used for any of the following purposes:

a. Purchase, sales, exchange, storage, disassembly or handling of used parts of motor vehicles.

b. Any business and any place of storage or deposit which includes two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation.

c. Where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles, glass, cordage, and other waste, used or secondhand material.

d. This facility is also described as a junkyard, wrecking yard or automobile scrap yard, and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

e. "Motor vehicle storage or dismantling yard" does not include uses established entirely within enclosed buildings and drop-off stations for residential recyclables.

Outlot. A parcel of land designated on a site plan for future development.

Parcel. See "**Lot**."

Park. Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.

Parking Lot. A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

a. **Parking Space.** A space set aside for the sole purpose of parking an automobile on a temporary basis.

Pavement Or Hard Surface. Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.

Performance Guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

Permitted Use. See "**Use**."

Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Pet. A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other animal that is commonly available and is kept for pleasure or companionship, and not including **"Exotic Animals."**

Place of Worship. A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship, along with all accessory buildings and uses customarily associated with such primary use.

Planning Commission. The Planning Commission for Superior Charter Township, Washtenaw County, Michigan, as authorized by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

Plat. A map or chart of a subdivision of land.

Pond. A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, groundwater or a public or private water distribution system.

Porch. A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.

Pool or Billiard Hall. An establishment wherein a substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

Premises. A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses that are not separated by intervening roads, alleys, utility or railroad rights-of-way or other interruptions.

Private Community Wastewater System (PCWS). A facility for the transportation, collection, processing or treatment of sanitary sewage which is owned by a non-governmental entity, and which is proposed to service more than one structure. The PCWS shall be deemed to include any individual septic tanks, pumps, lines and appurtenances serving each residence, in addition to the community drain field and treatment system.

Private Event Facilities. A site or facility with a structure(s) approved by the Township to conduct private events by renting or leasing to private parties on a commercial basis.

Principal Use. See "**Use."**

Property Line. The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also "**Lot Line**."

Pub. See "**Brewpub**" and "**Tavern**."

Public Utility. See "**Utility**."

Publicly Owned and Operated Sanitary Sewerage System. A system of structures, pipes, channels, conduits, manholes, pumping stations, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating, or otherwise handling sanitary sewage or other industrial liquid wastes of such nature as to be capable of adversely affecting the public health, owned and operated by the Ypsilanti Community Utilities Authority, Township of Ann Arbor or other municipality.

Quarry. See "**Extractive Operation**."

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.

Recreational Facility, Indoor. A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building), including privately-owned facilities operated as a business and open for use by the public for a fee; such as gymnasiums, health clubs, and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges. Such facilities may include spectator seating or facilities for sporting events.

Recreational Facility, Outdoor. A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building), including privately-owned facilities operated; such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks. This definition shall not include facilities accessory to a single-family dwelling which are intended solely for the private use of the residents of that dwelling.

Recreational Vehicle. A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:

a. **Boats and Boat Trailers.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats" and "boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.

b. **Folding Tent Trailer.** A folding structure, mounted on wheels and designed for travel and vacation use.

c. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of four hundred (400) square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

d. **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.

e. **Travel Trailer.** A portable dwelling built on a single chassis of four hundred (400) square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

f. **Horse Trailer.** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.

g. **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles are designed primarily for recreational travel or off-road use.

h. **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.

Repair and Maintenance, Ordinary. Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in

design, material or outward appearance, but does include in-kind replacement or repair.

Restaurant. Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.

a. **Carry-Out Restaurant.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design and method of operation include:

(1) Food and beverages are usually served in edible containers or in paper, plastic or other disposable containers.

(2) The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and the restaurateur strictly enforces such prohibition.

b. **Restaurant, Drive-In.** Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design and method of operation include:

(1) Food and beverages are served directly to the customer in a motor vehicle either by a carhop or by other means that eliminates the need for the customer to exit the motor vehicle.

(2) The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

c. **Drive-Through Restaurant.** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

Retail Stores and **Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.

a. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.

b. Included in this definition are convenience stores, department stores, variety stores, "big box" stores, supermarkets, wholesale club stores, shopping centers and shopping malls.

c. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.

d. This definition does not include temporary uses, temporary outdoor display or sales areas or adult uses and sexually oriented businesses.

Retention Basin. A pond, pool, or basin used for the long-term storage of water runoff.

Rezoning. The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.

Riding Arena or Boarding Stable, Private. All stables and facilities for the private rearing, schooling, breeding or housing of horses, mules, ponies and similar equine riding animals, which may include private boarding of one (1) or more equine riding animals by the property owner in exchange for monthly, seasonal or annual compensation from the animal's owner(s).

Riding Stable, Public or Commercial. All stables and facilities regularly accessible to the general public for the rearing, schooling, riding, driving, and housing of horses, mules, ponies and similar equine riding animals available or intended for public lessons, riding academies, hire on a per diem, hourly or weekly basis, or similar use by the public.

Right-Of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.

Road. A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.

Roadside Stand. A temporary building or structure accessory to any RURAL USES and operated for the purpose of selling only natural, unprocessed produce, and other farm products created, raised or produced on land which is part of the same principal RURAL USES. A roadside stand shall not make a commercial district, nor shall its use be deemed a commercial activity.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Sanitary Sewer System. Facilities for transportation, collection, processing, or treatment of sanitary sewage serving or intended to serve more than one (1) principal dwelling unit, principal use, or principal building; including all treatment and disposal facilities, pumps, lines, lift stations, and appurtenances. See also "**Private Community Wastewater System (PCWS)**" and "**Publicly Owned and Operated Sanitary Sewer System**."

Screen. See "**Landscaping**."

Self-Storage Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Senior Housing. An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily fifty-five (55) years of age or older. Housing for the elderly may include:

a. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.

b. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

c. **Convalescent or Nursing Home.** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.

d. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.

e. **Elderly Housing.** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.

f. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons fifty-five (55) years of age or older.

Separate Ownership. Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.

Setback. The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or road rights-of-way (see "**Yard Terms**" illustration).

a. **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.

b. **Required Setback.** The minimum horizontal distance between a front, rear or side lot line and a building line is required to comply with required yard provisions of this Ordinance.

Shopping Center. A group of commercial establishments, primarily consisting of retail uses, that are compatible with each other and are mutually supportive, in one (1) or more buildings, on a site that is planned, developed, and managed as one (1) operating unit, with common driveways, parking areas, identification signs, and other common facilities and services.

Short Term Rental. A dwelling unit, or any portion thereof, that is rented, leased, or otherwise provided for occupancy to transient guests for a period of fewer than thirty (30) consecutive days, in exchange for monetary or other consideration.

Sign. Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which displays a message. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

a. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than one hundred-eighty (180) days.

b. **Accessory Sign**. A sign that pertains to the principal use of the premises.

c. **Billboard** or **Non-Accessory Signs.** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."

d. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature.

(1) **Awning Sign.** A sign that is painted or printed on or attached to an awning or canopy.

(2) **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.

(3) **Wall Sign.** A sign painted on or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than two (2) feet from the wall with no copy on the sides or edges.

(4) **Window Sign.** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.

e. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

f. **Color Value.** The perception of an internally illuminated color's lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.

(1) **Saturation.** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.

g. **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.

h. **Ground Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.

i. **Noncombustible Material.** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

j. **Nonconforming Sign.** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.

k. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.

l. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all signs copy or surface of any internally illuminated sign, awning or canopy. Such a perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

m. **Signable Area.** The area of the street level portion of a principal building's front facade wall, including doors and windows, facing a public road where the address or primary public entrance is located.

n. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.

o. **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development.

p. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.

(1) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.

(2) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.

(3) **Inflatable Sign.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.

(4) **Portable Sign.** A type of temporary sign not permanently affixed to the ground or structure and consisting of two (2) vertically oriented sign faces linked at the top by hinges or similar devices and forming an inverted "V" shape when displayed. Also referred to as a "sandwich board" sign.

q. **Unlawful Sign.** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.

r. **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.

Site Condominium. See "**Condominium**."

Site Plan. A plan showing all salient features of a proposed development, as required by pertinent portions of this Ordinance, so that it may be evaluated to determine whether it meets the provisions of this Ordinance and the Growth Management Plan.

Slopes. Any rise in the height of a topographic land surface over a distance of one hundred (100) feet, in which one (1) end or side is at a higher level than another. See also "**Steep Slopes**."

Solar Energy Collector Systems, Small-Scale. A system that captures and converts solar energy into electricity with a nameplate capacity below 50 megawatts (MW). A solar energy system includes, but is not limited to, the following equipment and facilities: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures. Small-scale solar energy systems are not primarily used for generating electricity for sale and distribution to an authorized public utility.

Special Event. An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit community group, organization, club, or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment and which is open to the public. Special events typically run for a short period of time [less than two (2) weeks] and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Specially Designated Distributor's Establishment. A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to distribute alcoholic liquor and operating in compliance with the Township's Liquor Control Ordinance, other than wine under twenty percent (20%) alcohol by volume, and beer, in the original package for consumption off the premises.

Specially Designated Merchant's Establishment. A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to sell beer and/or wine for consumption off the premises and operating in compliance with the Township Liquor Control Ordinance.

State Licensed Residential Facility. Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or public Act 218 of 1979. These acts provide for the following types of residential structures:

a. ***Adult foster care facility***. A governmental or non-governmental establishment having as its principal function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Consumer & Industry services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to correctional facilities. The following four (4) types of Adult Foster Care Homes are provided by these rules:

(1) **Adult Foster Care Family Home.** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

(2) **Adult Foster Care Small Group Home**. An adult foster care facility with the approved capacity to receive not more than twelve (12) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.

(3) **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.

(4) **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care. Local zoning approval is required prior to issuance of a license.

b. **Foster Family Home.** A private residence that houses four (4) or fewer foster children, up to age 19, under constant childcare and supervision. Under Public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Consumer and Industry Services.

c. **Foster Family Group Home.** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a foster family group home requires local zoning approval before being licensed by the Department of Consumer and Industry Services.

Steep Slopes. A rise of twenty-five (25) feet or more over a distance of one hundred (100) feet, or any existing slope of twenty-five percent (25%) or greater.

Story. That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see "**Basic Structural Terms**" illustration).

a. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is twenty-four (24) feet or more.

b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half the vertical distance from the average grade to the ceiling.

Story, Half. An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Street. See "**Road**."

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.

a. **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.

Subdivision Plat. The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Land Division Act (P.A. 288 of 1967, as amended), and the Superior Charter Township Subdivision Control Ordinance, as amended.

Swimming Pool. Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.

Tavern. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other amusement devices.

Theater. A building, room, or outdoor structure for the presentation of performances or motion pictures.

Total Buildable Area. An area calculated by subtracting from the gross site acreage, the areas comprised of existing and proposed rights-of-way and easements for public and private roads, flood plains, wetlands, and stream corridors, and lands to be purchased for public use. This is the area used to compute the allowable maximum density for an Open Space Preservation Residential Development.

Township. The Charter Township of Superior, Washtenaw County, Michigan.

Township Board. The elected board of trustees for Superior Charter Township, Washtenaw County, Michigan.

Township Engineer. The person, persons or firm designated by the Township to advise the Township on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.

Township Planner. The person, persons or firm designated by the Township to administer and enforce this Zoning Ordinance on a day-to-day basis; provide staff support to the Township Board, Planning Commission or Zoning Board

of Appeals; or advise the Township on community planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.

Tree, Regulated. Any coniferous tree ten (10) feet in height or larger, any deciduous tree eight (8) inches in diameter at breast height (D.B.H.), and any tree meeting the definition of a landmark tree under this Ordinance that is located within the lot boundaries of a parcel of land subject to Section 13.04.F (Woodlands and Tree Preservation), along with trees adjacent to such lot boundaries or in adjacent road rights-of-way where the drip line overlaps a lot boundary or right-of-way line. Dead trees are not considered to be regulated trees under this Ordinance.

Tree, Sovereign. Any tree that is registered on the National Big Tree Registry or a similar national or state registry accepted by the Planning Commission; that has been documented by the Township, a historian, or other means accepted by the Planning Commission to be closely associated with an event, person, or place of historical significance to the Township; or that is otherwise designated and regulated as a sovereign tree by this Ordinance.

Tree Farm. The use of land to grow live trees that are heeled in, not balled and bagged, and are intended to be transplanted or sold for use in agriculture, forestry or landscaping, but not including sales on the premises or storage of tree-moving, earth-moving, or related equipment outside of enclosed structures. See also "**Nursery**."

Truck Terminal. A structure to which goods, except raw or unprocessed agricultural products, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

Undeveloped State. A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural land use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course or other exclusively commercial recreational uses, lot area within setbacks for each specific lot or land area dedicated as limited commons, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

Use. The purpose for which land or premises or a building thereon, is designed, arranged or intended or for which it is occupied maintained, let or leased.

a. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.

b. **Conditional Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to ensure that the use is compatible with other permitted uses in the district.

c. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.

d. **Principal Use.** The main or primary use of the land or structures; or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.

e. **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.

f. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.

Utility, Private. A person, firm, corporation or private entity duly authorized to furnish, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, communication, telegraph or transportation. Such uses as wind energy conversion systems (WECS), community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, and wireless communication facilities shall not be considered private utilities under this Ordinance.

Utility, Public. A governmental entity or municipal department, board or commission duly authorized to furnish, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, or transportation to the public. Such utility shall be regulated by a governmental pricing structure, have the right of eminent domain, be a single entity as designated by Federal or State government to provide a specified service or product, and provide a service considered essential to a public need.

a. Publicly owned and operated or municipal water distribution and sanitary sewer systems, and stormwater drainage facilities under the

jurisdiction of the Washtenaw County Drain Commissioner, shall also be considered public utilities.

b. Such uses as wind energy conversion systems (WECS), community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, and wireless communication facilities shall not be considered public utilities under this Ordinance.

Variable Costs and Expenses. Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses; including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Planner, and other designated Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

Variance. A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.

Veterinary Clinic or Hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Viewshed. The total physiographic area, composed of land, water, biotic, and other environmental and cultural elements, visible from one (1) or more fixed vantage points (such as a series of views along a roadway, or the view from the perspective of one riverfront dwelling).

Volatile Farm-Based Biofuel Production Facility. An accessory use, clearly incidental and subordinate to an active farm operation lawfully operating on the same zoning lot, in which biofuel (as defined in this Section) is derived from recently living organisms or their metabolic by-products. This term shall include all equipment, storage tanks, and other improvements needed to produce, store, and transport the biofuel in a manner that meets all federal, state, and Township standards and limitations.

Wall. A screening structure of definite height and location constructed of a masonry, concrete, rock or similar material.

Warehouse. A building used for short- and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, wholesaling, and retailing. See also "**Distribution Center**" and "**Truck Terminal**."

Watercourse. Any waterway including a river, stream, lake, pond, or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

Water Supply System. Facilities for collection, transportation, processing, or distribution of sanitary drinking water serving or intended to serve more than one principal dwelling unit, principal use, or principal building: including all potable water sources, treatment and purification facilities, pumps, lines, and appurtenances.

a. **Publicly Owned and Operated Water System.** A water supply system owned and operated by one (1) or more governmental entities.

b. **Community Well.** A water supply system serving more than one (1) dwelling that is owned by a non-governmental entity.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:

a. At least periodically, the land supports predominantly hydrophytes.

b. The substrate is predominantly un-drained hydric soil.

c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetland Ordinance. Ordinance No. 135, duly adopted by the Superior Charter Township Board, entitled "Wetland and Watercourse Protection and Restoration."

Wetland, Regulated. Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) or the Township's Wetland Ordinance.

Wind Energy Conversion System (WECS). Any device such as a wind charger, windmill, or wind turbine that converts wind energy to usable energy.

a. **Agricultural WECS.** A WECS that is accessory to a permitted farm or agricultural operation and is designed and built to serve the needs of the farm or agricultural operation.

b. **Private WECS.** A WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.

c. **Commercial WECS.** A WECS that is designed and built to provide electricity to the electric utility's power grid.

d. **Authorized Factory Representative.** An individual with technical training from a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.

Wireless Communications Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.

a. **Antenna(e).** Equipment used for the transmission or reception of wireless communication signals.

b. **Amateur Radio Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as "ham radio antenna."

c. **Backhaul Network.** The lines, facilities, and equipment that connect a provider's towers or antennae to switching offices, long-distance providers or public-switched telephone networks.

d. **Collocation.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.

e. **Ground Equipment.** Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.

f. **Provider.** Entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

g. **Satellite Dish Antenna.** An antenna structure designed to receive from or transmit to orbiting satellites.

h. **Tower.** A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles, or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet towers, alternative tower structures, and similar wireless communication antennae support structures.

Woodland. Land covered with woody vegetation, with concentrations of trees from twenty percent (20%) to one hundred percent (100%) tree canopy coverage, and land areas identified in the Township Master Plan as woodlands (see Map 3-3 (Major Woodlands in Superior Township); also referred to as timberland or forest.

Yard. An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line and is unoccupied from the ground upward except as otherwise provided herein (see "**Yard Terms**" illustration).

a. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building.

b. **Rear Yard.** The yard is directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

c. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.

d. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.

Zoning Board of Appeals. The board created pursuant to the provisions of this Ordinance and the Michigan Zoning Enabling Act to hear and decide appeals, variances, interpretations, and exceptions under this Ordinance.

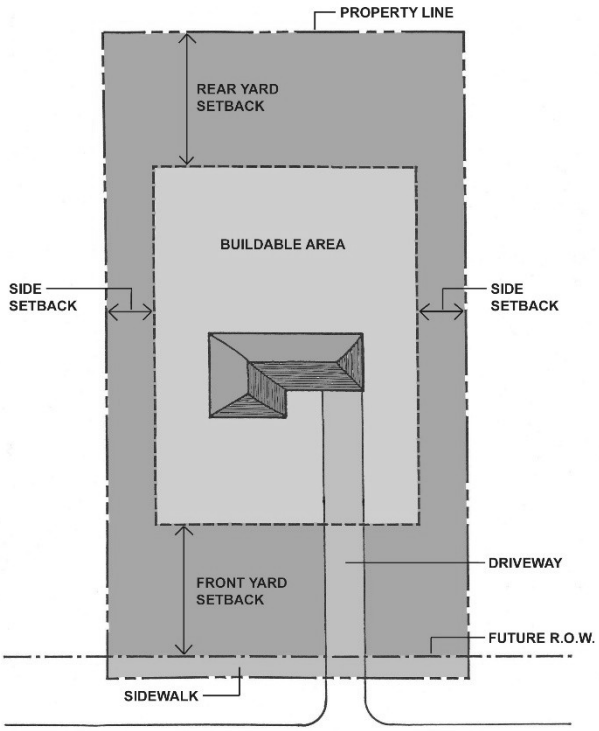
Zoning District. See "**District**."

Zoning Inspector. The person(s) designated by the Township to administer and enforce the provisions of this Zoning Ordinance on a day-to-day basis.

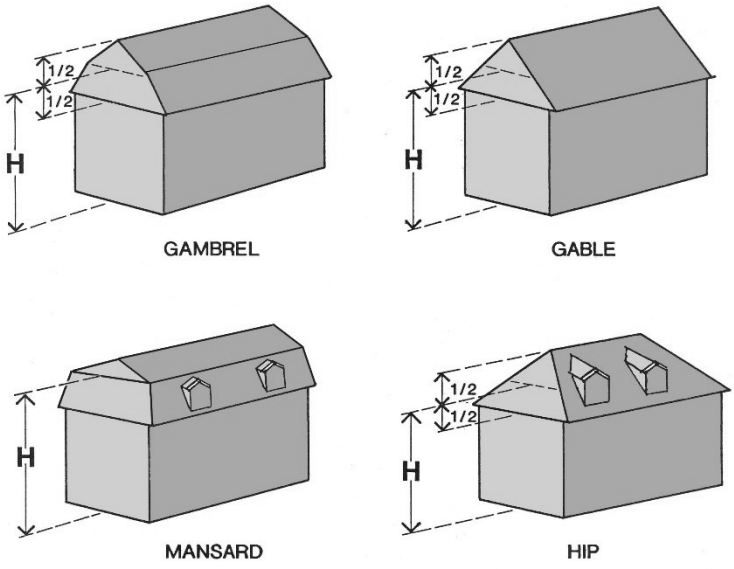
Zoning Permit. See "**Certificate of Zoning Compliance**."

ILLUSTRATIONS

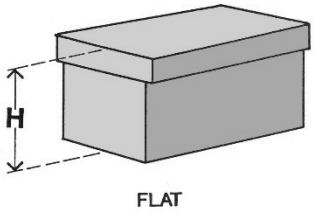
ILLUSTRATIONS

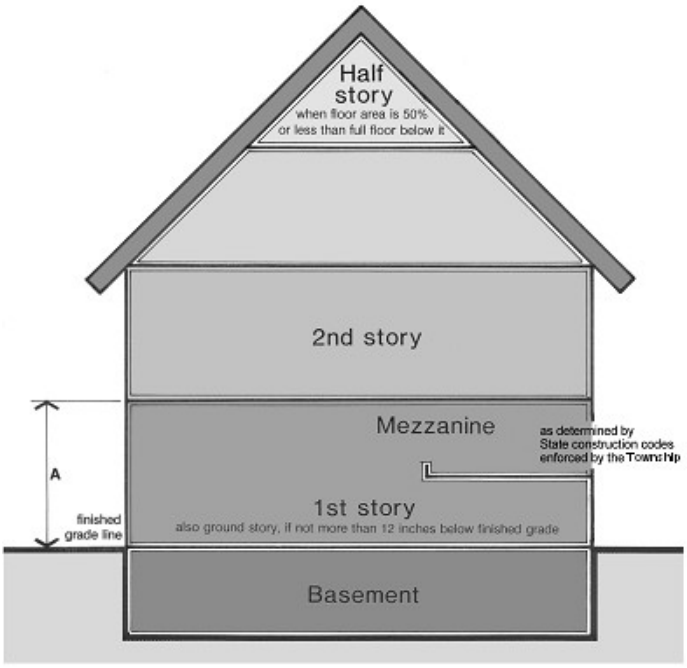


Building Envelope

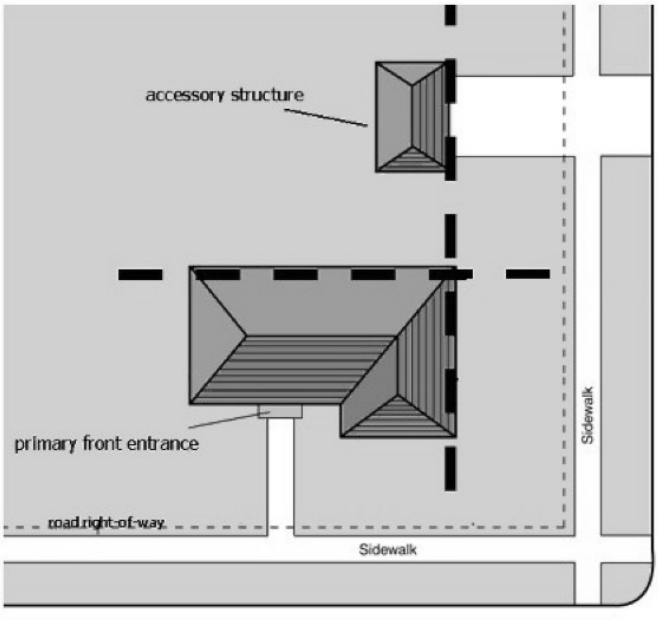


Building Height



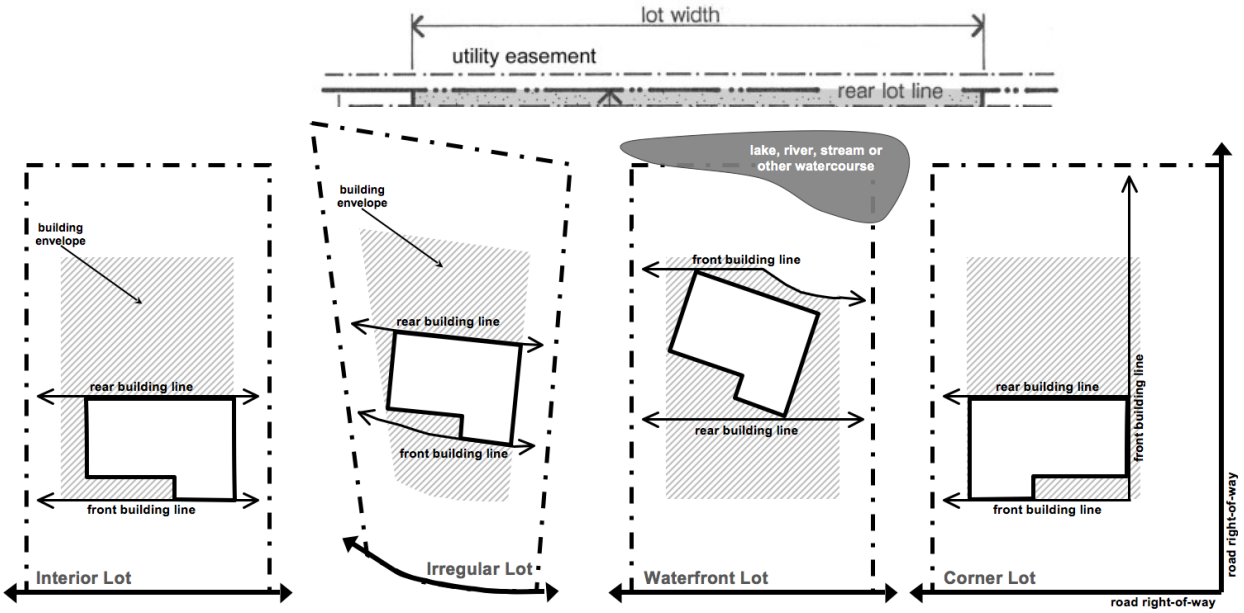


Basic Structural Terms

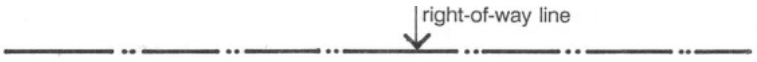


Accessory Structure Location on a Corner Lot

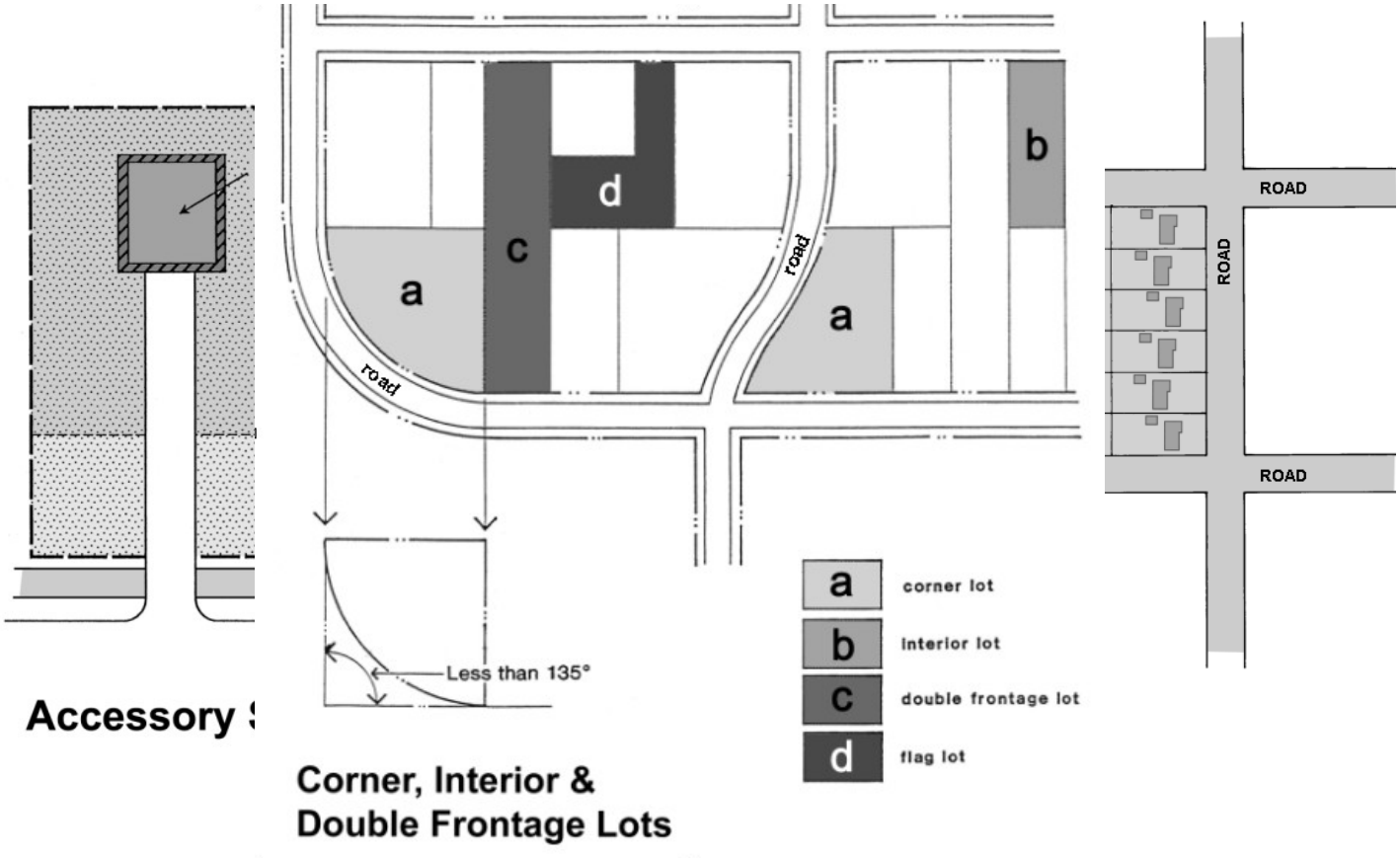
ILLUSTRATIONS



Building Lines



Yard Terms



Accessory S

Corner, Interior & Double Frontage Lots

ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

Section 3.01 AUTHORITY, DUTIES, AND RESPONSIBILITIES.

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the boards, commissions, and officials charged with administering, implementing, and enforcing the provisions of this Ordinance, as follows:

A. Township Board Authority and Responsibilities.

The Township Board shall have the ultimate responsibility in accordance with the Michigan Zoning Enabling Act for administrative oversight and enforcement of this Ordinance and the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act, the Township Board shall have the authority to adopt this Ordinance and Official Zoning Map, as well as any subsequent amendments considered in accordance with Article 17 (Amendments).

2. **Review and approval of special districts.** Township Board review and approval shall be required for establishment of special districts, in accordance with Article 5 (Special District Regulations).

3. **Setting of fees.** The Township Board shall have the authority to set fees for all applications for approvals required under this Ordinance to defray costs and expenses incurred in processing such applications.

4. **Appointment, oversight, and removal of zoning officials.** The Township Board shall appoint a Zoning Inspector and any other ordinance enforcement officials deemed necessary to act as the officer(s) for the proper administration and enforcement of this Ordinance.

B. Planning Commission Authority and Responsibilities.

The Planning Commission shall have the following responsibilities and duties pursuant to this Ordinance and the Michigan Zoning Enabling Act and Michigan Planning Enabling Act.

1. **Planning Commission authority.** All powers, duties, and responsibilities for a Planning Commission as provided by the Michigan Planning Enabling Act are hereby transferred to the Superior Charter Township Planning Commission.

2. **Formulation of Zoning Ordinance.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance and Official Zoning Map, review of rezoning petitions or other amendments to the Zoning Ordinance text or Official Zoning Map, holding hearings on a proposed Zoning Ordinance, rezoning petition, or other text or Map amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board.

3. **Site plan and conditional use approval.** The Planning Commission shall be responsible for review and action on applications for site plan approval per Article 8 (Site Plan Review); and for holding hearings, review, and action on applications for conditional use approval per Article 9 (Conditional Uses).

4. **Special District review and recommendation.** The Planning Commission shall be responsible for holding hearings, review, and making recommendations to the Township Board regarding establishment of Special Districts per Article 5 (Special District Regulations).

5. **Formulation of a Growth Management Plan.** The Planning Commission is hereby designated as the commission specified in the Michigan Planning Enabling Act and shall perform the planning duties of said commission as provided in the statute, including preparation of the Township's Growth Management Plan.

6. **Report on the operation of the Zoning Ordinance.** The Planning Commission shall periodically oversee the preparation of a report to the Township Board on the Zoning Ordinance, including any recommendations as to the enactment of amendments or supplements to the Ordinance.

7. **Review of other matters referred to by The Township Board.** The Planning Commission shall be responsible for reviewing and making recommendations to the Township Board for action on subdivision plats, land division applications, and other matters referred to by the Township Board.

C. Zoning Board of Appeals Authority and Responsibilities.

The Board of Appeals shall have the following responsibilities and duties pursuant to this Ordinance and the Michigan Zoning Enabling Act.

1. Request for Interpretation. The Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map.

2. Appeals of Administrative Decisions. The Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.

3. Variance Requests. The Board of Appeals shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance.

4. Other Duties. The Board of Appeals shall also hear and decide on any other matters referred to the Board of Appeals or upon which the Board of Appeals is required to pass under this Ordinance.

5. Restrictions on Authority.

    a. The Board of Appeals shall not change the zoning district classification of any property or make any change in the terms of this Ordinance and shall not take any action which would have as a result the making of legislative changes in this Ordinance.

    b. The Board of Appeals shall not grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

    c. The Board of Appeals shall not hear matters relating to or pertaining to conditional uses, use variances or Special District developments.

D. Township Clerk Authority and Responsibilities.

The Township Clerk or duly authorized agent(s) shall have the following responsibilities under this Ordinance:

1. Ensure that all notices required by these regulations are published and distributed in accordance with this Ordinance and the Michigan Zoning Enabling Act and ensure that a record is kept of such notices.

2. Maintain official records and file all official minutes and documents in an orderly fashion.

3. Perform other related duties required to administer these regulations.

E. Zoning Inspector Duties and Responsibilities.

The provisions of this Ordinance shall be administered and enforced by the Zoning Inspector, and any other ordinance enforcement officials as designated and authorized by the Township Board. The Township Board shall appoint the Zoning Inspector, who shall have the following duties and responsibilities:

1. The Zoning Inspector shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.

    a. It shall be unlawful for the Zoning Inspector to approve any plans or issue any permits, certificates of zoning compliance or other approvals under this Ordinance unless such plans have been determined to conform to all applicable provisions of this Ordinance.

    b. The Zoning Inspector shall not refuse to approve a zoning permit or certificate of zoning compliance upon determination that the applicant has complied with all conditions imposed by this Ordinance, despite any violations of private contracts, covenants or agreements that may result from work performed or improvements made under the approved permit or certificate.

2. The Zoning Inspector shall interpret all provisions of this Ordinance in such a way as to preserve and promote the character of the zoning district in question and carry out the intent and purposes of this Ordinance and the Township's Growth Management Plan.

3. The Zoning Inspector shall enforce all provisions of this Ordinance and shall issue all necessary notices or orders to ensure compliance with these provisions.

4. The Zoning Inspector shall provide citizens and public officials with information relative to these regulations and related matters and shall assist applicants in completing appropriate forms and following zoning approval procedures.

5. The Zoning Inspector shall receive applications for and issue Certificates of Zoning Compliance in accordance with this Ordinance and shall sign Certificates of Occupancy as required herein.

6. The Zoning Inspector shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance, and may engage the assistance of the Township Fire Chief, Building Inspector, Township Planner,

and Township Engineer as deemed necessary in making such inspections. The Zoning Inspector may engage other expert opinion subject to the approval of the Township Board.

7. The Zoning Inspector shall identify and process violations of this Ordinance. The Zoning Inspector shall be responsible for making periodic inspection of Superior Township for the purpose of identifying violations of this Ordinance.

8. The Zoning Inspector shall keep official records of applications received, Certificates issued, fees collected, reports of inspections, and notices and orders issued.

9. The Zoning Inspector shall submit to the Township Board an annual report, or at other such times as designated by the Township Board, in which a summary of the activities of the office is presented.

F. Township Planner Responsibilities.

The Township may employ a Township Planner, who may be a member of Township staff; or a person, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of applicable Township ordinances and state statutes.

2. Advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, and other authorized Township bodies or officials; and be responsible for carrying out the directives of the Planning Commission.

3. Provide citizens and public officials with information related to these regulations and related matters.

4. Review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.

5. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.

6. Prepare and facilitate regular training workshops and/or educational materials for Township officials, boards, and commissions on planning and zoning topics.

7. Perform other related duties, as authorized, to administer these regulations.

Section 3.02 CERTIFICATES OF ZONING COMPLIANCE.

No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a certificate of zoning compliance (or zoning permit) from the Township. No certificate of zoning compliance shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance.

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises or part thereof created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Inspector. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance subject to the provisions of Section 3.10 (Violations and Penalties). Review and approval of certificates of zoning compliance shall be subject to the following:

A. Application.

Applications for Certificates of Zoning Compliance shall be made to the Zoning Inspector. Each application shall include a site plan as required in Article 8 (Site Plan), and all information necessary to determine zoning compliance.

1. Application for a Certificate of Zoning Compliance may be made either by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation.

2. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, whether the owner or lessee is a corporate body, shall be stated in the application.

B. Where Building Permit is Required.

All plans to be submitted to the Building Inspector for a building permit under the State Construction Code shall first be submitted for review and approval by the Zoning Inspector with respect to the requirements of this Ordinance. No building permit shall be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Inspector for the same development and is in effect.

C. Where Building Permit is Not Required.

In all cases in which a certificate of occupancy is required, but a building permit is not required, the certificate of occupancy shall not be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Inspector and is in effect.

D. Nonconformities.

A Certificate of Zoning Compliance shall not be issued for any use or structure unless said use or structure and the lot on which it is situated meets all requirements of this Ordinance.

1. If one (1) or more nonconformities exist, all of which are legal nonconformities, a Certificate of Zoning Compliance shall be issued for the use or structure and the lot on which such use or structure is situated. In such a case, the Certificate of Zoning Compliance shall clearly list each verified legal nonconformity.

2. If one (1) or more unlawful uses, structures or other site improvements are determined to exist, a Certificate of Zoning Compliance shall not be issued for any use or structure or the lot on which such unlawful uses, structures or other site improvements are situated.

E. Amendments.

Subject to the limitations of Section 3.02 G. (Abandonment of Application), amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the Certificate of Zoning Compliance was approved, and before a Certificate of Occupancy is issued. Such amendments shall be deemed a part of the original application and shall be filed therewith. Amendments to any plan reviewed and approved by the Planning Commission may only be considered by the Commission as provided in Article 5 (Special District Regulations) or Article 8 (Site Plan Review).

F. Approval or Denial.

The Zoning Inspector shall examine or cause to be examined all applications for a Certificate of Zoning Compliance and amendments thereto.

1. If the application or plans do not conform to all of the requirements of this Ordinance, the Zoning Inspector shall reject the application in writing, stating the reasons therefor, within fifteen (15) calendar days of filing.

2. If the application or plans do conform, the Zoning Inspector shall issue a Certificate of Zoning Compliance within fifteen (15) calendar days of filing.

The Zoning Inspector shall attach his or her signature to every Certificate or may authorize a subordinate to affix such signature. The Zoning Inspector shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."

G. Abandonment of Application.

An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned one hundred-eighty (180) calendar days after the date of filing, unless such application shall have been diligently pursued, or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit.

1. The Zoning Inspector may, for reasonable cause, grant one (1) or more extensions of time for additional periods not exceeding ninety (90) calendar days each.

2. Any Certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of one hundred-eighty (180) calendar days after the time of commencing work.

H. Revocation of Certificate.

If any false statement or misrepresentation of fact is made in the application or on the plans on which the Certificate was based, the Zoning Inspector may revoke the Certificate of Zoning Compliance.

I. Conditions.

Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:

1. No Certificate shall be issued until the required fees have been paid;

2. All work or use(s) shall conform to the approved application and plans for which the Certificate has been issued, and any approved amendments thereto; and

3. All work or use(s) shall conform to the approved final site plan, if a final site plan is required.

J. Site Plan or Plot Plan.

An application for a Certificate of Zoning Compliance shall be accompanied by a site plan as required under Article 5 (Special District Regulations) or Article 8 (Site Plan

Review). If a site plan is not required under Article5 or Article 8, two (2) copies of a plot plan, drawn to scale and containing the following information, shall be submitted:

1. Scale, date, and north point.

2. Location, shape, and dimension of the lot.

3. Dimensioned location, outline, and dimensions of all existing and proposed structures and setbacks from lot lines.

4. The location and extent of all uses not involving structures.

5. A clear and complete description of existing and intended uses of all structures, existing or proposed.

6. Additional information as required by the Zoning Inspector for purposes of determining compliance with this Ordinance.

Section 3.03 BUILDING PERMITS.

No building permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof that does not comply with all provisions of this Ordinance and all other Township.

ordinances, nor shall such a permit be issued unless a Certificate of Zoning Compliance has been issued therefor by the Zoning Inspector and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued by the Building Inspector per the State Construction Code.

Section 3.04 CERTIFICATES OF OCCUPANCY.

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Building Inspector.

A. General Requirements

A certificate of occupancy shall not be issued until the Zoning Inspector shall have signed it, signifying compliance with all provisions of this Ordinance. A certificate of occupancy shall not be issued for any structure or part thereof, or for use of land, which does not comply with all provisions of this Ordinance.

1. The certificate of occupancy shall state that the building, structure, and lot and use thereof conform to the requirements of this Ordinance and shall list each verified legal nonconformity existing on the premises.

2. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and shall be punishable in accordance with Section 3.10 (Violations and Penalties).

B. Application

Application for certificate of occupancy shall be made in writing to the Building Inspector on forms furnished by the Township.

C. Certificates of Occupancy Required Under Building Code

Certificates of occupancy as required by the State Construction Code for new buildings or structures or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificate of occupancy as required by this Ordinance, provided such certificates are signed by the Zoning Inspector.

D. Temporary Certificates

Where permitted under the State Construction Code, a temporary certificate of occupancy may be issued provided that the temporary certificate is signed by the Zoning Inspector.

E. Change in Use

A structure, or part thereof, shall not be changed to or occupied by a use different from that existing at the effective date of this Ordinance if a building permit is required, unless a certificate of occupancy is first issued for the different use.

F. New or Altered Structure

Any structure, or part thereof, which is erected or altered after the effective date of this Ordinance, shall not be occupied or used until a certificate of occupancy is issued for such structure.

G. Existing Structure and Use

A Certificate of Occupancy shall not be issued for an existing structure or part thereof, or for an existing use of land, unless said use or structure and the lot on which it is situated meets all requirements of this Ordinance.

1. If one (1) or more nonconformities exist, all of which are legal nonconformities, a certificate of occupancy shall be issued for the use or structure. In such a case, the certificate of occupancy shall list each verified legal nonconformity.

2. If one (1) or more unlawful uses, structures or other site improvements are determined to exist, a certificate of occupancy shall not be issued for any use or structure.

H. Accessory Structures

An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal building, when such accessory structure is completed under the same building permit as the principal building.

I. Inspection; Approval or Denial

The applicant for a certificate of occupancy shall notify the Zoning Inspector and the Building Inspector when inspection is desired.

1. If, after inspection, the Zoning Inspector finds that the building or structure, or part thereof, or the use of land, complies with the provisions of this Ordinance and with any approved site plan, the Zoning Inspector shall sign the certificate of occupancy within fifteen (15) calendar days after receipt of such application.

2. If, after inspection, the Zoning Inspector refuses to issue such certificate, he or she shall notify the applicant and the Building Inspector in writing of such refusal, stating the reasons therefor, within fifteen (15) calendar days after receipt of such application.

Section 3.05 COMPLIANCE WITH PLANS AND APPLICATIONS.

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector and the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and shall be punishable as provided for in Section 3.10 (Violations and Penalties).

Section 3.06 DEVELOPMENT AGREEMENT.

A Development Agreement may be required when an approved development includes phasing, public or private infrastructure, easements or dedications, performance guarantees, common open space or shared facilities, a Special District development, or unusual conditions that must run with the land. A Development Agreement shall not be required for a by-right development that otherwise complies with this Ordinance and does not include any of the preceding features. Where required, the agreement shall be executed before commencement of the work governed by the agreement. The reasonable cost to prepare and record the agreement shall be borne by the owner(s)/developer(s). Preparation and approval of a Development Agreement shall be subject to the following:

A. Contents of a Development Agreement.

At a minimum, a Development Agreement shall:

1. Set forth any conditions of development approval to be met by an applicant or developer with respect to an approved project;

2. Provide for any dedication of easements, rights-of-way, and other dedications incorporated into the approved project;

3. Provide for maintenance of any common facilities and open space areas;

4. Identify any covenants, deed restrictions, and other limitations to be imposed upon the uses of the land and structures;

5. Describe the phasing and timing of development activities;

6. Detail the cost of installing all required infrastructure improvements and utilities, and manner for enforcement of any assessments and costs;

7. Describe any required escrow accounts or performance guarantees; and

8. Address other issues that the Township and owner(s)/developer(s) deem appropriate.

B. Approval of a Development Agreement.

The proposed Development Agreement shall be reviewed by designated Township officials and consultants and approved by the body that granted the underlying development approval. An agreement involving a Planned Community, public infrastructure, a public dedication, or a financial obligation of the Township shall be subject to approval by the Township Board. An agreement shall be recorded with the Washtenaw County Register of Deeds only where it is intended to run with the land.

The owner(s)/developer(s) shall reimburse the Township for reasonable and documented costs to prepare, review, and record the agreement.

Section 3.07 COMPLETION OF CONSTRUCTION.

A. Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance. Actual construction shall be considered as the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently.

B. Where excavation, demolition, or removal is deemed to be actual construction, a building permit for the actual construction of a new structure shall be issued by the Building Inspector within three hundred sixty-five (365) calendar days following the effective date of adoption or amendment of this Ordinance, or the activity shall lose its status as actual construction and shall not be entitled to the protections of this Section.

C. Where a building permit has been issued within three hundred sixty-five (365) calendar days of such effective date and diligently pursued to completion, the structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and may be occupied by the use for which it was originally designed, subject thereafter to the provisions of Article 15 (Nonconformities), if applicable.

Section 3.08 RECORDS.

The Zoning Inspector and Building Inspector shall maintain records of all certificates and permits issued under this Ordinance. Such records shall be open for public inspection.

Section 3.09 FEES AND PERFORMANCE GUARANTEES.

The Township Board shall establish a fee schedule by resolution to defray fixed costs and expenses incurred by the Township to perform functions required under this Ordinance. The Township Board, Zoning Board of Appeals, Planning Commission, and Zoning Inspector may also require an applicant to deposit funds with the Township to defray anticipated variable costs and expenses incurred by the Township. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township Treasurer.

A. Application Fees for Fixed Costs and Expenses.

Fixed costs and expenses for the processing of permits and applications for zoning, use, development or other approvals may be assessed as application fees, either as a nominal charge or based on a cost analysis. If based on cost analysis, the sums charged shall be periodically reviewed to ensure that cumulative charges reasonably reflect actual expenses and costs incurred by the Township.

1. Application fees are non-refundable but may be waived by the Township Board for good cause.

2. The amount of the application fee shall be established by resolution of the Township Board. The fee schedule shall be available for public viewing in the Township offices.

B. Escrow Deposits for Variable Costs and Expenses.

The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. Such escrow deposits may be used to pay professional expenses of community planners, engineers, attorneys, and other professionals whose expertise the Township values to provide guidance on the proposed application.

1. The funds shall be managed by the Township Treasurer and shall be deposited before the cost or expense is incurred.

    a. The funds will not be deposited in an interest-bearing account.

    b. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate.

    c. Costs incurred to manage the account may be debited to the account.

2. Upon request by the applicant, the Township shall provide copies of any written reports and statements of expenses for the professional services rendered.

3. The Township shall provide written notice and a request for an additional escrow deposit to the applicant if at any time the sums on deposit appear insufficient to cover anticipated costs and expenses.

    a. The applicant shall promptly deposit additional funds in accordance with the written request from the Township.

b. If additional funds are not promptly deposited, the Township may issue a stop work order, cease review or table action on the application, deny zoning permits or certificates of zoning compliance associated with the application, or take no further action to process the project.

4. Where the Township determines that sums deposited appear likely to exceed anticipated costs and expenses, those excess funds shall be promptly returned to the applicant.

5. Sums remaining in the account when the project is completed shall be promptly returned to the applicant.

C. Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, the Township Board, Planning Commission or Zoning Inspector may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any zoning permits or certificates of zoning compliance, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing all required improvements prepared by the applicant and as approved by the designated Township consultants.

2. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, parking, lighting, utilities, sidewalks, landscaping and screening, and drainage.

3. The form of the deposit shall be cash, certified check, bond, irrevocable bank letter of credit from a bank with offices in southeastern Michigan, or other surety acceptable to the Township Board.

4. Performance guarantees shall continue until the Zoning Inspector has determined that the conditions for release of the guarantee have been met.

5. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. A minimum of ten percent (10%) of the guarantee shall be retained by the

Township pending a successful final inspection by the Zoning Inspector of all required improvements.

Section 3.10 VIOLATIONS AND PENALTIES.

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

A. Notice of Violation.

The Zoning Inspector shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use, or occupancy of a structure or lot in violation of the provisions of this Ordinance, or in violation of a certificate issued under the provisions of this Ordinance. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

B. Prosecution of Violation.

If the notice of violation is not complied with promptly, the Zoning Inspector shall request the Township Attorney to institute the appropriate proceedings at law or in equity. Such action shall be to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the lot or structure that is in violation of the provisions of this Ordinance or of the order or direction made pursuant thereto.

C. Violation Penalties.

Any person who shall violate a provision of this Ordinance, fail to comply with any Ordinance requirement or erect, construct, alter, or repair a structure in violation of an approved plan or certificate issued under the provisions of this Ordinance, is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00) plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act (P.A. 236 of 1961, as amended). Each day that a violation continues is a separate offense and subject to a separate penalty as provided for herein.

The Zoning Inspector is hereby authorized to issue and process municipal civil infractions in accordance with the Superior Charter Township Municipal Civil

Infractions Ordinance (Ord. No. 137, as amended) and as otherwise permitted by law. Except as otherwise provided for in Section 3.10 E. (Stop-Work Order), if a person admits responsibility at the Township Municipal Civil Infraction Violations Bureau, or is found responsible for a municipal civil infraction violation citation under this Ordinance, a civil fine shall be assessed as follows:

1. **First offense.** Minimum fine of one hundred dollars ($100.00) and maximum of five hundred dollars ($500.00) plus costs and attorney fees;

2. **Second offense.** Minimum fine of two hundred dollars ($200.00) and maximum of five hundred dollars ($500.00) plus costs and attorney fees;

3. **Third and subsequent repeat offenses.** Minimum fine of three hundred dollars ($300.00) and maximum of five hundred dollars ($500.00) plus costs and attorney fees.

For the purpose of this Section, a "repeat offense" means a second or subsequent violation of the same requirement or provision of this Ordinance. Nothing in this subsection shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and /or abate any violation of the terms of this Ordinance.

D. Abatement of Violation.

The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct, business, or use of a structure or premises.

E. Stop-Work Order.

Upon notice from the Zoning Inspector or his or her designated representative that work on any structure or premises is being pursued contrary to the provisions of this Ordinance, or contrary to the provisions of any other Township ordinance, all work shall be immediately stopped.

1. The stop-work order shall be in writing and shall be posted on the property. It shall state the conditions under which the work may be resumed and shall state the date issued and posted.

2. The stop-work order shall be given or mailed to the owner of the property involved, or to the owner's agent, or to the person doing the work, or may be posted upon the property.

3. Any person who shall continue any work in or about the structure or premises after the property has been posted with a stop-work order, except such work as such person is directed by the Zoning Inspector to perform to remove violations or unsafe conditions, shall be liable for a fine of not more than seven hundred fifty dollars ($750). Each day a violation occurs shall be deemed a separate offense.

F. Public Nuisance Per Se.

Any structure that is erected, altered, or converted, or any use of any structure or lot that is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein is declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 3.11 PUBLIC HEARING REQUIREMENTS.

A. Public Notice.

Public hearings are required in those instances set forth in this Ordinance and the Michigan Zoning Enabling Act and the following: A public hearing may be set by the Township Clerk or designated Township staff, or by the body charged with conducting the hearing. Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.

2. **Address of the property.** The notice shall indicate the property that is the subject of the request and shall include a listing of all existing street addresses for the subject property.

    a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.

    b. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.

3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.

4. **Notification of the applicant and property owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered.

5. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the subject property, and to all occupants of structures within three hundred (300) feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.

    a. If the name of the occupant is not known, the term "occupant" may be used in making notification.

    b. Delivery of such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, subject to the provisions of Section 3.11 B. (Discretionary Notice).

    c. Such notices need not be given to more than one (1) occupant of a building, except as follows:

        (1) If a building contains more than one (1) dwelling unit owned or leased by different persons, one (1) occupant of each unit shall be given notice.

        (2) If a building contains more than four (4) dwelling units owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.

    d. For any proposed amendment to the zoning map within three hundred (300) feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.

    e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.

6. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than fifteen (15) days before the hearing date when the application will be considered.

B. Discretionary Notice.

In accordance with Section 202(1) of the Michigan Zoning Enabling Act, it shall be the policy of the Township to send notice of a public hearing by mail or personal delivery to the applicant and owner(s) of any lots or parcels in the Township proposed for rezoning, and to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the subject property not less than fifteen (15) days before the hearing date when the proposed rezoning will be considered.

1. The Township may, at its discretion, also post notice of a public hearing at other publicly accessible locations, such as community bulletin boards or the Internet.

2. The Township Board may also establish a policy to consistently send notice of a public hearing by mail to persons located more than three hundred (300) feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

C. Posting of Signage.

The applicant(s) or owner(s) of the property subject to the application submitted by an owner or person acting on behalf of a property owner of the Township shall post public notice signage for any proposed conditional use permit application per Article 9 (Conditional Uses) or any rezoning application per Article 17 (Amendments) in accordance with the following standards. Such signage shall also be required for any variance request per Article 16 (Zoning Board of Appeals), except an appeal of dimensional standards for a single-family detached dwelling:

1. The applicant(s) or owner(s) shall place a four (4) by eight (8) foot sign on each side of the property that abuts a street. The sign shall not be erected in the road right-of-way or in a manner to obstruct the vision of motorists or pedestrians.

    a. If the subject property does not abut a street, the sign shall be placed on each side of any contiguous land owned by the applicant(s) or owner(s) of such parcel that does abut a street.

    b. If no such contiguous property abutting a street is owned by the applicant(s) or owner(s) of the subject property, the sign(s) shall be

placed in such location(s) on the property that the Zoning Inspector deems will best inform the public of the application. If the Zoning Inspector determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Inspector may waive the requirement of posting.

2. Each sign shall be erected at least fifteen (15) calendar days, but not more than thirty (30) calendar days, before the Planning Commission's public hearing date.

3. Each sign shall be removed from the property no later than three (3) business days following the public hearing or the adjourned or continued date thereof, whichever is later. The applicant shall post a bond in an amount not to exceed one hundred dollars ($100.00) per sign to ensure the removal of the sign.

4. Each sign shall have lettering easily readable from the abutting street. Each sign shall state "PROPERTY PROPOSED FOR (CONDITIONAL USE) (REZONING) (APPEAL) or (VARIANCE)," give the street address or tax code parcel number(s), acreage and diagram of the subject property, state the zoning of the property, state the proposed conditional use, zoning district or purpose of the appeal or variance that is being requested, and the date, time, and place of the initial public hearing on the application.

5. The Zoning Inspector shall inspect the subject property to see that it complies with the requirements of this Section and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) calendar days prior to the public hearing on the application.

6. Signs erected under this Section are exempt from other provisions of this Ordinance regulating signs. Rezoning requests initiated by the Township shall be exempt from the requirements of this subsection but shall otherwise comply with the public notice requirements of this Section.

7. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of an application but shall require adjourning and rescheduling the public hearing. Further, the additional number of days required for holding the rescheduled public hearing shall be added to the period within which the Planning Commission must otherwise hold the public hearing under this Section.

D. Right to Submit Written Statements.

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing

body may allow. Such statements shall be made a part of the public record of the hearing.

E. Timeframe for Hearings.

The public hearing shall be scheduled for a date at a regularly scheduled meeting upon receipt of a complete and accurate application by the body charged with conducting the hearing.

F. Adjournment.

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

G. Governance.

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

Section 3.12 TEMPORARY MORATORIUM AUTHORITY.

A. Intent and Purpose

The purpose of this section is to authorize the Township Board of Trustees to adopt a temporary moratorium on the acceptance, processing, or approval of certain land use applications when necessary to protect the public health, safety, and welfare. A moratorium may be appropriate where the Township determines that existing regulations are inadequate to address emerging land use issues, where new or amended regulations are under consideration, or where additional study is required to evaluate potential impacts on infrastructure, natural resources, or surrounding land uses.

This section is intended to ensure that development occurs in an orderly and coordinated manner consistent with the Township's Master Plan and Zoning Ordinance, and to prevent the establishment of uses or patterns of development that may conflict with future regulations under active consideration.

B. Authority

The Township Board of Trustees may, by resolution, adopt a temporary moratorium on the acceptance, review, or approval of applications for land use approvals, permits, rezonings, or other development-related requests for specific uses, zoning districts, or geographic areas within the Township.

C. Findings Required

Prior to adopting a moratorium, the Township Board shall make findings, supported by the record, that:

1. A current or anticipated land use, development trend, or regulatory gap exists that may adversely impact the public health, safety, or welfare;
2. The Township is actively studying or intends to study and potentially amend its Master Plan, Zoning Ordinance, or related regulations; and
3. A temporary moratorium is a reasonable and necessary measure to allow for such study and consideration.

D. Scope of Moratorium

A moratorium adopted under this section shall:

1. Clearly identify the types of applications, uses, or geographic areas subject to the moratorium;
2. Specify whether the moratorium applies to pending applications, new applications, or both; and
3. Be limited in scope to only those matters necessary to address the identified issue.

E. Duration

1. A moratorium shall be adopted for a specified period not to exceed one (1) year.
2. The Township Board may extend the moratorium by resolution for additional periods not to exceed six (6) months each, upon making updated findings demonstrating continued necessity.

3. In no case shall a moratorium extend beyond a reasonable time necessary to complete the study or adopt relevant regulatory amendments.

F. Exemptions

The Township Board may, at its discretion, allow exemptions from the moratorium where it determines that:

1. The proposed application will not undermine the purpose and intent of the moratorium; and
2. Granting an exemption is consistent with the public health, safety, and welfare.

G. Public Notice

Notice of the adoption of a moratorium shall be provided in accordance with applicable state law and procedures set forth in Section 3.11.

H. Relationship to Other Ordinance Provisions

This section shall be interpreted consistent with the Michigan Zoning Enabling Act and other applicable laws. Nothing in this section shall be construed to limit the Township's authority to regulate land use or adopt ordinances as otherwise provided by law.

ARTICLE 4

ZONING DISTRICT REGULATIONS

SECTION 4.01 ZONING DISTRICTS.

Superior Charter Township is hereby divided into the following zoning districts by type, name, and symbol:

Type of District	Zoning District Name	Symbol
Rural	Recreation-Conservation District	R-C
	Agricultural District	A-1
	Agricultural District	A-2
Rural Residential	Single-Family Residential District	R-1
	Single-Family Residential District	R-2
Urban Residential	Single-Family Residential District	R-3
	Single-Family Residential District	R-4
	Manufactured Housing Park District	R-6
	Multiple-Family Residential District	R-7
Business	Neighborhood Commercial District	NC
	Village Commercial District	VC
	Planned Manufacturing District	PM
Other	Public/Semi-Public Services District	PSP
	Open Space Preservation Overlay District	OSP
	Medical Services District	MS
Special	Planned Community District	PC

SECTION 4.02 OFFICIAL ZONING MAP.

For the purpose of this Ordinance, the zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of Superior Charter Township." The Official Zoning Map, and all explanatory matters thereon, are hereby made a part of this Ordinance.

A. Identification of Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the Township Clerk, attested by the Township Supervisor, under the following or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Superior Charter Township Zoning Ordinance, adopted on [date]."

B. Changes to Official Zoning Map.

If, in accordance with the procedures of this Ordinance and the Michigan Zoning Enabling Act, a change is made in a zoning district or boundary, such change shall be entered onto the Official Zoning Map by the Township Clerk promptly after the ordinance authorizing such change shall have been adopted and published with an entry on the Official Zoning Map stating the date of the Township Board action, and a brief description of the change. The entry shall be signed by the Township Clerk and attested by the Township Supervisor.

1. Any change in corporate boundaries within the Township shall be entered on the Official Zoning Map by the Township Clerk with his or her signature and date and attested by the Township Supervisor.

2. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformance with the procedures set forth herein. Any other change of whatever kind by any person or persons shall be considered a violation of this Ordinance.

C. Authority of Official Zoning Map.

Regardless of the existence of purported copies of the Official Zoning Map that, from time to time, may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, or structure in Superior Township. The Official Zoning Map shall be located in the office of the Township Clerk and shall be open to public inspection.

D. Replacement of Official Zoning Map.

If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and the number of changes made thereto, the Township Board may by ordinance adopt a new Official Zoning Map which shall supersede the prior zoning map. The new Official Zoning Map may correct drafting or other errors or omissions on the Official Zoning Map, but such corrections shall not have the effect of amending the Zoning Ordinance or the prior Official Zoning Map.

1. The new Official Zoning Map shall be identified by signature of the Township Clerk, attested by the Township Supervisor, and bear the seal of Superior Charter Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Superior Charter Township, adopted on [date] which replaces and supersedes the Official Zoning Map adopted on [date]."

2. Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

E. Rules for Interpretation.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:

1. **Road centerline.** A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline as it exists on the ground.

2. **Recorded lot line.** A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.

3. **Corporate boundary.** A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.

4. **Railroad centerline.** A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way of said railroad.

5. **Shoreline centerline.** A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the

shoreline shall be construed as following the shoreline existing at the time the interpretation is made.

6. **Waterbody centerline**. A boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following such centerline existing at the time the interpretation is made.

7. **Parallel or extension.** A boundary indicated as parallel to, or as an extension of features described in this subsection, shall be so construed.

8. **Distance**. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

9. **Variance**. In other circumstances not otherwise covered by this subsection, or where a physical or natural feature existing on the ground is at variance with that shown on the Official Zoning Map, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.

10. **Division through a lot.** Where a district boundary divides a lot that is in single ownership at the time of adoption of this Ordinance, the Zoning Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 4.03 DISTRICT BOUNDARIES.

The boundaries of zoning districts, unless otherwise shown on the Official Zoning Map, shall be lot or parcel lines, municipal boundaries, and the centerlines of road, railroad or other dedicated rights-of-way.

A. Zoning of Rights-of-Way.

All roads and other dedicated rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the right-of-way. Where the centerline of a right-of-way serves as a district boundary, the zoning of the right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting land up to the centerline.

B. Zoning of Vacated Areas.

Any road and other dedicated right-of-way or other public way or portion thereof within the Township not otherwise classified within the boundaries of a zoning

district on the Official Zoning Map shall, upon vacation, automatically be classified in the same zoning district as the land(s) to which it attaches.

SECTION 4.04 USE REGULATIONS.

In all districts, no structure or land shall be used or occupied, except in conformance with Table 4.11 (Table of Use Regulations), and as otherwise provided for in this Ordinance.

A. Permitted Uses.

Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts, or if substantially similar in nature to uses which are listed. All other uses shall be prohibited. Land uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances shall be prohibited in any zoning district.

B. Accessory Structures and Uses.

Where a lot is devoted to a permitted principal use or an approved conditional use, accessory uses are permitted if specifically listed as accessory uses in the applicable zoning district, or if substantially similar to such listed uses. Accessory structures and uses are not permitted as principal structures or uses on a lot unless permitted in this ordinance. Accessory structures and uses shall be subject to the applicable standards of this Ordinance, including Section 7.03 (Accessory Structures and Uses).

C. Conditional Uses.

Conditional uses are permitted as listed in the various zoning districts, subject to the provisions of Article 9 (Conditional Uses).

SECTION 4.05 PROHIBITED USES.

Uses not listed in Table 4.11 (Table of Use Regulations) as permitted, accessory, or conditional uses in a particular zoning district shall be prohibited in the district.

SECTION 4.06 DESIGN AND DEVELOPMENT REQUIREMENTS.

All uses shall comply with all applicable provisions of this Ordinance and other applicable regulations and standards. No structure shall be erected, reconstructed, altered or enlarged and no certificates shall be issued under this Ordinance except in conformance with this Ordinance and other applicable regulations and standards.

SECTION 4.07 INTENT OF DISTRICTS

A. RECREATION-CONSERVATION (R-C) DISTRICT.

The best use of certain areas of the Township is the management, preservation, and low-impact utilization of the natural resource base inherent in these areas. The Recreation-Conservation (R-C) District is hereby established to preserve, protect, and manage areas of natural, scenic, and ecological significance for the benefit of current and future generations. This district is intended to promote the sustainable use of land for recreational activities, protect sensitive ecosystems, and ensure the long-term conservation of biodiversity, water quality, and open space.

The R-C District is designed to protect and enhance natural amenities, including woodlands, wetlands, steep slopes, watersheds, and wildlife habitats. It is the intent of this district to permit those uses and structures that can operate or be located in areas of natural amenities in a compatible manner, and to prohibit those uses or structures that detract from, injure, or destroy these amenities. In addition, uses and structures shall be permitted only at a low density and intensity to ensure their compatibility with the natural resources.

B. AGRICULTURAL (A-1) DISTRICT.

The public health and welfare of Superior Charter Township, Washtenaw County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The Agricultural (A-1) District is hereby established as a Rural District to preserve lands that are suitable for long-term agricultural uses, to protect agricultural enterprises from encroachment by suburban and urban uses and developments, and to recognize agriculture as a vital component of the local economy, culture, and community well-being.

Residential subdivisions or equivalent are incompatible with the intent of this district. Extension of public water and sanitary sewer service into this district shall be prohibited unless such service is necessary to address public health and safety issues of development existing at the date of adoption of this Ordinance.

In addition, this district is intended to:

1. Preserve woodlands, creeks, and wetlands associated with farms which because of their natural physical features, are useful as water retention,

surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have important aesthetic and scenic value that contributes to the unique character of the agricultural district;

2. Provide the basis for land tax assessments that reflect its existing agricultural nature and, owing to these regulations, its limited use for other purposes;

3. Prevent the conversion of agricultural land to non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture;

4. Protect farmland from speculative increases in land prices;

5. Prevent loss of farmland;

6. Prevent conflicts between agricultural activities and residences;

7. Prevent encroachment of urban and suburban services into agricultural areas;

8. Encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production;

9. Reduce the amount of land consumed in rural areas for nonagricultural use;

10. Prevent intrusion into farm areas of uses which are incompatible with general farming activities; and

11. Permit services and uses which are necessary to support farming activities.

C. AGRICULTURAL (A-2) DISTRICT

The public health and welfare of Superior Charter Township, Washtenaw County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The Agricultural (A-2) District is hereby established as a Rural District to preserve lands that are agriculturally productive, and to allow use for specialized applications on land which, because of factors such as soil suitability, location, parcel size, and existing land uses, are not as suitable for production of staple crops as the lands included in the A-1 District. This district is intended to balance agricultural activity with a range of compatible uses that maintain open space and protect natural resources. This district may serve as a buffer between A-1 lands and non-agricultural lands, thus

serving to protect the integrity of the A-1 lands and to protect agricultural enterprises from encroachment by suburban and urban uses and developments.

The A-2 District provides for land uses that are of permanent importance. Extension of public water and sanitary sewer service into this district shall be prohibited unless such service is necessary to address public health and safety issues of development existing at the date of adoption of this Ordinance.

In addition, the A-2 District is intended to:

1. Preserve woodlands, creeks, and wetlands associated with farms which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have important aesthetic and scenic value that contributes to the unique character of the agricultural district;

2. Preserve existing drainage patterns and minimize erosion and flooding;

3. Provide the basis for land tax assessments that reflect its existing agricultural nature and, owing to these regulations, its limited use for other purposes;

4. Support small-scale agriculture including hobby farms, specialty crop production, and limited livestock activities, to support local food systems and rural economies.

5. Accommodate Rural Living that allow for rural residential development at low densities that are consistent with agricultural uses and do not conflict with farming activities.

6. Provide a buffer zone between A-1 District and non-agricultural uses.

7. Prevent the conversion of agricultural land to non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture;

8. Prevent conflicts between agricultural activities and residences;

9. Prevent encroachment of urban and suburban services into agricultural areas;

10. Encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production;

11. Reduce the amount of land consumed in rural areas for nonagricultural use;

12. Prevent intrusion of uses into farm areas which are incompatible with general farming activities; and

13. Permit services and uses which are necessary to support farming activities.

D. SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT.

The Single-Family Residential (R-1) District is hereby established as a Rural Residential District to provide areas for single-family, rural, non-farm residences on minimum 2.0 acre lots that permit the use of septic tanks and drain fields and the use of on-site wells. The R-1 District is designed to preserve a distinctly rural character and is intended to be used in those parts of Superior Township in which soils are suitable for septic tanks, drain fields, and wells, and where public sanitary sewer and water facilities are not planned to be extended. Extension of public water and sanitary sewer service into this district shall be prohibited unless such service is necessary to address public health and safety issues of development existing at the date of adoption of this Ordinance.

This district is intended to protect wooded areas, wetlands, wildlife habitats, and similar areas which might be endangered or destroyed by development with smaller lot sizes.

E. SINGLE-FAMILY RESIDENTIAL (R-2) DISTRICT.

The Single-Family Residential (R-2) District is hereby established as a Rural Residential District to provide areas for single-family, rural, non-farm residences on minimum 1.0 acre lots that permit the use of septic tanks and drain fields and the use of on-site wells. The R-2 District is designed to provide a residential character and is intended to be used in those parts of Superior Township in which soils are suitable for septic tanks, drain fields, and wells, and where public sanitary sewer and water facilities are not planned to be extended. Extension of public water and sanitary sewer service into this district shall be prohibited unless such service is necessary to address public health and safety issues of development existing at the date of adoption of this Ordinance. This district is to be used in those portions of Superior Township in which rural, non-farm residences are planned.

F. SINGLE-FAMILY RESIDENTIAL (R-3) DISTRICT.

The Single-Family Residential (R-3) District is hereby established as an Urban Residential District to provide single-family residential areas on medium-size (minimum 0.5 acre) lots. The R-3 District is to be used only in accordance with the Township's Master Plan; and only in those areas of Superior Township which are served by public water and sanitary sewer facilities and where storm drainage is handled by county drains or other acceptable drainage systems.

G. SINGLE-FAMILY RESIDENTIAL (R-4) DISTRICT.

The Single-Family Residential (R-4) District is hereby established as an Urban Residential District to provide single-family residential areas at an urban density of development on small-sized (minimum 7,200 square feet) lots. The R-4 District is intended to create a predominantly urban single-family residential character. The R-4 District is to be used only in accordance with the Township's Master Plan; and only in those areas of Superior Township which are served by public water and sanitary sewer facilities and where storm drainage is handled by county drains or other acceptable drainage systems.

H. MANUFACTURED HOUSING PARK (R-6) DISTRICT.

The Manufactured Housing Park (R-6) District is hereby established as an Urban Residential District to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks"), as defined by the Mobile Home Commission Act, P.A. 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules. The purpose of the R-6 District is to provide for manufactured housing parks as a permitted use, and to promote the development of manufactured housing parks that have the character of residential neighborhoods.

It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purposes of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses. Development in the R-6 District shall be subject to appropriate standards to ensure sufficient light, air, and privacy for all uses, prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with abutting districts and uses.

The regulations and rules established by the Mobile Home Commission Act (P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township.

It is the intent of this Ordinance that manufactured housing parks be located in areas which are served adequately by essential public facilities and services such as access streets, police and fire protection, public water and sanitary sewer facilities, and storm drainage facilities. It is further the intent of this Ordinance that manufactured homes in manufactured housing parks be considered and regulated as urban dwelling units, which deserve and require locations, services, and facilities similar to any other single-family and multiple-family dwelling units built at urban densities.

I. MULTIPLE-FAMILY RESIDENTIAL (R-7) DISTRICT.

The Multiple-Family Residential (R-7) District is hereby established as an Urban Residential District to provide areas for a mixture of higher density housing options (such as apartments, townhouses, condominiums and stacked flats) at planned locations in the Township to meet the various needs of different residents, and which are compatible with single-family residential districts. Associated uses and facilities that serve residents in the district shall also be provided within a primarily residential environment.

Uses in the R-7 District should be located near roads with adequate planned capacity to accommodate the traffic volumes typically generated by higher density development and shall be served by public water and sewerage systems and other appropriate utilities and services. Development in the R-7 District shall be subject to appropriate standards to ensure sufficient light, air, and privacy for all uses, prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with abutting districts and uses.

The R-7 District is to be used only in accordance with the Township’s Master Plan; and only in those areas of Superior Township which are served by public water and sanitary sewer facilities and where storm drainage is handled by county drains or other acceptable drainage systems.

J. NEIGHBORHOOD COMMERCIAL (NC) DISTRICT.

The Neighborhood Commercial (NC) District is hereby established as the primary Business District in the Urban Service Area of Superior Township, to provide suitable locations for retail, service, and office enterprises which primarily meet the day-to-day convenience, shopping, and service needs of persons in the immediate residential areas. Goods and services to be provided by establishments in this district are classified as "convenience," as distinguished from "comparison" goods and services, because they serve the day-to-day needs of a neighborhood or group of neighborhoods. With the exception of supermarkets, establishments in this district will generally be small in floor and site area. These districts are intended to be located at intersections of collector and arterial roads in close proximity to the neighborhoods and business districts that they serve.

The NC District is intended to encourage consolidated, pedestrian-oriented business and mixed-use development rather than strip commercial development. Development should reduce the number of commercial driveways opening onto major streets, provide connected access and pedestrian circulation, and accommodate neighborhood-serving businesses together with a range of housing types appropriate to the Urban Service Area. Mixed-use development shall provide coordinated access, connected pedestrian circulation, and shared parking where feasible.

The district is intended to permit the listed activities while protecting surrounding residential and rural areas through the objective dimensional, access, landscaping, lighting, parking, and building-design standards of this Ordinance.

K. PUBLIC/SEMI-PUBLIC SERVICES (PSP) DISTRICT.

The Public/Semi-Public Services (PSP) District is hereby established to provide an appropriate zoning classification for government, civic and recreational facilities where a separate zoning district is deemed appropriate. This district is intended to protect public and quasi-public facilities and institutions from the encroachment of certain other uses, and to ensure compatibility with adjoining residential land uses. Several of the public facilities addressed in this section are also permitted or conditional uses in one or more of the other zoning districts..

L. PLANNED COMMUNITY (PC) DISTRICT.

The Planned Community (PC) District is hereby established as a Special District to:

1. Provide flexibility in regulation of land development, resulting in a higher quality of land development that contributes to the social, economic, and environmental sustainability of the Township.

2. Encourage innovation in land use planning, design, and development that responds to changing public needs.

3. Provide for useful open space and protect and conserve natural features and resources by incorporating such features and resources into the plan for the district;

4. Encourage innovation in land use planning and development, especially in residential/open space distribution;

5. Create more stable communities by providing a variety and balance of housing types and living environments;

6. Provide for necessary educational, recreational, and commercial opportunities conveniently located in relation to housing;

7. Promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities;

8. Encourage innovations in residential, office, and commercial development so that the growing demands of the population may be met by a greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to these buildings, so that greater opportunities for better housing, recreation, and shops conveniently located to each other may extend to all citizens and residents of Superior Township; and

9. Lessen the burden of traffic on streets and highways.

10. Encourage the use, redevelopment, and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive reuse of existing structures and sites.

11. Ensure that the increased flexibility of regulations over land development is subject to proper standards and review procedures.

A PC District zoning shall comply with the Township's Master Plan and shall be located in areas of Superior Township identified in the Master Plan as suitable and desirable for such development, or in areas in which the use of PC zoning would most nearly reflect the policies in the Master Plan that apply to the areas in question.

The PC District is a Special District and as such is also subject to applicable provisions of Article 5 (Special District Regulations) and Article 8 (Site Plan Review).

M. MEDICAL SERVICES (MS) DISTRICT.

The Medical Services (MS) District is hereby established to provide for a mixture of uses and facilities that are necessary to service a major hospital complex, and to permit medical service centers to develop in stages and in a planned manner according to an overall development plan. The MS District shall be located in areas of Superior Township that are designated for such use in the Township's Master Plan. The district is to be used only in those areas of Superior Township which are served by public water and sewer facilities, and where storm drainage is handled by county drains or other acceptable drainage systems.

The MS District is further intended to:

1. Provide facilities and services that are necessary for the health and convenience of patients and their visitors, and employees of the center;

2. Encourage provision of open spaces and protect and preserve natural features by incorporating such features into the design of a medical services center;

3. Encourage flexibility and efficient use of land and public services;

4. Lessen the burden of traffic on public streets;

5. Encourage development that will incorporate the best features of modern land design; and, in aid of this purpose, provide a procedure which can relate the type, design, and layout of medical facilities and supportive services and facilities to a particular site in a manner that is consistent with the character of adjacent areas;

6. Ensure that the increased flexibility of design in land development authorized herein is subject to proper administrative standards and procedures; and

7. Provide for a variety of uses which are complementary to the primary use of the district. The MS District is a Special District and as such is also subject to applicable provisions of Article 5.0 (Special District Regulations) and Article 8 (Site Plan Review). The MS District is an existing Special District. The Township has no intention to rezone additional properties to the MS District.

N. PLANNED MANUFACTURING (PM) DISTRICT.

The Planned Manufacturing (PM) District is hereby established as a Business District to permit and encourage development of proven environmentally clean and safe research and development facilities, laboratories, warehousing, manufacturing plants, and similar industrial and research uses in a landscaped, low-density, campus-type environment.

The PM District shall be located in areas of Superior Township that are designated for such use in the Township's Master Plan. The district is to be used only in those areas of Superior Township which are served by public water and sewer facilities, and where storm drainage is handled by county drains or other acceptable drainage systems.

The PM District is further intended to:

1. Permit and encourage uses that support research and technology operations to locate within a PM District, thereby eliminating the need to provide for their location on scattered sites in the general vicinity of the district;

2. Permit a PM District to develop in stages and in a planned, coordinated manner, according to an overall development plan;

3. Provide facilities and services necessary for the health, safety, welfare, and convenience of employees, customers, and visitors in a PM District;

4. Encourage provision of open spaces, and protect and preserve natural features by incorporating such features into the plan for the district;

5. Protect existing and planned uses in the vicinity of a PM District from spillover effects that might be caused by uses in the district;

6. Prevent uses in the PM District that would create any dangerous, injurious, noxious, or otherwise objectionable conditions which may result in fire, explosion, or radioactivity; excessive noise or vibration; water or soil pollution; smoke, dust, odor, or other forms of air pollution; electrical or other

disturbances; glare or heat; storage or disposal of liquid or solid materials or wastes; rodent or insect infestations; or from any other substance, condition, or an environment that would adversely affect other uses in the PM District or in the surrounding area;

7. Encourage flexibility and efficient use of land and public services;

8. Lessen the burden of traffic on public streets;

9. Encourage development that will incorporate the best features of modern land design; and, in aid of this purpose, provide a procedure which can relate the type, design, and layout of PM facilities and supportive services and facilities to a particular site in a manner that is consistent with the character of adjacent areas; and

10. Ensure that the increased flexibility of design in land development authorized herein will be subject to proper administrative standards and procedures.

The PM District is a Business District and is also subject to applicable provisions of Article 8 (Site Plan Review). Uses in a PM District shall be limited to those uses specifically included in the listing of uses shown on the approved area plan, approved preliminary site plan, or approved final site plan, whichever is applicable. No other uses shall be permitted unless the applicable plans are revised or amended in accordance with the provisions of this Ordinance. The Township has no intention to rezone additional properties to the PM District.

O. VILLAGE COMMERCIAL (VC) DISTRICT.

The Village Commercial (VC) District is hereby established as the primary Business District outside of the Urban Services area in Superior Township. The Village Commercial District is created to encourage and permit mixed uses with a village scale and character in the Dixboro community and at major intersections along the Plymouth-Ann Arbor Road corridor. The VC District is intended to encourage retention of existing residential structures, either in residential use or in conversion to other permitted uses, and to ensure that remodeled or new structures will have a residential character similar to the existing character of the adjacent land uses. Where feasible and appropriate, residential uses should also be incorporated into new developments of commercial and office uses. New buildings in the Dixboro area should be designed to look like village commercial style buildings consistent with the style and scale that is desired for any new development in Dixboro. Parking shall not dominate the appearance of buildings or sites. New development in the Dixboro area

shall incorporate streetscape improvements identified in the Dixboro Special Area Plan.

Extension of public water and sanitary sewer service into this district shall be prohibited unless such service is necessary to address public health and safety issues of development existing at the date of adoption of this Ordinance.

As outlined under Section 6.04, the Dixboro Design Review Board also provides advisory recommendations to the Planning Commission for development and building projects in the VC District that is within the Dixboro Area.

P. OPEN SPACE PRESERVATION (OSP) OVERLAY DISTRICT.

Woods and fields permit water infiltration, help maintain biological diversity and provide habitat for wildlife. The rural landscape provides the benefits of nature to citizen mental health. The Open Space Preservation (OSP) Overlay District is hereby established to preserve open space for the citizens of Superior Charter Township now and in the future.

The OSP Overlay District is intended to overlay certain designated and/or named properties in the Rural Districts and Planned Community (PC) Special District. In order that the rural landscape and open space is preserved and protected for posterity, the OSP Overlay District is designed to add a layer of protection on lands designated for open space, park land, or lands covered by preservation of development rights.

The following parcels and portions of parcels in the Township are to be designated as part of the OSP Overlay District:

1. All parcels and portions of parcels located within the boundaries of the OSP Overlay District, as shown on the Official Zoning Map;

2. Any parcels and portions of parcels to be permanently preserved by means of a conservation easement or similar irrevocable land preservation method; and

3. Any land areas identified in the Township's Master Plan for preservation of open space, significant natural resources, park lands, agricultural lands, or similar purposes.

Section 4.08 Dimensional Standards by District

A. Height, bulk, setback and area standards are set forth in Table A. Table of Dimensional Standards.

B. In all Districts, no building or use shall be established except in conformity with Table A.

C. Section 4.09 includes Supplemental Provisions and Exceptions to Table A.

A. Table of Dimensional Standards by District.

Dimensional Standards			Rural			Rural Residential		Urban Residential				Business			Other			Special	Additional Standards
			R-C	A-1	A-2	R-1	R-2	R-3	R-4	R-6	R-7	NC	VC	PM	PSP	OSP	MS	PC	
Maximum Building Height		Feet	35	40	40	35	35	35	35	see Section 10.04.E (Manufactured Housing Park Standards)	35	35	35	35	35		35	See Article 5	See Section 4.09
		Stories	2.5	3.0	3.0	2.5	2.5	2.5	2.5		2.5	2.5	3.0	3.0	2.5		2.5		
Lot Standards	Minimum Width		225 ft	225 ft	225 ft	200 ft	150 ft	100 ft	60 ft		125 ft	100 ft	150 ft	150 ft	150 ft		150 ft		
	Minimum Depth							150 ft	120 ft										
	Minimum Area		5 acres	5 acres	2 acres	2 acres	1 acre	21,780 sq ft	7,200 sq ft		21,780 sq ft	20,000 sq ft	2 acres	2 acres	20,000 sq ft		2 acres		
Yard/Setback Standards (feet)	Front Yard	Minimum	60	75	75	60	50	35	25		20	20	20	50	20	200	50		
		Maximum									35		35						
	Minimum Side Yard	One Side Yard	30	30	30	20	15	10	6		10	10	10	10	20		20		
		Total of Two	60	60	60	60	50	25	16		20	20	20	20	40		40		
	Minimum Rear Yard		50	50	50	50	50	50	35		35	35	35	35	35		35		
Max. Ground Floor Coverage			5%	5%	5%	10%	15%	20%	25%		20%	20%	25%	20%	25%		25%		
Max. Floor Area Ratio			0.05	0.05	0.05	0.10	0.15	0.25	0.40		0.30	0.30	0.50	0.40	0.50		0.50		
Maximum Impervious Surface Coverage			10%	10%	15%	20%	25%	35%	45%		50%	60%	75%	70%	80%		75%		

Maximum Net Dwelling Unit Density (units / acre)	0.2	0.2	0.5	0.5	1.0	2.0	4.0		8.0						40.0		

SECTION 4.09 SUPPLEMENTAL PROVISIONS AND EXCEPTIONS

A. Height Exceptions.

The height requirements established by this chapter shall apply to every building and structure with the following exceptions, provided that their location shall conform to the requirements of Superior Township, the Federal Communications Commission, the Federal Aviation Administration, and other public authorities having jurisdiction:

1. **Farm structures.** The maximum permitted height of farm structures shall be seventy-five (75) feet.

2. **Wireless communication towers.** Wireless communication towers and antennae shall be subject to the maximum height standards of Section 10.05.BB (Wireless Communication Facilities).

3. **Wind energy conversion systems (WECS).** Wind energy conversion systems shall be subject to the maximum height standards of Section 10.05 KK.

4. **Exempt structures.** Public utility structures and public monuments in any zoning district shall be exempt from the maximum height standards of this Ordinance.

5. **Limited exceptions.**

    a. Chimneys, elevator towers, stage scenery lofts, mechanical equipment, and similar structures, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building, may exceed up to twelve (12) feet in height above the roof line. Screening requirements in Section 12.03 may apply.

    b. Spires, belfries, and steeples provided that the overall height does not exceed 150% of the maximum permitted building height in the district wherein located.

    c. Parapets may extend up to three (3) feet above roof line.

B. Lot Standards.

The development of all parcels in Superior Township must be predicated on having frontage on a public and/or private street. Said frontage must be in compliance with the provisions of

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this Ordinance and any other applicable ordinances such as Subdivisions, Private Road, and Land Division ordinances. All resulting parcels must meet the minimum requirements for width, area, and depth of the applicable zoning district, Washtenaw County Health Department requirements for on-site sewage disposal systems or water supply, where a public water system is not available. The following standards and exceptions to the lot provisions set forth in this Article shall apply to all lots in the Township:

1. Lot Width Measurements

Lot width is measured from one side lot line to the opposite side lot line along the front building line, or the required front yard setback line. Lot width measurements shall be further subject to the following:

a. For lots fronting onto the turning circle of cul-de-sac streets, the minimum lot width distance shall be twenty (20) feet.

b. Where lots border upon a lake or river, the waterfront yard shall be designated as the front yard for purposes of measuring required minimum lot width, and the required minimum lot width shall be measured along the front building line or required front yard setback line. Unless otherwise expressly stated, this designation shall not alter the yard abutting a public or private road for purposes of access or accessory structure placement. On a flag lot, the lot width shall be measured from the interior lot line most parallel to and nearest the road from which access is obtained.

c. The total lot width for a parcel of land shall not include any public or private road rights-of-way.

d. An access driveway or easement serving two or more residential properties under private ownership is considered a road and the width of the right-of-way may not count towards minimum lot width requirements.

e. An access driveway or easement serving a single residential property under private ownership is not considered a road and the width of the driveway may be counted towards minimum lot width requirements.

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g. Irregular lot widths are measured from one side lot line to the opposite side lot line along the tangent of the curve representing the front building line.

2. Lot Area

The lot area used to satisfy the minimum lot area, lot coverage, and floor area ratio requirements shall not include areas within any road rights-of-way. Lot area measurements shall be further subject to the following:

a. An access driveway or easement serving two or more residential properties under private ownership is considered a road and the area associated with the right-of-way may not be counted towards minimum lot area measurements.

b. An access driveway or easement serving a single residential property under private ownership is not considered a road and the area of the driveway may be counted towards minimum lot area measurements.

C. Yard Standards.

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures shall be maintained within the required front yard, except fences and similar improvements permitted by this Ordinance.

1. Yard Measurements

Yard measurements shall be further subject to the following:

a. Yards shall be measured from the outer edge, including overhangs, of the exterior faces of a structure to lot lines.

b. Front and corner side yards shall be measured from existing right-of-way or easement lines.

c. All required yards shall be located parallel and adjacent to property lines.

d. All required yards shall be measured from the right-of-way line of a public street, or from the right-of-way or easement line of a private street.

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e. Where lots border upon a lake or river, the front yard shall be designated as that yard fronting the water.

2. Corner Lots.

Structures on corner lots shall comply with the minimum front yard setback requirements from all street rights-of-way, except as may otherwise be required by this Ordinance. Such lots shall be deemed to have two (2) front yards for purposes of this Ordinance.

3. Double Frontage Lots.

Where a block of double frontage lots exists, one (1) street may be designated by the Zoning Inspector as the front street for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this Ordinance.

4. Maximum Setback.

The purposes of the maximum front yard setback (also known as a "build-to line") for certain zoning districts are to minimize the need for excessive signage by maximizing the visibility of permitted commercial buildings; and to minimize visual and other impacts from large expanses of parking within a front yard. All new buildings constructed after the effective date of this Ordinance shall comply with the maximum setback requirements of this Article.

5. Permitted Yard Encroachments.

Architectural features, chimneys, elevated porches and decks, and other building projections, egress window wells, HVAC equipment, generators, and similar structures and improvements shall be considered part of the primary building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

a. The following structures may be located within any required side or rear yard setback area: open and unroofed terraces, and patios; awnings; sheds, recreation equipment; outdoor cooking equipment; In addition to allowing in the side and rear yard, the following structures may also be permitted in the required front yard: flag poles; hydrants; trellises; sidewalks; trees, plants, shrubs, and hedges; fences, screens, or walls in compliance with fence ordinance; and mailboxes.

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b. Barrier-free access, such as ramps, to existing dwelling units shall meet the required yard setbacks for the zoning district in which the dwelling is located, wherever possible. A waiver to allow barrier free access improvements within a required yard setback area may be granted by the Zoning Inspector upon the applicant's showing of the following:

(1) The need for such access by an occupant of the dwelling or by an immediate family member of the occupant; and

(2) The encroachment into the required setback is the minimum encroachment necessary to construct or install the barrier-free access.

c. Porches and decks may encroach into the required rear yard setback when all of the following conditions apply:

(1) The porch or deck does not enlarge, expand, or extend an existing nonconformity.

(2) The porch or deck serves a residential dwelling.

(3) The maximum encroachment is limited to ten (10) feet in depth and two hundred (200) square feet in area.

(4) The lot area of the parcel is twenty-one thousand, seven hundred and eighty (21,780) square feet or less.

(5) Portions of porches or decks that encroach into the setback shall be unroofed and open-sided except for guards and handrails as required by the State Construction Code.

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d. Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Any walk, terrace or other pavement serving a like function and not in excess of eighteen (18) inches above grade shall be permitted in any required yard and not be considered to be a structure.

D. Watercourse and Wetland Setback.

A minimum open space setback area from watercourses and wetlands shall be required in accordance with Section 13.04 (Natural Feature Protection). This open space setback area shall overlap any minimum required yard setback area as regulated by this Article.

E. Density Regulations.

The following shall be excluded from the total acreage used in calculating the net density of dwelling units in any zoning district that permits RESIDENTIAL USES as part of a development project subject to site plan approval, condominium site plan approval, subdivision plat approval, or Special District Area Plan approval in accordance with this Ordinance or other Township ordinances:

1. Existing rights-of-way and easements;

2. Rights-of-way and easements of proposed public and private streets, and rights-of-way of local and collector streets;

3. Floodplains, wetlands, bodies of water, watercourses, and drainageways; and

4. Steep slopes, as defined in Section 2.03 (Definitions).

F. Number of Principal Dwellings per Lot.

Not more than one (1) principal, non-farm single-family detached dwelling shall be located on a lot, nor shall a single-family detached dwelling be located on the same lot with any other principal building or use, except as permitted in a Special District and as permitted on farms for farm labor housing and permitted accessory dwelling units. For single-family condominium developments, not more than one (1) principal detached dwelling shall be placed on each condominium lot, as defined in Section 2.03 (Definitions).

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SECTION 4.10 USE REGULATIONS BY DISTRICT

A. In all Districts, no building or land shall be used except for one (1) or more specified uses set forth in Table 4.11, Table of Use Regulations. Refer to Article 5 for permitted land uses in the Planned Community (PC) Special District.

B. **Key Designations in Table of Use Regulations.**

In addition to the following key designations contained in the Table 4.11 Table of Use Regulations, Section 4.01 contains a list of symbols used for Zoning District categories

SYMBOL	KEY	
P	Permitted Uses in the Zoning District	Principal Use
C		Conditional Use
A		Accessory Use
	Prohibited Use in the District	

C. Organization of Table of Use Regulations.

The uses of land in the following table have been organized, for ease of use and convenience, into use groups based upon certain characteristics that the grouped uses may share. These use groups are described below:

1. **AGRICULTURAL AND RURAL USES.** These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.

2. **RESIDENTIAL USES.** These uses primarily involve housing of various types and densities and associated uses typically found in a residential neighborhood.

3. **OFFICE, SERVICE, AND COMMUNITY USES.** Community uses are public-owned or operated uses; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community. Office or service uses are private-owned or operated uses; or uses of a for-profit nature, such

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as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.

4. **COMMERCIAL USES.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.

5. **INDUSTRIAL, RESEARCH, AND LABORATORY USES.** These are uses of a light manufacturing, research, warehousing or wholesaling character; or that involve compounding, processing, packaging, assembly, storage or treatment of materials.

6. **OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

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Table 4.11 Table of Use Regulations

Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
AGRICULTURAL AND RURAL USES															
Agricultural Service Establishments		C													Section 10.03.B
Agricultural processing and food storage, building, or structure		C													Section 10.05.CC
Campgrounds and Recreational Vehicle Parks	C														Section 10.05.D Section 10.05.W
Conservation Area or Open Space, Game Refuges, Forest/Wetland Preserves, Trails, and Greenways	P	P	P							P				P	
Farms for Production of Food, Feed or Fiber, or Sod	P	P	P											P	Section 10.03
Farm-Based Tourism/Entertainment Activities	C	C	C											C	Section 10.03.C
Farm Implement Sales or Repair		C							P						Section 10.03.B
Farm Products Direct Marketing Business **(incl. U-Pick)**	A	A	A											A	Section 10.03.D
Greenhouse, Nursery or Tree Farm	A	P	P											A	Section 10.03.E
Keeping of Animals, Non-Farm	P	P	P	A	A	A	A	A	A					P	Section 10.03.F
Kennel	C	C	C					C	C					C	Section 10.03.G
Nursery Sales		C	C					P	P						Section 10.03.E
Private Riding Arena or Boarding Stable	A	P	P							P				A	Section 10.03.H
Public or Commercial Riding Stable	C	C	C							C				C	Section 10.03.I

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
Roadside Stand	A	A	A											A	Section 10.03.J
RESIDENTIAL USES.															
Accessory Dwelling		A	A	A	A	A	A	A	A						Section 7.03.G
Adult Foster Care Small Group Home	P	P	P	P	P										Section 10.04.H
Adult Foster Care Large Group Home				C	C		C								Section 10.04.H
Adult Foster Care Congregate Facility							C								Section 10.04.H
Foster Family Group Home	C	C	C	C	C			C	C						Section 10.04.C
Child or Adult Day Care Center	C	C	C	C	C			C	C						Section 10.05.I
Child Family Day Care Home	P	P	P	P	P			P	P						Section 10.04.C
Child Group Day Care Home	P	P	P	P	P			P	P						Section 10.04.C
Bed and Breakfast Inn		C	C	C				P	P						Section 10.04.A
Dormitory Living Units												C			Section 10.04.F
Senior Housing - Independent							P								Section 10.04.F
Senior Housing - Assisted Living Facilities							C	P	P			P			Section 10.04.F
Senior Housing – Dependent, Nursing or Rehabilitative Care							C	P	P			P			Section 10.04.F
Farm Labor Housing		A													Section 10.04.B
Home Occupations as permitted in Section 10.04.D	A	A	A	A	A		A	A	A						Section 10.04.D

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
Home Occupations not listed in Section 10.04.D	C	C	C	C	C		C	C	C						Section 10.04.D
Manufactured Housing Parks						P									Section 10.04.E
Multiple-Family Housing, Townhouse or Stacked Flat							P	C				C			Section 10.04.F
Single Family Dwellings, Detached	P	P	P	P	P		P	P	P						Section 10.04.G
Two-Family or Duplex Dwellings							P	C	C						
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table												C			
OFFICE, SERVICE, AND COMMUNITY USES.															
Banks, Credit Unions, and Similar Financial Services								P	P			C	A		Section 10.05.J
Personal Services								P	P			A			
Business Services								P	P				A		Section 7.03.I
Funeral Parlor or Mortuary									P						Section 10.05.L
Health Club or Fitness Center					A	A	A	P	P	A		A	A		Section 7.03.I
Hospital or Urgent Care Center								C	C			P			
Institutional Uses								C	C	P		A			Section 10.05.M
Landscaping and Snowplow Operations		C	C					C	C				C		Section 10.05.O
Medical Office, Clinic, or Laboratory exceeding 4,000 square feet in floor area per building								C	C			P	A		

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
Medical Office, Clinic, or Laboratory up to 4,000 square feet in floor area per building								P	P			P			
Professional Offices exceeding 4,000 square feet in floor area per building								C	C			P	P		
Professional Offices up to 4,000 square feet in floor area per building								P	P			P	P		
Public or private elementary, middle, and secondary schools	C			C				C	C						Section 10.05.M
Public or private colleges, universities, or trades school institutions								C	C						Section 10.05.M
Trades Contractor Office or Yard without outdoor storage								P	P				P		Section 10.05.II
Trades Contractor Office or Yard with outdoor storage								C	C				P		Section 10.05.II
Private Recreational Facilities, excluding Sportsman's Clubs and Ranges	C	C	C	C	C		C	C	C	P		C	C	C	Section 10.05.W
Public Recreational Facilities, excluding Sportsman's Clubs and Ranges	C	C	C	C	C		C	P	P	P		C	C	P	
Veterinary Clinic or Animal Hospital		C	C					P	P						Section 10.03.K
Wireless Communications Facilities		C	C	C						C		C	C		Section 10.05.BB
Workshops and Studios for Art, Photography, Crafts, Repairs, and Similar Activities								P	P						

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
COMMERCIAL USES.															
Amusement Center, Indoor								C	C						Section 10.05.A
Artisan Food and Beverage Production								P	P						Section 10.05.FF
Broadcasting Studios, including Radio and Television								P	P						
Coffee and Tea Shops								P	P			C			Section 10.05.S
COMMERCIAL USES not otherwise listed in this table								C	C						
Convenience Stores, Not Including Sales of Alcoholic Beverages								P	P						
Convenience Stores Selling Alcoholic Beverages								C	C						
Drive-Through Facilities for Financial Institutions and government offices								C	C	A		C			Section 10.05.J
Drive-In or Drive-Through Facilities for Restaurants and Food Service Establishments								C	C						Section 10.05.J
Drive-Through Facilities for Pharmacies, Drugstores, and Other Retail Sales								C	C						Section 10.05.J
General Retail Sales								P	P			A	A		
Private Event Venues		C	C					C	C						Section 10.05.GG
Firearm Retail Sales								C	C						Section 10.05.DD

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
Golf Course or Driving Range								C	C						Section 10.05.W Section 10.05.LL
Grocery Stores, Meat and Fish Market, Delicatessen, Ice Cream and Dairy Market, and Health Food Store, with less than 50,000 sq ft of total gross floor area								P	P						
Hardware, Garden Supply, and Home Improvement Store, with less than 50,000 sq ft of total gross floor area								P	P						
Hotel or Inn								P	P			C			
Large Scale Retail and Entertainment									C						Section 10.05.B
Laundromat or Dry Cleaners								P	P						
Therapeutic Massage Clinic								P	P						Section 10.05.Z
Manufactured Housing Sales						C			P						Section 10.05.T
Motion Picture Cinema, Indoor								P	P						Section 10.05.Q
Open Air Business, principal use								C	C						Section 10.05.EE
Open Air Business, accessory use								A	A						Section 10.05.EE
Outdoor Sales or Display Area, Motor Vehicle & Similar								C	C						Section 10.05.T
Outdoor Sales, Temporary								P	P						Section 10.05.T
Outdoor Promotional Events		C	C					C	C						Section 10.05.U

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
Pharmacies, Drugstores, and Medical Supply Stores								P	P			P			Section 10.05.U
Restaurants and Food Service Establishments								P	P			A	A		Section 10.05.S
Short term rentals		C	C	C	C										Section 10.05.HH
Solar energy systems, building mounted	A	A	A	A	A	A	A	A	A	A		A	A	A	Section 10.05.KK
Solar energy systems, ground mounted		C	C							C			C		Section 10.05.KK
Sportsman's Clubs and Ranges		C													Section 10.05.W
Tavern, Pub, Bar, Cocktail Lounge, Nightclub, or Similar								C	C						
Theater or Gallery								C	C						Section 10.05.M
Motor Vehicle Fueling Station								C	C						Section 10.05.R
Motor Vehicle Repair and Service Center								C	C						Section 10.05.R
Car Wash								C	C						Section 10.05.E
Dealership Showroom for Sales or Rentals of Motor Vehicles, Construction or Farming									C						Section 10.05.Y
Machinery, or Similar Durable Goods									P						
INDUSTRIAL, RESEARCH, AND LABORATORY USES															
Blacksmithing, Furniture or Cabinet Repair or Manufacture, Woodworking Shops, and Similar Uses								C	C				P		
Crematorium													C		Section 10.05.N

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
Distribution Facilities and Truck Terminals													C		Section 10.05.V
Dry Cleaning - Central Cleaning/Processing Plant													C		Section 10.05.N
Material Recovery Facilities								C	C				C		Section 10.05.P
Manufacturing, Processing, or Treatment of Food Products, Pharmaceuticals, Cosmetics, and Similar Items								C	C				P		Section 10.05.N
Manufacturing, Processing, or Assembling of Appliances, Wiring Devices, Electronic Components and Equipment, Fabricated Metal Products, Transportation Equipment, and Similar Items													P		
Manufacturing, Processing, or Assembling of Automated Production Equipment; Measuring, Analyzing, and Controlling Instruments; Computing Equipment; Optical Equipment; Time-keeping Devices; and Similar Items													P		
Manufacture, Processing, Production or Wholesale Storage of Chemicals, Petroleum or Paper Products, Cement, Lime, Gypsum, Glue, Soap, Soda, Compound, Salt, Potash or Similar Materials													C		Section 10.05.N
Outdoor Storage, General													P		Section 10.05.V
Outdoor Storage, Dismantling or Recycling of Motor or													C		Section 10.05.P

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
Recreational Vehicles, Boats, Construction or Farming Machinery, Manufactured Houses or Similar Items															
Outdoor Storage of Recreational Vehicles									C				C		Section 10.05.V
Packaging Operations													P		
Pilot Plant Operations, and Prototype or Pilot Processing, Manufacturing or Assembly													P		
Printing, Publishing, Bookbinding, and Allied Industries													P		
Production of Genetic Materials													P		
Research and Development Facilities, Technical Centers, and Laboratories												P	P		
Self-Storage Warehouses									C				P		Section 10.05.X
Slaughterhouse, Rendering Plant or Similar Facility													C		Section 10.05.N
Warehouses and Non-Farm Bulk Indoor Storage													C		
OTHER USES															
Accessory Structures and Uses	A	A	A	A	A	A	A	A	A	A		A	A	A	Section 7.03
Controlled Uses													C		Section 10.05.G
Cemetery		C	C												Section 10.05.H
Composting Centers										C					Section 10.05.F

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
Concrete and Asphalt Mixing Plants													C		Section 10.05.N
Data Centers and Data Processing Centers, Large-Scale													C		Section 10.05.JJ
Data Centers and Data Processing Centers, Small-Scale													C		Section 10.05.JJ
Data Centers and Data Processing Centers, Accessory								C	C	C			C		Section 10.05.JJ
Extractive and Earth Removal Operations		C	C												Section 10.05.K
Government Offices								P	P	P		P	P		Section 10.05.M
Parking Lots as principal use	C	C	C	C	C	C	C	C	C	C		C	C	C	Article 8
Police, Fire, and Ambulance Stations	C	C	C	C	C	C	C			P		P	P	C	
Public Works or Road Maintenance Yards										C					Section 10.05.V
Stormwater Management Impoundments, Drainageways, and Related Improvements	P	P	P	P	P	P	P	P	P	P		P	P	P	
Temporary Structures for Construction Purposes				P	P	P	P	P	P	P		P	P		Section 7.04
Utility Transmission and Distribution Lines and Pipelines in Existing Easements or Rights-of-Way	P	P	P	P	P	P	P	P	P	P		P	P	P	Section 10.05.AA
Utility Transmission and Distribution Lines and Pipelines not in Existing Easements or Rights-of-Way	C	C	C	C	C	C	C	C	C	C		C	C	C	Section 10.05.AA

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Uses	Districts														Use Standards
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	NC	VC	PSP	PC	MS	PM	OSP	
Volatile Farm-Based Biofuel Production Facility with an Annual Production Capacity of Up To 100,000 Gallons of Biofuel		P	P												Section 10.03.A
Volatile Farm-Based Biofuel Production Facility with an Annual Production Capacity of Between 100,000 and 500,000 Gallons of Biofuel		C	C												Section 10.03.A

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ARTICLE 5

SPECIAL DISTRICT REGULATIONS

SECTION 5.01 INTENT

A. The intent of the Special District Planned Community (PC) Regulations is to permit flexibility in the design and use of land which, through the implementation of an overall development plan, will:

1. Encourage developments that are expected to result in a long-term contribution to social, environmental, and economic sustainability in the Township of Superior.
2. Permit development patterns that respond to changing public and private needs.
3. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values.
4. Provide for the long-term protection and preservation of natural resources, natural features, and historic and cultural resources of subject parcels and surrounding properties.
5. Promote efficient use and conservation of energy.
6. Encourage the use, redevelopment, and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites.
7. Provide enhanced housing, employment, recreation, or shopping opportunities for the citizens of Superior Township.
8. Ensure the compatibility of design and use between various components within the PC project area and with neighboring properties and uses.
9. Ensure development that is consistent with the intent of the Master Plan.

B. A Planned Community (PC) 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 a mixture of uses, and to improve the design, character, and quality of new development. The use of a Planned Community (PC) option to permit variations from other requirements of this Ordinance must 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.

C. Properties zoned and developed under an approved Planned Community (PC) Area Plan prior to the adoption of this ordinance or properties with a valid, approved Planned Community (PC) Area Plan that are not yet developed are permitted to operate under those previously approved standards and requirements. Any proposed changes that would warrant an Area Plan amendment must comply with the standards and procedures of this ordinance. Should an Area Plan approved under the previous version of this zoning ordinance expire, any new development of the property must comply with the standards and procedures of this ordinance.

SECTION 5.02 USES PERMITTED

The uses permitted within a Planned Community (PC) project area must be consistent with the intent of the Master Plan. Other land uses may be authorized when such uses are determined to be consistent with the intent of this Article. Physical standards relating to matters such as building height, bulk, density, parking, and setbacks will be determined based on the specific Planned Community (PC) plan, design quality, compatibility with adjacent uses and overall benefits to be derived for the community. Thus, deviations may be approved from the specific standards contained in the underlying zoning districts or in those districts within which the proposed uses otherwise occur.

SECTION 5.03 STANDARDS FOR APPROVAL

A Planned Community (PC) project may be applied for in any zoning district. The Planning Commission must determine and must provide evidence of its determinations in its report to the Township Board, that the application meets the following standards, as reasonably applicable to the site. The Planning Commission and Township Board must make a finding on each standard as to whether the standard is met, not met, or not reasonably applicable to

the site. Failure to meet all of the relevant standards is grounds for a recommendation of denial.

A. The proposed development must be applied for by a person or entity who has the legal right to enter into a binding agreement covering all parcels in the Planned Community (PC) area.

B. The applicant must demonstrate that using the PC option, the development will accomplish all of the following objectives, to a degree proportional to the site area, as are reasonably applicable to the site:

1. Land uses in harmony with adjacent uses and in keeping with the future land uses for the site in question in the Township Master Plan that would otherwise not be permitted without the use of the PC option, provided that other objectives of this Article are also met.

2. Recognizable and material benefits to the community and the ultimate users of the project and, where such benefits would otherwise be infeasible or unlikely to be achieved, absent these regulations. Recognizable and material benefits include the following:

    a. A public improvement or public facility (e.g., recreational, transportation, safety, and security) that will enhance, add to, or replace those provided by public entities, thereby furthering the public health, safety, and welfare.

    b. Reuse or repurpose of unutilized, underutilized, or blighted parcels.

    c. Long-term protection and preservation of natural resources, natural features, or historic and cultural resources, of a significant quantity or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved, absent these regulations.

    d. Design features and techniques, such as green building, best management practices, and low-impact design, and innovative methods of stormwater management that will promote and encourage energy conservation, sustainable development, and enhance water quality.

    e. For an appropriate assembly, use, redevelopment, replacement, or improvement of existing sites that are occupied by obsolete uses or structures.

f. Reduction of the impact of a non-conformity or removal of an obsolete building or structure.

3. A compatible mixture of open space, landscaped areas, or pedestrian amenities, beyond the site plan requirements of this Zoning Ordinance.

4. Appropriate land use transitions between the proposed PC and surrounding properties.

5. Innovative and creative site and building designs, solutions, and materials.

6. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces.

7. A development consistent with and meeting the intent of this Article, which will promote the intent of the Master Plan. If conditions have changed since the Plan was adopted, the uses must be consistent with recent development trends in the area.

8. The proposed PC project must comply with all applicable Federal, State, and local laws and ordinances, and must coordinate with existing public facilities.

SECTION 5.04 PRELIMINARY DEVELOPMENT PLAN

A. **Pre-application Meeting.** Prior to the submission of an application for approval of a Planned Community (PC) district, the applicant shall meet with the Zoning Administrator or their designee, together with other staff and outside consultants as deemed appropriate by the Township. The applicant shall present at this meeting, or a series of meetings, a concept plan of the proposed Planned Community (PC) project, as well as the following information:

1. A legal description of the parcels and the total number of acres in the project;

2. A topographical map of the site with two-foot contour intervals;

3. A statement as to all proposed uses;

4. The known deviations sought from the ordinance regulations otherwise applicable;

5. The community benefits offered, as described in Section 5.03;

6. The number of acres to be preserved as open or recreational space and the intended uses of such space;
7. All known natural resources, natural features, historic resources, and historic features; which of these are to be preserved;
8. A listing and specification of all site development constraints;
9. The project's consistency with Master Plan or applicable corridor or sub-area plan goals.

   The intent of the pre-application meeting is to discuss the appropriateness of the PC concept, solicit feedback, and receive requests for additional materials supporting the proposal. Statements made during the pre-application meeting are not legally binding commitments.

B. **Applicant Meeting with Adjoining Neighborhoods and Properties**. Following the pre-application meeting, the applicant shall arrange one or more informal meetings with representatives of the adjoining properties, soliciting their comments and providing them to the Planning Commission. The Township must be advised in advance as to the scheduling and location of all such meetings.

C. **Concept Plan with the Planning Commission.** Following the pre-application meeting, the applicant may present the concept plan to the Planning Commission. The concept plan must have the information required for the pre-application meeting. No formal action may be taken by the Planning Commission during a concept plan review. Statements made during the concept plan review are not legally binding commitments.

D. **Preliminary Development Plan**. Following any applicant's meeting(s) with adjoining neighborhoods and properties, a Preliminary Development Plan conforming to the application provisions set forth in sub-Section E below shall be submitted to the Zoning Administrator. A proposed Development Agreement must be incorporated with the Preliminary Development Plan submittal and must be reviewed and approved concurrently with the Plan. The Preliminary Development Plan review and approval process is as follows:

   1. **Review for Completeness.** The Zoning Administrator will distribute the Preliminary Development Plan to applicable reviewing parties. Once reports from reviewing parties have been received, the Zoning Administrator must determine if the application is complete. If the application is complete, the Zoning

Administrator shall schedule a public hearing in accordance with the procedures in Section 3.11 for consideration at a regular or special Planning Commission meeting.

2. **Planning Commission Public Hearing.** The Preliminary Development Plan constitutes an application to amend the zoning district map. Before making a recommendation to the Township Board, the Planning Commission must hold a Public Hearing on the proposal in accordance with Section 3.11.

3. **Planning Commission Recommendations**. After the public hearing, the Planning Commission shall make a recommendation to the Township Board regarding the Preliminary Development Plan. The application may be postponed if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review, or if the Planning Commission determines more time is needed to fully evaluate the PC project. The application will be tentatively rescheduled for a future meeting date.

   The Planning Commission shall recommend approval of the Preliminary Development Plan, with or without conditions, or recommend denial. All actions of the Planning Commission, including any conditions, shall be reflected in the minutes of the meeting.

4. **Township Board Public Hearing**. After a recommendation by the Planning Commission, a public hearing shall be scheduled before the Township Board in accordance with Section 3.11, at which time the Township Board will consider the proposal along with the recommendations of the Planning Commission, the Township staff, and comments of all interested parties. The Township Board shall take action to approve, approve with conditions, or deny the Preliminary Development Plan. The Township Board must set forth in their resolution the reasons for their action. The Township Board may postpone action if the applicant has not fully responded to any applicable conditions imposed by the Planning Commission, or if the Township Board determines more time is needed to fully evaluate the PC project. The application will be tentatively rescheduled for a future meeting date.

E. **Application**. The application for approval of a Preliminary Development Plan shall include the information and materials set forth below, which must be in a plan format together with a narrative explanation. The Zoning Administrator has the authority to

waive certain information and materials if it is determined that such information and materials do not affect compliance with this Ordinance.

1. **Documentation of Applicant Meeting with Adjoining Neighborhoods and Properties.** A written summary of the optional meeting with adjoining neighborhoods or properties must accompany the application.

2. **Preliminary Site Plan.** A plan of the site organization in accordance with the site plan requirements set forth in article 8, including typical setback and lot dimensions; the minimum lot sizes for each use; typical minimum and maximum building height and size; massing models; conceptual building design; and the general character and arrangement of parking; fencing; lighting; berms; and building materials.

3. **Development Concept.** A summary explanation of the development concept shall describe the project and explain how the project will meet the intent of the PC option as set forth in Section 5.01 and the criteria for consideration as a PC as set forth in Section 5.03 hereof, as those Sections reasonably apply to the site.

4. **Density**. The maximum density of the overall project and the maximum density for each proposed use and phase.

5. **Road System**. A general description of the street system and circulation pattern; the location of streets, entrances, exits, and pedestrian walkways; a statement of whether streets are intended to be public or private. Efforts must be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicle traffic congestion particularly as it pertains to the improvements along major streets.

6. **Utilities**. A general description and location of both on-site and off-site utilities including proposed water, sanitary sewer, storm sewer systems, and utility lines; a general indication of the size and location of stormwater detention and retention ponds, and a map and text showing off-site utilities, existing and proposed, which will provide services to the project.

7. **Open Space and Common Areas.** A general description of proposed open space and common areas; the total area of open space; the total area of open space in each proposed phase; and the proposed uses of open space and common areas.

8. **Uses**. A list of all proposed uses; the location, type, and land area to be devoted to each use, both overall and in each phase; and a demonstration that all of the proposed uses are permitted under this Article.

9. **Parking and Traffic.** A study of the parking requirements and needs; and a traffic impact study and analysis, if applicable as identified by the Zoning Administrator or their designee or the Planning Commission.

10. **Landscaping.** A general landscaping plan; a landscape plan for entrances; a landscape plan for overall parcel perimeters; any theme or streetscape design; and any proposed irrigation.

11. **Natural Resources and Features.** Floodway and floodplain locations and elevations; wetlands and watercourses; woodlands; and location and description of other natural resources and natural features.

12. **Phasing Information.** The approximate location, area, and boundaries of each phase; the proposed sequence of development, including phasing areas and improvements; and the projected timing for commencement and completion of each phase.

13. **Public Services and Facilities.** A description of the anticipated demand to be generated by the development for public sewer, water, off-site streets, schools, solid waste disposal, off-site drainage, police, and fire; a description of the sufficiency of each service and facility to accommodate such demands; and the anticipated means by which any insufficient services and facilities will be addressed and provided.

14. **Historical Resources and Structures.** Their location, description, and proposed preservation plan.

15. **Site Topography.** Topography on the site and within one hundred feet of the site at two-foot contour intervals, referenced to a USGS benchmark.

16. **Amenities**. Location and description of any amenities proposed. Amenities can include but are not limited to parks, plazas, landscaping beyond that required by the Zoning Ordinance, streetscape enhancements, public parking, green infrastructure, public improvements, or public facilities.

17. **Zoning Classification.** Existing zoning classifications on and surrounding the site.

18. **Specification Of Deviations.** A specification of all deviations proposed from the regulations that would otherwise be applicable to the underlying zoning and to the proposed uses, which are proposed and sought for any phase or component of the Planned Community (PC) project; the safeguards, features, or planning mechanisms proposed to achieve the objectives intended to be accomplished by any regulation from which a deviation is sought.

F. **Planned Community (PC) Agreement.** In conjunction with a request for Preliminary Development Plan approval, the applicant must submit one or more proposed documents which, when agreed upon by all parties, will serve as the PC Agreement. As a part of the Preliminary Development Plan approval process, the applicant and the Township Board shall each authorize the execution of a PC Development Agreement. The PC Development Agreement must include, but is not limited to, the following items:

1. A summary description of the nature and character of the proposed development, including uses, densities, and site improvements as approved in the Preliminary Development Plan.

2. A statement of the conditions upon which Preliminary Development Plan Approval by the Township Board is based, with particular attention given to those conditions which are unique to the particular PC Plan. These conditions may include matters such as, but not limited to, architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.

3. A summary of the public improvements (streets, utilities, etc.) and any other material benefits offered by the applicant, which are to be carried out in conjunction with the proposed PC development, along with a summary of the financial guarantees that will be required and provided in order to ensure completion of those improvements, as well as the form of such guarantees which will be acceptable to the Township.

4. A document specifying and ensuring the maintenance of any open space, common areas, or amenities contained within the PC development (e.g., through a property owners association, or through conveyance to the Township with maintenance deposit, etc.)

5. A statement that if there is a conflict between the Zoning Ordinance, the Preliminary Development Plan, and the Planned Community (PC) Agreement, the Planned Community (PC) Agreement shall be the controlling document.

6. Upon the granting of Preliminary Development Plan approval, the Planned Community (PC) Agreement must be recorded in the office of the Washtenaw County Register of Deeds by the Township of Superior referencing the legal description of the subject parcels.

G. **Effect of Preliminary Development Plan Approval.** If the Township Board approves the Preliminary Development Plan and the Planned Community Agreement, the Zoning Map shall be amended to designate the parcels as a Planned Community (PC). Such action, when approved, confers Preliminary Development Plan approval for two years (herein to be referred to as PDP Period). The two-year PDP Period commences upon the effective date of adoption of the ordinance that rezones the parcels to PC by the Township Board.

1. Upon the submittal of the Final Development Plan for one or more phases of the PC project, the two-year expiration period no longer applies to the Preliminary Development Plan, and the Preliminary Development Plan must remain in full force and effect on the development of the entire PC project, including without limitation, the development of all future phases of the entire PC Parcels.

2. Any submittals of Final Development Plans must comply with all the requirements of Article 8, Site Plan Review, for Final Site Plan submittals and any additional requirements of the Zoning Administrator or reasonably needed to demonstrate consistency with the Preliminary Development Plan and Section 5.03, Standards for Approval. Any Final Development Plans that do not comply with these requirements must not be considered submittals for the purposes of this Paragraph. After the submittal of the first Final Development Plan, the timing for the issuance of permits and construction of the PC project and all future phases, must be determined.

3. Upon the request of the applicant, prior to the expiration of the Preliminary Development Plan, the Township Board may extend the expiration date of the Preliminary Development Plan. In determining whether to extend the expiration date of the Preliminary Development Plan, approval of an extension may be granted if the ordinances and laws applicable to the project have not changed in a manner that would substantially affect the project as previously approved.

4. In the event of the expiration of the Preliminary Development Plan, the applicant may either make an application for a new Preliminary Development Plan or make an application for some other zoning classification. If no action is taken by the

applicant following the expiration of the Preliminary Development Plan, the parcels may be rezoned to the previous zoning district, following the procedures set forth in Article 17, Amendment Procedures. Following Final Development Plan Approval for one or more phases or the entire PC development, no use or development of the subject parcels may occur which is inconsistent with the approved Final Development Plan and Development Agreement. There must be no use or development of the subject parcels until a new Preliminary Development Plan or rezoning is approved.

SECTION 5.05 FINAL DEVELOPMENT PLAN

A. Development of parcels classified as a PC requires Final Development Plan approval, which may be granted by the Township Board following a recommendation by the Planning Commission. Application(s) must be submitted to the Planning Commission and Township Board for review and approval consistent with the approved Preliminary Development Plan.

B. Final Development Plan approval may be applied for and granted with respect to the entire PC development or for one or more phases. However, if the project is developed in phases, the design must be such that upon completion, each phase or the cumulative result of approved phases is capable of standing on its own in terms of the presence of services, facilities, and open space, and must contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the Planned Community (PC) and properties in the surrounding area.

The Final Development Plan must specify the public improvements required to be constructed in addition to and outside of the proposed phase or phases for which approval is sought, which are determined to be necessary in order to support and service such phase or phases.

Further, the Final Development Plan may require the recordation of permanent or temporary easements, open space agreements, and other instruments to ensure the use and development of the public improvements on the parcels as proposed and to promote and protect the public health, safety, and welfare in a manner consistent with the intent and spirit of this Article.

C. Except as otherwise modified in this Section, Final Development Plan approval must be based upon the requirements, standards, and procedures set forth in Article 8, Site Plan Review. In addition to the information required in Article 8, the applicant must also demonstrate compliance with the Preliminary Development Plan and the Planned Community (PC) Agreement.

D. Upon receipt of a complete application as determined by the Zoning Administrator, the Planning Commission shall review the Final Development Plan for either the entire PC development or for any one or more phases in the manner specified below and in accordance with the provisions of Article 8, Site Plan Review. The Planning Commission must make determinations regarding the following items:

1. The Final Development Plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Preliminary Development Plan. If the Planning Commission determines that the Final Development Plan does not continue to meet or conform to the criteria for, the intent of, or the objectives contained in the approved Preliminary Development Plan, the Planning Commission must make this determination a part of their recommendation.

2. The Final Development Plan complies with the Planned Community (PC) Agreement.

3. The Final Development Plan meets the requirements, standards, and procedures set forth in Article 8, Site Plan Review, and any other applicable requirements as set forth in this Article.

E. At the conclusion of the Planning Commission's review, the Planning Commission shall either recommend approval of the Final Development Plan, with or without conditions, or recommend denial. The application may be postponed if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review, or if the Planning Commission determines more time is needed to fully evaluate the PC project. The application will be tentatively rescheduled for a future meeting date. If the Planning Commission recommends denial, the minutes of the meeting must include the reasons for recommending denial. If approval is recommended with conditions, the minutes must include a statement of the conditions.

Following receipt of the Planning Commission's recommendation of a Final Development Plan, the Township Board shall either approve the Final Development

Plan, with or without conditions, or deny the Final Development Plan. The application may be postponed if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review, or if the Township Board determines more time is needed to fully evaluate the Final Development Plan. The application will be tentatively rescheduled for a future meeting date. If the Township Board determines the Final Development Plan does not conform to the Preliminary Development Plan, the applicant must either revise the Final Development Plan to conform or must seek an amendment to the Preliminary Development Plan.

F. Township Board approval of the Final Development Plan is effective for a period of three years, during which period of time the applicant is authorized to submit engineering and construction plans for site improvements, together with all other documents necessary for Construction Plan approval and the issuance of Building Permits. The applicant may apply to the Township for an extension of the three-year period for approval of the Final Development Plan if progress is being diligently pursued and is reasonably expected to finish within the extension period.

SECTION 5.06 AMENDMENT

A. An applicant may request a change in an approved final plan. A change which results in a major change, as defined in this Section, in the approved plan shall require an amendment to the approved plan. All amendments shall follow the procedures herein required for original submittal and review of a petition for PC zoning. A change which results in a minor change, as defined in this Section, shall require revision of the approved final plan and approval by the Planning Commission.

B. A request for a change in the approved plan shall be made in writing to the Planning Commission and shall clearly state the reasons. Such reasons may be based upon considerations such as but not limited to changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and requests reasonable and valid, shall notify the applicant in writing. Following payment of the required fee, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the Township Board.

C. The following changes shall be considered major, for which amendment is required:

1. Change in concept of the development;
2. Change in use or character of the development;
3. Change in type of dwelling unit as identified on the approved area plan;
4. Increase in the number of dwelling units (density);
5. Increase in non-residential area of over five percent;
6. Rearrangement of lots, blocks, and building tracts;
7. Change in the character or function of any street;
8. Reduction in land area set aside for common open space, or the relocation of such area(s); and
9. Increase in building height.

D. An applicant may request approval of minor changes, as defined in this section, in an approved final plan. The Planning Commission shall notify the Township Board and other applicable agencies of its approval of the revisions of the final plan resulting from such minor changes.

E. Minor changes shall include the following:

1. A change in residential floor area;
2. An increase in non-residential area of five percent or less;
3. Minor variations in layout which do not constitute major changes;
4. A change in phasing of development; and

F. The Planning Commission shall have the authority to determine whether the requested change is major or minor, in accordance with this Section. The burden shall be on the applicant to show good cause for any requested change.

SECTION 5.07 ABANDONMENT

A. **Abandonment of Preliminary Development Plan**. Following any action evidencing abandonment of the Preliminary Development Plan, whether through failure to

proceed during the Preliminary Development Plan period as required under this Article, or through notice of abandonment given by the parcels owners, applicants, or their successors, the Township Board is entitled to take any necessary and appropriate action to rescind the Preliminary Development Plan approvals, invalidate any related Development Agreements, and rezone the subject parcels from PC to an appropriate classification. Abandonment rescinds all rights and approvals granted under and as part of the Preliminary Development Plan, and the same are deemed null and void. Evidence of such actions must be recorded in the office of the Washtenaw County Register of Deeds and referenced to the subject parcels.

B. **Abandonment of Final Development Plan**. Approved Final Development Plans, upon which construction does not commence within a three-year period from the date of a Final Development Plan approval, must be considered abandoned for the purposes of this Article. The applicant may request an extension in accordance with Section 5.05. A written request for an extension must be received by the Township before the expiration of the three-year Final Plan Approval period.

SECTION 5.08 APPEALS

The Zoning Board of Appeals has no authority on matters covered by this Article. Modifications to plans or proposals submitted under this Article must be processed in accordance with the amendment procedures covered under Section 5.06, Amendment.

SECTION 5.09 VIOLATIONS

Any violation of the approved PC Final Development Plan or the PC Agreement is considered a violation of the Zoning Ordinance, which is subject to the enforcement actions and penalties described in Section 3.10, Violations and Penalties.

ARTICLE 6

DEVELOPMENT OPTIONS

Section 6.01 PURPOSE.

The purpose of this Article is to provide standards, regulations, and procedures applicable to various land development options that are authorized by this Ordinance.

Section 6.02 CONDOMINIUM REGULATIONS.

A. Purpose.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act. Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act, condominium subdivision plans shall be regulated by this Ordinance as site condominiums and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's site development standards. It is the intent of this Article to ensure that:

1. Single-family detached residential subdivision developments implemented under the provision of the Condominium Act shall be consistent with subdivision plats established in accordance with the Township's subdivision regulations.

2. Review of condominium subdivision plans shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a conventional subdivision plat.

3. Condominium subdivisions are developed in compliance with all applicable standards of this Ordinance and design standards equivalent to those found in the Township's subdivision regulations.

B. SCOPE.

The standards set forth in this Article shall be considered minimum requirements. All residential and non-residential condominium projects shall comply with the standards of the Zoning District in which they are located. Where the adopted Master Plan or other provisions of this Ordinance or other applicable state laws or Township ordinances require higher standards, such higher standards shall apply.

C. Condominium Site Plan Requirements.

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of preliminary and final condominium site plans by the Planning Commission. Pursuant to authority granted by Section 141 of the Condominium Act, review and approval of site plans for all condominium developments shall be subject to the procedures and standards of Article 8 (Site Plan Review), and the following:

1. Preliminary Condominium Site Plan Requirements.

A preliminary condominium site plan shall be filed for approval at the time the notice of proposed action is filed with the Township per Section 71 of the Condominium Act. The preliminary site plan shall include all information required for preliminary site plans per Section 8.07 (Required Site Plan Information).

2. Final Condominium Site Plan Requirements.

The final condominium site plan shall include all information required for final site plans per Section 8.07 (Required Site Plan Information), and all information required by the Condominium Act.

3. Site Condominium Developments.

In the case of a site condominium development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots, building envelopes, and required yards shall be shown on the preliminary and final site plans.

D. Changes to an Approved Condominium.

Amendments or revisions to any condominium document or the approved final condominium site plan (Exhibit B, as required by the Condominium Act) shall be subject to review and approval in accordance with Section 8.12 (Site Plan Amendment and Revision). In the event that the condominium development is located in a Business or Special District, such changes shall be subject to Section 8.12 (Site Plan Amendment and Revision).

E. Effect of Condominium Site Plan Approval.

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance; authorizes the property owner(s)/developer(s) to submit plans for detailed engineering review; and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s). Execution of the Development Agreement and engineering approval authorizes issuance of building permits, provided all other requirements have been met.

1. No site work or construction shall begin prior to engineering approval, required preconstruction meeting(s) and the execution and recording of the Development Agreement.

2. If a building, structure, or use to be placed on a condominium lot requires site plan approval per Article 8, a site plan for that building, structure, or use shall be approved in accordance with Article 8 before a building permit or Certificate of Zoning Compliance may be issued.

F. Condominium Site Plan Expiration.

Expiration of preliminary and final condominium site plans shall be subject to the provisions of Section 8.08 (Expiration of Site Plan Approval). In the event that the condominium development is located in a Business or Special District, expirations of approval shall be subject to Section 8.08 (Expiration of Approval).

G. Rescinding Approval of a Condominium Site Plan.

Condominium 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, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Article 8. In the

event that the condominium development is located in Special District, such action shall be subject to Article 5.

H. Design and Development Standards.

The following shall apply to all condominium units and developments in the Township:

1. Use Standards.

Uses within a condominium project shall be regulated by standards of the zoning district set forth in Article 4 where the project is located.

2. Condominium Unit or Site Condominium Lot.

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Township's subdivision regulations. Such units or lots shall be located within a zoning district that permits the proposed use. Such units or lots shall conform to the requirements of this Ordinance for the zoning district, except for permitted outlots provided for an indicated and approved purpose. The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located.

a. For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.

b. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except as permitted in a Special District.

c. Required setbacks for individual condominium units or buildings shall be measured from the perimeter of the condominium lot or road right-of-way to the nearest part of the structure or building envelope.

d. Where detached units are not located on individual lots ("zero lot line condominium dwellings"), the following standards shall apply:

(1) The maximum residential dwelling unit density for a site condominium development consisting of all or part of zero lot

line condominium dwellings shall conform to the standards of Article 4 for the zoning district.

(2) Required yards shall be measured from:

a) The building envelope boundaries to abutting road rights-of-way;

b) Required perimeter setback lines from parcel boundaries;

c) Required setback lines from wetlands and watercourses; and

d) The near edge of drainage easements, general common elements, dedicated open space areas, and similar site elements.

In no case shall required yard setback areas for such dwellings overlap or encroach into areas reserved for such site elements.

e. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.

f. A condominium is eligible to be developed in accordance with Section 6.03, (Open Space Preservation Residential Development).

g. Corner lots shall have extra width to permit appropriate building setback.

h. Residential lots shall not open or face directly onto lots occupied or intended to be occupied by OFFICE, SERVICE AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES. Residential lots shall not open or face directly onto freeway rights-of-way, primary roads, or collector streets as defined by the master transportation plans of the Township, or county or state road authorities. In such situations, residential lots shall be laid out in one of the following ways:

(1) Lots may back onto the above features, and corner lots may abut such features. Such lots shall be separated therefrom by a minimum fifty (50) foot wide transition strip with screen plantings along the abutting property line(s). The transition strip shall not be part of the residential lot but shall be part of the common area for the condominium development. The required transition strip

shall be located outside of any road rights-of-way and utility easements.

(2) Lots may face onto a marginal access street.

(3) Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets.

(4) Lots may be grouped around a cul-de-sac or loop street that opens onto a primary road or collector street.

i. **Lot frontage.** All lots shall abut, by their full frontage, on a public or private street. Lots extending through a block are prohibited except where they back directly onto freeway rights-of-way, primary roads, or collector streets as defined by the master transportation plans of the Township, or county or state road authorities.

j. **Lot lines.** Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. The Planning Commission may approve lots that deviate from these requirements, upon determination that such deviations would result in better arrangement of lots.

k. **Lots to be buildable.** The lot arrangement shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. The size, shape, and location of each lot shall have the following characteristics:

(1) A suitable site for placing a building without excessive grading.

(2) A usable area for outdoor living and other outdoor activities.

(3) Adequate surface drainage away from the house site and outdoor living areas.

(4) Reasonable driveway grades.

(5) Minimal general site grading with retention of significant trees and other vegetation.

(6) Minimal use of acute angles and odd, non-geometric shapes as part of the lot.

l. **Non-residential lots.** Lots intended for uses other than residential shall be identified on the plan and shall be specifically designed for such uses in accordance with the provisions of this Ordinance.

3. **Roads and Streets.**

The proposed development shall provide logical extensions of existing or planned roads and streets in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Street and block layout and design shall be subject to the following standards:

a. **Layout.** Road and street layout shall conform to the adopted Master Plan and the following:

(1) Public and private streets in a condominium development shall be developed to the standards of the Washtenaw County Road Commission (WCRC). Limited deviations from specific standards may be authorized for private streets only as part of a Special District condominium development per Article 5 (Special District Regulations).

(2) The arrangement of streets in the development shall provide for the extension of an interconnected system of local and collector streets with adjacent developments where such extension is not precluded by topographic or other existing conditions.

(a) The layout shall also provide for proper projection of streets into adjoining properties not yet developed.

(b) The Planning Commission may require additional street connections to adjacent parcels above minimum applicable requirements, upon determination that such connections will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.

(3) The Planning Commission may require new collector streets or road extensions within or through a condominium development in accordance with the policies of the master

transportation plans of the Township; or upon determination that such roads or streets will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.

(4) Local streets shall be laid out so as to discourage their use by through traffic. This may be accomplished through the use of "T" or roundabout intersections, traffic calming devices, or similar design elements.

(5) Streets shall be arranged in proper relation to topography so as to result in usable lots; safe streets and sidewalks; and reasonable street, driveway, and sidewalk grades.

(6) All street construction shall be centered in the road right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or Washtenaw County Road Commission (WCRC) approves an exception.

b. **Rights-of-way.** Dedicated road rights-of-way shall be provided by the developer where necessary for new streets within the development, for changes to existing road rights-of-way mandated by the Township, or county or state road authorities with jurisdiction, and for the purposes of locating, installing, maintaining, and replacing of public utilities. Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the final condominium site plan.

c. **Drainage.** All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for condominium developments in Rural Residential Districts with a net dwelling density of less than one (1) unit per acre.

d. **Special treatment along primary roadways.** When a development abuts or contains a primary roadway, as defined in the master transportation plans of the Township, or county or state road authorities, the Planning Commission may require marginal access streets, a minimum fifty (50) foot wide transition strip with screen

plantings, or such other treatment as determined necessary for protection of residential properties, separation of through and local traffic, and preservation of the traffic-carrying capacity of the primary roadway(s).

e. **Marginal access streets.** Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the WCRC and shall be responsible for improving said streets according to County Road Commission standards. A landscaped median strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent road.

f. **Other required streets.** Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one (1) or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

g. **Street names.** Street names shall be reviewed and accepted by the Township Assessor and outside agencies with jurisdiction. Streets shall have names, not merely numbers or letters. Streets shall not change direction by more than ninety (90) degrees without a change in street name.

h. **Blocks.** Blocks generally shall be not less than three hundred-thirty (330) feet or more than one thousand three hundred-twenty (1,320) feet in length as measured from the centerlines of streets, subject to the following:

(1) No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary.

(2) For blocks exceeding six hundred-sixty (660) feet in length, a cross-access pedestrian way easement shall be provided through the block for the crossing of underground utilities and

pedestrian traffic. A paved pedestrian path or sidewalk shall be provided within the easement.

(3) Blocks intended for non-residential uses shall be especially designed for such purposes and in accordance with Zoning Ordinance provisions. In such cases, the above dimensions do not apply.

i. **Access**. Pedestrian and vehicular access to residential lots in a condominium development shall conform to the following standards:

j. **Driveways.** Driveways and curb cuts shall conform to standards of the County Road Commission and the standards of all Township ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.

k. **Reserve strips.** Privately held reserve strips controlling access to streets shall be prohibited.

4. **Non-motorized transportation facilities.**

Sidewalks, pedestrian pathways, and other non-motorized transportation facilities shall be developed and placed in compliance with Michigan Department of Transportation (MDOT) and Township engineering standards, and the following:

a. Road rights-of-way shall be sufficient to provide for sidewalks on both sides of all internal public and private streets within a condominium development.

b. Sidewalks shall be required along the entire length of all public road rights-of-way abutting the condominium development

c. Sidewalks shall be required on both sides of all internal public and private streets within a condominium development, except developments in Rural Residential Districts with a net dwelling density of less than one (1) unit per acre, which may be excepted partially or entirely, according to the determination of the Planning Commission.

d. Streets within a condominium development leading directly to a school shall have sidewalks on both sides of the street.

e. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable. Existing and proposed sidewalks within and along the perimeter of condominium developments shall be connected to existing public sidewalks on abutting parcels, and across road rights-of-way by crosswalks and barrier-free access ramps.

f. A pedestrian way shall be treated as an easement. Pedestrian ways and other non-motorized transportation facilities, other than sidewalks within road rights-of-way, shall be located within a minimum twenty (20) foot wide access easement.

5. **Natural Features.** All condominium developments shall conform to the natural features preservation requirements of this Ordinance and other applicable Township ordinances, including Article 13.

6. **Trees.** Trees shall be provided in accordance with the standards set forth in Section 12.03 (Landscaping, Screening, and Land Use Buffers).

7. **Reservation of Public Use Areas.** Where a proposed park, playground, open space, public school, library, or other public use area shown in the adopted Master Plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the final site plan for the development.

   a. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication.

   b. Such areas, if not dedicated, shall be reserved by the owner(s)/developer(s) for future purchase by the Township or other appropriate public agency.

      (1) The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission.

(2) The reservation shall be valid for a period of five hundred forty-five (545) calendar days from the date of Planning Commission approval of the final condominium site plan; or such longer period as might be agreed to in writing by the owner(s)/developer(s) as part of a Development Agreement.

c. Unless during such period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the owner(s)/developer(s) at the end of the period.

d. The reservation shall freeze the price per acre of the reserved area for such period at the average value per acre on the date when the plan was first filed with the Clerk.

e. The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the owner(s)/developer(s).

8. **Exterior Lighting.** Exterior lighting within a condominium development shall conform to the applicable standards of Section 12.04 (Exterior Lighting).

9. **Stormwater Management Facilities.** Developments shall provide for management of stormwater run-off from the developed site. New or expanded facilities shall be located so as to best conform to the layout of existing facilities. Drainage improvements shall conform to the Township's engineering standards and Washtenaw County Drain Commissioner (WCDC) requirements.

10. Gas, Wire, and Cable Utilities. All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development.

a. Overhead lines may be permitted upon approval of the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and/or character of the development, and only where such overhead lines are brought to the perimeter of the development.

b. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface-mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, streetlights, and street light poles.

c. All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review and approval before filing for final approval of the plan.

d. Utilities placed in road rights-of-way shall not conflict with other underground lines.

11. **Utility Easements.** The developer shall dedicate all necessary utility easements to the Township or other agency or entity with jurisdiction for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and removing pipelines, mains, conduits, and other installations of a similar character; for the purpose of providing public utilities, including the conveyance of sewage and water, across, through, and under the property subject to said easement; and for excavating and refilling ditches and trenches necessary for the location of said structures.

a. All underground public utility installations that traverse publicly owned property shall be protected by dedicated easements approved by the public utility.

b. Such easements shall be so located so as not to interfere with the use of any lot or other part of the development.

c. The size of and restriction pertaining to such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines.

I. Non-Residential Condominium.

Condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, RESEARCH, AND LABORATORY USES shall conform to the provisions of this Ordinance, except for the following modifications provided in this subsection:

1. **Streets.** All streets in a non-residential condominium development shall be paved and shall be designed and constructed to adequately handle truck traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks, and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

2. **Driveways.** Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the development. Driveways from parking and loading areas shall intersect streets at a distance from intersections that are large enough to permit safe and convenient maneuvering of vehicles.

3. **Blocks.** The block size standards of this Section shall not apply to non-residential condominium developments. Blocks shall be designed to meet the requirements of fire protection, snow removal, other service and emergency vehicles, and the specific needs of the uses that will occupy the development.

4. **Lots.** Lots shall have access from internal streets within the development, or from marginal access streets. Such lots shall not open directly onto primary roads or collector streets.

5. **Sidewalks.** Sidewalks and pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.

6. **Transition strips.** Transition strips shall be provided along the perimeter of a non-residential condominium development as required by this Ordinance. The Planning Commission may require provision of a fence, wall, or screen, if it determines such is necessary to protect the adjacent areas from litter, trespass, and other nuisances.

J. Special District Condominium Developments.

Developments in a Special District may be granted certain approved deviations from this Article in accordance with Article 5. Such deviations are intended to accommodate the site planning, engineering, and other requirements of large, comprehensive developments with associated uses, where it can be clearly demonstrated that good cause for such deviation(s) exists.

Such deviations may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential

structures, and modifications in the design and development standards of this Article.

K. Relocation and Subdivision of Lot Boundaries.

The relocation of boundaries, subdivision of a condominium lot, and any other change in the dimensions of a condominium unit or site condominium lot, if permitted in the condominium documents, shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of Article 4, and shall be subject to review as an amended condominium site plan per Article 8.

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of Article 4 or shall be placed into common areas within the project. These requirements shall be made a part of the condominium bylaws and shall be recorded as part of the master deed.

L. Monuments.

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

1. The Township Engineer may grant a delay in the setting of monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Treasurer cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by the Township Engineer.

2. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.

3. If the developer defaults, the Township Board may promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

M. Construction in a General Common Element.

Any application for a Building Permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

N. Recording of Condominium Documents.

The owner(s)/developer(s) shall record all condominium documents and exhibits with the Washtenaw County Register of Deeds office in a manner and format acceptable to the County.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Township Clerk:

    a. Two (2) copies of the recorded Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act;

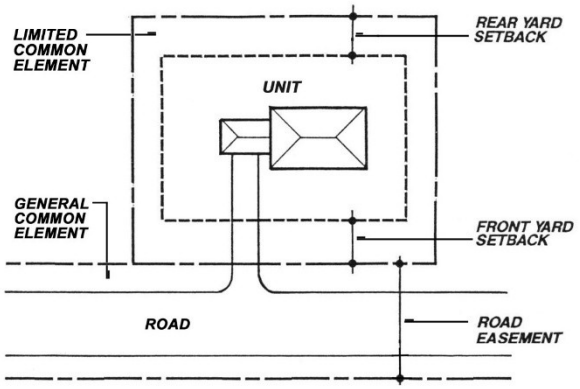
    b. The "as built" plans, sealed by a licensed professional engineer, landscape architect or similar certified professional, in digital and hardcopy formats acceptable to the Township Engineer; and

2. The Zoning Inspector may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Inspector to do so.

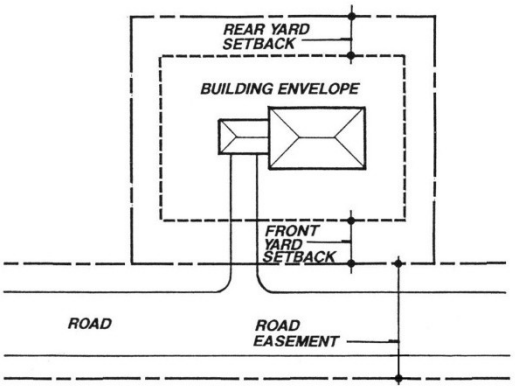
3. A final Certificate of Occupancy for any building in an approved condominium development shall not be issued until the Master Deed, Bylaws, an any other condominium documents, including Exhibit B, as required by the Condominium Act, have been recorded with the Washtenaw County Register of Deeds and the recorded document filed with the Township Clerk.

ILLUSTRATIONS

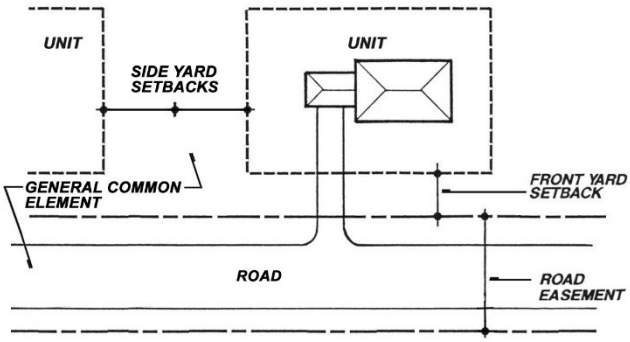
Site Condominium



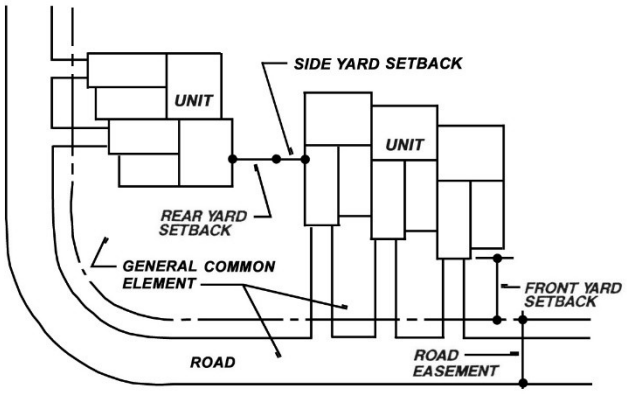
Subdivision Lot



Detached Condominium



Attached Condominium



Condominium Terminology

Section 6.03 OPEN SPACE PRESERVATION RESIDENTIAL DEVELOPMENT (OSPRD)

A. Purpose.

This Section establishes provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act. The purpose of this development option is to preserve agricultural lands, natural resources, and open space in the Township by providing an alternative method for residential development. The intent of this Section is to allow the same number of home sites to be developed per Article 4, but clustered on no more than fifty percent (50%) of the total buildable area of the subject parcel(s). The remaining unused land would exist perpetually in an undeveloped state by means of a conservation easement or similar legal means that runs with the land.

The regulations in this section are also intended to accomplish the following nonexclusive list of purposes.

1. Preserve natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmentally sensitive areas.

2. Achieve a higher quality of residential development than could otherwise be achieved under conventional zoning.

3. Permit development that is consistent with the Township's adopted Master Plan and any other applicable adopted plans.

4. Preserve natural vegetation to the extent feasible.

5. Preserve open space.

6. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical, efficient, and environmentally friendly manner to reduce capital costs of development.

7. Limit soil erosion potential by reducing the amount of clearing and grading needed for development.

8. Encourage a less sprawling form of development, thus preserving open space as undeveloped land.

9. Allow for design innovation to provide flexibility for land development where the normal development approach would otherwise be unnecessarily restrictive or contrary to other Township goals.

B. Qualifying Conditions.

A parcel of land, which parcel shall be the parent lot for the purposes of this section, is eligible if all the following requirements are met.

1. The parent lot is zoned A-1, A-2, R-1, R-2, R-3, or Planned Community (PC)

2. The parent lot has an area of at least three acres of contiguous land, not divided by a road.

3. The parent lot is under single ownership control such that a single person or entity has proprietary responsibility for completing and maintaining the development. An applicant applying for an OSPRD under this section shall provide documentation of such ownership or control in the form of agreements, contracts, deeds, or other such evidence as is acceptable to the approving authority to assure that the applicant has sufficient ownership interest in the parcel to bind the land and assure that the development will be completed in its entirety as approved and that the land will continue to be in compliance and maintained in accordance with the final site plan, preliminary plat as finally approved, and the approved maintenance plan under this section.

4. An OSPRD development shall maintain a minimum of fifty percent (50%) of the gross area of the site as dedicated open space held in common ownership or protected by a conservation easement held by a qualified public body or land-conservation organization.

5. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by these provisions would also depend upon such an extension.

6. The development option provided pursuant to this Section has not previously been exercised with respect to the subject property, and the subject land not subject to any pre-existing, permanent land conservation encumbrance.3.

7. Natural resources, open space, or agricultural lands exist on the site that would be preserved through use of this development option.

C. Development Plan.

A development plan under this Section shall be subject to Township review and approval by one of the following means:

1. **Site plan review.** Where the lot division is by metes and bounds, a development plan under this Section shall be submitted to the Planning Commission for review in accordance with Article 8 (Site Plan Review). Land divisions shall not be approved by the Township until all site plan approval requirements have been satisfied.

2. **Subdivision plat.** Where a development plan under this Section is a subdivision plat, it shall be submitted in accordance with the approval process provided in the Township's subdivision regulations and the standards of this Ordinance.

3. **Site condominium.** When a development plan under this Section is a condominium subdivision (site condominium), it shall be submitted in accordance with the approval process provided in Section 6.02.

D. Density Calculations.

The maximum permitted density in an Open Space Preservation Residential Development shall be determined as follows:

1. The maximum permitted net residential density shall not be greater than that normally permitted within the zoning district. The maximum density shall be the maximum number of lots permitted by the approved parallel design plan as outlined within this Section. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots that can be developed on the subject parcel(s).

2. A parallel design plan shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all state, county, and Township regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated by federal, state, county or local agencies.

3. It must be determined by the Planning Commission that this parallel design plan is able to be physically constructed and meet all current regulations, should the Open Space Preservation Residential Development be denied or not constructed. If there are questions regarding water, septic, wetlands or floodplains, the Planning Commission may request the applicant to obtain approval from the proper regulatory authority. If the Planning Commission

determines, through these responses, that the number of lots proposed is unfeasible, the parallel design plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage.

4. The Planning Commission may also waive the submission of a parallel design plan if the Planning Commission determines that the number of housing units proposed for the Open Space Preservation Residential Development is well below what would be feasible for the site. Such a waiver shall be requested by the applicant in writing and shall be recorded as part of the motion for approval in the meeting minutes.

E. Clustering.

Dwelling units shall be grouped so that dedicated open space within a development equals a minimum of fifty percent (50%) the total buildable area of the subject parcel(s). Where such clustering would require deviations from the minimum required yard setbacks, lot area, and lot width; and maximum permitted ground floor coverage (GFC) and floor area ratio (FAR) otherwise required in the zoning district, the following standards shall apply:

1. Planning Commission determination that the deviation is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.

2. Planning Commission determination that all lots created under this option contain adequate lot area and width to provide for development of a principal dwelling and customary accessory structures without need for a variance.

3. Clustering of the dwelling units shall occur in a manner that preserves the basic amenities and qualities normally associated with single-family living (including privacy, personal open space, and adequate natural lighting and ventilation), while still allowing for innovative site layout and open space areas.

F. F. Limited Density Bonus.

The Planning Commission may approve a density bonus not exceeding ten percent (10%) only where the applicant provides preservation exceeding the minimum requirements of this Section. A density bonus shall be based on the following objective schedule:

1. A five percent (5%) density bonus may be granted where at least sixty-five percent (65%) of the total buildable area is permanently preserved as dedicated open space.

2. An additional five percent (5%) density bonus may be granted where the protected land preserves active agricultural land or significant natural features identified in an inventory prepared by a qualified professional and accepted by the Planning Commission.

3. The total density bonus shall not exceed ten percent (10%). Housing-type diversity, recreation facilities intended principally for development residents, or compliance with the minimum fifty percent (50%) open-space requirement shall not independently qualify for a density bonus.

G. Standards for Open Space.

At least fifty percent (50%) of the total buildable area of the subject parcel(s) shall remain perpetually in an undeveloped state by means of a conservation easement or similar legal instrument that runs with the land, as approved by the Township. Such open space preservation area(s) shall conform to the following standards:

1. Dedicated open space shall be located to preserve significant natural features and to connect open spaces throughout the development with adjacent open space.

2. Open space along the exterior public roads shall have a minimum depth of two hundred (200) feet, as measured from the right-of-way line, either landscaped with natural vegetation or preserved in a natural wooded condition. The Planning Commission may approve a minimum open space depth of one hundred (100) feet along the exterior public roads where the reduction would result in saving significant natural vegetation on the rear of the site. The open space along exterior public roads may be landscaped or left natural; existing tree preservation is preferred, and planted vegetation shall be native to the area.

3. Use of preserved open space shall be limited to RURAL USES, outdoor recreation, hunting (where permitted), recreational trails, parks and playgrounds, and similar uses, as approved by the Planning Commission.

4. At the landowner's option, all or part of the open space may be dedicated to the use of the public or transferred to public ownership. The Planning Commission shall be prohibited from requiring such a dedication as part of an approval under this Section. Any proposed transfer of open space ownership to public ownership shall be subject to approval of the receiving jurisdiction.

5. If the land to be developed under this option contains a river, stream, pond or other body of water, the Planning Commission may require a portion of the open space to abut the body of water.

6. All structures shall be located outside of the land area designated as preserved open space. Only those structures or improvements that are consistent with the approved development plan and the terms of the conservation easement shall be permitted within the designated open space area.

7. The open space shall be connected with existing or potential open space and/or adjacent public land where feasible.

8. The following areas shall not be considered in the calculation for open space:

   a. Areas within road and other rights-of-way, and utility, drainage or similar public easements.

   b. Areas occupied by permitted non-residential uses, golf courses, parking lots, stormwater detention or retention basins, private community wastewater systems (PCWS), and similar facilities.

   c. Required yard setback areas for individual lots.

9. Where a development under this section is proposed in phases, the Township may require that all land to be dedicated as open space shall be included in the first phase of the development.

H. Conservation Standards.

The applicant shall provide a copy of the conservation easement or similar legal instrument that would run with the land and have the legal effect of preserving in perpetuity in an undeveloped state the open space required by this Section. The legal instrument shall be subject to the following minimum requirements:

1. **Guarantee of Preservation**. The conservation easement or similar legal instrument the conservation easement or similar legal instrument shall guarantee that all dedicated open space will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided the land uses continue as approved under this Section and Ordinance.

2. **Irrevocable conveyance.** At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization, condominium association, governmental institution, or other governmental or legal entity qualified and able to receive and hold conservation easements in accordance with applicable federal and state laws.

3. **Permitted uses and development.** The instrument shall specify the allowable use(s) of the open space.

4. **Development plan.** The instrument shall require that the open space be maintained in perpetuity in an undeveloped state, without structures or other improvements, except as shown on the approved development plan. The development plan shall be attached to the recorded instrument as an exhibit.

5. **Maintenance plan.** The instrument shall include a detailed maintenance plan that provides standards and a schedule for required maintenance of the open space by the parties who have an ownership interest in the open space; and shall allow for maintenance to be undertaken by the Township or the easement holder in the event that the open space is inadequately maintained or determined to be a public nuisance, with the assessment of costs upon the property owners.

After Township approval, the applicant shall record the conservation easement or similar legal instrument with the Washtenaw County Register of Deeds office and shall provide proof of recording and two (2) copies of the recorded documents to the Township Clerk.

I. Design Standards.

1. The OSPRD shall be designed to promote preservation of natural features. Lots or site condominium units, roads, stormwater management facilities, and other improvements shall be designed and situated to minimize alteration of or intrusion into the natural environment.

2. Lots or site condominium units shall be located on soils that are most suitable for drainfields.

3. Dwelling units shall be located away from environmentally sensitive areas. They shall not be located in areas most suitable for open space. Dwelling units shall be located as far as possible from agricultural areas.

4. Placement of wells, septic tanks, and drainfields shall comply with all requirements of Washtenaw County.

5. Each lot or site condominium unit shall have access to and frontage on an approved street.

6. Pedestrian access shall be provided within a development between lots or site condominium units and nonagricultural open space, between open space areas, and to appropriate on- and off-site uses.

7. The Planning Commission may require that structures of historic, cultural, or architectural significance on the site of an OSPRD be retained, if suitable for rehabilitation. Adaptive reuse for a permitted use may be permitted.

Section 6.04 DIXBORO DESIGN REVIEW.

A. Purpose.

The intent of this Section is to establish procedures and guidelines to ensure that the character and environmental objectives of the Master Plan for the Dixboro community will be achieved. This Section is intended to:

1. Establish a Dixboro Design Review Board to provide advisory recommendations to the Planning Commission;

2. Provide procedures and standards for advising residents, property owners, builders, architects, developers, and other interested parties in improving the quality of design of buildings and sites as part of redevelopment, expansion, and new construction projects in the Dixboro community; and

3. Encourage a harmonious blending of contemporary design and construction with Dixboro's existing structures and environmental character.

This Section is not intended to stifle creativity in design or construction, or to require replication of past building styles.

B. Scope.

The scope of design review under this Section for development and building projects in the Dixboro community, as defined in the adopted Master Plan, shall be in accordance with the following:

1. Such reviews shall be limited to sites which are located in a VC (Village Commercial) zoning district within the Dixboro community, or that abut any of the following road rights-of-way:

   a. Plymouth Road between Old Ford Road/Tanglewood Drive and Dixboro Road;

   b. Church Street;

   c. Short Street;

   d. Cherry Hill Road south from Plymouth Road to Fleming Creek; and

   e. Dixboro Road south from Church Street to the Ann Arbor Charter Township boundary.

2. The Dixboro Design Review Board shall have responsibility for reviewing and making advisory recommendations to the Planning Commission on minor or preliminary site plan, preliminary condominium site plan, conditional use permit, and special district area plan applications, prior to Planning Commission action, consistent with this Section and the adopted Design Guidelines for the Historic Village of Dixboro.

3. The Dixboro Design Review Board shall also have responsibility for reviewing and making advisory recommendations to the Zoning Inspector on applications for approval of new single-family dwellings, consistent with this Section and the adopted Design Guidelines for the Historic Village of Dixboro.

4. The Zoning Inspector shall have responsibility for reviewing applications for administrative site plan approval per Article 8 and certificates of zoning compliance per Article 3. The Zoning Inspector shall make available relevant section(s) of the adopted Design Guidelines for the Historic Village of Dixboro to the applicant and shall make recommendations on the application to encourage consistency with these guidelines.

5. Any person may meet with the Dixboro Design Review Board during a regularly scheduled meeting without charge to seek input from the Board regarding a proposed development or building project in the Dixboro community. The fee for a special Board meeting shall be as provided for in the Township's adopted fee schedule.

C. Dixboro Design Review Board.

The Design Review Board shall have seven (7) members, appointed by the Township Supervisor, with approval from the Township Board.

1. Each member shall have a demonstrated interest in the design and environmental character of neighborhoods. The Board shall have in its membership one (1) Planning Commission member, one (1) Township Board member, one (1) architect registered in the State of Michigan, and one (1) person with expertise in real estate, building finance, or a related profession.

2. An employee or contractor of the Township Board shall not serve as a member of the Dixboro Design Review Board.

3. The term of office of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies.

4. All vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed.

5. The Design Review Board shall elect officers for one (1) year terms. Officers shall consist of a Chair, Vice-Chair, and Secretary. An elected officer of the Township shall not serve as Chair.

6. The Design Review Board shall adopt rules for the conduct of its meetings. The rules shall be approved by the Township Board.

7. A member shall abstain from voting on any question in which he or she has a conflict of interest. Failure of a member to abstain in such cases shall constitute malfeasance of office.

8. A member may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 3.11 (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the motion or resolution, if any, regarding removal from office, and the roll call vote of the Township Board.

9. A quorum shall consist of a majority of all members of the Design Review Board. All advisory recommendations shall be made by majority vote of the members present and voting at any meeting where a quorum exists.

10. Design Review Board meetings shall be open to the public, with proper notice given for each meeting. The Design Review Board shall keep minutes of each meeting, with all findings, recommendations, and votes recorded in the minutes. The vote, absence or abstention of each member shall be recorded into the minutes of the meeting. All minutes shall be filed in the Township Clerk's office.

D. Design Review Board Responsibilities.

The Dixboro Design Review Board shall have the following advisory responsibilities under this Section:

1. The Design Review Board shall meet on request from an applicant for design review. Review of applications for design review shall be subject to the following procedural requirements:

    a. The applicant shall file with the Township Clerk a completed application form, ten (10) copies of all drawings on standard letter, legal, or tabloid size paper, five (5) sets of scaled architectural drawings, and all other information required by this Section for design review. At the time of application for design review, the applicant shall deposit required review fees and escrow deposits with the Township Treasurer. The Clerk shall promptly transmit copies of the application to the Design Review Board. Each application for design review shall contain the following information:

        (1) All information required for the associated application for approval under this Ordinance or other Township ordinances.

        (2) Complete, scaled architectural elevations of proposed construction and relating existing structures.

        (3) Two (2) section profiles through the site, showing proposed improvements and existing improvements that will remain.

        (4) Type, color, and texture of primary exterior materials, including samples.

        (5) Location, size, height, lighting, and materials for proposed signs, with elevation drawings.

        (6) Location, height, type of light fixtures, method of shielding, and intensity of lighting.

        (7) Existing and proposed landscaping.

        (8) Photographs showing the site, existing buildings, and adjacent buildings and features necessary to explain the proposed project.

    b. The Design Review Board shall hold a public meeting on each proposal, review the proposal in terms of the purpose of the zoning district in which the property is located and the standards of this Section, and

make written findings and recommendations to the Planning Commission.

c. The Design Review Board may hold more than one (1) meeting for the purpose of making recommendations, provided that any recommendation to the Planning Commission shall be made within 65 calendar days following receipt of the request for design review by the Township Clerk.

d. The Design Review Board's recommendation shall consist of a written copy of its findings and subsequent resolution. The Planning Commission shall, in reviewing a development or use approval application for a site in the Dixboro community under this Ordinance or other Township ordinances, consider any findings and advisory recommendations of the Design Review Board made in accordance with this Section.

2. The Design Review Board may assist residents, property owners, builders, architects, developers, and other interested parties in determining design features that are appropriate for the Dixboro community in accordance with the adopted Master Plan policies.

3. The Design Review Board may advise the Township Board and Planning Commission of appropriate guidelines and standards to carry out the objectives of this Section.

4. The Design Review Board may advise the Township Board and Planning Commission of design and environmental policies appropriate for the Dixboro community.

E. Standards.

The Design Review Board shall consider the following criteria in making findings regarding the acceptability of the exterior design of a proposed building in the Dixboro community. These criteria shall be evaluated in terms of the purpose of the zoning district where the property is located and adopted Master Plan policies.

1. Building height.
2. Proportion of the building's front facade; its relationship of height to width.
3. Proportion of openings in the front facade; the relationship of width to height of windows and doors.
4. The rhythm of solids and voids in the front facade.
5. The rhythm of entrance and front porch projections.

6. Relationship of exterior materials, textures, colors, and architectural details.
7. Relationship of roof shapes.
8. Building scale.
9. Directional expression of the front elevation; structural shape, placement of openings.
10. Relationship of landscaping.

ARTICLE 7

GENERAL PROVISIONS

Section 7.01 PURPOSE.

The regulations in this Article shall apply in all zoning districts unless specifically provided for elsewhere in this Ordinance.

Section 7.02 FENCE REGULATIONS.

All fences and similar enclosures shall conform to the following:

A. General Standards.

The following shall apply to fences in all zoning districts:

1. **Corner clearance.** Fences shall comply with the unobstructed sight distance standards of Section 7.11 (Corner Clearance Zones).

2. **Materials.** It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:

    a. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence subject to approval per Article 8 (Site Plan Review), where deemed necessary for security purposes or public safety. Fencing used for security purposes shall not be permitted in any front yard, and any part of a yard forward of the rear wall of the principal building nearest to the road right-of-way.

    b. Barbed wire fences shall be permitted accessory to permitted public utility facilities and essential service uses in any zoning district.

    c. Barbed wire and electrically charged fence wires shall be permitted accessory to permitted RURAL USES or on parcels where keeping of livestock is legally permitted under this Ordinance. Such fences shall be subject to the following:

        (1) On boundary fences, the electrically charged wires shall be located on the inside face of the fence posts.

(2) Interior fencing, such as fencing located within the boundaries of the property and used for the purpose of protecting small livestock or fowl from predators, may utilize electrically charged wires on the outside of said fencing, provided it does not create a hazard for neighboring properties.

(3) All electrically charged fences shall be of a type and make approved by the Underwriters Laboratories.

(4) All electrically charged fences shall be signed.

(5) Electrically charged and barbed-wire fences may not exceed 10-feet in height

3. **Existing fences.** Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 15 (Nonconformities).

4. **Location of fences.** All fences shall be constructed entirely upon the property of the owner of the fence, unless the adjoining property owner(s) consent otherwise.

a. Adjoining property owners may jointly apply for a permit to erect a fence upon a common property line.

b. Applicants for fence permits are advised to obtain a property survey to determine the location of lot lines along which a fence is to be erected. In issuing a Certificate of Zoning Compliance or other fence approval under this Ordinance, the Township shall not be responsible for the location of the fence with respect to property lines.

B. Fence Standards by Use.

Fences shall be subject to the following additional standards by zoning district or associated use:

1. **Rural fences.** Fences accessory to permitted Farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) on lots of record not included within the boundaries of a recorded plat and having an area in excess of two (2) acres and a minimum road frontage of two hundred (200) feet shall conform to the requirements of this Section, but shall not require Township approval prior to installation.

2. **Residential fences.** Fences in the Rural Residential and Urban Residential Districts, in Special Districts which include RESIDENTIAL USES, or that are

accessory to RESIDENTIAL USES in any zoning district, shall be subject to the following:

a. **Rear and interior side yards.** Fences which are located in a rear or interior side yard shall not exceed six (6) feet in height and shall not extend toward the front of the lot nearer than the front building wall of the house or the required minimum front yard, whichever is greater.

b. **Front yards.** Fences located in the required front yard, or within any yard area between a road right-of-way and a front building line of the dwelling, shall not exceed three (3) feet in height except as follows:

(1) On corner lots, an ornamental, rail, or privacy fence, as defined in Section 2.03 (Definitions), shall be permitted within the area of the second front yard located between the rear lot line and the rear building line of the dwelling extended to the road right-of-way. Such fences shall not exceed six (6) feet in height.

(2) For RESIDENTIAL USES in any Rural Districts or Rural Residential Districts, an ornamental or rail fence, as defined in Section 2.03 (Definitions), shall be permitted in the required front yard, or within any yard area between a road right-of-way and a front building line of the dwelling. Such fences shall not exceed six (6) feet in height.

c. **Orientation.** Where one side of a fence or wall in the Urban Residential Districts has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).

d. **Approval required.** Construction, alteration or relocation of fences exceeding ten (10) feet in length in the Rural Residential and Urban Residential Districts, or accessory to RESIDENTIAL USES, shall be subject to Zoning Inspector approval per Article 3 (Certificates of Zoning Compliance). Township approval shall not be required for alteration or relocation of fences of ten (10) feet or less in length, provided that such fences shall conform to the requirements of this Section

3. **Non-residential fences.** Fences accessory to any non-residential use in any zoning district shall be subject to the following:

a. **Location.** Such fences may be located within any rear or side yard, subject to height, corner clearance zones, and other applicable regulations of this Ordinance. Fences in front yard or second front yard are prohibited unless approved by the Planning Commission.

b. **Height.** Such fences shall not exceed six (6) feet in height, except where otherwise provided for in Article 10 (Use Standards).

c. **Approval required.** Construction, alteration or relocation of fences accessory to any non-residential use shall be subject to approval of a minor site plan per Article 8 (Site Plan Review).

4. **Fences on public lands and enclosing public utilities.** Fences that enclose public parks, playgrounds, and buildings; and public utility and essential service facilities shall be subject to the following:

a. Fences that enclose public parks, playgrounds, and public utility buildings shall be permitted in any required yard in any zoning district.

b. Fences that enclose public utility and essential service facilities shall not be permitted in a required side yard in the Urban Residential Districts but may be permitted in any required yard of any other zoning district.

c. Such fences shall not exceed a maximum of eight (8) feet in height, unless the Zoning Inspector determines that a higher fence is necessary for safety reasons.

5. **Temporary construction fences.** Temporary construction fences, and fences required for protection around excavations, shall comply with the State Construction Code. Such fences shall be removed within fourteen (14) calendar days following completion of construction activity on the site. The Zoning Inspector may order the removal of temporary construction fences by a date certain where such fences have remained in place for a period exceeding 545 calendar days.

6. **Retaining walls.** Retaining walls shall be considered fences subject to the provisions of this Section if the wall extends more than 30 inches above the adjacent ground level. Fences shall be required on top of retaining walls when required by the State Construction Code.

C. Height Measurements.

The height of a fence shall be measured from the ground level at the lowest grade within four (4) feet of any side of a fence post, except that the height of a retaining wall, or a fence located on top of a retaining wall, shall be measured from the ground level at the higher side of the wall (see illustration).

D. Maintenance.

Fences shall be maintained so as not to endanger life or property. Any fence that endangers life or property through lack of repair, type, or construction, or otherwise is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Zoning Inspector shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located.

1. The notice shall describe the unsafe condition(s), shall specify the repairs or modifications required to make the fence safe, and shall require an unsafe fence or portions thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal.

2. Failure to make repairs or modifications or to remove the fence within the time limit specified in the notice shall constitute a violation of this Ordinance and shall be punishable in accordance with the provisions of Section 3.10 (Violations and Penalties).

E. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals in accordance with this Section and Ordinance.

Section 7.03 ACCESSORY STRUCTURES AND USES.

Accessory Structures and Uses in Rural, Rural Residential, and Urban Residential Districts, and Accessory Structures Serving Permitted Single-Family Dwellings in the Business Districts. Where a lot is devoted to a permitted principal use or an approved conditional use, accessory uses are permitted provided such structures and uses shall be secondary and incidental to the principal use(s) of the parcel. Accessory structures and uses shall be subject to the following:

A. Where the accessory structure is attached to the principal building, the accessory structure shall be subject to all regulations of the district in which it is located.

B. No accessory structure shall be used prior to the principal structure or use, except as a construction facility for the principal building.

C. Accessory structures and uses shall be supplemental or subordinate to the principal building on a parcel of land and shall be on the same parcel of land as the principal building or use they serve.

D. Accessory structures shall not be located within dedicated easements or rights-of-ways.

E. For all uses in the Rural, Rural Residential, Urban Residential Districts, and for permitted single-family residential uses in the Business Districts, detached accessory structures shall be set back behind the front building line of the principal building, and shall be set back a minimum of five (5) feet from interior side or rear property lines, except as follows:

1. In the case of a corner lot in the Urban Residential and Business Districts, a detached accessory structure shall be set back behind the rear building line opposite the primary front entrance to the principal building and shall be set back behind the front building line for the second road frontage (see "Accessory Structure Location on Corner Lot" illustration).

2. Accessory structures shall be set back behind the front building line of the principal building, except when all of the following conditions have been met:

   a. The accessory structure shall be located on a lot with a minimum lot area of two (2.0) acres;

   b. The accessory structure shall be set back a minimum of seventy-five (75) feet from the front property line and all road rights-of-way;

   c. The accessory structure shall be screened from all road rights-of-way and from dwellings on adjoining lots by any combination of topography, existing vegetation, fences permitted per Section 7.02 (Fence Regulations), other permitted structures, or the installation of additional landscaping elements per Section 12.03 (Landscaping, Screening, and Land Use Buffers); and

   d. The accessory structure and any additional screening shall be subject to review and approval by the Zoning Inspector per Section 3.02 (Certificates of Zoning Compliance).

3. In the Rural and Rural Residential Districts, accessory structures shall not encroach into the minimum required side or rear yard.

4. Detached accessory structures in the Rural Districts larger than eight hundred thirty-two (832) square feet in floor area shall comply with the minimum required yard setback standards for the zoning district.

5. A detached accessory structure shall not exceed fifteen (15) feet in height, except as follows:

   a. On lots with a minimum lot area of two (2.0) acres, non-farm accessory structure height shall not exceed twenty (20) feet.

b. Structures accessory to farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from these requirements.

c. Other accessory structure height exceptions as permitted per Section 4.09.A (Height Exceptions).

7. In the Rural Residential, Urban Residential, and for single-family residential uses in the Business districts, not more than twenty-five percent (25%) of the area of the minimum required rear yard may be occupied by accessory structures.

8. In any zoning district, the ground floor area of a detached accessory structure except farm structures, private stables, and riding arenas shall not exceed the ground floor area of the principal building, subject to the following:

   a. On lots with a minimum lot area of two (2.0) acres, the ground floor area of a detached accessory structure shall not exceed one and one-half (1-1/2) times the ground floor area of the principal building, up to a maximum of four thousand (4,000) square feet.

   b. In no case shall the area of an accessory structure exceed four thousand (4,000) square feet.

9. In any zoning district, a detached accessory structure shall be located at least ten (10) feet from any other principal building or accessory structure.

F. Outdoor swimming pools, spas, and hot tubs. Outdoor swimming pools, spas, and hot tubs erected or maintained in the Township with a diameter exceeding twelve (12) feet, a depth exceeding two (2) feet or an area exceeding one hundred (100) square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts and shall comply with the following requirements:

1. The pool or its fence shall not be located within any required front yard, or within any yard area between a road right-of-way and front building line of a dwelling.

2. Rear and side yard setbacks shall be a minimum of ten (10) feet between the property line and the outside wall of the pool or its enclosing fence or deck.

3. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.

4. Such pools shall not be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire. Such pools shall be located outside of any easement area.

5. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured in accordance with the requirements of the Michigan Residential Code.

6. Construction, alteration or relocation of such pools shall be subject to Zoning Inspector approval per Section 3.02 (Certificates of Zoning Compliance).

G. Accessory Dwelling Units.

1. Purpose and intent. Accessory dwelling units (ADUs) are dwelling units which are accessory to a principal dwelling unit located on the same lot or parcel. The intent of these regulations is to:

   a. Provide older homeowners with a means to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;

   b. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate-income households who might otherwise have difficulty finding housing;

   c. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;

   d. Support a more efficient use of existing housing stock and infrastructure;

   e. Provide housing units for persons with disabilities; and

   f. Protect stability, property values, and the residential character of a neighborhood.

2. Application of regulations. Accessory dwelling units shall be a permitted use in the Rural, Rural Residential and Urban Residential Districts.

3. Standards of approval.

a. ADUs may only be permitted on a parcel that has an existing single family dwelling unit.

b. Size

    i. For lots less than 2.5 acres, ADUs shall not exceed 50% of the floor area of the principal residence

    ii. For lots equal to or greater than 2.5 acres, ADUs shall not exceed 100% of the floor area of the principal residence.

c. Only one ADU shall be permitted on each lot or parcel.

d. The owners of the principal residence shall continue to reside on the property.

e. Occupancy limits shall comply with all relevant building and fire code standards.

f. All setback and lot coverage requirements of the district shall be met.

g. One (1) additional off-street parking space shall be provided for the ADU, unless the Zoning Administrator determines that existing lawful parking on the site is adequate for both dwellings and that the waiver will not result in parking within a road right-of-way or on adjoining property.

4. Design Requirements.

a. ADUs shall be designed so that the appearance of the principal building remains that of a single family dwelling unit. When a detached structure, the ADU shall comply with the accessory-structure standards of this Section.

b. ADUs shall be located in only the following locations.

    i. Above an attached garage.

    ii. Above a detached structure, in compliance with Section 7.03. The maximum height of ADUs above a detached garage is 24 feet.

    iii. As a standalone, detached structure, in compliance with Section 7.03.

    iv. As a ground level or upper level addition to a single family dwelling unit.

v. Within the upper level of a single family dwelling unit.

vi. Within the ground level of a single family dwelling unit.

c. Any entrance to the ADU shall not be visible from the right-of-way along the front property line, excluding exterior side yard property lines for corner lots. ADU entrances may be visible from side or rear property lines.

d. Any pedestrian pathways that connect from the right-of-way to the primary structure, separate from a driveway, are limited to no more than one per front yard. For corner lots, there may be two pedestrian pathways: one in the front yard and one in the exterior side yard.

e. When an ADU entrance fronts a side or rear yard, a landscape screen, wall, or fence at least six (6) feet in height is required to separate the side yard from the neighboring parcel.

f. Standards for building additions to accommodate ADUs.

i. Additions that are taller than the original building shall be located toward the rear of the building so that the new addition does not visually overpower the original structure.

ii. Large additions shall be broken down into smaller, varied components that relate to the scale and massing of the original structure.

iii. Additions shall respect the massing, scale, and height of the primary structure.

H. Accessory Office, Service, And Community Uses.

Where specific SERVICE AND COMMUNITY USES are proposed accessory to another principal use in a zoning district, such uses shall be subject to the following restrictions, in addition to any other applicable use standards:

1. Such uses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building and not for the use of the general public.

2. No signs for such accessory uses shall be permitted that are visible from a road right-of-way or adjacent lot.

3. In the Planned Community (PC), Medical Services (MS), and Planned Manufacturing (PM) Districts, such uses shall be located either in a building containing the principal use that will be served, or in a service center consisting of one (1) or more buildings designed with common drives, parking and loading areas, and landscaping.

4. In all other zoning districts where accessory OFFICE, SERVICE, AND COMMUNITY USES are permitted, such uses shall be located in a building containing the permitted principal use that will be served.

5. Where an accessory pharmacy, drugstore or medical supply store is located within a hospital or other principal building, the building shall have sixty-five percent (65%) or more of its usable floor area devoted to principal medical or dental uses. Not more than eight percent (8%) of the building's usable floor area shall be occupied by the pharmacy, drugstore or medical supply store.

I. Accessory Commercial Uses.

Where specific COMMERCIAL USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

1. Such businesses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building or employees of the principal use(s), and not for the use of the general public.

2. No signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.

3. In the Planned Community (PC), Medical Services (MS), and Planned Manufacturing (PM) Districts, such uses shall be located either in a building containing the permitted principal use that will be served, or in a service center consisting of one (1) or more buildings designed with common drives, parking and loading areas, and landscaping.

4. In all other zoning districts where accessory COMMERCIAL USES are permitted, such uses shall be located in a building containing the permitted principal use that will be served.

Section 7.04 TEMPORARY STRUCTURES.

Temporary dwellings, temporary construction structures, and other temporary structures in all zoning districts shall be subject to the following:

A. Requirements and Procedures.

Placement of a temporary structure on a parcel, where permitted, shall conform to the following requirements and procedures:

1. A Certificate of Zoning Compliance indicating approval of the location of the proposed temporary structure shall be obtained from the Zoning Inspector. The Zoning Inspector shall provide to the owner/occupant of a temporary structure two (2) copies of a written statement setting forth the conditions of the Certificate of Zoning Compliance, which shall be signed by the owner/occupant indicating full knowledge of such conditions. At a minimum, the following conditions shall be placed on any Certificate for a temporary structure:

    a. The Zoning Inspector shall establish a reasonable date for removal of the temporary structure, said date not to exceed two (2) years from the date of the Certificate of Zoning Compliance.

    b. The Certificate of Zoning Compliance shall not take effect until the Zoning Inspector has received the signed copy acknowledging compliance with the conditions from the owner or occupant. The Zoning Inspector shall provide a signed copy to the Township Clerk for the Township records.

    c. Any approval under this Section shall not be transferable to another owner or occupant.

2. The Zoning Inspector shall notify the Township Board and Planning Commission in writing of each Certificate issued under this Section.

3. A Certificate of Occupancy indicating approval of the temporary structure as acceptable for human habitation shall be required, unless the structure is used solely for storage purposes. The Building Inspector shall refuse to issue the Certificate if the design or construction of the structure indicates that it is intended to stand as a permanent building, or that it will be inimical to the public health, safety, and welfare of the occupants or surrounding residents.

4. The time limit for use of a temporary structure may be extended upon written application to the Zoning Board of Appeals (ZBA) before the expiration of the Certificate of Zoning Compliance. The ZBA may, on showing that completion of the dwelling was delayed by physical disability of the person holding the permit or other circumstances not created by the permit holder, grant one (1) extension for a period not to exceed 180 calendar days after the Certificate's expiration date.

B. Temporary Dwellings.

The following additional standards and conditions shall apply to temporary dwellings:

1. A temporary dwelling shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.

2. No cabin, garage, cellar, or basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, or moved or used in whole or in part for any dwelling purpose whatsoever for any time except as permitted in the following situations:

    a. A manufactured home may be used as a temporary dwelling in the Rural Districts by a family constructing a new permanent dwelling on the lot. A camper, travel trailer, motor home., recreational vehicle, cabin, tent, basement, garage or similar unit shall not be used as a temporary dwelling in any zoning district.

    b. If a dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling may be moved onto the lot and occupied by the family so displaced.

3. Upon approval of a Certificate of Zoning Compliance, the property owner(s) shall provide the Township Treasurer with a cash bond in the amount of one thousand dollars ($1,000) to ensure removal of the temporary dwelling per this Section.

4. The temporary dwelling shall be vacated and shall be removed from the lot within fourteen (14) calendar days of the date of occupancy of the constructed, replaced, or repaired permanent dwelling, with the date of occupancy to be listed on the Certificate of Occupancy of the permanent dwelling.

C. Temporary Construction Structures.

Temporary construction structures shall be subject to the following additional standards:

1. A nonresidential temporary structure designed as a general sales office or financial institution may be used exclusively for such purposes during construction of a permanent structure designed for any such purpose. Such temporary structure shall be permitted only in Business or Special Districts, and only if such permanent structure and use is permitted in said zoning

district. Said structure shall be removed no later than seven days after the issuance of any occupancy certificate for the permanent structure.

2. A nonresidential temporary structure, designed as a sales office, may be used in a residential development, including a PD, exclusively for the purpose of selling new dwelling units within said residential development. The temporary structure may be used only during the construction of a model home/sales office and shall be removed no later than seven days after the issuance of any occupancy certificate for said model homes. In no case may a temporary sales office be used for more than a one-year period. The temporary office shall be the sole occupancy of, and located entirely within the buildable area of, a single lot, shall provide the off-street parking required by Article (Insert) and shall meet all requirements of the Building Code. Unless exempted by the Building Code, the temporary structure shall be connected to public water and sanitary sewer lines, where available, in which case a connection permit shall be obtained from the Township Utilities Department. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and a septic or holding tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department. Said temporary structure may not be occupied until an occupancy certificate has been issued. A temporary sales office permitted under this subsection shall not be subject to the provisions of Subsections C through E, following.

3. A nonresidential temporary structure, not to exceed 12 feet by 40 feet in size, designed as a construction office, may be used in a residential development, including a PD. If the development has more than one model home, the temporary structure may be used only during the construction of the model homes and shall be removed not later than seven days after the issuance of any occupancy certificate for said model homes. In all cases the temporary construction office shall be removed when occupancy certificates have been issued for 80% of the proposed structures in the phase in which it is located. The temporary office shall be located entirely within the buildable area of a single lot, shall provide the off-street parking required by Article XII, and shall meet all requirements of the Building Code.

4. In the event that the construction project involves more than one (1) phase or an extended construction schedule, the Zoning Inspector may grant an extended Certificate not to exceed four (4) years.

5. The location of temporary construction structures, including any temporary sales office or model, shall be subject to Zoning Inspector approval. Such structures shall be located outside of road rights-of-way and corner clearance zones.

6. Upon approval of a Certificate of Zoning Compliance, the property owner(s) shall provide the Township Treasurer with a cash bond in an amount determined by the Township Engineer, Planner, or Building Official to ensure removal of the temporary dwelling per this Section.

D. Temporary Business and Industrial Buildings.

Temporary buildings used for commercial, office, or industrial purposes subject to the following additional standards:

1. A temporary structure shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.

2. Upon approval of a Certificate of Zoning Compliance, the property owner(s) shall provide the Township Treasurer with a cash bond in an amount determined by the Township Engineer, Planner, or Building Official to ensure removal of the temporary dwelling per this Section.

SECTION 7.05 TEMPORARY OUTDOOR SALES.

Such sales shall be accessory to the principal use and permanent business on the premises.

A. An outdoor sales area and parking shall not occupy or obstruct the use of any fire lane, roadway, drive aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this chapter. No part of such sales operation shall be located within any road right-of-way or corner clearance area.

B. Temporary outdoor sales shall not be located within a required yard setback, landscape strip or transition buffer, except as permitted within an existing parking lot or developed area of a nonconforming site with the approval of the Zoning Inspector.

C. The sales operation shall not impede or adversely affect vehicular or pedestrian traffic flow or parking maneuvers.

D. Merchandise, equipment, and materials used in or resulting from such sales shall be removed from the premises within one (1) day of termination of the sale.

E. Temporary outdoor sales shall only be accessory to a permitted use on the same lot. Only those products that are sold or are similar to the products sold within the principal building on the same lot may be permitted to be sold or displayed outdoors.

F. The use of amplifiers, banners, and other attention gathering devices shall be prohibited.

G. Temporary outdoor sales accessory to a business operation shall not exceed a maximum of thirty (30) days per calendar year. Where multiple businesses occupy a single building or zoning lot (such as in a shopping center), such sales shall not exceed a maximum total for all businesses of sixty (60) days per calendar year.

H. To inform the Township of specific sales dates during a particular calendar year, the property or business owner shall apply for administrative approval per Section 3.02 (Certificates of Zoning Compliance).

I. The Zoning Inspector may require a cash bond to be provided to the Township prior to the start of an approved sale to guarantee site clean-up.

J. Temporary outdoor sales shall comply with all applicable requirements of this Ordinance and other Township ordinances, such as noise restrictions, exterior lighting standards, etc.

SECTION 7.06 TRANSIENT AND AMUSEMENT ENTERPRISES.

Circuses, carnivals, other transient amusement enterprises, music festivals, fundraising events, temporary gatherings of people, and similar for-profit or non-profit activities shall be subject to the following:

A. Acceptance of Applications by the Township Board.

Applications for approval of such activities shall be forwarded to the Township Clerk for review and acceptance by the Township Board. Upon a finding by the Township Board that the location of such activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare, the application shall be deemed to be accepted by the Township for review. Applications not accepted by the Board shall be returned to the applicant with a written statement of the Board's reasons for rejection.

The Township Board may require posting of a performance guarantee in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining landowners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

B. Approval of Non-Profit Activities.

Activities operated by a permitted institutional use, public charity, or non-profit organization for the sole purpose of raising funds for that organization or its programs shall be permitted in any zoning district, subject to approval of a certificate of zoning compliance per Section 3.02 (Certificates of Zoning Compliance). A public charity or non-profit organization shall include any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1943 [26 U.S.C. 501(c)(3)], as incorporated by reference in Section 201 of the Michigan Income Tax Act (P.A. 281 of 1967, as amended).

C. Approval of Other Activities.

All other activities regulated by this Section may be permitted as a conditional use in any zoning district, subject to review and approval in accordance with Article 9.0 (Conditional Uses). Such activities shall further comply with the applicable standards of the Township's Outdoor Assemblies Ordinance.

SECTION 7.07 VEHICLE REPAIR IN RESIDENTIAL ZONING DISTRICTS.

The repairing of an automobile or motor vehicle in the Rural Residential or Urban Residential Districts, or accessory to any RESIDENTIAL USES in any zoning district, shall be subject to the following:

A. Motor vehicle repairs and maintenance outside of a completely enclosed structure shall be limited to:

1. Changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil;
2. Replacement of spark plugs and ignition points;
3. Rotation of tires and checking of adequate pressure; and
4. Replacement of drive belts and hydraulic and coolant lines.

B. Adequate provision shall be made for the safe and proper handling and disposal of used, drained, or replaced fluids.

C. Any other motor vehicle repairs or maintenance shall be restricted to within a completely enclosed structure.

D. All repair and maintenance activities shall be limited to licensed and registered vehicles owned and operated by the lot's property owner(s) or occupant(s). Such repairs and maintenance shall be performed only at the address shown on the vehicle registration.

SECTION 7.08 ACCESS THROUGH YARDS.

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures.

SECTION 7.09 VOTING PLACE.

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.

SECTION 7.10 ESSENTIAL SERVICES.

Essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation, or Township ordinance.

SECTION 7.11 CORNER CLEARANCE ZONES.

A. On a corner lot in any zoning district, no fence, wall, hedge, screen, sign, structure, or planting shall be placed in such manner as to materially impede the vision between a height of two (2) feet and six (6) feet above the existing centerline road grade within a triangular area formed by the intersection of two (2) road right-of-way lines connected by a diagonal across the interior of such lines at the following distances from the point of intersection (see "Corner Clearance Area" illustration):

Table 7.10 A-1 Corner Clearance Zones	
Type of Road Intersection	**Minimum Corner Clearance Distance along Rights-of-Way**
Any intersection of two (2) primary roadways	50 feet
Any intersection of a primary roadway and a collector or local roadway	25 feet
Any intersection of a collector roadway and a collector or local roadway	25 feet
Any intersection of local roadways	10 feet

B. Road classifications shall be as defined in the Township's Master Plan and the master transportation plans for state or county road authorities.

C. Trees shall be permitted within a corner clearance zone, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

SECTION 7.12 ACCESS TO STREETS.

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved road. Access to streets shall be subject to the following:

A. **Access to Public or Private Streets**

1. In any district, every lot created and every principal use or structure which is established after the effective date of adoption or amendment of this Ordinance shall be on a lot or parcel which abuts an approved public or private street.

2. No building permits or land division permits shall be issued for any lot or parcel until access, as required under this section, has been constructed and approved.

The Zoning Administrator shall have the authority to approve the provision of required access.

B. **Road Construction**

1. A driveway may not serve more than one lot or parcel unless a private road is constructed for which the design and construction have been approved per the Township Engineering Standards.
    a. All new public road construction and road improvements shall comply with the applicable Washtenaw County Road Commission or Michigan Department of Transportation standards.
    b. All new private road construction and road improvements shall comply with the applicable Township engineering standards and any other applicable Township policies.

C. **Access for Emergency Services and Parking and Loading Areas**

Every principal building and dwelling located or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for emergency purposes and fire protection vehicles, and for required off-street parking and loading areas.

D. **Access to Uses Not Permitted in Residential Districts**

No land in any Rural Residential or Urban Residential Districts shall be used for vehicular or pedestrian access to land or structures in other zoning districts used for any purpose not permitted in the residential district, except as provided in this subsection or otherwise authorized by this Ordinance. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately-owned residentially zoned land, access reserved for and limited to such vehicles may be authorized by the Planning Commission, subject to such conditions and safeguards as the Planning Commission deems necessary to protect the tranquility and character of the residential lands so traversed.

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.

SECTION 8.02 SITE PLAN APPROVAL REQUIRED.

The 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 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. 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 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 as licensed by the State of Michigan.

    d. Establishment of a home occupation listed in Section 10.04.D (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.

6. Creation, expansion, or alteration of a Planned Community (PC) project shall be subject to approval in accordance with the procedures and standards of Article 5 (Special District Regulations).

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 6 (Condominium Regulations).

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 6.03 (Open Space Preservation Residential Development).

9. Construction, expansion, or alteration of a wireless communications facility shall be subject to approval in accordance with the procedures and standards of Section 10.05.BB (Wireless Communication Facilities).

B. Minor Site Plan Approval.

The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of 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 10.04.D (Home Occupations).

8. Temporary outdoor sales in accordance with Section 7.05 (Temporary Outdoor Sales).

9. 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.

10. Similar projects and uses, as accepted by the 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 Article 3. 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. Administrative review of a site plan may be conducted for the following projects or under the following circumstances:

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 12.04 (Exterior Lighting).

7. Minor changes required by outside governmental agencies during construction as determined by the Zoning Administrator.

8. Changes to the building height that do not add additional floor area nor exceed the maximum height requirements of the district.

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.

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.

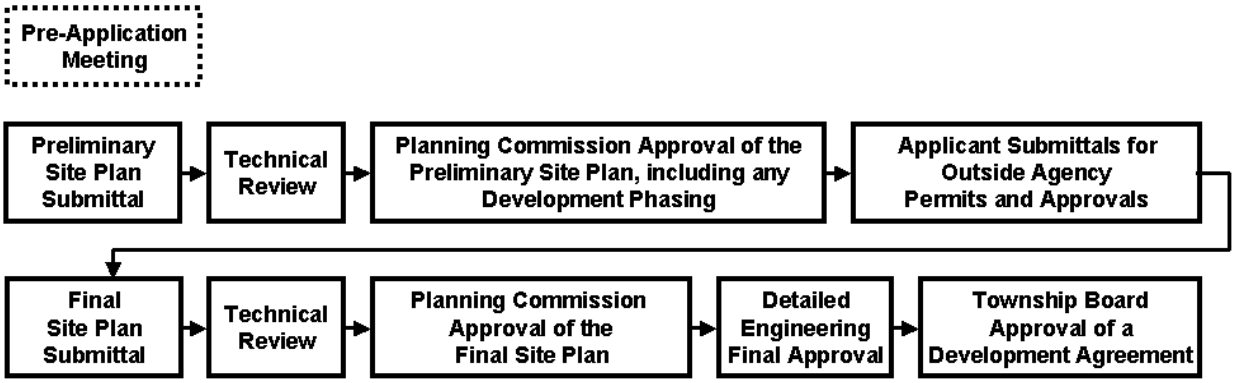
11. Aesthetic and architectural changes to a nonresidential structure.

12. Site improvements, such as installation of walls, fences, lighting, or landscaping consistent with the chapter standards.

13. Temporary uses, sales, and seasonal events.

14. Construction of a wind energy conversion system where such construction is considered an accessory use in the district.

15. Construction of solar energy systems where such construction is considered



Preliminary and Final Site Plan Approval Process

an accessory use in the district.



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.

A. 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.
B. The Township may require payment of a fee or escrow deposit to cover the costs of a pre-application meeting.
C. 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 completed forms and an electronic copy of the site

plan drawing(s) in the format specified by the Township, together with required review fees and escrow deposits. The Zoning Administrator may require a reasonable number of paper copies when necessary for agency review or a public meeting.

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 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 site plan for a property within the Fleming Creek Watershed, as defined in Section 2.03 (Definitions), shall be forwarded to the Fleming Creek Advisory Council per Section 13.03 (Fleming Creek Area Developments).
    b. A site plan for a lot within the boundaries of the Dixboro Design Review Board as set forth in Section 6.04, shall be forwarded to the Dixboro Design Review Board.

3. Each site plan shall be prepared by an architect or engineer, registered or licensed in the State of Michigan and shall bear the professional seal of the preparer.

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 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 Administrator, Fire Marshall, 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.

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 further consideration of the site plan.

2. **Denial.** Upon determination that the site plan does not comply with the requirements of this Ordinance, the 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. 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 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 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).

G. Effect of Final Site Plan Approval.

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 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).

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 Planned Community Area Plan per Article 5 (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:

Table 8.07 **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 or engineer 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).	●	●	●	●
Dimensions of the site, and the gross and net land area.	●	●	●	●
Legal description(s) of the subject parcel(s).		●	●	●

Table 8.07 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
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 or rents only where the applicant proposes a binding affordable housing commitment, requests an incentive based on housing affordability, or where such information is otherwise directly relevant to a specific approval standard of this Ordinance.		●		●
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).	●	●	●	●

Table 8.07 **Minimum Site Plan Information**	**Minor Site Plan**	**Special District Area Plan**	**Preliminary Site Plan**	**Final Site Plan**
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.			●	●
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.	●		●	●

Table 8.07 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
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.		●		

Table 8.07 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
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.	●	●	●	●
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.			●	●

Table 8.07 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
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 13.04 (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 13.04.D(Floodplains)).		●	●	●
Description of groundwater recharge areas located on the subject parcel(s), and a rough delineation of their borders (see Section 13.04.E (Groundwater Recharge Areas)).			●	●
Delineation of all vegetation within required open space setback from watercourses and wetlands per Section 13.04.B (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.				●

Table 8.07 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
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.				●
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 12.02.				●
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.			●	●

Table 8.07 Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
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.				●
Verification that plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●			●
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 Master Plan.	●	●	●	●

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 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.

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.

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:

A. 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.

B. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.

C. 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.

D. The Planning Commission may require the applicant to post a performance guarantee per Section 3.09 (Fees and 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.

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	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 13.04 (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.	●	●	●
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.			●

Table 8.10-1 Standards for Site Plan Approval	Minor Site Plan	Preliminary	Final Site Pan
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.			●

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 (Fees and Performance Guarantees).

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 therefor 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 Zoning Administrator. The Zoning Administrator 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. 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 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.

b. Minor changes, as determined by the Planning Commission shall require Planning Commission approval, including, at the Commission's discretion, revised site plan drawings. 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.

(5) A decrease in the number of approved dwelling units.

SECTION 8.13 RESCINDING FINAL SITE PLAN APPROVAL.

A 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:

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 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.

B. **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:

A. 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.

B. Plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.

C. 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 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:

A. 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.

B. The applicant shall be responsible for requesting all necessary inspections.

C. The Zoning Administrator shall obtain inspection assistance from the Township Planner, Fire Chief, Building Inspector, and Township Engineer, where applicable.

D. The Zoning Administrator shall notify the Township Board, Planning Commission,

and the Building Inspector, in writing, when:

1. Any approved development has passed inspection with respect to the approved final site plan; or

2. Any approved development does not pass inspection with respect to the approved final site plan. The 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 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 (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.

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 in Section 3.06 (Development Agreement).

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 determined to be appropriate and compatible with the uses permitted by right in a zoning district. The Ordinance also permits conditions 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, requires approval of a Conditional Use Permit for any use listed in the various zoning districts as a conditional use. 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 owner of the property, an agent of the owner, or a person having an interest in the property for which Conditional Use Permit approval is sought. 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 (Site Plan Review).

D. Required Fees and Escrow Deposits.

The Township Board shall establish, by resolution or ordinance, fees 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 (Public Hearing Procedures).

SECTION 9.04 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 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.

4. 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.

B. 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.;

    c. The proposed use will be compatible with the 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 (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 9.05 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 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.

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 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.

SECTION 9.06 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:

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 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.

2. **Planning Commission Decision**

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 9.07 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**

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 constitute grounds for rescinding Conditional Use Permit approval.

B. **Investigation**

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.

ARTICLE 10

USE STANDARDS

SECTION 10.01 INTENT.

Each use listed in this Article, whether permitted by right or subject to approval of a Conditional Use Permit, shall be subject to the site development standards specified in this Article, in addition to applicable standards and requirements for the zoning district in which the use is located.

SECTION 10.02 ORGANIZATION.

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

SECTION 10.03 RURAL USES

SECTION 10.04 RESIDENTIAL USES

SECTION 10.05 NON-RESIDENTIAL USES

SECTION 10.03

RURAL USES

A. VOLATILE FARM-BASED BIO-FUEL PRODUCTION.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

1. General Standards.

The following standards shall apply to all such facilities:

a. The biofuel production facility shall be accessory to and located on the same zoning lot as an active farm operation lawfully operating in the Township.

b. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and biodiesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.

c. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Section 4.08 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of one hundred (100) feet from all lot boundaries and road rights-of-way.

d. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.

e. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Inspector documentation of all necessary permits and approvals from applicable federal, state, and local authorities with jurisdiction over any of the following:

(1) Air pollution emissions.

(2) Transportation of biofuel or another product or by-product of production.

(3) Use or reuse of additional products resulting from biofuel production.

(4) Storage of raw materials, fuel or additional products used in or resulting from biofuel production.

(5) Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.

(6) Compliance with federal requirements associated with ethanol production of more than ten thousand (10,000) proof gallons annually.

f. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.

g. The operator of a facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel operating as a permitted use in the zoning district (without Conditional Use Permit approval) shall also provide an annual written report to the Zoning Inspector which demonstrates that:

(1) At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and

(2) At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.

Operation of a biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons that does not conform to the percentage limitations of this subsection shall be subject to Conditional Use Permit approval in accordance with this Section and Ordinance.

2. Additional Standards For Certain Facilities.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to biofuel production facilities

with an annual production capacity of more than one hundred thousand (100,000) gallons of biofuel, and to any biofuel production facility subject to Conditional Use Permit approval in accordance with this Section or Ordinance:

a. Such facilities shall be limited to a maximum annual biofuel production capacity of not more than five hundred thousand (500,000) gallons.

b. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:

(1) A detailed description of the process to be used to produce the biofuel.

(2) The number of gallons of biofuel anticipated to be produced annually.

(3) An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.

(4) Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

3. Limitations On Conditional Use Permit Review.

Per Section 3513 of the Michigan Zoning Enabling Act, Township review of a Conditional Use Permit application for a biofuel production facility shall be modified as follows:

a. **60-day time limit for a public hearing.** For any Conditional Use Permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 3.11 (Public Hearing Procedures) within sixty (60) calendar days after the filing date of a complete and accurate application.

b. The application shall be deemed to have been rejected as incomplete if no public hearing is held within this sixty (60) calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process.

c. **Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section.

B. AGRICULTURAL SERVICES ESTABLISHMENTS

Agricultural service establishments, bulk feed and fertilizer supply outlets, farm supply stores, and similar uses shall be subject to the following:

1. Any retail store component of such uses shall conform with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.

2. Any outdoor sales or display areas shall conform to the standards of Section 10.05.T (Outdoor Sales or Display Areas).

3. Outdoor storage areas shall be adequately contained and shall be screened from adjacent lots and road rights-of-way per Section 12.03 (Landscaping, Screening and Land Use Buffers).

4. Storage, distribution, and processing of farm products as part of a permitted agricultural service establishment shall comply with the following:

    a. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.

    b. Such uses shall be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining lots and uses.

    c. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

5. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 8 (Site Plan Review).

C. FARM-BASED TOURISM/ENTERTAINMENT ACTIVITIES.

Farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

1. Uses. The following agricultural commercial/tourism businesses may be permitted after conditional land use review:

    a. Seasonal outdoor mazes of agricultural origin, such as straw bales or corn.

    b. The processing, storage and retail or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation if at least 50% of the stored or processed, or merchandised products are produced by the farm operator.

    c. U-pick operations.

    d. Uses listed in Subsection C(1)(a) through (d) above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the business is maintained and the income from these activities represents less than 50% of the gross receipts from the business.

        (1) Value-added agricultural products or activities, such as education tours of processing facilities, etc.

        (2) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).

        (3) Petting farms, animal display, and pony rides

        (4) Wagon, sleigh, and hayrides.

        (5) Nature trails.

        (6) Open air or covered picnic area with restrooms.

        (7) Educational classes, lectures, seminars.

        (8) Historical agricultural exhibits.

(9) (Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least 50% produce grown on site.

(10) Gift shops for the sale of agricultural products and agriculturally related products. Gifts shops for the sale of non-agriculturally related products, such as antiques or crafts, limited to 25% of gross sales.

e. Other commercial/tourism business that are complementary and accessory to the primary agricultural land use of the subject property, including but not limited to: a) small-scale entertainment (e.g., music concert, car show, art fair), b) designated, permanent parking for more than 20 vehicles.

2. Site Plan Required:

a. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 8 (Site Plan Review). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of necessary sanitary facilities and service areas, and transition plantings or screening devices.

b. The following additional operational information must also be provided as applicable:

(1) Ownership of the property.

(2) Months (season) of operation.

(3) Hours of operation.

(4) Anticipated number of customers.

(5) Maintenance plan for disposal, etc.

(6) Any proposed signs.

(7) Any proposed lighting.

(8) Maximum number of employees at any one time.

(9) Restroom facilities.

(10) Verification that all required permits have been granted, i.e., federal, state, and local permits.

3. Standards:

   a. All farm-based tourism/entertainment activities shall be accessory to a farm operation.

   b. Screening shall be provided per Section 12.03 (Landscaping, Screening and Land Use Buffers) where off-site abutting residential properties are occupied with dwelling structures within two hundred (200) feet of any area on the site occupied with sales or entertainment facilities. Crop growing areas of a depth of not less than three hundred (300) feet may be permitted to satisfy this requirement.

   c. All facilities and improvements for permitted farm-based tourism or entertainment activities shall be located outside of all road rights-of-way and required yard setback areas.

   d. Noise levels shall not exceed sixty-five (65) decibels at any lot boundary or road right-of-way.

   e. All exterior lighting for permitted farm-based tourism or entertainment activities shall be fully shielded and directed downward to minimize off-site glare and light pollution. Such lighting shall not exceed 0.5 footcandles in intensity as measured at any lot boundary or road right-of-way.

   f. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.

   g. Farm-based tourism or entertainment activities shall conform to the applicable requirements of the Township's Outdoor Assemblies Ordinance (Ord. No. 23).

   h. Must provide off-street parking to accommodate the use as outlined in Article 11.

      (1) Parking facilities may be located on a grass or gravel area for seasonal uses, such as roadside stands, u-pick operations, and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.

      (2) All parking areas shall be located in such a manner as to avoid traffic hazards associated with entering and exiting the public roadway.

(3) Parking shall not be located in required setback or buffer areas. Paved parking areas must meet all design and landscape screening requirements as set forth in this chapter.

D. FARM PRODUCTS DIRECT MARKETING BUSINESS.

Farm products direct marketing businesses, listed in Section 4.10 (Use Regulations) shall be accessory to an active farm operation. Such businesses shall include direct sales to area restaurants, residents, and retail stores, Internet-based sales of farm products, and similar businesses.

E. GREENHOUSE, NURSERY, OR TREE FARM.

The following shall apply to greenhouses, nurseries, and tree farms:

1. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.

2. Plant growing areas shall be located outside of all road rights-of-way and corner clearance areas as defined in Section 7.11 (Corner Clearance Zones).

3. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.

4. Greenhouses, nurseries, and tree farms, listed in Section 4.10 (Use Regulations) shall be accessory to an active farm operation.

5. Retail sales of greenhouse and nursery products shall be permitted as an accessory use, subject to site plan approval per Article 8 (Site Plan Review), Conditional Use Approval (Article 9) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.

F. KEEPING OF ANIMALS, NON-FARM.

The standards of this Section shall not apply to keeping of animals as part of an active farm operation maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices

(GAAMPs) established by the Michigan Department of Agriculture. Non-farm raising and keeping of domesticated animals and livestock shall be subject to the following:

1. Non-farm raising and keeping of such animals shall be clearly incidental to a single-family dwelling and not for income generation or remuneration. Limited sales of animals, eggs, fiber, honey, or similar products produced on the premises may be permitted, provided such activities remain accessory and subordinate to the residential use of the property and do not constitute a commercial agricultural operation or principal income-producing use of the property.

2. The raising and keeping of fowl, rabbits, and similar small, domesticated animals shall require a certificate of zoning compliance and must comply with the following standards.

    a. The activity shall remain an accessory use, incidental to the principal use of the lot for the principal dwelling of the property owner or their tenants.

    b. The animals shall be provided with a predator-resistant enclosure that is thoroughly ventilated, of sufficient size to admit free movement of the animals, designed to be easily accessed, cleaned, and maintained by the owners, and be at least two (2) square feet per animal in size. All enclosures for the keeping of animals shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.

    c. All feed shall be stored in a rodent and predator-resistant container.

    d. The animals shall be shut into the enclosure at night, from sunset to sunrise.

    e. Lots less than 2.5 acres

        (1) Animals shall not be kept within the required front yard or minimum side of the respective zoning district.

        (2) Slaughtering of animals on premises is prohibited.

        (3) Maximum number of animals:

(a) On a single lot, no more than six (6) rabbits or similar small domesticated animals are permitted, as defined by the Michigan Animal Industry Act.

(b) No more than six (6) fowl per lot.

(c) Roosters or male chickens are not permitted.

f. Lots greater than 2.5 acres

(1) Animals shall not be kept within the required minimum side or front yard setback area of the respective zoning district.

(2) Slaughtering of animals on premises is prohibited, except where the animals have been raised on the premises for consumption by residents on the premises.

(3) Maximum number of animals:

(a) On a single lot, no more than six (6) rabbits or similar small domesticated animals are permitted, as defined by the Michigan Animal Industry Act.

(b) No maximum number of fowl. Exotic or wild species are not permitted.

(c) Roosters or male chickens are permitted subject to compliance with Superior Township Ordinance No. 98, Noise Control.

g. Structures or fenced areas for the keeping of small, domesticated animals shall be located not less than ten (10) feet from adjacent lots and road rights-of-way.

3. The raising and keeping of horses, cows, sheep, goats, llamas and similar domesticated livestock shall require a minimum lot area of four (4) acres, and shall be subject to the following:

a. Lots between four (4) and five (5) acres in gross land area shall be limited to a maximum of three (3) such animals. Raising and keeping of such animals on lots five (5) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.

b. Structures for keeping such animals shall be located not less than seventy-five (75) feet from adjacent properties.

4. All animals shall be properly housed and fenced so as not to be a public nuisance.

5. All animal waste shall be properly disposed of so as not to jeopardize the public health, safety, or welfare, or create a detrimental effect on the environment or on neighboring properties.

6. Stables, barns, pens, and pastures shall be kept clean, and waste shall be treated and handled in such a manner as to control flies and odor.

G. KENNEL.

The standards of this Section shall apply to the keeping, housing or raising of six (6) or more dogs over six (6) months old for breeding, showing, boarding, training, competition, or as pets.

Kennels shall be licensed as required by Washtenaw County or other outside agency with jurisdiction, and shall be subject to the following additional standards:

1. **Maximum Number of Animals.** Five (5) animals are permitted for every one-quarter (0.25) acre of land. When calculations for the number of animals permitted produces a fraction, the number of animals shall be rounded down to the nearest whole number.

2. Kennels shall have a minimum lot area of two (2) acres.

3. The Planning Commission shall establish a limit on the maximum number of dogs that may be kept, housed or raised at one time as part of any Conditional Use Permit approval for a kennel.

4. Structures or pens where dogs are kept, outdoor runs, exercise areas, and similar facilities shall not be located in any required yard setback areas. Such facilities shall be:

   a. Set back a minimum of three hundred (300) feet from road rights-of-way, one hundred (100) feet from side and rear lot boundaries, and fifty (50) feet from any watercourse.

b. Screened in accordance with Section 12.03 (Landscaping, Screening, and Land Use Buffers).

5. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

6. The kennel shall be established and maintained in accordance with applicable sanitation regulations. The applicant shall submit a waste management plan for review as part of the Conditional Use Permit application.

7. Dogs shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance.

8. Structures in which animals are kept, as well as animal runs and exercise areas, shall not be located in any required front or rear setback area and shall be located at least 50 feet from any dwelling or building used by the public on adjacent land. All dogs shall be enclosed within a building at night.

9. All outdoor dog pens shall be enclosed with a six (6) foot high safety fence. Dog pen surfaces shall be of concrete pitched to contain and drain run-off from cleaning to a septic tank or other County approved system.

10. Pet grooming (including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar treatment) shall be permitted for animals being boarded; for animals not being boarded, pet grooming shall be permitted if specifically authorized in the conditional use permit.

11. The sale of pet and veterinary products shall be incidental to the kennel unless specifically authorized in the conditional use permit.

12. Veterinary care shall be incidental to the kennel unless specifically authorized in the conditional use permit.

13. Preliminary and final site plans shall be required in accordance with Article 8 (Site Plan Review). The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

H. PRIVATE RIDING ARENAS AND BOARDING STABLES.

All stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall be subject to the following:

1. Stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall require a minimum lot area of four (4) acres, and shall be subject to the following:

    a. Lots between four (4) and five (5) acres in gross land area shall be limited to a maximum of three (3) such animals. Private rearing, schooling and housing of such animals on lots five (5) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.

    b. All stable and arena buildings, corrals, and similar structures shall be located not less than seventy-five (75) feet from all side and rear lot boundaries. This setback distance may be reduced to fifty (50) feet, if landscape screening is provided in conformance with Section. 12.93.D.

    c. Stable and arena buildings, corrals, and similar structures shall not be located within any required front yard setback and shall be located no closer to any road rights-of-way than rear building line of any dwelling on the subject lot. For lots without a principal dwelling, such structures shall be set back a minimum of three hundred (300) feet from all road rights-of-way.

2. A fenced area for pasturing, exercising or riding such animals may extend to the front, rear or side lot boundaries. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.

3. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

4. There shall be no commercial activity, other than incidental sales not unusual for permitted RURAL USES or RESIDENTIAL USES.

5. Establishment or enlargement of such a facility shall be subject to approval of a certificate of zoning compliance per Section 3.02 (Certificates of Zoning Compliance). Approval of a building permit may be required if the facility is open to the public.

I. PUBLIC OR COMMERCIAL RIDING STABLES.

Public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals available or

intended for use by the public or for hire on a per diem, hourly, or weekly basis shall be subject to the following:

1. An accessory dwelling in a principal building for the property owner or operator of the facility shall be permitted per Section 7.03 C (Accessory Dwelling).

2. The lot area shall not be less than twenty (20) contiguous acres under single ownership.

3. Such public or commercial riding stables and academies shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.

4. Stable and arena buildings, corrals, and similar structures for public or commercial riding stables and academies shall be located not less than seventy-five (75) feet from adjacent properties. This setback distance may be reduced to fifty (50) feet, if landscape screening is provided in conformance with Section. 12.93.D.

5. A 200-foot open buffer shall be provided on all sides of the property not abutting a roadway. Stable and arena buildings, corrals, and similar structures shall not be located within this buffer.

6. Fenced areas for pasturing, exercising or riding such animals may extend to the front, rear or side lot lines. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.

7. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

8. Parking for patrons and employees shall be provided in compliance with Article 11 (Off-Street Parking and Loading Regulations). Such areas shall be screened per Section 12.03 (Landscaping, Screening, and Land Use Buffers).

9. Such uses shall be subject to site plan approval per Article 8 (Site Plan Review).

J. ROADSIDE STANDS.

Roadside stands up to four hundred (400) square feet in gross floor area shall be permitted accessory to any RURAL USES, subject to the following:

1. Suitable trash containers shall be placed on the premises for public use.

2. Locally/regionally grown farm products. Agriculture products distributed or sold at such facility shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than 100 miles from the facility. For value-added products sold at any facility, at least 50% of the products' namesake ingredient must be produced by a Michigan farm within 100 miles of the facility.

3. The roadside stand structure(s) shall be set back outside of all road right-of-way. Such stands shall be removed from the roadside location during seasons when not in use.

   Any roadside stand shall have at least five (5) off-street parking spaces, which need not be paved with asphalt or concrete. Parking spaces shall be located outside of road rights-of-way.

4. Nuisances. The roadside stand shall not create nuisances for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust or odors, and/or traffic that cannot be accommodated on-site.

5. All signs used in connection with the use shall be temporary and shall comply with the requirements of Article 14 (Signs). Such signs shall be removed when the stand is not in use.

6. Any roadside stand exceeding the limitations of this Section shall be subject to Conditional Use Permit approval as a farm-based tourism or entertainment facility per Section 10.03.C (Farm-Based Tourism/Entertainment Activities).

K. VETERINARY CLINICS AND ANIMAL HOSPITALS.

Veterinary clinics and animals hospitals shall comply with the following:

1. All activities shall be conducted within a completely enclosed building, except that an outdoor exercise area shall be permitted, subject to the following:

   a. Such areas shall be enclosed by a six (6) foot high safety fence.

   b. Such exercise areas shall not be located in any required yard setback areas and shall be set back a minimum of fifty (50) feet from road rights-of-way, side and rear lot boundaries, and any watercourse.

   c. Such areas shall be screened in accordance with Section 12.03 (Landscaping, Screening, and Land Use Buffers).

2. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

3. Keeping of animals for overnight care shall be limited to the interior of the principal building. Treatment of non-domesticated animals shall be permitted.

4. Operation shall include proper control of animal waste, odor, and noise.

5. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 8 (Site Plan Review).

SECTION 10. 04

RESIDENTIAL USES

A. BED AND BREAKFAST INN.

Bed and breakfast inns shall comply with the following:

1. General Regulations.

a. A bed and breakfast inn shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property.

a. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator and the operator shall live in the principal dwelling unit during the time that the bed and breakfast operation is active.

b. A dwelling unit containing a bed and breakfast operation shall be maintained in compliance with fire safety codes, the State Construction Code, and other applicable regulations. The bed and breakfast operation shall comply with all applicable state laws and regulations.

2. Specifications.

a. Guest rooms shall comply with all applicable building, fire, and health codes, including minimum room size, emergency egress, smoke detection, and carbon monoxide detection requirements.

b. No more than six (6) guest rooms shall be provided within a bed and breakfast inn unless otherwise approved through the Conditional Use Permit process.

c. Adequate bathroom facilities shall be provided for guests in accordance with applicable building and health codes.

d. Kitchen facilities intended for exclusive use by guests shall be prohibited. Guest rooms may include customary hospitality amenities such as coffee makers, microwaves, mini-refrigerators, and similar conveniences.

3. Scope Of Operation.

a. No retail sales or other COMMERCIAL USES shall be permitted, except incidental sales associated with the bed and breakfast operation.

b. Lodging shall be limited to transient occupancy. No guest shall occupy a room for more than thirty (30) consecutive days.

c. Meals may be served to registered overnight guests. Food service to the general public shall be prohibited unless separately authorized by this Ordinance.

d. Small-scale gatherings, meetings, and special events accessory to the bed and breakfast operation may be permitted, provided:

   i. The event remains subordinate to the principal lodging use;

   ii. Adequate parking is available on-site;

   iii. The event does not create excessive traffic, noise, lighting, or other impacts on neighboring properties; and

   iv. Any event limitations established through the Conditional Use Permit are observed.

e. Outdoor activities shall comply with applicable noise regulations and shall not create a nuisance for adjacent properties.

4. Signs, Parking, And Exterior Appearance.

A single-family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except as permitted by this Section.

a. One (1) ground sign, not more than four (4) square feet in area and four (4) feet in height, shall be permitted for the bed and breakfast operation; in addition to signs permitted for the principal dwelling per Article 14 (Signs). The ground sign shall be set back a minimum of ten (10) feet from road rights-of-way.

b. A minimum of one (1) off-street parking space shall be provided per sleeping room in a bed and breakfast inn; in addition to spaces required for the dwelling unit per Article 11 (Off-Street Parking and Loading Regulations). Parking for the bed and breakfast inn shall not be located in any required front yard and stacking of more than two (2) vehicles in a driveway shall be prohibited.

5. Site Plan Approval.

Bed and breakfast inns shall be subject to site plan approval per Article 8 (Site Plan Review). The site plan application shall include floor plans with the dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms,

dining areas, etc.), and the locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.

6. Inspection And Certificate Of Occupancy.

An approved Conditional Use Permit for a bed and breakfast inn shall not become effective and a bed and breakfast inn shall not be operated for business until the premises has been inspected by the Building Inspector and a certificate of occupancy has been issued with a finding of no safety violations. The Certificate shall be valid unless suspended by the Building Inspector upon a subsequent re-inspection disclosing violations, or until expiration of the time stated on the Certificate.

B. FARM LABOR HOUSING.

Single-family dwelling units for temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment associated with an active farm operation shall comply with the following:

1. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Article 8 (Site Plan Review).
2. All structures for farm labor housing shall comply with the standards of Section 4.08 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing. The following additional required setbacks shall apply to farm labor housing:
    a. Such housing shall be set back a minimum of one hundred (100) feet from all side and rear property lines and seventy-five (75) feet from road rights-of-way.
    b. Such housing shall be set back a minimum of one hundred-fifty (150) feet from any off-site single-family dwelling located on a separate parcel of property and owned by another individual or entity.
    c. Legal nonconforming farm labor housing may be expanded or enlarged, provided such expansion or enlargement does not increase the nonconformity with respect to required setback distances.
3. The maximum number of permitted farm labor housing units shall be based upon the total gross land area of the associated farm operation, as follows:
    a. One (1) single-family dwelling unit per 2-249 acres;
    b. Two (2) single-family dwelling units per 250-399 acres;

c. Three (3) single-family dwelling units per 400-599 acres; and

d. Four (4) single-family dwelling units per 600 acres or more.

4. Farm labor housing may be permitted as a principal use on a parcel that contains a minimum of two (2) acres and complies with all other requirements of this Section. This parcel shall be adjacent to the farm parcel where the laborers are employed and both parcels shall be under the same ownership.

5. The occupants shall be employed for farm labor by the farm operation owner at least fifty percent (50%) of the time while they occupy the housing.

6. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended), including any related state or county rules and regulations. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township, prior to the start of construction on the site.

C. FAMILY AND GROUP DAY CARE HOMES

1. State licensed family day care homes shall be considered a residential use of property and a permitted use in all residential districts,

2. The following regulations shall apply to group day care homes and day care centers, except licensed group day-care homes that lawfully operated before March 30, 1989:

   a. In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan.

   b. Group day care homes shall be located a minimum of one thousand-five hundred (1,500) feet from the lot boundaries for any of the following facilities, as measured along public or private road rights-of-way between the nearest boundaries of the group day care home lot and the facility lot. The subsequent establishment of any of the facilities listed in this subsection shall not affect any approved Conditional Use Permit for a group day-care home:

      (1) Another licensed group day-care home.

      (2) An adult foster care small group home, large group home or congregate care facility.

(3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.

(4) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

3. All outdoor play areas for group day care homes and day care centers shall be enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height that conforms to the requirements of Section 7.02 (Fence Regulations) and is capable of containing the children within the play area.

4. The group day care home premises shall be maintained consistent with the visible character of single-family dwellings.

   (1) No signs shall be permitted for such uses, other than that permitted for a single-family dwelling in the zoning district.

   (2) A group day-care home shall not require the modification of the dwelling exterior nor the location of playground equipment in the front yard.

5. The operation of a group day care home shall not exceed sixteen (16) hours during any twenty-four (24) hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.

6. One (1) off-street parking space shall be provided per non-resident employee of the group day care home, in addition to required parking for the dwelling.

7. Construction, expansion, and alteration of such uses shall be subject to site plan approval per Article 8 (Site Plan Review).

8. In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a Conditional Use Permit for a group day care home upon determination that the proposed use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions on an approved group day care home beyond those listed in this Section.

D. HOME OCCUPATIONS.

Home occupations shall be permitted as a use accessory to a single-family dwelling in any zoning district where such dwellings are permitted, subject to the following:

1. **Use Standards.**

Home occupations shall conform to the following requirements:

a. The home occupation shall qualify for and receive all applicable local, state, and federal licenses, certificate, and permits.

b. No persons shall be employed in the home occupation other than members of the immediate family residing on the premises.

c. Home occupations shall be limited to single-family detached dwellings, and to other owner-occupied dwellings. The home occupation shall be conducted only within the dwelling or within an accessory structure on the parcel.

d. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.

(1) The total floor area used by the home occupation, whether the home occupation is conducted within the dwelling unit or within an accessory building, shall not exceed twenty percent (20%) of the floor area of the dwelling unit.

(2) There shall be no change in the appearance of the structure or premises, or other visible evidence of the home occupation. External and internal alterations not customary for a single-family dwelling shall be prohibited.

e. Traffic generated by a home occupation shall not be greater in volume than that normally expected within the neighborhood.

f. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall not be located in any required yard and shall be subject to the standards of Article 11 (Off-Street Parking and Loading Regulations).

g. No signs shall be permitted for the home occupation, other than a nameplate as permitted for a dwelling per Article 14 (Signs).

h. No article shall be sold on the premises except that which is prepared on-site or provided as incidental to the service or profession conducted therein.

i. Exterior display and storage of equipment or materials associated with or resulting from a home occupation shall be prohibited.

j. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

2. Permitted Home Occupations.

The following uses shall be permitted as home occupations:

a. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.

b. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).

c. Home office for a massage therapist, subject to the standards of Section 10.05.Z (Therapeutic Massage).

d. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.

e. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary, jewelry making, cabinetry, woodworking, weaving, sewing, tailoring and similar crafts.

f. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.

g. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed fifteen (15) days per calendar year.

h. Any home occupation not specifically listed may be approved by the Planning Commission with a Conditional Use Permit, subject to the provisions of this Section and Article 9 (Conditional Uses).

3. Prohibited Uses.

The following uses are expressly prohibited as a home occupation:

a. Motor vehicle and recreational vehicle repair, body and paint shops, welding shops, and storage or dismantling yards.

b. Kennels and veterinary clinics.

c. Medical or dental clinics.

d. Retail sales of merchandise and eating or drinking establishments.

e. Mortuary and funeral homes.

f. Controlled uses and sexually oriented businesses.

g. Any use or process that creates noise, vibration, glare, fumes, odor, electrical interference, or similar nuisances to persons off the premises; or any use involving electrical equipment processes that create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises.

h. Any use involving outdoor display or storage of materials, goods, supplies, or equipment; or the use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.

i. Any use that would potentially create or exacerbate any hazard of fire, explosion, or radioactivity.

j. Uses similar to the above listed uses, or any use which would, in the determination of the Planning Commission, result in nuisance factors as defined by this Ordinance.

4. Inspection And Enforcement.

All home occupations may be subject to inspection by the Zoning Inspector to verify compliance with this Section and Ordinance. Failure to comply with this Section and Ordinance may result in Township action to seek closure of the home occupation, and such other penalties as provided for in this Ordinance.

E. MANUFACTURED HOUSING PARKS.

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the following minimum requirements:

1. Lot Area And Height Regulations.

a. **Lot area.** The minimum area of the lot that comprises the manufactured housing park shall be twenty (20) acres.

b. **Height requirements.**

(1) Except as otherwise provided in Paragraph b below, no building or structure shall exceed a height of two (2) stories or twenty-five (25) feet.

(2) The maximum height of accessory structures in a manufactured housing park shall be fifteen (15) feet. The height of a storage building on a manufactured housing park site shall not exceed the lesser of fifteen (15) feet or the height of the manufactured housing.

c. **Landscaping.**

(1) A landscape strip at least twenty (20) feet wide shall be located and continually maintained along all park borders not adjacent to public streets. This strip shall consist of such plant materials as trees and shrubs to provide privacy for the manufactured housing park residents and to provide a transition area between the manufactured housing park and surrounding properties. A fence may be required by the Planning Commission as part of the site plan approval to protect the manufactured housing park or adjacent properties from trespassing.

(2) Such landscape strip shall not contain carports, recreation shelters, storage shelters, or any other structures, parking spaces, or active recreation areas.

2. Planning & Development Regulations for Manufactured Housing Parks.

a. **Sale of homes.** The business of selling new and/or used manufactured housings as a commercial operation in connection with the operation of manufactured housing parks shall be prohibited. New or used manufactured homes located on lots within the manufactured housing park to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used manufactured home by a resident of the manufactured housing park provided the park's regulations permit the sale.

b. **Minimum distances.** A manufactured home shall be in compliance with the following minimum distances:

(1) Twenty (20) feet from any part of an attached or detached structure, which is used for living purposes, on an adjacent manufactured housing park site.

(2) Ten (10) feet from an attached or detached structure or accessory, which is not used for living purposes, of an adjacent manufactured home.

(3) Ten (10) feet from an on-site parking space of an adjacent site.

(4) Fifty (50) feet from any permanent building.

(5) Ten (10) feet from the edge of an internal street.

(6) Twenty (20) feet from the right-of-way line of a dedicated public street within the manufactured housing park.

(7) Seven and one-half (7.5) feet from a parking bay.

(8) Seven (7) feet from a common pedestrian walkway.

c. **Parking requirements.**

(1) A minimum of two (2) parking spaces shall be provided for each manufactured housing park site.

(2) Additional parking facilities shall be provided:

(a) for storage of maintenance vehicles;

(b) at the park office location for office visitors; and

(c) for general visitor parking, at the ratio of one (1) parking space for every three (3) manufactured housing park sites in the park, in a convenient location for the manufactured housing park sites served thereby.

d. **Streets.**

(1) Vehicular access to a manufactured housing park shall be provided by at least one hard-surface public road as designated in the adopted Growth Management Plan.

(2) Only streets within the manufactured housing park shall provide vehicular access to individual manufactured housing park sites in the manufactured housing park.

(3) Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted along one (1) side of the street, and forty-one (41) feet where parallel parking is permitted along both sides of the street.

(4) The minimum width of a one-way street shall be thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted along one (1) side, and thirty-three (33) feet where parallel parking is permitted along both sides.

(5) A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area. Adequate turning radii for emergency vehicles, including fire trucks, shall be provided.

e. **Outdoor storage.** Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park but shall be limited for use only by residents of the manufactured housing park. The location of such storage area shall be shown on the site plan. No part of such storage area shall be located in any yard setback required on the perimeter of the manufactured housing park. Such storage area shall be screened from view from adjacent residential properties, public streets, and roads.

f. **Site-constructed buildings.** All buildings constructed on site within a manufactured housing park must be constructed in compliance with applicable building, electrical, plumbing, and mechanical and cross-connection codes. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with applicable building, electrical, plumbing, and mechanical codes. Certificates and permits shall be required as provided in Article 3 (Administration and Enforcement). A final site plan shall be approved prior to construction of any principal structure, not including manufactured housing park units, in accordance with Article 8 (Site Plan Review).

g. **Placement of a manufactured housing park unit.**

(1) It shall be unlawful to park a manufactured housing park unit so that any part of such unit will obstruct a street or pedestrian walkway.

(2) A building permit shall be issued by the Township Building Department before a manufactured home may be placed on a site in a manufactured housing park.

h. **Site plan review required.** Construction of a manufactured housing parking shall require prior approval of a site plan by the Township Planning Commission in accordance with Article 8 (Site Plan Review).

i. **Building permits required.** No manufactured home may be placed on a manufactured housing park site until a Building Permit has been issued by the Superior Township Building Department. A Building Permit shall not be issued until all required state approvals have been obtained.

j. **Occupancy.** A manufactured home in a manufactured housing park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of Occupancy is issued by the Superior Township Zoning Inspector.

F. MULTIPLE-FAMILY HOUSING.

All multiple-family dwellings and developments, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, dormitory housing, and other state-licensed and other managed residential facilities shall comply with the following:

1. General Standards.

a. **Distances between buildings.** In addition to the required yard setbacks for the zoning district, the following minimum distance shall be provided between two (2) or more residential buildings on a lot:

In addition to the required setback lines provided elsewhere in this chapter, in multiple-family dwellings (including semidetached and multiple dwellings) the following minimum distances shall be required:

Minimum Setback From:				
Building Height (feet)	Internal Drive (feet)	Building Side to Building Side (feet)	Building Side to Building Front or Building Rear (feet)	Building Front to Building Front or Building Rear to Building Rear (feet)
35 or under	10	20	30	40
36 and higher	10	30	36	50

In applying the above regulations, the front of the building shall mean that face of the building having the greatest length; the rear shall be that face opposite the front; and the sides shall be the faces between the front and rear faces.

b. **Pedestrian access.** Concrete sidewalks or paved pathways shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas, along with barrier-free access ramps. Permanent barrier free access shall be provided to primary building entrances where a difference in elevation exists between an entrance and grade level.

c. **Recreation areas.** Passive or active recreation areas (such as seating areas, playgrounds, swimming pools, walking paths and other recreational elements) shall be provided in accordance with the intended character of the development. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents and shall not be located within any required yard setbacks or required building separation areas.

d. **Compatibility.** Multiple-family buildings shall be aesthetically compatible in design and appearance with housing in the neighborhood and the intended character of area per the Growth Management Plan. Compatibility shall be determined by the Planning Commission according to the following standards:

(1) Multiple-family buildings shall comply with the standards of Section 12.02 (Building Form and Composition).

(2) Exterior walls shall be finished with durable exterior materials permitted by Section 12.02. A housing type or construction method shall not be disapproved solely because it is modular, prefabricated, or contemporary in architectural style.

(3) Roof form and materials shall comply with Section 12.02 and shall provide variation appropriate to the scale and mass of the building.

e. **Site plan approval.** Construction, expansion, and alteration of multiple-family housing shall be subject to site plan approval per Article 8 (Site Plan Review).

2. Senior Housing and Elderly Housing and Dormitory Housing.

The following additional standards shall apply to senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, dormitory housing, and other state-licensed and other managed residential facilities:

a. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees, and guests. No exterior signs of any type are permitted for these accessory uses.

b. **Compliance with regulations.** Such facilities shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws, and applicable licensing and certification requirements.

c. **Density.** Nursing homes, assisted living facilities, dependent elderly housing, and permitted dormitory housing shall be exempt from the maximum dwelling unit density standards for the zoning district. Such standards shall apply to senior and independent elderly housing, and other state-licensed and other managed residential facilities.

G. SINGLE-FAMILY DWELLINGS, DETACHED

The intent of this Section is to ensure compliance of single-family detached dwellings on individual lots with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and to ensure that new dwellings on individual lots are aesthetically compatible with existing single-family dwellings in the surrounding area. The standards of this Section are not intended to apply to dwellings located within a licensed and

approved manufactured housing park in the R-6 (Manufactured Housing Park) District. New single-family detached dwellings and additions to existing dwellings constructed or installed on lots in the Township, without regard to the type of construction, shall be subject to the following:

1. The dwelling shall meet all applicable federal and state design, construction, and safety codes for the type of construction.
2. The dwelling shall be connected to potable water and sanitary sewerage facilities per Section 13.05 (Water Supply and Sanitary Sewerage Facilities).
3. The single-family detached dwelling shall comply with the objective building-form and composition standards applicable to dwellings under this Ordinance. Approval shall not be conditioned on similarity to the architectural style, construction method, size, or market value of nearby dwellings.
    a. Single-family dwellings shall comply with the standards of Section 12.02 (Building Form and Composition).
    b. Exterior walls shall be finished with durable exterior materials permitted by Section 12.02.
    c. Roof form and materials shall comply with the objective standards of Section 12.02.
4. A building permit shall be required for construction of the foundation wall, for placement of the single-family detached dwelling on the lot, and for any addition(s) to the dwelling. A building permit shall not be issued until a Certificate of Zoning Compliance has been issued in accordance with Section 3.02 (Certificates of Zoning Compliance).
5. Not more than one (1) single-family detached dwelling shall be used as a dwelling on a lot, nor shall a new dwelling be placed on any lot where an existing dwelling or other principal use is located, except as permitted by Section 7.03.G. A single-family detached dwelling shall not be used as an accessory building in any residential district.

H. ADULT FOSTER CARE FACILITIES.

The following shall apply to all adult foster care facilities as defined in Section 2.03 (Definitions):

1. General Standards.

The following standards shall apply to all adult foster care facilities in the Township:

a. **Licensing.** In accordance with applicable state laws, all adult foster care facilities shall be licensed by the State of Michigan and shall be maintained in compliance with the minimum standards for such facilities.

b. **Outdoor recreation area.** For each person cared for in an adult foster care facility there shall be provided and maintained a minimum of one hundred-fifty (150) square feet of usable outdoor recreational area, which shall be enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height that conforms to the requirements of Section 7.02 (Fence Regulations).

c. **Appearance.** Where adult foster care facilities are located in the Residential Districts or a Special District planned for RESIDENTIAL USES, the premises shall be maintained consistent with the visible character of single-family dwellings.

2. Additional Standards For Larger Facilities.

The following additional standards shall apply to all adult foster care large group homes and congregate care facilities in the Township, as well as to any adult foster care small group home for care of seven (7) or more people:

a. **Location.** These facilities shall have direct frontage on and vehicle access to a primary or collector road as classified by the master transportation plans of the Township, or county or state road authorities.

b. **Pick-up and drop-off areas.** These facilities shall provide adequate off-street space and facilities for safe pick-up and drop-off of residents.

c. **Concentration of facilities.** These facilities shall be located a minimum of one thousand-five hundred (1,500) feet from the lot boundaries for any of the following facilities, as measured along public or private road rights-of-way between the nearest lot boundaries:

(1) A licensed group day-care home.

(2) Another adult foster care small group home, large group home or congregate care facility.

(3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.

(4) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

d. **Screening.** The Planning Commission may require any outdoor recreation or off-street parking area for these facilities to be screened from adjacent RESIDENTIAL USES or lots in the Residential Districts per Section 12.03 (Landscaping, Screening and Land Use Buffers).

e. **Site plan approval required.** Construction, expansion, and alteration of these facilities shall be subject to site plan approval per Article 8 (Site Plan Review).

SECTION 10.05 NON-RESIDENTIAL USES

NON-RESIDENTIAL USES

A. AMUSEMENT CENTER.

Amusement centers that provide space for patrons to engage in the playing of mechanical amusement devices, recreational games, and similar recreational activities of a commercial character shall be subject to the following:

1. All amusement centers shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.

2. Outdoor amusement centers also shall be subject to the standards of Section 10.05.EE (Open Air Businesses).

3. Pool and billiard parlors, pinball/video game parlors, and arcades shall be permitted as an amusement center.

4. Such uses shall comply with the applicable standards and licensing requirements of the Township's Public Amusements Ordinance (Ord. No. 67).

B. LARGE SCALE RETAIL AND ENTERTAINMENT.

Large Scale Retail and Entertainment shall include stores, supermarkets, and wholesales stores, multi-tenant shopping centers, and similar COMMERCIAL USES with more than fifty thousand (50,000) square-feet of total gross floor area in a single building footprint) shall be subject to the following:

1. Building design and materials.

    a. Facades and exterior walls. The maximum length of an uninterrupted building facade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Facade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.

    b. Roofs. Roofs shall exhibit one or more of the following features depending upon the nature of the roof and building design:

        (1) Flat roof. Parapets concealing flat roofs and rooftop equipment or screening surrounding rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one third (1/3) of the height of the supporting wall at any point.

        (2) Pitched roof.

            (a) Overhanging eaves, extending no less than three (3) feet past the supporting walls;

            (b) An average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;

            (c) Three (3) or more roof slope planes.

2. Site design.

    a. Parking lot location. No more than fifty percent (50%) of the off-street parking area devoted to the large-scale retail establishment shall be located within the front yard and between the front facade of the principal building and the abutting streets.

b. Primary entrance. The primary building entrance shall be clearly identifiable and usable and located facing the right-of-way.

c. Pedestrian connection. A pedestrian connection shall provide a clear, obvious, publicly accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:

(1) Fully paved and maintained surface not less than five (5) feet in width.

(2) Unit pavers or concrete distinct from the surrounding parking and drive lane surface.

(3) Located in a separated sidewalk, within a raised median, or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.

d. Additional entrances. In addition to the primary facade facing front facade and/or the right-of-way, if a parking area is located in the rear or side yard, it must also have a direct pedestrian access to the parking area that is of a level of materials, quality, and design emphasis that is at least equal to that of the primary entrance.

e. Delivery/loading operations. Loading docks, trash collection, outdoor storage, and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.

f. **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent streets and streets, and the number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.

g. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.

h. A traffic impact study and proposed mitigation measures shall be required.

3. **Outlots.** The site design, circulation, parking layout and building architecture of any outlots shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.

4. **Screening.** Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 12.03 (Landscaping, Screening and Land Use Buffers), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

5. **Pedestrian connectivity.** Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

C. CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS.

Recreational vehicle parks and campgrounds shall be subject to the following:

1. **Lot area.** Minimum site area shall be ten (10) acres.

2. **Screening and security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site and may require screening from road rights-of-way and abutting RESIDENTIAL USES in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers).

3. **Setbacks.** Structures and areas designated for camping shall be located a minimum of one hundred (100) feet from all lot boundaries.

4. **Temporary storage of recreational vehicles and trailers.** Temporary off-season storage of recreational vehicles and camping trailers not set up for occupancy shall be permitted as an accessory use, subject to the following:

    a. Such storage shall be incidental to the principal use of the parcel as a campground or recreational vehicle park.

b. Storage of such vehicles and trailers shall be limited to the off-season when the campground or recreational vehicle park is closed.

c. Such vehicles and trailers shall be stored on the individual campsites and shall be limited to one (1) recreational vehicle or trailer per campsite.

d. Such vehicles and trailers shall be secured and shall not be occupied while in storage.

5. **Use standards.** The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, exterior lighting, or other impacts that impair the continued use and enjoyment of adjacent lots.

a. All recreational vehicles and trailers must be operable and licensed to operate on the highways of the State of Michigan.

b. Each campsite shall either be provided with approved potable water and sanitary sewer or septic hookups, or shall have convenient access to approved bathrooms, toilets, and shower facilities.

c. Campgrounds and recreational vehicle parks shall be for seasonal recreation use. Permanent residency on a campsite shall be prohibited.

d. A caretaker's residence shall be permitted accessory to a campground or recreational vehicle park, subject to the requirements of Section 7.03.C (Accessory Dwelling).

e. Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

D CAR WASHES.

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

1. Use Standards.

    a. All washing facilities shall be completely within an enclosed-building and exit lanes shall be designed to prevent runoff from impacting adjacent properties or road rights-of-way.

    b. Steam used in the cleaning process shall be contained within an enclosed building.

    c. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of one hundred (100) feet from any RESIDENTIAL USES. The hours of operation of any vehicle wash facility shall be subject to Planning Commission approval.

    d. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

    e. The hours of operation of the car wash shall be subject to Planning Commission approval.

2. Ingress/Egress.

    a. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.

    b. Driveways serving a wash facility shall be set back a minimum of one hundred (100) feet from the intersection of any two (2) public roads.

    c. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.

    d. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way.

e. All maneuvering areas and stacking lanes shall be located within the car wash lot.

3. Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 12.03 (Landscaping, Screening, and Land Use Buffers), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

E. COMPOSTING CENTERS.

Composting centers and support facilities shall be subject to the following:

1. Site Plan Requirements for Composting Facilities.

Establishment, expansion, and alteration of a composting facility shall be subject to site plan approval. In addition to the requirements of Article 8 (Site Plan Review), the following information shall be included on a site plan for a composting facility:

a. Access route traffic patterns as well as on-site traffic patterns.

b. A detailed maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored; and impacts on public road rights-of-way. The maintenance plan shall include the following minimum provisions:

(1) Methods and practices by which the tracking of mud or compost materials from composting areas into public road rights-of-way will be minimized.

(2) Location(s) of truck cleaning areas, and methods of cleaning trucks to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.

(3) An on-site traffic control pattern, including a bypass road around the truck cleaning area if applicable.

(4) Method for removing soil, dust, and/or compost materials attributable to the composting operations from public roads within 1,500 feet of the composting area entrance and exits.

c. Written documentation of an operation plan addressing the following:

(1) Hours of operation.

(2) Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.

(3) Method of receiving compost materials.

(4) Method of sorting and handling composting materials on-site.

(5) Measures to be taken should anaerobic conditions arise.

(6) Expected frequency of removal of composted materials.

(7) Expected frequency for turning of composting windrows.

(8) Fire protection.

(9) Description of daily cleanup procedures.

(10) Measures to be taken should surface or groundwater contamination take place.

(11) The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.

d. A closure plan shall be submitted with the application, which shall detail the final end use of the property should use of the facility be discontinued for more than three hundred sixty-five (365) consecutive days. The plan shall describe:

(1) How the existing site will be cleaned up.

(2) How and where the existing surface debris will be disposed.

(3) What the final disposition of the land will be.

(4) A cost estimate for clean-up and restoration of the site.

2. Size And Location. Composting facilities shall have a minimum lot area of twenty (20) acres and shall not be allowed in any one hundred (100) year floodplain, groundwater recharge area, or regulated wetland.

3. Ground And Surface Water Quality. To ensure that ground or surface waters are not contaminated, such facilities shall be subject to the following:

   d. The surface and ground waters at a composting facility shall comply with the water quality requirements of applicable state and federal laws.

   e. Monitoring wells shall be installed by the owner, operator or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator or lessee.

      (1) Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two (2) year period after operations cease for compliance with applicable state and federal laws. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator or lessee.

      (2) Should test wells reveal violation of the water quality requirements of applicable state and federal laws, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator or lessee.

   f. If any stream or swale is present on the site, it shall be buffered by a one hundred (100) foot open space setback measured from the outer edge of the floodplain or all alluvial soils to ensure that the stream is adequately protected from pollution.

   g. Surface water monitoring shall also be required to assess the adequacy of leachate containment and runoff control, and for compliance with applicable state and federal laws. Such monitoring shall be required

quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator or lessee.

h. Documentation of the analysis for all ground and surface water monitoring events shall be submitted to the Township within sixty (60) days after completion.

i. Discharge of water from an on-site stormwater retention basin shall only be reintroduced into the compost pile, directed into a publicly owned and operated sanitary sewerage system, or transported and disposed of off-site by a liquid industrial waste hauler. Discharges into the Township's sanitary sewerage system shall comply with the Township's utility and sewer ordinances.

4. Anaerobic Conditions Prohibited. Compost materials shall not be accepted on site in an anaerobic conditions. Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Zoning Inspector, Washtenaw County, or authorized consultant.

   If anaerobic conditions arise more than two (2) times during any thirty (30) calendar day period, the Planning Commission may rescind approval of any Conditional Use Permit or require closure of the facility for up to sixty (60) calendar days. After two (2) such closures within one (1) calendar year, the Planning Commission may take action to rescind approval of any Conditional Use Permit and require closure of the facility permanently.

5. Screening And Separation Standards. To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply:

   a. No composting facility shall be constructed or expanded within five hundred (500) feet of the boundary of any Rural Residential or Urban Residential Districts, or Planned Community (PC) special district incorporating RESIDENTIAL USES, as measured by a straight line along the shortest distance between the zoning district boundary and the boundary of the subject lot for the facility.

b. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers).

6. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, And Blowing Debris.

a. The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare.

b. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.

c. Failure to meet minimum performance standards or maintain the site in compliance with the approved plans shall be considered a use violation of this Ordinance, subject to all applicable penalties.

7. Compost Storage. The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property.

8. Right Of Entry and Inspection. All composting areas are subject to inspection by the Zoning Inspector, Township Planner, Township Engineer or other designated Township agent during regular business hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform such inspections, and to take photographic, videotape, or other representation of conditions in the composting facility. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined.

F. CONTROLLED USES.

1. **Intent and Purpose**. The purpose and intent of this Section is to regulate the location and operation of certain adult businesses identified in this Section within the Township, and to minimize the negative secondary effects of such businesses. Based upon studies undertaken and reported by numerous other communities in Michigan and across the United States, which have been

studied by the Township and found to have relevance and application to the Township, it is recognized that the adult businesses identified in this Section, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of such businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents.

The provisions of this Section are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to these types of businesses and their products, or to deny such businesses access to their intended market. Neither is it the intent of this Section to legitimize activities that are prohibited by Township Ordinance or state or federal law. If any portion of this Section relating to the regulation of adult businesses is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Section relating to regulation of adult businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

2. Controlled Uses Defined. The following uses are defined as "controlled uses" for the purposes of this Ordinance:

   a. Adult drive-in motion picture theater; adult motion picture theater; adult supply store; adult physical culture establishment; adult cabaret; or similar adult or sexually oriented business, as defined in Section 2.03 (Definitions);

   b. Pawnshop or collateral loan and/or exchange establishment; and

   c. Specially designated distributor's establishment or specially designated merchant's establishment, as licensed by the Michigan Liquor Control Commission.

3. Application. Any person with a legal interest in a lot zoned for such uses may apply for a Controlled Use Permit, subject to the following:

a. 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 a Controlled Use Permit.

b. Application shall be made by filing all completed forms and the required review fee and escrow deposit with the Township Clerk.

c. Submittal of preliminary and final site plans shall be required for establishment, expansion or alteration of a controlled use in accordance with the requirements of Article 8 (Site Plan Review).

d. The Township Clerk, upon receipt of all application materials, shall forward the materials to the Planning Commission.

e. The Planning Commission shall study the application and, within one hundred-eighty (180) calendar days after receipt of a complete and accurate application, shall approve, approve with conditions, or reject the application.

f. If the applicant has submitted a written request with the application for a Controlled Use Permit to waive one (1) or more requirements of Section 10.05.G.5 (Restrictions on Location), then the Planning Commission shall hold a public hearing on the request in accordance with Section 3.11 (Public Hearing Procedures). Public notice signage shall be required in accordance with the requirements for a Conditional Use Permit application.

g. Planning Commission action on any request to waive one (1) or more requirements of Section 10.05.G.5 (Restrictions on Location) shall be in accordance with the standards of Section 10.05.G.6 (Waiver of Restrictions on Location).

h. Prior to the granting of approval for the establishment of any controlled use, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the controlled use as in its judgment may be necessary for the protection of the public interest.

i. The Planning Commission may require the applicant to submit a performance guarantee to the Township per Section 3.09 (Performance Guarantees) to ensure that such conditions will be fulfilled.

4. **Restrictions On Use.** The following use restrictions shall apply to controlled uses:

a. All controlled uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-tenant buildings shall not constitute a freestanding building.

b. No adult use or sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any road right-of-way or from any property not regulated as a controlled use. This provision shall apply to any display, decoration, sign, window or other opening.

5. **Restrictions On Location.** The following minimum separation distances shall be measured by a straight line between a point on the boundary of a zoning district listed below or a lot occupied by a use listed below nearest to the contemplated structure or contemplated location of the structure containing the controlled use:

a. No adult business use may be located within one thousand (1,000) feet from the property line of another adult business use. For purposes of this subsection, the distance between any two (2) adult business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.

b. No adult business use may be located within five hundred (500) feet from the property line of any residential zoning district, lot or parcel in residential use, school property, church or other place of worship, public park, childcare facility, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities. For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business use is conducted, to the nearest property line of any lot

or parcel in residential use, school property, church or place of worship, public park, child care facility, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities.

c. No adult business use shall be located in any principal or accessory structure already containing an adult business use.

6. Waiver Of Restrictions on Location. Upon written request from the applicant submitted with the application for a Controlled Use Permit, the Planning Commission may waive or reduce one (1) or more of the restrictions in Section 10.05.G.5 (Restrictions on Location), subject to the following:

a. No waivers shall be given to permit a controlled use which does not comply with Section 10.05.G.5

b. A public hearing shall be held per Section 3.11 (Public Hearing Procedures).

c. To waive or reduce one (1) or more of the restrictions in Section 10.05.G.5 (Restrictions on Location), the Planning Commission shall find that the following conditions exist:

(1) The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location, and the spirit and intent of the purpose of the spacing requirement will still be observed;

(2) The proposed use will not cause or exacerbate a deleterious impact upon adjacent areas through causing or encouraging blight, or disrupting normal development or use of land;

(3) The establishment of an additional controlled use at the proposed location will not be contrary to or interfere with implementation of the Growth Management Plan or any related improvement program or plan; and

(4) All other applicable Township regulations and state or federal laws will be observed.

G. CEMETERY.

Cemeteries and similar uses shall comply with all applicable federal, state and local laws and regulations, and shall be subject to the following:

1. The minimum gross lot area for any new cemetery shall be ten (10) acres.

2. All access shall be provided from a primary road as classified by the master transportation plans of the Township, or county or state road authorities.

3. The cemetery shall be secured by a fence and screened from abutting Rural Residential and Urban Residential Districts or existing RESIDENTIAL USES per Section 12.03 (Landscaping, Screening and Land Use Buffers).

4. Crypts, mausoleums, and other buildings containing human remains, other than a subterranean grave, shall be set back a minimum of one hundred (100) feet from lot boundaries.

5. Assembly. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking.

6. Ingress and egress. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.

7. The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.

8. A caretaker's residence shall be permitted accessory to a cemetery, subject to the requirements of Section 7.03.C. (Accessory Dwelling).

9. Establishment, expansion, and alteration of a cemetery shall be subject to site plan approval per Article 8 (Site Plan Review). A maintenance plan shall be submitted with the application for site plan approval, which shall include the following minimum information:

    a. The entity responsible for long-term maintenance of the cemetery, and methods and anticipated funding sources for such maintenance.

    b. Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.

H. DAY CARE FACILITIES.

The following regulations shall apply to day care centers:

1. A safe means of drop-off and pick-up of children shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway;

2. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) children intended for maximum enrollment at the facility;

3. There shall be an outdoor play area of twelve hundred (1,200) square feet in area or fifty (50) square feet per child, whichever is greater. The play area shall not be located within a required front setback area. This requirement may be waive by the Planning Commission if public play area is available five hundred (500) feet from the subject parcel;

4. All outdoor play areas for group day care homes and day care centers shall be enclosed and secured by a fence not less than four (4) feet nor more than six (6) feet in height that conforms to the requirements of Section 7.02 (Fence Regulations) and is capable of containing the children within the play area.

5. The group day care home premises shall be maintained consistent with the visible character of single-family dwellings.

   (1) No signs shall be permitted for such uses, other than that permitted for a single-family dwelling in the zoning district.

   (2) A group day-care home shall not require the modification of the dwelling exterior nor the location of playground equipment in the front yard.

6. The operation of a group day care home shall not exceed sixteen (16) hours during any twenty-four (24) hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.

7. One (1) off-street parking space shall be provided per non-resident employee of the group day care home, in addition to required parking for the dwelling.

8. Construction, expansion, and alteration of such uses shall be subject to site plan approval per Article 8 (Site Plan Review).

9. In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a Conditional Use Permit for a group day care home upon determination that the proposed use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions on an approved group day care home beyond those listed in this Section.

I. DRIVE-IN OR DRIVE-THROUGH FACILITIES.

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

1. On-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.

    a. Access to and egress from the site shall not interfere with peak-hour traffic flow on the street serving the property.

    b. Projected peak-hour traffic volumes that will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.

2. Each drive-through facility shall provide adequate stacking space meeting the following standards:

    a. No more than one (1) drive-through stacking lane is permitted per building, regardless of the number of uses. Dual ordering stations for drive-through food service shall not be permitted.
    b. Each stacking lane shall be one (1) way, and each stacking lane space shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
    c. Each drive-through facility shall have an escape lane a minimum of ten (10) feet in width to allow other vehicles to pass those waiting to be served.

d. The number of stacking spaces per service lane shall be provided for the uses limited below. Each stacking space shall be computed at twenty (20) feet in length. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined in the discretion of the Planning Commission, shall apply.

Drive-Through Stacking Requirements	
Use	**Stacking Space Per Service Lane/Stall**
Banks, Pharmacy, Photo service, and Dry Cleaning	4
Restaurants with drive-through	10
Auto Washes (self service)	-
Entry	4
Exit	2
Auto Washes (automatic/drive-through)	-
Entry	6
Exit	2
Quick Oil Change	3

3. Such facilities shall be set back a minimum of one hundred (100) feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 12.03 (Landscaping, Screening and Land Use Buffers), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

4. Driveways serving a drive-in or drive-through facility shall be set back a minimum of one hundred (100) feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.

5. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.

6. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.

7. Menu boards may be installed and maintained for the drive-through facility, subject to the following:

a. Such signs shall be located on the interior of the lot and shall be shielded to minimize visibility from all road rights-of-way and abutting lots.

b. Electronic message menu boards shall not be permitted in the NC or VC districts.

c. The total sign area of all permitted menu boards shall not exceed forty-eight (48) square feet.

d. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow.

J. EXTRACTIVE AND EARTH REMOVAL OPERATIONS.

1. Purpose and Intent.

a. The purpose of this Section is to provide for the proper development and utilization of mineral resources existing within the Township, while at the same time making proper provisions for the present and future health, safety and welfare of the residents of the Township. The development and utilization of mineral resources in the Township shall be subject to appropriate regulations of the Township and other agencies with jurisdiction.

Such regulations shall consider the conduct of the extractive and earth removal operation and the reuse of the site upon termination of the activity. It is the intent of this Section that parcels subject to the extractive and earth removal operations shall, upon termination of such operations, be reclaimed and rendered fully useful for one (1) or more of the uses permitted as principal uses within the various districts included in this Ordinance. Extractive and earth removal operations shall be subject to the following.

b. It is also the intent of this Section to ensure that no very serious consequence would result from the extraction of valuable natural resources where they have been naturally deposited. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

c. A person challenging a zoning decision under this Section has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.

d. In determining under this Section whether very serious consequences would result from the extraction, by mining, of natural resources.

e. In determining under this Section where very serious consequences would result from the extraction, by mining, or natural resources, the standards set forth in Silva v. Ada Township, 416 Mich. 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

(1) The relationship of extraction and associated activities with existing land uses.

(2) The impact on existing land uses in the vicinity of this property.

(3) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property.

(4) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

(5) The impact on other identifiable health, safety, and welfare interests in the local unit of government.

(6) The overall public interest in the extraction of the specific natural resources on the property.

2. The following types of extractive and earth removal activities shall be subject to the regulations of this Section:

a. The removing or extracting of any soil, sand, peat, marl, clay, gravel, stone, or similar materials.

b. The processing, storage, loading, and transportation of the above-mentioned materials.

c. The regulations of this Section shall apply in conjunction with the Township's Soil Removal and Deposit Ordinance (Ord. No. 147). Where the standards of this Section may conflict or overlap with Ordinance No. 147, the more restrictive standards shall govern. These regulations shall not affect excavation work for the construction of foundations for dwellings and other structures, roads, utilities, and related site improvements pursuant to the State Construction Code.

3. General Requirements. In addition to other requirements set forth in this Ordinance, the removal of soil, including topsoil, sand, gravel, stone, and other earth materials shall conform to all applicable federal, state, county, and local laws and regulations, and to the following requirements:

a. There shall be not more than one (1) entranceway from a public road to a parcel of land used for such operations for each six hundred-sixty (660) feet of frontage on a public road right-of-way. Entranceways shall be located not less than five hundred (500) feet from an intersection of two (2) or more public roads.

b. Such operations shall be permitted only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and between 8:00 a.m. and 12:00 noon on Saturday and Sunday.

c. No digging, stockpiling, excavating, or equipment storage and/or repairs shall take place closer than 100 feet from any lot line, and three hundred (300) feet from the boundary of any Rural Residential or Urban Residential Districts, and any Planned Community (PC) Special District incorporating Residential Uses. Stockpiles of stripped topsoil shall be seeded with grass or similar plant materials approved by the Planning Commission to prevent erosion onto other properties.

d. The operator shall be responsible for keeping all public roads upon which trucks haul materials to or from the premises in a condition at least equal to that which would have existed in the absence of the earth removal operations; to keep the roads free of dust or other windblown debris from the operations; and to clean any and all spillage of materials and dirt, rock, mud, and any other debris carried onto these roads by these trucks or other equipment.

e. Noise levels shall not exceed sixty (60) dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed seventy (70) dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties.

f. Such operations shall not be conducted so as to cause the pollution by any material of any surface or subsurface watercourse or body of water outside the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.

g. Such operations shall not be conducted so as to cause or threaten to cause the erosion by water or wind of any land outside of the lot on which such use is located, or of any land on said lot in such manner that earth materials are carried outside of the lines of said lot. Such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such removal shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and operator(s) to ensure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation.

h. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from the boundary of any Rural Residential or Urban Residential Districts, and any Planned Community (PC) Special District incorporating Residential Uses. If the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification or to a PC Special District incorporating residential uses subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue but may not expand in intensity of use and in no case shall be less than one hundred (100) feet from any lot line adjacent to such zoning district.

i. A fence not less than six (6) feet high shall be erected around the area being excavated, which shall be adequate to prevent trespass.

j. Areas within an operation shall be rehabilitated progressively as they are worked out or abandoned. Such areas shall be improved to be completely hazard-free, and to appear natural and blend with the surrounding area.

k. Travel routes for trucks entering and leaving the operation shall not pass through residential areas, unless such travel routes are on paved primary roads.

l. Only equipment owned or leased by the operator of the operation and used in the operations of the facility shall be stored overnight or longer on the premises of the facility. Storage of other equipment on the premises shall be prohibited.

4. Site Plan Requirements.

At the time of the application for a Conditional Use Permit, the applicant shall submit a site plan for the use of the property during the excavation or earth removal operations. Such plan shall conform to the requirements of Article 8 (Site Plan Review) and shall include the following additional information:

a. Name and address of the person, firm, or corporation who or which will be conducting the actual removal operations.

b. Type of materials or resources to be removed or to be brought to the site.

c. An aerial photograph showing the subject property and adjacent areas, location and outline of trees, wooded areas, streams, marshes, ponds and other wetlands, and other natural features.

d. Clear indication of all natural features to remain and to be removed.

e. Existing topography at contour levels of two (2) feet.

f. Existing and proposed site improvements such as buildings, drives, wells, utility poles and towers, pipelines, and drain fields, showing location, outline, general dimensions, and distances between such improvements, with a clear indication of all improvements to remain and to be removed.

g. Extent of future earth removal areas and depth thereof.

h. Location and nature of structures and stationary equipment to be located on the site during earth removal operations.

i. Location and description of soil types.

j. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of earth removal operations.

k. Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting, and washing operations and crushing, and the type, size, and nature of equipment to be used with each operation, and whether blasting or use of explosives is required or contemplated.

l. Location and width of drives, sight distances, and lane widening on public roads at intersections of same with drives.

m. Description of pollution and erosion control measures, including a dust control program that includes, at a minimum, the following:

(1) Paving, watering regularly, or treating with dust suppressant chemicals all roads, drives, parking areas, storage piles, and loading and unloading areas on the parcel so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.

(2) Directing engine exhaust gases that are generated by the machine used on the piles for loading or unloading upwards;

(3) Covering open body trucks before they leave the site;

(4) Cleaning the wheels and body of trucks as needed to remove spilled materials after the truck has been loaded;

(5) Restricting the speed of vehicles used on site as necessary to minimize dust generation;

(6) Minimizing the drop distance from which the material is discharged into a pile or a truck; and

(7) Maintaining records adequate to demonstrate compliance with the approved dust control plan.

n. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site.

o. Map showing truck routes to and from the site.

p. Owner, use, and zoning classification of land uses and location(s) of adjacent buildings, drives, and road rights-of-way within five hundred (500) feet of the subject parcel(s).

q. General description of existing and proposed water, sewer or septic, and storm drainage systems.

r. Location and type of proposed screens and fences; height, typical elevation, and vertical section of screens and fences, showing materials and dimensions.

s. Location, type, direction, and intensity of outside lighting.

5. **Restoration Plan Requirements.** At the time of the application for Conditional Use Permit, the applicant shall submit a plan for restoring the site to a safe, attractive, and usable condition. The plan shall satisfy the requirements for a preliminary site plan per Article 8 (Site Plan Review), and shall include the following additional information:

a. Location and extent of all natural features to be retained during operations.

b. Contour lines at intervals of two (2) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines.

c. Schedule and areas of progressive rehabilitation.

d. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area.

e. Conceptual layout of proposed site improvements and a description of the proposed use(s) of the site when restored.

f. Description of methods and materials to be used in restoring the site.

6. **Performance Guarantees.**

The applicant shall provide a performance guarantee in accordance with Section 3.09 (Performance Guarantees) to ensure restoration of the site. Such guarantee shall not be released until the Township Engineer certifies that restoration is complete, and until the Planning Commission accepts such certification as accurate. The performance guarantee may be used by the Township to restore the site if the applicant does not fulfill the restoration requirements of the approved permit.

The applicant shall provide a bond, letter of credit, cash deposit, or other performance guarantee when required by the Planning Commission to maintain, repair, and replace public roads traversed by trucks associated with such operations. The performance guarantee shall be deposited with the Washtenaw County Road Commission in the form and amount required by the Road Commission and release shall be subject to joint approval by the Planning Commission and the Road Commission.

7. Expiration Of Extractive and Earth Removal Operation Approval.

The applicant shall provide a date for completing earth removal operations, based upon the estimated volume of material to be extracted and average annual extraction rates.

a. Authorization allowing such operations shall expire on that date or such other reasonable date specified by the Planning Commission. Any extension of operations beyond that date shall require a new Conditional Use Permit.

b. The approved restoration plan, conditions of approval, and Conditional Use Permit for the restoration and re-use of the site shall remain in force and effect.

c. Preliminary site restoration shall begin immediately upon expiration of authorization for excavation or earth removal operations. Approval of a final site plan per Article 8 (Site Plan Review) shall be required for final redevelopment and re-use of the site.

8. Right Of Entry and Inspection.

All extractive and earth removal operations are subject to inspection by the Zoning Inspector, Township Planner, Township Engineer, or other designated Township

agent during regular business hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform such inspections, and to take photographic, videotape, or other representation of conditions within the operation. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined.

K. FUNERAL PARLOR OR MORTUARY.

Funeral parlors and mortuaries shall be subject to the following standards [crematoriums are an INDUSTRIAL, RESEARCH, AND LABORATORY USE as permitted in Table 4.11 (Land Use Table)]:

1. **Assembly area.** An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering areas shall be located within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.

2. **Screening.** The service and loading area shall be screened from adjacent Rural Residential and Urban Residential Districts or existing RESIDENTIAL USES per Section 12.03 (Landscaping, Screening, and Land Use Buffers).

3. **Caretaker's residence.** A caretaker's residence shall be permitted accessory to a funeral home or mortuary, subject to the requirements of Section 7.03.A (Accessory Dwelling).

L. INSTITUTIONAL USES.

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities defined as institutional uses per Section 2.03 (Definitions):

1. Height. The maximum height of the principal building containing an institutional use shall be subject to the following conditions and exceptions:

    a. The building height shall be permitted to exceed the maximum height requirements of the district up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks shall be

increased by one (1) foot for each foot of additional building height above the maximum.

b. The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding one hundred-fifty percent (150%) of the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.

2. Frontage and access. Institutional uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.

3. Traffic impacts. A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over five hundred (500) persons.

4. Parking location. Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space.

M. INTENSIVE INDUSTRIAL OPERATIONS.

Intensive industrial operations shall be subject to the following:

1. General Standards.

   Such uses shall comply with all standards of this Ordinance, the Township's utility and sewer ordinances, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Washtenaw County Environmental Health Division, and other agencies with jurisdiction.

2. Impact Assessment.

   The applicant shall submit an impact assessment with any plan submitted for review, which shall describe the expected impacts associated with the use and any mitigation measures to be employed. The assessment shall include the following minimum information and documentation:

a. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.

b. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.

c. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.

d. Description of all secondary containment measures, including design, construction materials and specifications, and security measures

e. Description of the process for maintaining and recording of all shipping manifests.

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use to the extent that the Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article 9 (Conditional Uses).

3. Development Standards.

Intensive industrial operations shall not be located within five hundred (500) feet of the boundary of any Rural Residential or Urban Residential Districts, or Planned Community (PC) special district incorporating RESIDENTIAL USES.

a. This separation distance shall be measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the intensive industrial operation.

b. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers).

N. LANDSCAPING AND SNOWPLOW OPERATIONS.

Landscape maintenance and installation operations, snowplowing and removal businesses, and similar uses that include more than one (1) business vehicle or any vehicle with a payload capacity of three (3) tons or greater shall be subject to the following:

1. **Minimum lot area.** A minimum lot area of five (5) acres shall be required for landscape maintenance and installation operations, and snowplowing and removal businesses.

2. **Site plan approval.** Establishment, expansion or alteration of such businesses shall be subject to site plan approval per Article 8 (Site Plan Review).

3. **Use standards.** The use shall be subject to the following requirements:

    a. The use may be accessory to a principal farm operation or single-family dwelling on the same parcel

    b. Employees of the business not residing on the lot shall work primarily off-site.

    c. The Planning Commission may limit hours of operation for the business to minimize impacts on adjacent residents and uses.

    d. The character or appearance of the dwelling shall not change. The total floor area of the dwelling used for the business shall not exceed twenty percent (20%) of the dwelling's total floor area.

    e. The business shall not generate vehicular traffic above that normally associated with similar agricultural operations in the Rural Districts.

    f. Such businesses may occupy all or part of any accessory buildings on the lot that conform to the minimum required yard setbacks for the zoning district, subject to Planning Commission approval.

4. **Outside storage.** Outdoor display or storage of equipment, vehicles, and materials shall be subject to the following:

    a. A maximum of two (2) commercial trucks or similar vehicles may be parked outside, provided such vehicles are located outside of all road rights-of-way, required yard setback areas, and corner clearance areas. All other vehicles and equipment associated with the business shall be stored within a completely enclosed building.

    b. Outside storage shall conform to the standards of Section 10.05.V (Outside Storage, General).

5. **Screening.** To ensure compatibility between land uses, the Planning Commission may require screening of storage building(s), outside storage areas, and business vehicle parking area(s) occupied or intended to be used by the business from road rights-of-way and abutting parcels per Section 12.03 (Landscaping, Screening, and Land Use Buffers).

6. **Parking.** Parking of vehicles or other activity associated with the business shall be prohibited within road rights-of-way and the minimum required yard setbacks for the zoning district. Parking for the business shall be subject to Article 11 (Off-Street Parking and Loading Regulations).

7. **Nuisances.** No nuisance shall be generated by any heat, glare, noise, exterior lighting, smoke, vibration, noxious fumes, odors, vapors, gases, or chemicals at any time. No hazard of fire, explosion or radioactivity shall exist at any time.

8. **Fuel storage.** On-site fuel storage and handling shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

O. MATERIAL RECOVERY FACILITIES AND OUTDOOR STORAGE, DISMANTLING OR RECYCLING OF MOTOR OR RECREATIONAL VEHICLES, BOATS, MACHINERY, MANUFACTURED HOUSES OR SIMILAR ITEMS.

Material recovery facilities, junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall conform to all applicable federal, state, county, and local laws and regulations and to the following requirements:

1. A site plan shall be provided at the time of the Conditional Use Permit application with the following information:

    a. All information required by Article 8 (Site Plan Review);

    b. A description of any materials processing, dismantling, and wrecking operations to be conducted within the facility; and of the location and nature of equipment for such operations, including any power-driven processing equipment; and

    c. Travel routes within the Township for trucks entering and leaving the facility.

2. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited. Truck travel routes shall not pass through residential areas, unless such routes follow paved primary roads.

3. Such facilities shall not be located on property contiguous to or across a road right-of-way from the boundary of any Rural, Rural Residential, or Urban Residential Districts.

4. The facility, when established and located within five hundred (500) feet of the boundary of any Rural Residential or Urban Residential Districts, Planned Community (PC) special district incorporating Residential Uses, or boundary of a lot occupied by existing Residential Uses, as measured by a straight line along the shortest distance between the zoning district or lot boundary and the boundary of the subject lot for the facility, shall not be open for business and shall not be operated at any time other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, and between 8:00 a.m. and 12:00 noon on Saturday and Sunday.

5. The facility shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks.

    a. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.

    b. Gates shall also be made of solid, opaque material.

    c. A landscape strip shall be provided along the road right-of-way, and the remaining required yard areas shall be landscaped and maintained in good condition.

6. Automobiles, trucks, and other vehicles or junk materials shall not be stacked higher than the top of the fence or wall surrounding the facility.

7. All exterior storage of recyclable or recoverable materials, other than large vehicle components, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. No storage, excluding truck trailers, shall be visible above the height of the fence or wall.

8. Stored vehicles and materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety. The facility shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.

9. All flammable liquids shall be drained immediately from automobiles and other vehicles brought to the facility. Such liquids shall be stored in containers approved by

the Township Fire Chief and promptly disposed of in accordance with applicable federal, state, county, and local regulations.

10. The site shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.

11. Power driven processing, dismantling, and wrecking operations may be restricted or prohibited by the Planning Commission to minimize impacts of such operations on neighboring properties.

    a. Such operations shall operate within a wholly enclosed building or within an area enclosed on all sides by a solid fence or wall not less than eight (8) feet in height.

    b. Such operations shall be set back a minimum of one hundred-fifty (150) feet from any Rural Residential or Urban Residential Districts or existing RESIDENTIAL USES.

    c. Material recovery facility processing operations shall be limited to baling, briquette, crushing, compacting, grinding, shredding, and sorting of source-related recyclable materials.

12. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.

13. There shall not be more than one (1) entranceway from each public road that adjoins the facility.

14. Noise levels shall not exceed sixty (60) dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed seventy (70) dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties. To achieve this end, the Planning Commission may require odor-control devices or facilities. Exterior lighting shall conform to the standards of Section 12.04 (Exterior Lighting).

15. Space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher.

16. Any containers provided for after-hours donations of recyclable materials at a material processing facility shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.

    a. Donation areas shall be kept free of litter and any other undesirable materials.

    b. The containers shall be clearly marked to identify the type of material that may be deposited.

    c. The facility shall display a notice stating that no material shall be left outside the containers.

17. Signs or other advertising materials shall not be placed on any fences or walls.

P. MOTION PICTURE CINEMA.

Indoor or outdoor motion picture cinemas shall be subject to the following:

1. General Requirements. All indoor or outdoor motion picture cinemas shall conform to the following standards:

    a. Screening. Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 12.03 (Landscaping, Screening and Land Use Buffers).

    b. Access. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.

    c. Traffic impacts. A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over five hundred (500) persons.

2. Additional Outdoor Cinema Requirements. All outdoor cinemas and drive-in theaters shall conform to the following:

    a. A drive-in theater shall not be located adjacent to any Rural Residential or Urban Residential Districts.

b. All traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements between the site and the public road(s).

c. All points of entrance or exit for vehicles shall be located no closer than five hundred (500) feet from the intersection of any two (2) road rights-of-way.

d. Adequate stacking lanes shall be provided so that vehicles waiting to enter the theater will not occupy driving lanes, parking lanes, or road rights-of-way.

e. The facility shall be fully enclosed by a solid screen fence or wall at least six (6) feet high. Strips of metal, plastic, or other materials inserted into wire fences shall not constitute a solid, screen-type fence and shall not be permitted as a substitute for this requirement. Fences or walls shall be set back at least one hundred (100) feet from any road rights-of-way or front lot boundary.

f. Signs or other advertising material shall not be placed on any fences or walls in a manner visible from adjacent lots and road rights-of-way.

g. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

Q. MOTOR VEHICLE SERVICE CENTERS, REPAIR STATIONS, AND FUELING STATIONS.

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

1. Use Standards.

a. Motor vehicle service centers, repair stations, and fueling stations shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.

b. The minimum lot area for such uses shall be one (1) acre, and the minimum lot width for such uses shall be one hundred-seventy-five (175) feet.

c. Sales, display or rental of motor vehicles shall be prohibited, except where the service center or repair station is accessory to a permitted dealership showroom or outdoor dealership sales lot.

d. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure(s), and all auto repair activities shall take place within a completely enclosed structure(s).

e. Open service bays and overhead doors shall not face towards any adjacent Rural Residential or Urban Residential Districts or RESIDENTIAL USES.

f. Display of temporary signs shall be prohibited where such signs are attached to the pump island canopy, light poles or similar structures.

g. Outdoor sales or display areas shall be limited to areas identified on an approved final site plan and shall conform to the requirements of Section 10.05.T (Outdoor Sales and Display Areas).

h. Required parking shall be calculated separately for each use, including any accessory convenience store or other permitted COMMERCIAL USES. Such calculations shall be based upon the floor area occupied by each use.

2. Pollution Prevention.

a. In addition to the requirements contained in Article 8 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

b. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.

c. The entire area used for vehicle service shall be paved.

d. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

3. Fueling Station Pump Islands.

a. In addition to the requirements contained in Article 8 (Site Plan Review), the preliminary site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures (see "Pump Island Canopy Lighting" illustration).

b. All lighting shall be in compliance with Section 12.04 (Exterior Lighting).

c. The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with fueling/multi-use:

Canopy and Pump Facility Setbacks			
Setback	**Canopy Support (feet)**	**Pump Islands (feet)**	**Canopy Edge (feet)**
Front	35	30	25
Side	20	20	10
Rear	30	20	20

d. Fueling areas site arrangement. All fueling areas shall be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.

e. Canopy structures. Canopy structures shall be designed and constructed in a manner which is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building unless it can be demonstrated that the design of the building and canopy in combination would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.

4. Pedestrian and vehicular safety.

a. Vehicle fueling/multi-use stations shall be designed in a manner which promotes pedestrian and vehicular safety. The parking and circulation system within each development shall accommodate the safe movement of vehicles, bicycles, pedestrians and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.

5. The location of gasoline storage and sales shall be reviewed by the Township Fire Department for compliance with the National Fire Prevention Code.

6. Vehicle Access. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, or traffic generated by other buildings or uses.

    a. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.

    b. The maximum width of any driveway at the right-of-way line shall be thirty-five (35) feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than forty-five (45) degrees.

    c. The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.

    d. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.

7. Outdoor storage. Dismantled, wrecked, or inoperable vehicles awaiting repair shall not be stored outdoors for a period exceeding five days. Outdoor storage shall be enclosed by an opaque fence up to eight feet in height and/or landscape screening meeting the standards set forth in Article 12.

8. Disposal containers. Suitable containers shall be provided and used for disposal of used parts, and such containers shall be screened from view.

9. Enclosed buildings. All repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities, shall be performed entirely within an enclosed building.

10. Retail sales limitations. Retail sales shall be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

11. Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of Section 12.01 (Trash Storage and Disposal Standards).

12. All outdoor storage shall be reviewed and approved by the Township Fire Department for compliance with the National Fire Prevention Code.

13. Such inoperative vehicles shall not be sold or advertised for sale on the premises.

14. Outdoor storage shall be prohibited accessory to a motor vehicle fueling station, unless separate approval has been granted for a vehicle repair use.

R. OUTDOOR EATING AREAS.

Outdoor seating and/or service when associated with a restaurant shall be subject to the following requirements:

1. The site plan shall indicate the location and amount of proposed outdoor seating. Screening shall be required per Section 12.03 (Landscaping, Screening and Land Use Buffers) where seating is located in a required yard. The maximum allowable seating for an outdoor seating area shall be established as part of the Conditional Use Permit.

2. Parking shall be provided as required per Article 11 (Off-Street Parking and Loading Regulations).

3. The outdoor café shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.

4. Exterior lighting for the outdoor café shall not constitute a nuisance or hazard to adjoining lots and uses.

5. Broadcasting of music or any other amplified sound shall be prohibited.

6. Additional signs shall not be permitted beyond those allowed for the principal use.

7. Approval of the Washtenaw County Environmental Health Division shall be obtained as required.

S. OUTDOOR SALES OR DISPLAY AREAS.

Open air businesses and outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

1. The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved final site plan. No sales activity or display of merchandise shall be permitted in any road right-of-way or required yard setback.

2. Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive. No outdoor sales area shall be located within fifty (50) feet of any Rural Residential or Urban Residential Districts or RESIDENTIAL USES.

3. Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

4. Where the use abuts any Rural Residential or Urban Residential Districts, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday; and between 10:00 a.m. and 6:00 p.m. on Saturday and Sunday.

5. Exterior lighting shall conform to the standards of Section 12.04 (Exterior Lighting). Additional signs shall not be permitted beyond those permitted for the principal use.

6. The proposed activity shall be located and designed so as to ensure safe pedestrian access.

7. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard surfaced with concrete or bituminous material and shall be graded and drained so as to effectively dispose of or retain stormwater runoff.

8. Such sales or display area shall be screened from adjacent Rural, Rural Residential, and Urban Residential Districts in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers).

T. OUTDOOR PROMOTIONAL EVENTS

1. Days and hours. The event can only be carried on for a period not exceeding four consecutive days and only between the hours of 7:00 a.m. and 10:00 p.m.

2. Permits allowed in calendar year. In any calendar year, no more than five permits for such events may be approved for a particular business establishment.

3. Parking location. Parking for such activity shall be provided on same site.

4. Temporary structures. The total number, size, and location of tents or other temporary structures shall be subject to the review and approval of the Zoning Administrator based on factors, such as the size and overall layout of the site, the street frontage, and the design and occupancy of the building.

5. Total area. The total square footage dedicated to the outdoor promotional activity cannot exceed ten percent (10%) of the lot area.

6. Setbacks. Outdoor display and sale of merchandise is conducted at least 100 feet from any premises used or zoned for residential purposes.

7. Traffic control. The event does not occupy or utilize the street right-of-way nor block traffic movement on the street and allows pedestrians to utilize the sidewalks.

8. Sanitation facilities. Available sanitation facilities are adequate to meet the requirements of the expected attendance, and any temporary facilities are approved for use by the Washtenaw County Health Department.

9. Fire or other hazards. Equipment and products used in the event pose no unusual fire or other hazard.

10. Nuisance. The use of any sound system shall be controlled so as not to become a nuisance to adjacent properties.

11. Application rejections. The Zoning Administrator may reject such applications for cause, including, but not limited to, the advice of the Department of Public Safety, Fire Marshall, or the Township Engineer.

U. OUTDOOR STORAGE, GENERAL.

Outdoor storage of equipment, products, machinery, lumber, landscaping and building supplies, or similar Items shall be subject to the following:

1. Such storage shall be strictly and clearly incidental to the principal use, and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under the subsection.

2. The storage area shall not be located within the required yard setbacks.

a. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.

b. A landscape strip shall be provided along the road right-of-way, and the remaining required yard areas shall be landscaped and maintained in good condition.

3. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers).

4. Use standards. Any storage area shall comply with the minimum setback requirements for the district in which the facility is located. No storage shall be permitted in any required setback areas.

a. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent lots or rights-of-way.

b. Any outside storage area shall be paved or surfaced with a gravel or similar hard surface material and shall include an approved stormwater management system.

c. No materials shall be stored above the height of the required wall or fence.

d. Storage or disposal of used oil or other petrochemicals, junk vehicles, garbage, or similar materials to be dismantled or recycled shall be prohibited.

V. PRIVATE RECREATIONAL FACILITIES.

Private parks and recreational facilities including, but not limited to private parks, country clubs, golf courses, golf driving ranges, sportsman's clubs, and other privately-owned recreational facilities, shall be subject to the following:

1. General Requirements. The following general standards shall apply to all private recreational facilities:

a. Such uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.

b. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to

adjoining lots and uses. The hours of operation of any private recreational facilities shall be subject to Planning Commission approval.

c. Accessory food service operations and/or sales of recreation equipment shall be permitted, subject to the following:

(1) Such accessory uses shall be clearly incidental to and subordinate to the principal private recreational use(s).

(2) Such accessory uses shall be limited to hours of operation that coincide with those of the principal private recreational use(s).

d. Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Article 8 (Site Plan Review).

2. **Sportsman's Clubs and Ranges**. The following additional standards shall apply to all sportsman's clubs, shooting ranges, and similar uses, except private hunting activities:

a. Such facilities shall be located on a parcel of land not less than forty (40) acres in gross lot area.

b. Such facilities shall be secured by perimeter fencing with a minimum height of six (6) feet and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than one hundred (100) feet apart.

c. Design and operation of such facility shall be in accordance with applicable state and federal laws and regulations, and current National Rifle Association specifications and practices.

d. Indoor firearms ranges shall be insulated with sound dampening materials and shall be set back a minimum of five hundred (500) feet from all lot boundaries.

e. Outdoor firearms ranges shall be surrounded by berms or other suitable containment and noise dampening measures and set back a minimum of one thousand-five hundred (1,500) feet from all lot boundaries.

f. All facilities shall be designed to contain projectiles within the site, and to minimize noise impacts on surrounding properties and uses.

3. **Golf Courses and Driving Ranges.** The following requirements apply to all golf courses and driving ranges, in addition to the general standards above:

a. A maintenance plan shall be submitted with the application for site plan approval for a new or expanded golf course, which shall include the following minimum information:

b. The entity responsible for long-term maintenance of the facility, and methods and anticipated funding sources for such maintenance.

c. Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.

d. Structures associated with such uses shall be set back a minimum of one hundred (100) feet from lot boundaries that abut Rural Residential or Urban Residential Districts or existing Residential Uses.

e. The facility shall be designed and maintained to contain golf balls and other course activities within the site.

f. The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.

g. The site plan shall include illustration of expected ball trajectories and dispersion patterns along fairways and for driving ranges located within five hundred (500) feet of a building, parking lot, lot boundary or road right-of-way.

W. SELF-STORAGE WAREHOUSES.

The following regulations shall apply to self-storage facilities:

1. The minimum lot area for self storage facilities shall be two (2) acres, and the minimum lot width shall be two hundred (200) feet.

2. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.

3. A front yard setback of no less than fifty (50) feet shall be maintained as landscaped open space. Side yard setbacks shall be no less than twenty-five (25) feet and rear yard setbacks shall be no less than forty (40) feet.

4. The minimum distance between self-storage buildings shall be twenty-five (25) feet.

5. All areas intended for vehicular travel shall be paved with asphalt or concrete, as approved by the Planning Commission.

6. Exterior façade walls of all storage units shall be of decorative masonry construction or similar material approved by the Planning Commission.

7. Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment may be permitted as an accessory use, subject to the following:

    a. Such storage shall be incidental to the main use of enclosed storage.

    b. Outdoor storage of such vehicles and equipment shall be located to the rear of the lot and completely screened from road rights-of-way and abutting properties per Section 12.03 (Landscaping, Screening and Land Use Buffers).

    c. All such recreational vehicles and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.

8. Self-storage warehouses shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers).

9. A caretaker's residence may be provided within the principal building as an accessory dwelling in accordance with Section 7.03.C. (Accessory Dwelling).

X. SHOWROOM FOR DISPLAY OR SALE OF PRODUCTS.

Showrooms or sales and display areas for sales of products or services created by the principal business or operation shall be limited to a maximum of ten percent (10%) of the usable floor area occupied by the principal use.

Y. THERAPEUTIC MASSAGE.

All massage therapy clinics and massage therapists working in the Township shall be licensed where such licenses are available and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Township. All activities that meet the definition of a controlled use or sexually oriented business shall be prohibited.

Z. UTILITY TRANSMISSION AND DISTRIBUTION LINES.

Electricity transmission and distribution lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

1. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.

2. No personnel shall be quartered or employed on the premises.

3. Structures or buildings shall be located, designed, constructed, and landscaped in conformance to the character of the surrounding area and zoning district.

AA. WIRELESS COMMUNICATION FACILITIES.

1. The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:

   a. Permit the location of wireless communication facilities within given geographical areas of the Township, while protecting the safety and character of nearby residential areas and the Township as a whole;

   b. Require collocation of transmission and receiving apparatus and antennae on existing towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;

   c. Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;

   d. Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;

   e. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;

   f. Require wireless communication towers and antennae to be configured in a way that minimizes adverse visual impacts, through careful design, siting, landscape screening, and innovative camouflaging techniques;

   g. Establish consistent review procedures and information requirements for construction, alteration, and enlargement of wireless communication facilities; and

h. Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as amateur radio antennae, satellite dish antennae, and collocation of additional antennae on an existing, approved wireless communications tower.

2. Types of Review Required.

Wireless communications facilities shall be subject to review and approval in accordance with the following table:

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
NEW TOWERS AND ANTENNAE			
Construction of a new wireless communication tower or ground equipment enclosure area for a tower.	•		
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	•		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.		•	
COLLOCATION ON EXISTING TOWERS			
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater. **Also see Section 10.05 BB 3. d.**	•		

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.		•	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. **Also see Section 10.05 BB 3. d.**	•		
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.		•	
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater. **Also see Section 10.05 BB 3. d.**	•		
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.		•	
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		•	
Installation of new ground equipment within an approved ground equipment building or enclosure.		•	

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter one and one-half (1.5) meters or larger.		•	
Installation of a satellite dish antenna with a diameter less than one and one-half (1.5) meters.			•
AMATEUR RADIO ANTENNAE			
Installation of an amateur radio transmission and reception antenna or antenna structure.		•	
Installation of a citizen band radio base station antenna structure, contractor's business antenna structure, television reception antenna or wireless Internet antenna for personal use, or similar facility exceeding fourteen (14) feet in height.		•	
Installation of short-wave facilities, amateur radio reception-only antenna, television reception antenna or wireless Internet antenna for personal use, or similar facility up to a maximum height of fourteen (14) feet.			•
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			•
OTHER PROJECTS			
Repair or service of existing wireless communications facilities, provided that all work complies with applicable regulations and approved plans.			•

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			•

a. **Exempt facilities.** Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities exempt from review per Section 10.05.BB.2 (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

b. **Facilities subject to Zoning Inspector approval.** Facilities subject to certificate of zoning compliance approval shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and Section 3.02 (Certificates of Zoning Compliance).

3. Conditional Use Permit.

Wireless communications facilities subject to conditional use approval per Section 10.05.BB.2 (Type of Review Required) shall require review and approval of a Conditional Use Permit by the Planning Commission, subject to the standards of this Section and Article 9 (Conditional Uses).

a. **Limitation on review fees.** Per Section 3514 of the Michigan Zoning Enabling Act, fees required for a Conditional Use Permit application shall not exceed the Township's actual, reasonable costs to review and process the application or $1,000.00, whichever is less.

b. **14-day time limit to determine eligibility and completeness.** Per Section 3514 of the Michigan Zoning Enabling Act, the Clerk shall immediately transmit a copy of any application materials and plans filed in accordance with this Section for a Conditional Use Permit to the Township Planner to determine whether the application is administratively complete.

(1) The Township Planner shall transmit a written response to the Clerk and the applicant within fourteen (14) business days stating either

that the application is administratively complete or listing the specific information needed for a complete application.

(2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the fourteen (14) business day period.

c. **90-day time limit on Planning Commission action.** For any Conditional Use Permit application not subject to the additional requirements of Section 10.05 BB. 3.d (Special Provisions for Review of Certain Alterations and Collocations) below, the Planning Commission shall complete its review and take final action within ninety (90) calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this ninety (90) calendar day period.

d. **Special provisions for review of certain alterations and collocations.** Per Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to Conditional Use Permit approval and referencing this subsection shall be modified as follows:

(1) **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application within sixty (60) calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this time period.

(2) **Limitation on conditions of approval.** Planning Commission authority to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to:

(a) Verify compliance with the applicable requirements of this Ordinance; or

(b) Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.

e. **Modifications to an approved Conditional Use Permit.** The following changes to an existing wireless communication facility for which a valid Conditional Use Permit was previously approved shall be subject to review and approval as a modification to the approved Permit:

(1) Alteration or enlargement of an existing wireless communication tower; or

(2) Expansion of an approved ground equipment enclosure area.

f. **New Conditional Use Permit required.** All other wireless communication facilities subject to Conditional Use Permit approval shall require review and approval of a new Permit by the Planning Commission.

g. **Information required.** In addition to any information required by Article 9 (Conditional Uses), applicants for a Conditional Use Permit for a wireless communication facility shall submit the following information:

(1) **Site inventory.** Each applicant shall provide an inventory of the existing towers, antennae, or sites approved for towers or antennae that are either within Superior Charter Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, and the following:

(a) The separation distance between the proposed wireless communication facility and other structures shown on the site inventory. The applicant shall also identify the type of construction and owner(s)/operator(s) of existing towers, if known.

(b) A description of the feasible location(s) of future wireless communication facilities proposed or anticipated by the applicant within the Township, based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.

(c) The Growth Management Plan classification of the site and all properties within the on the site inventory area.

Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennae

within Superior Charter Township. The sharing of such information shall not constitute a representation or warrant by the Township that such sites are available or suitable.

h. **Site plan.** A preliminary and a final site plan shall be submitted that include the following minimum required information, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section:

(1) All applicable information required for preliminary and final site plan approval per Article 8 (Site Plan Review).

(2) The location, type and height of the proposed tower; on-site and abutting land uses and zoning, including across road rights-of-way; adjacent roadways and proposed means of access; on-site topography and parking; setbacks from property lines; and elevation drawings of the proposed tower and any other structures.

(3) A maintenance plan to ensure long term, continuous maintenance to a reasonably prudent standard, and any applicable maintenance agreement identifying who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.

(4) Legal description of the parent tract and leased parcel (if applicable).

(5) Setback distances between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(6) Fencing and screening details, proposed methods of camouflage where applicable, and details of any tower illumination.

(7) A landscape plan showing the specific sizes, species, amounts, and planting details for proposed landscape materials.

i. **Removal agreement.** The applicant shall submit a signed and notarized removal agreement for the future removal of the facility in accordance with Section 10.05.BB.10 (Cessation of Operation). The applicant shall submit an estimate for the cost of removal of the facility and restoration of the site, certified by a licensed professional engineer and verified by the Township Engineer.

j. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of the requested information, the Assessor shall provide notice to the Planning Commission that this condition has been satisfied.

k. **Franchise information.** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of such franchises shall be filed with the Township.

l. **Collocation information.** A notarized statement by the applicant indicating whether the proposed tower will accommodate collocation of additional antennae for future users.

m. **Additional required information.**

(1) Identification of the entities providing the backhaul network for the tower(s) described in the application and other sites owned or operated by the applicant in the Township.

(2) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.

(3) Technical analyses setting forth the minimum height necessary for reasonable communication by the applicant and evaluating alternative designs that may require fewer towers and/or lower tower heights.

(4) An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.

n. **Conditions of approval.** In granting a Conditional Use Permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines are necessary to minimize any

adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article 9 (Conditional Uses). The Planning Commission may also require that a performance guarantee be posted with the Township as a condition of Conditional Use Permit approval, subject to the following:

(1) The purpose of this guarantee is to ensure the facility's future removal and site restoration if the owner or operator fails to do so as required by Section 10.05.BB.10 (Cessation of Operation).

(2) (b)The security shall be in the form of: cash, surety bond, or letter of credit, together with a written and notarized agreement in the form approved by the Township providing for the future removal of the facility.

(3) The security shall be in an amount equal to the greater of $5,000 or the cost estimate for removal of the facility and restoration of the site, as certified by a licensed professional engineer and verified by the Township Engineer.

o. **Factors to consider in granting a Conditional Use Permit.** In addition to any standards for consideration of Conditional Use Permit applications contained in Article 9 (Conditional Uses), the Planning Commission shall consider the following factors in determining whether to issue a Conditional Use Permit. The Planning Commission may waive or reduce one (1) or more of these criteria upon determination that the purposes of this Section are better served thereby:

(1) Height of the proposed tower.

(2) Proximity of the tower to residential structures and residential district boundaries.

(3) Nature of uses on adjacent and nearby properties.

(4) Surrounding topography.

(5) Surrounding tree coverage and foliage.

(6) Design of the tower and ground equipment enclosure area, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

(7) Proposed ingress and egress.

(8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

p. **Availability of suitable existing towers, other structures, or alternative technology.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna(e). An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology.

The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna(e) may consist of any of the following:

(1) No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.

(2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

(4) The applicant's proposed antenna(e) would cause electromagnetic interference with antennae on existing towers or structures, or the antennae on existing towers or structures would cause interference with the applicant's proposed antenna(e).

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(7) The applicant demonstrates that an alternative technology that does not require the use of towers of structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

4. General Regulations. All wireless communication facilities shall be subject to the following regulations:

a. **Grounded.** Antennae and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.

b. **Wind load.** Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.

c. **State and federal regulations.** All wireless communication facilities shall meet or exceed applicable federal and state regulations and standards, subject to the following:

(1) If more restrictive federal or state regulations or standards are adopted in the future, then the facility owner or operator shall bring the facility into compliance with such revised standards and regulations within one hundred0eighty (180) calendar days of their effective date, unless a different compliance schedule is mandated by the controlling state or federal agency.

(2) If, upon inspection, the Township determines that a facility constitutes a danger to persons or property, then the facility owner or operator shall have thirty (30) calendar days from the date of receipt of such notice from the Township to remove the facility or bring it into compliance with applicable standards.

(3) Failure to take such action as required shall be considered a violation of this Ordinance and shall constitute grounds for the facility's removal at the owner's expense. The facility owner and

operator shall be responsible for all costs for testing and compliance verification.

d. **Franchises.** Owners or operators of wireless communication facilities shall certify that all franchises required by law for the construction or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with the Township.

e. **Engineering certification.** Any civil, mechanical or structural engineering information supplied by the applicant shall be certified by a licensed professional engineer.

f. **Not essential services.** Structures and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

g. **Signage.** The wireless communication facility shall not be used for advertising purposes and shall contain no signs except a permitted nameplate and as otherwise required by the Federal Aviation Administration (FAA).

h. **Climb prevention.** All wireless communication towers and antenna structures shall be protected by anti-climbing devices, such as security fences or anti-climbing devices. Anchor points for guy wires or anchoring points shall be enclosed by a fence or shall be located within the confines of a yard that is completely fenced.

5. **Standards for Wireless Communication Towers**. Wireless communication towers shall be subject to the following:

a. **Permitted zoning districts.** Wireless communications towers shall only be permitted on parcels in the A-1 (Agricultural), A-2 (Agricultural), R-1 (Single-Family Residential), R-2 (Single-Family Residential), PC (Planned Community), MS (Medical Services), PM (Planned Manufacturing), and PSP (Public/Semi-Public Services) Districts.

b. **Collocation.** The applicant shall submit evidence that there are no reasonable and suitable alternatives for location of equipment on an existing tower within the service area of the proposed tower.

c. **Location.** A tower shall have a minimum setback from all property boundaries equal to the height of the tower. Guys and accessory buildings shall satisfy minimum zoning district dimensional standards.

(1) No tower shall be located within two (2) miles of another commercial communication unless it can be demonstrated by

the applicant that there is a need for an additional wireless communication tower.

(a) The Planning Commission shall make the determination of necessity based on the technical requirements of the tower, the service needs of the Township residents, and other factors as may be appropriate on a case-by-case basis.

(b) The Planning Commission may employ specialized experts to review the data submitted by the applicant to support the location. The applicant shall incur all costs associated with such review.

(c) Under no circumstance shall a wireless communication tower be permitted to be located less than one (1) mile from another wireless communication tower.

(2) No tower shall be located closer than two hundred (200) feet from the boundary of any Rural, Rural Residential or Urban Residential Districts, including any Planned Community (PC) Special District incorporating residential uses.

(3) A tower shall be set back from all lot boundaries and road rights-of-way a minimum distance equal to the height of the tower. Guys and accessory buildings shall satisfy the minimum zoning district dimensional standards.

d. **Access.** Unobstructed access, constructed in accordance with all provisions of this Ordinance, shall be provided to the tower and ground equipment building and enclosure to ensure service by police, fire, and emergency vehicles.

e. **Structural design and installation.** The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All structures must meet all applicable standards of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).

(1) To ensure its structural integrity, the owner of a tower shall ensure that it is maintained in compliance with the State Construction Code, other applicable building, fire, and electrical codes, and applicable standards for structures as published by the Electronic Industries Association.

(2) All signal and remote-control conductors extending substantially horizontally above the ground between a tower or antennae and a structure, or between structures, shall be at least eight (8) feet above the ground at all points, unless buried underground.

(3) The base of the tower shall occupy no more than five hundred (500) square feet.

f. **Lighting.** Structures shall not be artificially illuminated, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The use of strobe lights on a tower shall be prohibited in the absence of a demonstrated need.

g. **Height.** Structures shall not exceed one hundred-eighty (180) feet in height, as measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antennae.

h. **Design.** The design of the tower, antennae, ground equipment building(s) and enclosure shall use, to the maximum extent possible, materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(1) The area of the proposed ground equipment enclosure shall be the minimum necessary to accommodate all proposed and planned future users of the facility.

(2) The antennae shall be painted to match the exterior treatment of the tower.

(3) The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the facility.

(4) Advertising, signs, and identification intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.

(5) Metal structures shall be constructed of or treated with corrosive-resistant material.

i. **Fencing and screening.** The tower and ground equipment enclosure shall be secured by fencing a minimum of six (6) feet in height. The ground equipment enclosure area and fencing shall be screened with

a dense evergreen screen per Section 12.03 (Landscaping, Screening and Land Use Buffers) along each side of such fencing and building.

(1) The screening shall be maintained in good condition at all times so as to continue its effectiveness.

(2) Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible.

(3) The Planning Commission may waive the screening requirements of this subsection where natural growth around the property perimeter may provide sufficient buffer, such as facilities sited on large, wooded lots.

j. **Employees.** No employees shall be located on the site on a permanent basis to service or maintain the tower or antennae. Occasional or temporary repair and service activities are excluded from this restriction.

6. Standards for Antennae Located on Principal Buildings and Accessory Structures.

Antennae shall be permitted on principal buildings or accessory structures in any zoning district, subject to approval per Section 10.05.BB.2 (Type of Review Required) and the following standards:

a. The antenna and support structure shall not extend into any required yard setback areas and shall not exceed the structure height by more than ten (10) feet.

b. The antennae, supporting structure, and electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the principal building or accessory structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

c. The antenna and support structure shall not be illuminated, unless required by the FAA or other agency with jurisdiction.

d. Such antenna shall be securely attached and anchored to the structure. Structural improvements needed to support the added weight of the antenna and support structure shall conform to State Construction Code standards.

e. All accessory ground equipment shall be located within the building or structure, except where otherwise permitted as part of a Conditional Use Permit approval.

7. Standards for Satellite Dish Antennae.

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section 10.05.BB.2 (Type of Review Required) and the following standards:

a. Such antennae shall be accessory to a principal building on the same lot and shall be located in the rear yard area.

b. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum setback requirements of this subsection.

c. One (1) satellite dish antenna shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where the antenna is located.

d. Construction and placement of satellite dish antennae shall meet manufacturers' specifications and shall conform to the State Construction Code and all applicable electrical and fire codes.

e. Satellite dish antennae with a diameter of one and one-half (1.5) meters or larger and located within one hundred (100) feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

8. Standards for Amateur Radio Antennae.

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section 10.05.BB.2 (Type of Review Required) and the following standards:

a. Such antennae shall be accessory to a principal building on the same lot and shall be located in the rear yard area.

b. Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum setback requirements of this subsection.

c. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a maximum height of sixty (60) feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.

d. For retractable, telescoping, or tilt-down antennae, the minimum required setback distance shall be equal to the height of the antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.

9. Existing Wireless Communications Facilities.

Wireless communications facilities existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval. Collocation of additional antennae on such existing towers shall be permitted in accordance with the requirements of this Section and Ordinance.

10. Rescinding Approval.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required performance guarantee or insurance certificates, provide information to the Township about the facility as required by this Section, or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

a. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section 3.11 (Public Hearing Procedures), at which time the owner or operator of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.

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

c. **Cessation of Operation.** The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than three hundred sixty-five (365) contiguous days, or that has been determined by the Township to be abandoned, subject to the following:

(1) Such facilities shall be removed within ninety (90) calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within ninety (90) calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.

(2) Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.

(3) Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures and appurtenances shall be removed to a depth of forty-eight (48) inches, and the land re-graded and restored to the original grade prior to the removal.

(4) The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.

(5) If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.

(6) Any wireless communication facility that is not operated for a continuous period of three hundred sixty-five (365) calendar days shall be deemed abandoned.

BB. AGRICULTURAL PROCESSING AND FOOD STORAGE.

1. Application of regulations:

   a. Administrative review.

      (1) Buildings and structures used, in whole or in part, for agricultural processing or food storage that meet the following area thresholds shall be reviewed administratively. The thresholds qualifying these uses for administrative review include:

         (a) Agricultural processing uses where the use occupies an area two thousand (2,000) square feet or less.

         (b) Agricultural food storage uses where the use occupies an area five thousand (5,000) square feet or less.

         (c) The building/structure area applies whether the subject building is existing, new, and/or an addition to an existing building.

      (2) **Administrative review process.** The administrative review process shall be conducted as follows:

         (a) A property survey, drawn to scale with dimensions, and showing property lines and all structures and other improvements shall be submitted to the Township with an application for zoning compliance.

         (b) The Zoning Administrator shall review the application and supporting materials, using the standards of this section and other applicable provisions of this chapter. The Zoning Administrator shall provide approval or denial within one hundred and thirty-five (135) days from the date the complete application is submitted. If the application is denied, the Zoning Administrator shall notify the applicant in writing of such action and reasons for such rejection.

b. **Site plan review.** Buildings and structures used, in whole or in part, for agricultural processing or food storage that exceed the area thresholds for administrative review shall be subject to the provisions of Article 8 (Site Plan Review) and reviewed by the Planning Commission.

d. Standards.

(1) **Locally/regionally grown materials**. Raw agricultural products processed and/or stored at such facility shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than 100 miles from the facility.

(2) **Setbacks**. Facilities used for agricultural processing and/or food storage shall be set back a minimum of 100 feet from any adjacent residential structure.

(3) **Parking.** Parking areas and surfaces shall be adequate to accommodate anticipated traffic and vehicles on-site. No parking or maneuvering lanes shall be permitted within any road right-of-way.

(4) **Hours of operation.** The facility shall not create a nuisance to nearby property owners, and shall operate any time between the hours of 7:00 a.m. and 7:00 p.m.

(5) **Other permits.** All other required permits shall be obtained.

CC. FIREARM RETAIL SALES.

1. **Purpose.** The purpose and intent of this section is to regulate firearm retail sales, to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of firearm retail sales within the Township because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential zones.

a. **Application of regulations.** It shall be unlawful to operate or cause to be operated a firearm retail sales establishment or firearm retail sales

as an accessory use operation in any location in the Township, except as provided for in this section.

2. **Conditions of approval.** The Planning Commission may recommend that the Township Board impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of firearm retail sales, as shall, in its judgment, considering the standards set forth in Article 9 of this chapter, be necessary for the protection of the public health, safety, welfare, and interest, except that any conditions imposed on any firearm retail sales as defined in this section shall be limited to those conditions necessary to assure compliance with the standards and requirements of Firearm Standards. Any evidence and guarantee may be required as proof that the conditions stipulated in connection with the establishment, maintenance and operation of a firearm retail sales business shall be fulfilled.

3. Standards.

   a. It shall be unlawful to operate or cause to be operated a firearm retail sales establishment within 500 feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) of any of the following:

      (1) A place of worship.

      (2) A school or child-care facility.

      (3) A public park (not including public trails).

      (4) Any residential zoning district or any parcel used for residential purposes.

   b. It shall be unlawful to cause or permit the operation of a firearm retail sales establishment within 1,000 feet of another firearm retail sales establishment. The distance between any such businesses shall be measured from the nearest lot line to the nearest lot line on a straight-line basis.

   c. It shall be unlawful to cause or permit the operation or maintenance of more than one firearm retail sales establishment in the same building, structure, or portion thereof.

d. All off-street parking areas and entry door areas of firearm retail sales establishments shall be illuminated from dusk until the closing time of the business with a lighting system that provides an average maintained horizontal illumination of one footcandle of light on all parking surfaces and/or walkways. This requirement level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.

e. Any firearm retail sales establishment shall be subject to all the applicable requirements of this chapter.

f. A firearm retail sales establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, child-care facility, public park, residential district, or a residential lot within 500 feet of the firearm retail sales establishment. However, if the firearm retail sales establishment ceases operation for a period of 180 days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with the Superior Charter Township Ordinances.

g. No firearms or ammunition shall be displayed in window areas visible from a street or sidewalk.

h. A firearm retail sales establishment shall have appropriate measures to ensure the business can be secured at all times.

DD. OPEN AIR BUSINESS.

1. Open air businesses are subject to the following standards and conditions:

    a. An open air business that is the principal use of the property is permitted as a conditional use as indicated in Table 4.11 subject to the approval of the Planning Commission in accordance with Article 9.

    b. An open air business that is an accessory use to the principal use conducted on the premises is permitted as noted in Table 4.11 and requires a zoning compliance permit from the Zoning Administrator. In the administration of these provisions, the Zoning Administrator may refer a request to the

Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.

(1) Only those products that are sold or are similar to the products sold or produced by the principal use may be permitted to be sold or displayed outdoors.

c. The exterior of the premises shall be kept clean, orderly, and maintained.

d. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury that may occur as a result of an outdoor display.

e. The location of the outdoor display shall meet all required setbacks, and shall be approved by the Zoning Administrator.

f. An outdoor display shall not occupy or obstruct the use of any fire lane, roadway, drive aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this chapter.

g. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Article 12.

2. **Seasonal sales.** The outside sale of seasonal items, such as Christmas trees, flowers and plants, pumpkins, and other such seasonal items that are grown shall require a permit from the Zoning Administrator subject to the following standards and conditions:

a. Seasonal sales may be located within any required side or rear yard and shall be no closer to a public road right-of-way than the required front yard setback or existing building, whichever is less. Where outdoor displays abut residentially zoned property, landscape screening in accordance with Article 12 shall also be provided.

b. Seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this chapter.

c. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance.

d. Such sales shall be permitted for a period not to exceed 90 days.

e. Upon discontinuance of the seasonal use, any temporary structure shall be removed.

EE. ARTISAN FOOD AND BEVERAGE PRODUCTION.

1. **Retail sales.** Retail sales of the product produced on-site are allowed. If to be consumed off-site, the product must be in the original packaging. The product may also be sold and served on-site, and accessory retail sales of related items are permitted.

2. **Wholesale.** No more than 50% of the product may be produced for sale to a wholesaler and at least 50% of the product must be sold for retail use, to be consumed either on- or off-site.

3. **Enclosed buildings.** All equipment used in the production and all products produced must be located within the principal building.

4. **Nuisance.** The production process shall not produce odors, dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property.

FF. PRIVATE EVENT VENUES.

1. Private Event Venues shall be subject to the following limitations:

   a. The site shall be a minimum of fifteen (15) acres.

   b. The site shall have at least one (1) property line abutting a public right-of-way.

   c. The site shall provide all public access directly to a public road right-of-way.

   d. Minimum front, side, and rear setbacks shall be one hundred (100) feet wide and shall be landscaped with trees, shrubs, and grass in accordance with Section 12.03. Landscape screening is required where adjacent to any residentially zoned or used property. All landscaping shall be maintained in a healthy condition.

   e. Parking must be sufficient to handle the number of attendees plus staff in accordance with Article 11. All parking must be on the subject

property. No parking or structures shall be permitted within the setback areas, except required entrance drives and any decorative screening walls as may be used to obscure the use from abutting residential districts.

2. All private event venues shall have sanitary facilities as approved by the Washtenaw County Health Department if not on public sewer and water.

3. Portable toilets are permitted with the following limitations:

   a. Must be serviced within twenty-four (24) hours of the completion of the event for which the toilets were used.

   b. Must be located at least one hundred (100) feet from any adjacent residentially zoned or used property.

   c. Must be located at least fifty (50) feet from the ordinary high-water elevation of any lake or stream.

   d. Must be oriented in such a way that the opening or door faces away from any adjacent residentially zoned or used property.

   e. Must include internal hand washing facilities with soap and running water.

4. All lighting must comply with the requirements set forth in Section 12.04, Exterior Lighting.

5. All serving of alcohol shall have proper licensing per the Michigan Liquor Control Commission.

6. All serving of food shall have all permits as required by the Washtenaw County Health Department.

7. Hours of operation are limited as follows:

   a. Outdoor events: 10 a.m. to 10 p.m. Monday through Thursday. 10 a.m. to 12:00 a.m. Friday through Sunday. All amplified music must end by 11 p.m.

b. Indoor events: 7 a.m. to 10 p.m. Monday through Thursday. 7 a.m. to 12:00 a.m. Friday through Sunday.

8. Noise. Noise generated by events, including amplified music, shall not exceed 65 dBA as measured at the property line, consistent with Section 13.02.B (Noise Regulations).

9. All amplified music shall occur within enclosed buildings or under tents oriented away from residential properties. Events to be allowed include weddings, birthdays, anniversaries, family reunions, graduation events, non-profit or fundraising events, holiday celebrations, or similar. No regularly recurring events are permitted.

10. Maximum number of guests permitted shall not exceed the maximum occupancy of the building.

11. Trash generated on site must be removed within twenty-four (24) hours of the event's completion.

12. A representative of the owner must be available and onsite for contact during any event. Said person is responsible for ensuring compliance with all applicable Township ordinances and permits. The owner must maintain current contact information for the onsite responsible person on file with the Township. The owner shall make every effort to encourage patrons to drive slowly and respectfully on their way to and from the facility.

13. Traffic Management. The applicant shall provide a traffic management plan, subject to review and approval by the Township, demonstrating safe ingress and egress, adequate on-site circulation, and sufficient sight distance at driveway approaches. The plan shall identify measures to mitigate traffic impacts on surrounding roads, including but not limited to use of signage, event scheduling, on-site attendants, and coordination with the Washtenaw County Road Commission when necessary. Traffic shall not be permitted to queue within any public right-of-way.

14. Noise/Lighting/Screening Compliance Plan. A site plan shall include details of outdoor lighting, sound projection, screening, and parking layout. The Planning Commission may impose additional conditions to ensure compatibility with adjacent uses.

15. Emergency Access / Fire Safety. All private event venues shall comply with applicable fire and building codes, including emergency access drives, sprinklers, and occupancy ratings as required by the Fire Marshal and Building Official.

GG. SHORT-TERM RENTALS

1. **Purpose and Intent.** The Township has determined that regulation of short-term rentals is necessary to establish a community standard for the integration of short-term rental units in the Township to ensure health, safety, and welfare of visitors and residents by re-affirming police, fire, and building safety guidelines. The Township's location and amenities make it an appealing community for rental properties and Superior Township seeks to regulate the use of dwellings as short-term rentals. The intent of this regulation is to permit short-term rentals while maintaining the health, safety, and welfare of the general community and the residents of surrounding properties. This Ordinance seeks to ensure that all short-term rentals are registered with and permitted by the Township, that short-term rentals do not come to dominate any neighborhood or area, and that short-term rentals are maintained and managed in a manner that is not detrimental to nearby property owners.

2. Definitions

   a. Guest means persons renting lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.

   b. Host means a person engaged in providing a short-term rental unit.

   c. Hosting platform means a marketplace in any form or format which facilitates short-term rental units, through advertising, matchmaking or any other means.

   d. Permanent resident means the person(s) occupying a property as their principal residence.

   e. Principal residence means the one place where an owner of the property has his or her true, fixed, and permanent home to which, whenever absent, he or she intends to return and that shall continue as a principal residence until another principal residence is established.

f. Short-term rental unit means any dwelling unit that is rented wholly or partly for compensation, for periods of thirty (30) consecutive days or less, by persons other than the permanent resident or owner.

g. Non-principal residence short-term rental (or commercial rental) means an activity where the owner of a non-principal residence hosts visitors, for compensation, for periods of 30 consecutive days or less.

h. Principal residence homestay means an activity whereby the permanent resident(s) host visitors in their homes, for compensation, for periods of thirty (30) consecutive days or less, while at least one of the permanent residents lives on-site in the dwelling unit, throughout the visitors' stay.

i. Principal residence whole house means an activity whereby the permanent resident(s) host visitors in their homes, for compensation, for periods of thirty (30) consecutive days or less, while a residential dwelling unit is not occupied by the owner of record while the guest is present.

3. Short-term rental unit requirements.

a. Principal residence homestay and principal residence whole house short-term rental units are a Conditional Use in the Rural, Rural Residential, and Urban Residential Zoning Districts.

b. Registration and license. Registration and license shall be required through the Township Building Department.

c. Inspection. Principal residence homestay or principal residence whole house short-term rental units shall require an inspection as set forth in the Township's Adopted Rental Housing Inspection Ordinance.

d. Non-principal residence short-term rental (or commercial rental) is prohibited.

e. Short-term rental units are prohibited unless the Township has issued a short-term conditional use permit and rental license for the unit.

f. The maximum occupancy of a dwelling unit rented as a short-term rental shall not exceed two (2) times the number of bedrooms intended to be rented. For example, a three-bedroom home shall not exceed six (6) total occupants.

g. No host shall rent a short-term rental unit in a manner that requires a person to sleep in an area that is not habitable as set forth in Township's Property Maintenance Code.

h. The short-term rental unit host shall be responsible for all nuisance and enforcement complaints on their premises.

i. A permanent resident may not rent their property as a short term for more than a total of sixty (60) days per calendar year.

j. Each short-term rental shall post, in a clearly visible location inside the premise the following notice and copies or summaries of all local ordinances referenced within:

k. All renters of short-term rental units in Superior Township are advised of the following:

   a. This unit is subject to the Superior Township Short-term Rental Ordinance.

   b. Name and contact information of local agent.

   c. This unit is in a residential neighborhood.

HH. TRADES CONTRACTOR OFFICE OR YARD.

1. No services may be performed on site except within a completely enclosed structure.

2. Repair or heavy mechanized work on vehicles, other than minor service, shall occur inside a completely enclosed building.

3. Any materials, vehicles, equipment, or supplies stored on site shall not be visible from any residential used or zoned properties and shall be screened in accordance with Sec. 12.03 (Landscaping, Screening, and Land Use Buffers).

4. Hours of operation shall be restricted to 7 a.m. to 8 p.m.

5. Outdoor storage shall be limited to materials, supplies, and vehicles used in the contractor's operations.

II. HIGH RESOURCE DEMAND FACILITIES

1. Purpose and Intent

1. The purpose of this ordinance is to establish a regulatory framework for siting, design, operation, and decommissioning of High Resource Demand Facilities, which include Data Centers and Data Processing Centers, in order to balance local economic benefits with protection of public health, safety, welfare, public infrastructure capacity, and neighborhood character, minimize flood risk, as well as protection of local biodiversity, soil, water quality, and air quality. Standards are intended to: Direct High Resource Demand Facilities to locations with existing and adequate infrastructure, redevelopment and infill of existing sites, and minimal land use- conflicts;

2. Avoid and mitigate nuisance impacts (noise, vibration, light/glare, air emissions);

3. Ensure efficient use of electricity and water, prioritizing renewable energy and conservation;

4. Promote context-appropriate- architecture and robust screening;
5. Ensure compatibility with adjacent land uses and the Township's Master Plan; and

6. Ensure responsible decommissioning and site restoration.

7. Ensure High Resource Demand Facilities are developed in a manner that provides environmental benefits by protecting local ecology and minimizing greenhouse gas and carbon emissions to the greatest extent practicable.

8.

2. Applicability

1. This section applies to High Resource Demand Facilities, Data Center and Data Processing Center uses, including Large-Scale, Small-Scale, and Accessory as defined herein

2. A complete Conditional Land Use and Site Plan application is required per Articles 9 and 8.

3. Approval is contingent upon the applicant demonstrating conformance to the requirements of this ordinance and other standards of the Zoning Ordinance.

4. Where conflicts exist between this section and other provisions, this section governs. Where silent, other applicable provisions apply (e.g., lighting, landscaping, stormwater, and performance standards).
5. A facility shall not avoid applicability by dividing operations among multiple buildings, modules, tenants, parcels, or phases under common ownership or control.

3. Definitions

1. High Resource Demand Facility (HRDF): A principal nonresidential facility, campus, or group of buildings under common ownership or control that is characterized by (i) continuous or near-continuous operation, and (ii) significant mechanical, electrical, or cooling infrastructure, and that meets the applicability criteria in subsections (A) and (B) below.

A. A facility shall be considered an HRDF only when the criteria of both A *and* B below are met:

    1. Operational Characteristics. The facility includes one or more of the following operational characteristics that are integral to the primary use:
        1. Central plant or large-scale mechanical cooling and/or ventilation systems serving process loads or IT/electronic equipment;
        2. On-site emergency generation with an aggregate nameplate capacity exceeding 2,000 kW or 2 MW, and/or on-site fuel storage exceeding 10,000 gallons;
        3. Dedicated electrical transformation/switchgear yard, substation, or similarly intensive electrical infrastructure primarily serving the facility;
        4. 24-hour operations and/or operational necessity requiring uninterrupted environmental control (temperature/humidity) or high-reliability power systems.
    2. Resource/Infrastructure Thresholds. The facility exceeds one or more of the following thresholds, as demonstrated by applicant-prepared estimates and utility/service provider documentation, including any phased expansion approved or constructed within five (5) years:
        1. Water demand: average daily water demand > 100 gpm;
        2. Sanitary sewer: average daily sanitary discharge > 50,000 gallons/day;
        3. Electric demand: maximum contracted demand or designed peak demand > 10 MW (or equivalent documented kW);
        4. Hazardous materials / regulated wastes: storage, use, or generation requiring reporting under [EPCRA Tier II and/or applicable state hazardous materials reporting] and/or generation of hazardous

waste at a level regulated under [state/federal hazardous waste generator requirements], as documented on a materials inventory submitted with the application.

B. Exclusions. HRDF does not include general warehousing/distribution, general manufacturing, or office uses unless the Zoning Administrator determines, based on operational characteristics and supporting documentation, that the facility is substantially similar in operational profile to HRDF-type facilities (e.g., high-reliability power demand and continuous environmental control serving electronic/process loads) and meets subsections (A) and (B).

C. Aggregation. Multiple buildings, modules, or phases located on the same site or on contiguous parcels under common ownership or control shall be aggregated for purposes of determining HRDF status and whether thresholds are exceeded.

D. Relationship to Data Centers. A Data Center or Data Processing Center that meets the HRDF definition shall be considered an HRDF and shall comply with all applicable HRDF supplemental standards.

2. Data Center: A facility used for the centralized storage, management, processing, and transmission of digital information, typically containing computer servers, data storage systems, telecommunications equipment, power distribution systems, cooling and ventilation systems, uninterruptible power supplies, backup generators, and associated support infrastructure. The term includes colocation centers, cloud-computing facilities, hyperscale computing facilities, and similar high-intensity information technology operations. The term does not include small server rooms, IT closets, or similar equipment rooms that are clearly accessory and subordinate to another lawful principal use.

3. Data Processing Center: A building or portion of a building used primarily for the manipulation, analysis, computation, or transformation of digital information through computer hardware or specialized equipment. A Data Processing Center may include servers or digital processing equipment, but is typically of smaller scale or lower intensity than a Data Center and may involve office or administrative functions associated with data manipulation. The term does not include general business offices or accessory server rooms subordinate to a principal use.

4. Large-Scale- Data Center and Data Processing Center: A center equal to or greater than 25,000 sq ft gross floor area or located on a site greater than 10 acres.

5. Small-Scale- Data Center and Data Processing Center: A center less than 25,000 sq ft, often serving local or regional networks.

6. Accessory Data Center and Data Processing Center: A center that is clearly incidental and subordinate to a principal use (e.g., hospital, university, large employer) and less than 10,000 sq ft.

7. Battery Energy Storage System (BESS). One or more electrochemical energy storage containers, inverters, switchgear, and associated equipment, which may be co-located with a data center to provide resiliency or load management.

8. On-site- Substation/Switchyard. Electric utility facilities (e.g., transformers, breakers) necessary to serve a data center.

4. Districts Permitted

a. Large-Scale- Data Centers and Data Processing Centers: Conditional Land Use in PM – Planned Manufacturing only. Prohibited elsewhere.

b. Small-Scale- Data Centers and Data Processing Centers: Conditional Land Use in PM – Planned Manufacturing. Prohibited elsewhere.

c. Accessory Data Centers and Data Processing Centers: Conditional Land Use accessory to an approved principal use in the PM – Planned Manufacturing, PSP – Public/ Semi Public Services, MS – Medical Services, NC – Neighborhood Commercial, and VC – Village Commercial districts only. Prohibited elsewhere.

d. Process

1. The Planning Commission shall hold a public hearing and make a recommendation to the Township Board.

2. The Township Board, upon a recommendation from the Planning Commission, shall consider approval or denial of the conditional use.

5. Required Engagement Steps (minimum standards)

1. Pre-application conference (mandatory)
a) Applicants shall meet with planning staff prior to submitting an application.
b) Staff shall identify expected engagement topics, impacted stakeholders, and the required contents of the Community Engagement Plan.

2. Community Engagement Plan (CEP) (required with application)

a) A CEP shall be submitted as part of the application package and must include:
    - Project overview (site, size, phasing, anticipated construction timeline);
    - Draft public information materials (fact sheet, FAQs);
    - Engagement schedule and methods;
    - Proposed meeting formats and locations (including virtual option);
    - List/map of stakeholders and the Engagement Area;
    - Languages and accessibility accommodations;
    - Communication channels (project website, email list, hotline);
    - Process for documenting comments and responses; and
    - Proposed Risk Mitigation

b) The Zoning Administrator shall determine whether the CEP is complete prior to scheduling public hearings.

3. Neighborhood meeting(s) (mandatory, prior to first public hearing)

a) The applicant shall hold at least one neighborhood meeting no fewer than 21 days and no more than 60 days prior to the first public hearing.
b) Notice shall be given to all property owners and addresses (if different) within 1,500 feet of the proposed project site. If a property is within 1,500 feet and is part of a subdivision, homeowners, or business owners association, all members of the association shall be notified.
c) Notice shall be given to all locally impacted utility providers.
d) Additional neighborhood meetings may be required if:
    - There are significant amendments, based upon determination of the Zoning Administrator, to the plan between Planning Commission or Township Board reviews; or
    - The Planning Commission or Township Board directs additional engagement due to public interest.
e) Meeting requirements:
    - Held at a location within Superior Township that is ADA-accessible, and available after 5:00 p.m. on a weekday or on a weekend;
    - Virtual participation option must be provided;
    - Applicant must provide interpreters upon request with at least 7 days notice; and
    - Meeting must include a Q&A segment and accept written comments.

4. Report

a) After each neighborhood meeting, the applicant shall submit a report to the Township providing at a minimum, the following meeting details:
    1. Meeting details (location, time, etc)

2. Meeting sign in sheet
3. Meeting minutes

6. Dimensional Standards

a. Minimum Lot Area:

1. Large-Scale-: ten (10) acres

2. Small-Scale- and Accessory: two (2) acres

b. Maximum Building Height, including all mechanical equipment and heating and cooling towers: forty-five (45) feet

c. Maximum Lot Coverage: sixty (60%) percent

d. Minimum Setbacks:
1. High Resource Demand Facility: 500 feet from any residentially used or zoned property, primary/secondary school, medical clinic, park, day-care center and preschool, hospital or medical center. 200 feet from all other property lines.
2. Large-Scale: 500 feet from any residentially used or zoned property, primary/secondary school, medical clinic, park, day-care center and preschool, hospital or medical center. 200 feet from all property lines.
3. Small-Scale- and Accessory: 100 feet from any residentially used or zoned property, primary/secondary school, medical clinic, park, day-care center and preschool, hospital or medical center. 75 feet from all property lines.

e. Greenbelt: A minimum 50-foot landscaped greenbelt shall be provided along all property lines.

7. Site and Design Standards

a. Architecture & Façade Articulation

(1) Massing and Scale

(a) Building massing, height, bulk, scale, and proportion shall maintain consistency with the existing character of the adjacent buildings.

(b) Building design should employ coordinated massing to produce overall unity, scale, and interest.

(c) Rooflines and pitches shall be proportionate to nearby structures so as to provide transition or mitigation of significant changes to scale.

(2) Architectural design and building materials.

(a) Facade variation. Wall designs must provide a minimum of three of the following elements, in addition to transparency requirements, occurring at intervals no greater than twenty-five (25) feet horizontally and ten (10) feet vertically:

i. Expression of structural system and infill panels through change in plane not less than three inches.

ii. System of horizontal and vertical scaling elements, such as: belt course, string courses, cornice, pilasters.

iii. System of horizontal and vertical reveals not less than one inch in width/depth.

iv. Variations in material module, pattern, and/or color.

v. System of integrated architectural ornamentation.

vi. Green screen or planter walls.

vii. Translucent, fritted, patterned, or colored glazing.

(b) Architectural style shall not be restricted. Rather, evaluation of the appearance of a project shall be based upon compatibility and the quality of its design and relationship to surroundings.

(c) Buildings within the same development should be designed to provide a unified and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, and colors.

(d) Minimize monotony of expansive exterior walls by incorporating the following elements: staggering of vertical walls; recessing openings; providing upper-level roof overhangs; using deep score lines at construction joints; contrasting compatible building materials; use of variety and rhythm of window and door openings; use of horizontal

and vertical architectural elements, use of horizontal bands of compatible colors; and providing changes in roof shape or roofline.

(e) Facades shall provide visual interest from both vehicular and pedestrian viewpoints.

(f) Entrances to individual buildings shall be readily identifiable to visitors through the use of recesses or pop-outs, roof elements, columns, or other architectural elements.

(3) Material standards.

(a) Durable building materials, simple configurations, and solid craftsmanship are required. At least seventy-five (75%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Vinyl or aluminum siding shall only be used for accents. Exterior Insulation Finishing Systems (E.I.F.S.) or similar material is not permitted as a primary building material.

(b) Materials shall be selected for suitability to the type of buildings and the architectural design in which they are used.

(c) Material selection shall be consistent with architectural style in terms of color, shades, and texture; however, monotony shall be avoided.

(d) Materials shall be consistent with adjoining buildings.

(e) Buildings shall have the same materials, or those that are architecturally compatible, for construction of all building walls and other exterior building components wholly or partly visible from public ways and public parking lots.

(f) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

(g) Transitional features.

i. Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher-intensity uses and low- or moderate-density residential areas. These features assist in mitigating potential conflicts between those uses. Transitional features are intended to be used in combination with landscape buffers or large setbacks.

ii. Intensity. A continuum of use intensity, where moderate-intensity uses are sited between high-intensity uses and low-intensity uses, shall be developed for multibuilding developments. An example would be an office use between commercial and residential uses.

iii. Height and mass. Building height and mass in the form of building step-backs, recess lines or other techniques shall be graduated so that structures with higher-intensity uses are comparable in scale with adjacent structures of lower-intensity uses.

iv. Architectural features. Similarly sized and patterned architectural features, such as windows, doors, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower-intensity use shall be incorporated in the transitional features.

b. Mechanical, Loading, and Rooftop Equipment

(1) Mechanical equipment shall be fully enclosed unless where mechanically unfeasible based on manufacturers' specifications.

(2) If located outside of a building, all mechanical equipment (HVAC, generators, cooling towers, transformers) shall be fully screened by architecturally compatible walls/panels.

(3) Rooftop equipment must be screened to full height from public viewpoints.

(4) Service/loading areas shall be oriented away from residential districts where feasible and screened per Section 12.03 (Landscaping, Screening, and Land Use Buffers).

c. Lighting

(1) Security and area lighting shall comply with the Lighting Ordinance: full cut-off fixtures, downward-directed-, and shielded to prevent glare and light trespass beyond property lines.

(2) Maximum maintained illuminance at the property line shall not exceed 0.5 foot-candles adjacent to residential and 1.0 foot-candle elsewhere

(3) Warm-colored LED bulbs must be used to approximate a natural light source: color temperature less than or equal to 3000 Kelvin and Color Rendering Index greater than or equal to 80.

d. Landscaping & Buffers

(1) Provide required greenbelts and landscape screening per Section 12.03. Where abutting residential, require an opaque buffer (e.g., berm/wall plus evergreens) within the setback.

(2) Parking lots shall meet interior landscaping ratios; heat island- mitigation via shade trees is required

e. Stormwater Wastewater, and Ground Water

(1) Stormwater.

(a) On-site- detention and water quality- treatment are required per the Washtenaw County Water Resources Commissioner (WCWRC). Designs shall address potential thermal impacts from large roof/pavement areas and condenser discharge.

(b) Structural green infrastructure shall be used to meet WCWRC requirements to the greatest extent practicable. Structural green infrastructure includes, but is not limited to, pervious durable surfaces, rain gardens, vegetated swales/bioswales, and vegetated green roofs.

(c) Applicant must design such that pollutant load of runoff from impervious surfaces is managed on site to the greatest extent practicable.

(2) Withdrawals/Discharge.

(a) Any large quantity- water withdrawal or discharge shall comply with applicable state and county permits. Approval by the Township shall be contingent upon written confirmation from the applicable utility and regulatory agencies that the proposed withdrawal or discharge will not adversely impact existing users, system capacity, groundwater resources, or downstream infrastructure for the duration of the facility's lifespan.

(b) No High Resource Demand Facility shall install, construct, operate, maintain, expand, or use a Water Reinjection System. This prohibition applies to the reinjection, infiltration, recharge, subsurface disposal, or return of any of the following when associated with a High Resource Demand Facility :

i. Groundwater withdrawn on-site or off-site;

ii. Municipal water or other potable water;

iii. Cooling water;

iv. Cooling tower blowdown;

v. Process water;

vi. Treated or untreated wastewater;

vii. Reject water, concentrate, or discharge from filtration, treatment, softening, reverse osmosis, or similar systems;

viii. Water proposed to offset, mitigate, or compensate for groundwater withdrawals; and

ix. Any other fluid associated with the operation, cooling, or maintenance of a data center.

(c) Proposed withdrawal and discharge calculation requirements:

i. The Site shall provide water withdrawal and wastewater discharge rates that include both the average daily flow and the peak day demand. Such flow data shall be calculated in a manner sufficient to determine the Site's total water demand and wastewater generation capacity at full build out. All reported values shall be based on verifiable measurements or approved engineering estimates and shall comply with all applicable federal, state, and local regulatory requirements.

(d) Township approval shall be conditioned upon a finding that the proposed withdrawal or discharge:

i. will not exceed available system or aquifer capacity at full build-out;

ii. will not displace or impair existing or reasonably foreseeable users;

iii. will not require public investment or system expansion to serve the facility; and

iv. will not result in stranded or oversized infrastructure in the event of facility closure or decommissioning.

v.

(3) Ground water testing.

(a) The Township may retain qualified independent professionals to review groundwater studies, monitoring data, and compliance reports. The applicant shall reimburse the Township for all reasonable costs associated with such review and testing.

(b) The applicant shall install, maintain, and operate a groundwater monitoring well network approved by the reviewing body. The monitoring well network shall include, at a minimum:

i. At least one upgradient or background monitoring well;

ii. At least two downgradient monitoring wells;

iii. Additional monitoring wells as necessary to evaluate groundwater flow direction, groundwater quality, aquifer drawdown, and potential impacts to neighboring properties;

iv. Monitoring wells located between the data center and nearby private wells, public wells, wetlands, streams, lakes, drains, springs, or other sensitive water resources, where determined necessary by the reviewing body;

v. Monitoring wells screened at depths sufficient to evaluate each aquifer or water-bearing zone that may be affected by the data center; and

vi. Monitoring wells designed, constructed, developed, surveyed, sampled, maintained, and, if necessary, abandoned in accordance with applicable state and county requirements and accepted professional standards.

(c) Groundwater monitoring shall be conducted according to the following minimum schedule:

i. Baseline period: Monthly groundwater elevation measurements and quarterly groundwater quality sampling for at least twelve (12) months before construction or operation.

ii. Construction period: Monthly groundwater elevation measurements and quarterly groundwater quality sampling during construction.

iii. First three years of operation: Monthly groundwater elevation measurements and quarterly groundwater quality sampling.

iv. After three years of operation: Quarterly groundwater elevation measurements and semiannual groundwater quality sampling, unless a more frequent schedule is required by the reviewing body.

v. High-use periods: Additional testing during periods of peak water demand, drought, unusual heat, equipment failure,

major expansion, or other conditions that may increase water use or groundwater impact.

vi. Incident-based testing: Immediate testing following any spill, leak, unauthorized discharge, unexplained water quality change, significant drop in groundwater elevation, nearby well complaint, or other event that may affect groundwater.

f. Traffic and Construction Management

(1) A Construction Logistics and Traffic Management Plan is required identifying haul routes, delivery windows, worker parking, and dust/mud control.

(2) Construction hours shall be limited to 7:00 a.m.–7:00 p.m. Monday–Saturday unless otherwise approved.

7. Performance Standards

a. Noise and Vibration

(1) Noise Limit for high frequency (>125 Hz) sound. Routine operations (including cooling equipment) shall not exceed 50 dBA Leq at the property line. Nighttime (10 p.m.–7 a.m.) limits adjacent to residential shall be no greater than 40 dBA Leq. In addition, the development shall comply with all requirements of Section 13.02.B (Noise).

(2) Noise Limit for low frequency (≤125 Hz) sound. Routine operations (including cooling equipment) shall not exceed 45 dBC Leq at the property line. Nighttime (10 p.m.–7 a.m.) limits adjacent to residential shall be no greater than 35 dBC Leq. In addition, the development shall comply with all requirements of Section 13.02.B (Noise). Octave-Band Analysis. The applicant shall provide octave-band analysis to measure low-frequency sound in any octave band. This analysis must include sound pressure level measurements or modeling for, at a minimum, the 16Hz, 31.5 Hz, 63 Hz, and 125 Hz frequency bands. The analysis shall identify all significant stationary noise sources, including but not limited to cooling towers, chillers, condensers, transformers, pumps, air handling equipment, and emergency generators. The octave-band analysis shall evaluate low-frequency sound impacts at all property lines and at the nearest residentially used or zoned properties. Analysis shall evaluate those conditions reasonably expected to produce the highest levels of low-frequency sound at the property boundary and at the nearest affected receptor.

9.

(3) Vibration. Operations shall not cause ground-borne or perceptible vibration exceeding 0.10 mm/sec RMS particle velocity measured at the property line per ANSI S2.71/ISO 2631 criteria, or successor nationally recognized standards for continuous human exposure to vibration. Operations shall not generate any perceptible vibration capable of causing harm, discomfort, annoyance, or structural impacts to adjacent properties. Compliance shall be demonstrated through pre-occupancy and post-occupancy vibration testing by a qualified independent acoustical or vibration engineer. Tonal and Impulsive Noise. Noise containing a clearly audible tonal component such humming, whining, or other discrete frequency including impulsive or intermittent noise shall also be evaluated in accordance with applicable ANSI/ASA S12.9 standards.

(4) Generator Testing. Routine testing shall only occur between 8:00 a.m.–6:00 p.m. weekdays. Testing shall not exceed 100 total hours annually. Testing shall comply with the noise limits as set forth in Section 13.02.B and 10.05.JJ.

(a) Generator testing shall require 2-hour advance notice to the Township, unless such testing is conducted pursuant to a regular annual testing schedule that has been provided to the Township in advance.

(b) Operators shall post 2-hour advance notice of any generator testing to the public dashboard required by Section L(6)(d) of this ordinance.

(5) Measurement Protocol. Compliance shall be demonstrated via pre and post-occupancy sound studies by a qualified acoustical engineer. Noise measurements or predictions should be adjusted for special sound characteristics consistent with ANSI/ASA S12.9 methods, including a +5 dB adjustment for prominent discrete tones and applicable adjustments for impulsive noise. The adjusted sound level should be used for compliance evaluation.

(6) Upon receipt of documented complaints or when deemed necessary by the Township, the Township may require additional acoustical testing by an independent acoustical engineer at the owner's expense. Such testing shall be conducted under operating conditions that represent the highest reasonably anticipated sound levels generated by the facility, including, as applicable, the simultaneous operation of all fixed and mobile noise-generating equipment, mechanical and cooling systems operating at maximum or peak anticipated capacity, emergency generators, and any other equipment or activities identified by the Township or independent acoustical engineer as having the potential to produce elevated sound levels. Testing shall be conducted during representative conditions reasonably expected to result in the highest sound levels at the property boundary and at the nearest affected receptor. The Township retains the right to require corrective measures if limits are exceeded.

b. Air Quality and Emissions

(1) All stationary engines, cooling towers, and emission sources shall comply with the federal Clean Air Act and the Michigan Department of Great Lakes and Energy ("EGLE") rules. Required Air Use Permits to Install (PTI) must be obtained and kept current.
    (a) On site operation of stationary engines, hydrocarbon generators, or other non-renewable energy sources for continuous, prime, peaking, or routine non-emergency energy supply is prohibited.
(2) Generators. New generators shall meet EPA Tier 4 Final standards. Dispersion modeling may be required when generators are placed within 500 feet of residential, schools, parks, or hospitals.
(3) Cooling Towers. Cooling towers shall include drift eliminators and be managed to prevent particulate emissions or microbial contamination.
(4) Thermal Emissions. The facility shall be designed and operated so that thermal emissions do not cause a sustained increase in ambient air temperature at any property line beyond the limits below, measured at 5 feet above grade:
    (a) Residential or mixed-use property line: not more than +2°F above ambient background, averaged over any 15-minute period.
    (b) Nonresidential property line: not more than +4°F above ambient background, averaged over any 15-minute period.
    (c) No thermal emission shall create unsafe conditions on sidewalks, trails, roadways, or public spaces due to icing, fogging, or thermal plume interaction with winter conditions.
(5) Odor and Airborne Contaminants. Facility operations shall not create odors, aerosols, cooling tower drift, particulate matter, or airborne contaminants that constitute a nuisance or adversely affect adjacent properties. Cooling tower drift eliminators shall limit drift loss to 0.001% or less of the circulating water flow rate, or equivalent industry standard.

c. Power and Electrical Capacity
(1) The applicant or operator shall provide a capacity confirmation letter or certification from the electric utility provider demonstrating that sufficient electrical capacity is available to serve the proposed facility.
    (a) The capacity confirmation letter or certification shall also state that all costs associated with required infrastructure improvements, upgrades, interconnections, or extensions necessary to serve the facility shall be borne solely by the applicant or operator.
    (b) The applicant shall be responsible for all coordination with the electric utility provider and shall comply with all applicable utility requirements and regulatory approvals.
(2) The applicant shall submit a Utility Infrastructure Impact Assessment prepared by a qualified professional and supported by documentation from the serving electric utility, as available, demonstrating:
    (a) Available transmission and distribution capacity;

(b) Expected peak electrical demand;
(c) Required substation or transmission upgrades;
(d) Expected impacts to the electric system reliability;
(e) That all infrastructure improvements required to serve the facility shall be financed by the applicant and shall not be borne by existing utility customers for the Township.

(3) The Township may deny any application if evidence demonstrates the proposed facility would materially reduce electric system reliability or available capacity for existing customers.

d. Energy and Sustainability

(1) Efficiency Target. Applicants shall design for PUE of 1.2 or lower, or demonstrate the highest efficiency reasonably achievable given site constraints; documentation shall be provided at the time for Site Plan review and post-occupancy.
(2) Renewable Energy. The applicant shall demonstrate that on-site renewable energy generation will meet at least 90 percent of the project's projected annual energy demand. If the applicant demonstrates, to the Township's satisfaction, that this standard cannot reasonably be achieved through on-site generation alone, the Township may approve compliance through a combination of power purchase agreements, renewable energy credits, or utility green power programs. Any approved renewable energy source or procurement method shall not include nuclear energy.
(3) Heat Reuse. Applicant shall provide a feasibility analysis for waste-heat recovery or district-energy interconnection.
(4) Water Conservation.
(a) Cooling shall be designed as a closed-loop / closed-cycle system with no routine discharge of noncontact cooling water to the sanitary sewer/POTW or to surface waters, in order to comply with applicable local sewer use ordinances (including prohibitions/limitations on noncontact cooling water and heat to the POTW) and EGLE discharge/withdrawal permitting requirements (including NPDES authorization and Michigan Water Quality Standards, and large-quantity withdrawal registration/review where applicable).
(b) Water Efficiency Monitoring. Applicants shall install permanent water metering capable of separately measuring process water, cooling water, domestic water, and irrigation water. Annual water consumption reports shall be submitted to the Township.

e. Security and Emergency Access

(1) Perimeter Security.

(a) Data Centers shall be fully enclosed with a perimeter security system, which may include fencing, walls, or equivalent barriers not less than eight (8) feet in height.

(b) Security barriers shall be designed to balance safety with community character; opaque fencing must be screened with landscaping where visible from public roads or residential areas.

(2) Access Control.

(a) All site entrances shall include controlled access gates, guard stations, or equivalent security technology to prevent unauthorized entry.

(b) Visitor and delivery access points must be separated from employee access points wherever feasible.

(3) Emergency Access.

(a) A minimum of two (2) points of emergency vehicle access shall be provided, with clear signage and unobstructed pathways around the building.

(b) Access drives shall be constructed to fire department standards, with sufficient load-bearing capacity for emergency apparatus.

(c) Fire lanes shall be maintained free of obstructions at all times.

(4) Cameras.

(a) Installation and maintenance of a perimeter camera surveillance system capable of monitoring all vehicular and pedestrian access points, building entrances, and outdoor mechanical/equipment areas.

(b) Cameras shall be positioned to minimize intrusion into adjoining residential properties and public rights-of-way, while still providing full coverage of the site.

(c) Camera systems shall be continuously operational (24 hours per day, 7 days per week) and recordings shall be retained for a minimum of 30 days.

(d) A security plan, including camera layout, monitoring procedures, and data retention policies, shall be submitted as part of site plan review.

(5) Fire Protection.

(a) Data Centers shall be equipped with an automatic fire detection and suppression system designed to protect both building occupants and sensitive equipment.

(b) Suppression systems shall comply with National Fire Protection Association (NFPA) standards and be approved by the Fire Marshal.

(6) Hazardous Materials.

(a) Any use of hazardous materials (including fuels for backup generators, batteries, and chemicals for cooling systems) shall comply with federal, state, and local storage, reporting, and disposal requirements.

(b) Applicants shall provide a Hazardous Materials Management Plan identifying on-site materials, storage methods, spill prevention measures, and emergency response procedures.

(c) Applicant shall provide a fire protection plan.

(7) Emergency Response Plan. Applicants shall submit an Emergency Response Plan to the Township at the time of Site Plan review, which must include:

(a) Site layout for emergency responders.

(b) Fire suppression and alarm systems description.

(c) Backup generator location and fuel storage details.

(d) Contact information for on-site security and facility management.

(e) Operators shall provide annual training opportunities or site orientations to local fire, police, and emergency medical services.

(8) The Fire Department shall review and approve all fire protection systems, fire apparatus access roads, hydrant locations, fire flow calculations, emergency responder access, Battery Energy Storage Systems (BESS), emergency

response plans, and hazardous materials management plans prior to the issuance of a building permit.

(9) Facilities shall include Emergency Responder Radio Coverage (ERRC) systems in accordance with IFC Section 510 to ensure reliable radio communications for emergency responders throughout the facility.

f. Battery Energy Storage Systems (if provided)

(1) Battery Energy Storage Systems (BESS) shall be an accessory component to data center

(2) BESS shall comply with NFPA 855, the Michigan Building/Fire Codes, and manufacturer's specifications.

(3) Setbacks. Outdoor BESS containers shall be set back a minimum of 100 feet from property lines and 300 feet from residential districts/uses, unless a greater distance is required by NFPA 855 based on technology and aggregate capacity.

(4) Protection. Provide vehicle impact protection, fire-rated- separation where required, gas detection, ventilation, and emergency shut-offs. Include a BESS-specific- emergency response plan and data sheet package.

g. On-Site- Substation/Switchyard (if provided)

(1) Locate to minimize visual and noise impacts; provide evergreen screening and security fencing consistent with utility standards.

(2) Transformers shall include integral secondary containment sized per state rules.

8. Use of Consultants and Cost Recovery

a. The Township may retain qualified consultants to review energy efficiency, water use, air quality, BESS safety, renewable energy, stormwater, and related matters.

b. All reasonable costs shall be escrowed by the applicant.

9. Monitoring and Reporting

a. Commissioning Documentation: Prior to Certificate of Occupancy, submit commissioning results for mechanical/electrical systems and acoustical compliance.

b. Annual Report (by March 31):

    1. Actual annual energy consumption (MWh) and calculated PUE;

    2. Renewable energy procurement and percentage of total load;

    3. Water usage (gallons) and cooling method;

    4. Ground water testing;

    5. Generator testing/operating hours and emissions compliance statement with current EGLE permits;

    6. Sound level monitoring summary; and

    7. Summary of efficiency/cooling/security upgrades implemented.

c. Failure to monitor and report may be grounds to revoke any township approvals.

10. Decommissioning

a. Plan Required. As a condition of Conditional Land Use and Site Plan approval, the applicant shall submit a Decommissioning and Site Restoration Plan that address:

    1. Triggers for decommissioning.

    2. Methods for removal of structures, equipment, utilities, and impervious surfaces.

    3. Recycling and disposal of equipment and hazardous materials.

    4. Final grading, soil stabilization, and revegetation.

    5. Restoration of the site to a condition compatible with surrounding uses.

b. **Triggers for Decommissioning**

    1. A center shall be considered abandoned if it ceases operations for a period of twelve (12) consecutive months**,** unless the owner provides evidence of intent to resume operations.

2. Decommissioning must begin within six (6) months of abandonment and be completed within twelve (12) months**.**

c. **Performance Guarantee / Financial Assurance**

1. Prior to issuance of a building permit, the applicant shall post a financial guarantee in the form of a letter of credit, bond, or escrow account acceptable to the Township

2. The obligation to provide and maintain a financial guarantee is a continuing covenant that runs with the land and binds the owner, applicant, operator (if different), and all successors and assigns. No sale, conveyance, assignment, foreclosure, lease, or other transfer of any interest in the property shall impair or release the obligation to maintain the financial guarantee. The Township shall not release any financial guarantee unless the Township has confirmed in writing that the obligations secured thereby have been fully performed or that an acceptable substitute financial guarantee has been provided. The amount of the financial guarantee shall equal 150% of the estimated decommissioning cost, as determined by a qualified engineer and approved by the Township.

3. Estimates for the cost of decommissioning must be updated and verified via independent third-party review every 5 years and adjusted for inflation. The Township may request additional financial guarantees based on the change in estimated cost. Costs associated with third-party verification and review of decommissioning cost estimates shall be borne solely by the operator.

4. The Township may request verification of guarantor solvency on an annual basis.

d. **Removal Standards**

1. All above-ground structures, including buildings, mechanical equipment, cooling towers, security fencing, and pavement not otherwise serving a reuse, shall be removed.

2. All below-ground infrastructure, such as foundations and utilities, shall be removed.

3. Materials shall be recycled to the maximum extent practicable.

e. **Site Restoration**

1. The site shall be restored with topsoil, seeded or planted with native vegetation, and stabilized to prevent erosion.

2. The Township may approve alternate restoration plans if the site is proposed for redevelopment consistent with the Master Plan and zoning ordinance.

f. **Failure to Decommission**

1. If the owner fails to complete decommissioning in accordance with the approved plan, the Township may draw upon the financial guarantee to complete the work.

2. Any costs exceeding the financial guarantee shall remain the responsibility of the property owner.

L. Risk Mitigation

1. Purpose and intent
   a) High Resource Demand Facility (HRDF) and Data Centers can generate community impacts and service demands related to energy consumption, water use, stormwater, noise, traffic/road wear, visual impacts and aesthetics, public safety coordination, and long-term site management.
   b) The purpose of this Section is to require a Risk Mitigation Plan for High Resource Demand Facility (HRDF) and Data Centers that:
      1. Mitigates impacts that are reasonably attributable to the facility;
      2. Provides transparent, measurable commitments that support Township goals; and
      3. Establishes clear enforcement and reporting mechanisms.

2. Applicability
   A Risk Mitigation Plan is required for any new High Resource Demand Facility (HRDF) or Data Center or expansion that meets one or more of the following thresholds:
   a) Gross floor area of 10,000 square feet or more; or
   b) IT load of 10 MW or more (nameplate/critical IT load)
   .

3. Plan Submittal Timing
   a) The applicant shall submit the Risk Mitigation Plan concurrently with the Site Plan and Conditional Use application.
   b) The Planning Commission may deem an application incomplete until the Plan is provided in a form sufficient to evaluate compliance with this Section.

4. Required contents of the Risk Mitigation Plan. The Risk Mitigation Plan shall include, at minimum:

   a) Project overview. Site plan summary; construction phasing; expected operational date; anticipated employment (construction and permanent);

and a description of on-site infrastructure (including electrical and water systems as applicable).

b) Impact analysis. A concise, plain-language description of expected impacts on:
    1. public utilities and infrastructure (electric, water, sewer as applicable, and prepared by an independent, industry-recognized third-party);
    2. stormwater and groundwater protection (prepared by an independent, industry-recognized third-party);
    3. traffic and roadway wear (construction and operations);
    4. noise, lighting, and hours/character of operations;
    5. public safety coordination (fire, EMS, police); and
    6. local ecology, biodiversity, air quality, and soil quality (prepared by an independent, industry-recognized third-party); and
    7. long-term site management and decommissioning (if applicable).

5. Risk mitigation commitments. The applicant shall provide commitments meeting all baseline requirements in subsection 6. Each commitment must include:
    a) a measurable deliverable (e.g., dollar amount, number of trainees, percentage, kWh, gallons, acres, etc.);
    b) a timeline/milestones;
    c) the responsible party
    d) reporting method; and
    e) proposed remedies if the commitment is not met.

6. Requirements
    As a condition of approval, the applicant shall commit to the following requirements, in a form acceptable to the Township:

    a) Local workforce and procurement.
        1. Good-faith local hiring and contracting plan, including outreach to Washtenaw-area unions/trades, community colleges, and workforce programs; and
        2. Annual reporting of construction hours and permanent jobs by residency (to the extent permitted by law) and contracting spend by geography.
    b) Public safety coordination and preparedness.
        1. Pre-occupancy coordination meeting(s) with Township fire/EMS and code officials;
        2. Facility emergency response information provided to Township (site contact list, shutoffs, hazard inventory, access plan); and
    c) Environmental performance.
        1. A water stewardship plan (efficiency, leak detection, and, if applicable, reuse/recycling strategies);

2. A noise and lighting management plan demonstrating ongoing compliance and complaint response procedures; and
3. A sustainability/energy plan describing how the facility will minimize emissions and peak-load impacts (e.g., efficiency measures, demand response participation, renewable procurement strategy), to the extent within the applicant's control.
4. An ecosystem services plan describing how the facility will minimize and/or improve local ecological performance, air quality, soil quality, and biodiversity.

d) Community access and transparency. Public-facing reporting dashboard; community advisory meetings during construction; neighborhood hotline with response times; third-party audits of key metrics (energy, water) where feasible.
e) Infrastructure improvements. Roadway, non-motorized, transit, or signal improvements proportionate to traffic and construction impacts; utility upgrades directly serving or mitigating impacts;
f) Environmental enhancements. On-site habitat restoration, tree canopy targets, native landscaping, green infrastructure, carbon reduction commitments, or renewable energy support.

7. Review standards and findings
   a) The Township Board shall approve, approve with conditions, or deny the application based on whether the Risk Mitigation Plan:
      1. Contains all required elements in subsections 4 through 6;
      2. Provides clear, measurable commitments;
      3. Demonstrates that commitments are reasonably related to anticipated impacts and Township objectives; and
      4. Includes enforceable mechanisms for implementation and reporting.
   b) Approval may include conditions to ensure commitments are proportional and administratively feasible, consistent with the standards specified in the zoning ordinance.

8. Development agreement; security; enforcement
   a) Incorporation into approval. All commitments in the approved Risk Mitigation Plan shall be conditions of approval and shall be incorporated into a Development Agreement and/or recorded document, as determined by the Township.
   b) Annual reporting. The operator shall submit an annual report to the Township documenting compliance with each commitment for the prior calendar year. Reports shall be made publicly available except for proprietary or security-sensitive information.
   c) Noncompliance. If the Township determines a material commitment is not being met, the Township may:

1. Require a corrective action plan with a defined cure period;
2. Draw upon performance security where applicable;
3. Pursue civil remedies authorized by the zoning ordinance; and/or
4. Initiate permit/approval enforcement consistent with the ordinance.

9. Modification

A material modification to an approved Risk Mitigation Plan (e.g., reduction in deliverables, extended timelines, or removal of a commitment) shall require Township approval in the same manner as the original Plan, unless the approving body determines the modification is minor.

JJ. ENERGY SYSTEMS AND FACILITIES.

1. Intent.

It is the intent of Superior Township to regulate the siting, design, installation, and operation of energy systems and facilities, which include Battery Energy Storage Systems (BESS), Solar Energy Systems (SES), and Wind Energy Systems (WES). These standards permit the efficient and effective operation of energy systems and facilities within the Township while mitigating their potential negative impacts and ensuring their compatibility with adjacent land uses in order to protect public health, safety, and welfare. BESS, SES, and WES, as defined herein, are only permitted as authorized by this Section.

2. Definitions.

As used in this Section the following terms shall have the meanings indicated:

Aircraft Detection Lighting System: A sensor-based system designed to detect aircraft as they approach a wind energy facility and that automatically activates obstruction lights until they are no longer needed.

ANSI: American National Standards Institute

A-Weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as expressed as dB(A) or dBA.

Battery(ies): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage Management System: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery Energy Storage System (BESS): One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Building Code: Stille-DeRossett-Hale Single State Construction Code Act (Act No. 230, P.A. 1972, as amended)

Cell: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

Commissioning: A systematic process that provides documented confirmation that an energy facility functions according to the intended design criteria and complies with applicable code requirements.

Construction: Any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility

Dark Sky-Friendly Lighting Technology: A light fixture that is designed to minimize the amount of light that escapes upward into the sky.

dBA: The sound pressure level in decibels using the "A" weighted scale defined by the American National Standards Institute (ANSI)

Decibel: A unit used to measure the intensity of a sound or the power level of an electric signal by comparing it with a given level on a logarithmic scale.

Dedicated Use building: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the Building Code, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.

2. No other occupancy types are permitted in the building.

3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:

    a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.

    b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.

- Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.

- Wireless communication facilities, private community wastewater treatment and disposal systems (PCWS), privately owned energy systems and facilities as defined by this Ordinance (Battery Energy Storage Systems (BESS), Solar Energy Systems (SES), and Wind Energy Systems (WES)), utility buildings, and storage yards shall not be considered essential services under this Ordinance.

Fire Code: 2021 Edition of the International Fire Code, the Appendix chapters, including the reference standards" as published by the International Code Council, as adopted by the Township of Superior in the State of Michigan.

Independent Power Producer (IPP): A person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, the state, or local units of government.

Leq: The equivalent average sound level for the measurement period.

Light Intensity Dimming Solution Technology: Obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.

Light-Mitigating Technology System: An aircraft detection lighting system, a light intensity dimming solution technology, or a comparable solution that reduces the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the wind energy facilities.

Maximum Blade Tip Height: The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the actual blade length.

Maximum Tilt: The maximum angle of a solar array (i.e. most vertical position) for capturing solar radiation as compared to the horizon line.

Nameplate Capacity: The designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

Nationally Recognized Testing Laboratory (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

Non-participating Property: A property that is adjacent to a battery energy storage facility and that is not a participating property.

Outdoor Installations: Outdoor installations are battery energy storage systems that are not Dedicated Use-Buildings.

Participating Property: Real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to a battery energy storage facility regardless of whether any part of that energy facility is constructed on the property.

Repowering: The replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

Small-Scale Energy Equipment: A battery energy storage system (BESS), solar energy system (SES), or wind energy system (WES) with a nameplate capacity below the threshold to meet this Ordinance's definition of a Utility-Scale BESS, SES, or WES.

Sound Pressure: The difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).

Sound Pressure Level: Twenty times the logarithm to the base 10 of the ratio of the root-mean-square sound pressure to the reference pressure of micro pascals, expressed as decibels (dB). Unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an unweighted measurement.

Solar Energy System (SES): A system that captures and converts solar energy into electricity. A solar energy system includes, but is not limited to, the following equipment and facilities: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

Utility, Private. A person, firm, corporation or private entity duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, communication, telegraph or transportation. Such uses as community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, privately owned energy

systems and facilities as defined by this Ordinance (Battery Energy Storage Systems (BESS), Solar Energy Systems (SES), and Wind Energy Systems(WES)), and wireless communication facilities shall be considered private utilities under this Ordinance.

Utility, Public. A governmental entity or municipal department, board or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, or transportation to the public. Such utility shall be regulated by a governmental pricing structure, have the right of eminent domain, be a single entity as designated by Federal or State government to provide a specified service or product, and provide a service considered essential to a public need.

Publicly owned and operated or municipal water distribution and sanitary sewer systems, and stormwater drainage facilities under the jurisdiction of the Washtenaw County Drain Commissioner, shall also be considered public utilities.

Such uses as community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, privately owned energy systems and facilities as defined by this Ordinance (Battery Energy Storage Systems (BESS), Solar Energy Systems (SES), and Wind Energy Systems(WES)), and wireless communication facilities shall not be considered public utilities under this Ordinance.

Utility-Scale Energy Facility: A facility or equipment that meets this Ordinance's definition of a utility-scale battery energy storage system (BESS), utility-scale solar energy system (SES), or utility-scale wind energy system (WES). Utility-scale BESS, SES, and WES may be collocated at a single facility. A utility-scale energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.

Utility-Scale Battery Energy Storage System: A Battery Energy Storage System (BESS) that has an aggregate energy capacity greater than 600kWh or is comprised of more than one battery storage technology in a room or enclosed area.

Utility-Scale Solar Energy System (SES): Utility-Scale SES shall mean a solar energy system that meets one or more of the following:

1. Primarily used for generating electricity for sale and distribution to an authorized public utility; and/or

2. The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or

3. Does not serve as an accessory use or structure.

Utility-Scale Wind Energy System (WES): A WES with a nameplate capacity of 1 MW or more for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Wind Energy System (WES): A system that captures and converts wind into electricity. Wind energy system includes, but is not limited to, the following equipment and facilities: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

3. Applicability

a. The requirements of this Section shall apply to all BESS, SES, and WES constructed, installed, or modified in Superior Township after the effective date of this Section, excluding general maintenance and repair.

b. Modifications to, retrofits, or replacements of an existing BESS, SES, and WES that increase the nameplate capacity shall be subject to this Section.

4. General Requirements

a. **BESS System Certification System Certification.** Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

(1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),

(2) UL 1642 (Standard for Lithium Batteries),

(3) UL 1741 or UL 62109 (Inverters and Power Converters),

(4) Certified under the applicable electrical, building, and fire prevention codes as required.

(5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

b. **Installation and Maintenance.** All BESS, SES, and WES shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the application for the certificate of zoning compliance, site plan, or special land use approval from the Township as applicable.

c. **Site Maintenance.** Site access shall be maintained at all sites where a BESS, SES, and WES are located, including snow removal at a level acceptable to the Township and the Superior Township Fire Department.

d. **Visual Impact.** All BESS, SES, and WES shall not have a significant adverse impact on the natural features or neighborhood character of the surrounding area and shall be located to maximize its distance and visibility from adjacent properties and roadways.

e. **Noise.** The 1-hour average noise generated from a BESS, SES, and WES, components, and associated ancillary equipment shall not exceed a noise level of fifty-five (55) dBA as measured at any point along any property line where the system is located. Applicants may submit equipment and component manufacturer's noise ratings to demonstrate compliance. The Zoning Administrator or Planning Commission may require an applicant to provide an acoustic assessment or sound study prepared by a licensed engineer from a reasonable number of sampled locations at the perimeter of the BESS, SES, or WES to demonstrate compliance with this standard.

f. **Code Compliance.** All BESS, SES, and WES, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a BESS, SES, and WES and (2) are subject to the Building Code shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations, and industry standards as referenced in the Building Code and the Superior Township Zoning Ordinance.

g. Compliance with Additional Codes. BESS, SES, and WES, and the installation and use thereof, shall comply with the Building Code, Fire Code, and other applicable Township, County, and State codes. Installation of a BESS, SES, and WES shall not commence until all necessary **Small-Scale Battery Energy Storage Systems (BESS)** permits are obtained.

(1) Small-scale BESS are a conditional use in the A-1, A-2, PSP, and PM districts.

(2) Unless not permitted due to fire and other applicable life safety codes, small-scale BESS shall be located inside of a building. All small-scale BESS that are located outside of a building shall be screened to the maximum extent possible without posing a fire risk. All small-scale BESS must be placed in a secure container or enclosure meeting the requirements of the Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.

(3) **Setbacks.** In all zoning districts, ground-mounted small-scale BESS shall be located only in the rear or side yard and shall conform to the setback requirements of Article 4 (Dimensional Standards).

(4) **Height**. Ground-mounted small-scale BESS shall not exceed sixteen (16) feet in height, measured from the ground at the base of the system to its highest point.

(5) **Ground-Mounted Systems.** Ground-mounted small-scale BESS shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted to the Zoning Administrator prior to installation. The Township Zoning Administrator may require an additional certification by a professional engineer or other qualified person prior to installation.

(6) **Building-Mounted Systems.** Building-mounted small-scale BESS shall only be installed if they can be safely supported by the structure. Proof of the safety and reliability of the means of attachment shall be submitted to the Zoning Inspector prior to installation. The Township Zoning Administrator may require an additional certification by a professional engineer or other qualified person prior to installation.

5. Small-Scale Solar Energy Systems (SES)

a. Criteria for the use of all solar energy equipment.

(1) Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.

(2) Solar energy equipment shall be repaired or replaced within three months of becoming nonfunctional.

(3) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

(4) **Application for administrative review.** An applicant who seeks to install building-mounted solar energy equipment shall submit an application for a certificate of zoning compliance, as provided by the Township. The application shall include the following:

i. Photographs of the property's existing conditions.

ii. Renderings or catalogue cuts of the proposed solar energy equipment.

iii. Certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

iv. Plot plan to indicate where the solar energy equipment is to be installed on the property.

v. Description of the screening to be provided for ground- or wall-mounted solar energy equipment.

(5) Exclusions from administrative review.

i. The installation of one solar panel with a total area of less than twenty-four (24) square feet.

ii. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

6. Building-mounted solar energy collector requirements. A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts, subject to the following requirements:

a. An administrative review is required for all building-mounted solar energy collectors permitted as an accessory use. (See exclusions in Subsection 5 above.)

b. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.

c. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township Building Official prior to installation; such certification shall be subject to the Building Official's approval.

d. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.

e. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.

f. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.

g. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially nonreflective of light.

h. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.

i. Solar energy collectors, and the installation and use thereof, shall comply with the Township Construction Code, the Electrical Code, and other applicable Township construction codes.

7. Ground-mounted solar energy collector requirements. A ground-mounted solar energy collector system shall be a conditional use, subject to the approval of the Planning Commission under Article 9, and subject to the following requirements:

a. Ground-mounted commercial solar energy systems and fields are permitted as a conditional use in the A-1, A-2, PSP, and PM districts only.

b. Ground-mounted solar energy collectors shall be located only as follows:

(1) They may be located in the rear yard and the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission in its approval of the conditional land use.

(2) They may be located in the front yard only if permitted by the Planning Commission in its approval of the conditional land use but, in any event, they shall not be located in the required front yard setback.

c. Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.

d. The total area of ground-mounted solar energy collectors shall be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land.

e. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the conditional use application and shall be subject to the Planning Commission's approval.

f. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the conditional use application. The conditional use, if granted, may be subject to the Building Official's inspection to determine compliance with the manufacturer's directions.

g. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially nonreflective of light.

h. Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the Township Construction Code, the Electrical Code, and other applicable Township construction codes.

i. The conditional use may include terms and conditions in addition to those stated in this subsection.

8. Solar access requirements. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:

a. Is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve-foot obstruction located on the lot line; and

b. Has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.

9. Solar access exemptions. Structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or the effective date of this chapter, whichever is later is exempt from Section 10.05.KK.8. Said subsection described in Section 10.05.KK.8 controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

10. Small-Scale Wind Energy Systems (WES)

a. **Approval required.** It shall be unlawful to construct, erect, install, alter, or locate any WES within the Township except in compliance with the section.

b. **Accessory use application.** Where an on-site WES is allowed as an accessory use, the Zoning Administrator shall conduct an administrative plan review. An application for such review shall be submitted to the Township, and shall include the following:

(1) Name, address, and contact information.

(2) A general, written description of the proposed project as well as a legal description (property identification number) of the property on which the project would be located.

(3) A plan showing a map with the physical features and land uses of the project area, both before and after construction of the proposed project. The plan shall include:

i. The project area boundaries.

ii. The location, height, and dimensions of all existing and proposed structures and fencing.

iii. Distance of proposed structure from all property lines and permanent structures.

iv. The location, grades and dimensions of all temporary and permanent on-site WES access roads.

v. Existing topography.

vi. Water bodies, waterways, wetlands, and drainage ditches (county drains).

vii. All new infrastructure above ground related to the project.

viii. The location of all overhead utility wires.

(4) Proof of the applicant's liability insurance covering the WES.

(5) Documentation of the manufacturer's designed sound pressure levels (decibels) for unit to be installed.

(6) The applicant shall provide evidence of ownership of the land on which the WES is to be located and the written consent of the landowner if different from the applicant. If the applicant is leasing land, the applicant shall provide a copy of the lease agreement and the landowner's written authorization for the applicant to construct the structure.

c. On-site WES Principal Use application.

(1) **Principal Use WES application.** The application for a commercial WES shall meet all of the requirements for a conditional use permit application and shall include a complete site plan in accordance with Article 8, Site Plan Review.

(2) **Standards and requirements.** All principal use WES shall meet the Conditional Use Standards and the following additional standards and requirements:

i. Property setbacks.

ii. The distance between a WES and the nearest property line shall be at least 1.5 times the height of the WES.

iii. No part of the WES structure, including guy wire anchors, may extend closer than 10 feet to the owner's property line.

iv. Height.

1. Principal use WES shall be less than 275 feet in height.

2. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point.

3. The applicant shall demonstrate compliance with all FAA lighting regulations and the Michigan Tall Structures Act (MCL 259.481 et seq.) as part of the approval process, if applicable.

v. Other required setbacks.

1. The distance between a WES and a road or a public right-of-way shall be at least 1.5 times the height of the WES.

2. The distance between a WES and any WES shall be at least 1.5 times the height of the taller of the two WES.

3. Noise; sound pressure level.

4. Audible noise or the sound pressure level of an on-site WES or commercial WES shall not exceed 55 dB(A) (A-

weighted decibels) at the property line closest to the WES. For commercial WES, modeling and analysis of sound pressure shall be required in accordance with the provisions outlined below.

5. This sound pressure level may be exceeded during short-term events, such as utility outages and/or severe wind storms.

(3) **Shadow flicker.** The applicant shall conduct an analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify impacted areas where shadow flicker may affect occupants or users of the structures or properties in the impacted area. The analysis shall describe measures that will be taken to eliminate or mitigate negative impacts.

(4) Construction codes, towers, and interconnections standards.

i. Every WES shall comply with all applicable state construction codes and local building permit requirements.

ii. Every WES shall comply with Federal Aviation Administration requirements, the Airport Zoning Act, the Tall Structures Act (PA 259 of 1959) (MCL 259.481), and any other applicable state or federal laws or regulations.

iii. An on-site WES or commercial WES that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid WES are exempt from this requirement.

(5) Safety.

i. **Design safety certification**. The safety of the design of every WES shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the Township. If WES construction is approved, the professional

engineer shall certify that the construction and installation of the WES meets or exceeds the manufacturer's construction and installation standards, and any applicable state and federal laws and regulations prior to operation.

ii. **Controls and brakes.** Every WES shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the design limits of the WES. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the Township.

iii. **Lightning protection.** Every WES shall have lightning protection.

iv. **Guy wires.** If an on-site WES is supported by guy wires, the wires shall be clearly visible to a height of a least six feet above the guy wire anchors. Every commercial WES must be of a freestanding monopole design, and guy wires shall not be used.

v. **Grade clearance.** The minimum vertical blade tip clearance from grade shall be twenty-five (25) feet for any WES employing a horizontal axis rotor.

vi. Interference. Every WES shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave, or television signals.

vii. **Color.** Towers and blades shall be painted a nonreflective neutral color designated on the application and approved by the Township or as otherwise required by law.

viii. **Climb prevention.** Every WES must be protected by anticlimbing devices such as:

1. Fences with locking portals at least eight feet high.

2. Anticlimbing devices 12 feet from base of pole including anticlimb panels, anticlimb brackets, and other similar devices.

(6) **Removal of abandoned WES.** In the event a WES is abandoned or unused for a period of 180 days, or if a WES is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the tower owner and landowner to fines established by the Township Board. In addition, by accepting a permit for the on-site WES, the applicant and landowner agree that in the event the tower and equipment is not removed as required, after 30 days' notice from the Township, the Township may undertake such removal and bill the costs to the applicant and landowner plus an administrative fee of 15% which, if not paid within thirty (30) days, shall be assessed against the land on which the tower and equipment is located and collected in the same manner as delinquent taxes.

(7) **Additional requirements for principal use WES.** The following standards and requirement shall apply to every principal use WES:

i. **Warnings.** A visible warning sign of high voltage shall be placed at the base of every principal use WES. The sign must have at least six-inch letters with three-fourths-inch stroke. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.

ii. **Signage.** In addition to warning signs and signs required by law, every principal use WES shall be equipped with a sign containing owner identification and contact information. No other signs or advertising are permitted.

iii. **Liability insurance.** The owner or operator of a commercial WES shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the Township pertaining to installation and operation of the principal use WES. The amount and terms of the policy shall be

established as a condition of conditional use permit approval. The Township and landowner shall be named as additional insureds. Certificates of insurance shall be provided to the Township annually.

iv. **Security.** The application shall include a description of security to be posted at the time of receiving a building permit for the WES to ensure removal of the WES when it has been abandoned or is no longer needed, as provided in Section 10.05.KK.10.c.(7).ix below. The security shall be in compliance with Article 3 for the timely removal of the commercial WES as required under this section, and payment of any costs and attorney fees incurred by the Township in connection with such removal.

v. **Visual appearance; lighting; power lines.** The design of the WES buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WES components with the natural setting and existing environment. For commercial WES exceeding minimum FAA height requirements for lighting, minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.

vi. **Wildlife impact.** The applicant shall submit an avian study by a qualified professional, such as an ornithologist or wildlife biologist, describing the potential impact of the commercial WES on migratory birds or bats and threatened or endangered species.

vii. **Annual inspection; maintenance.** The WES and surrounding area shall be maintained in accordance with industry standards, including painting and landscaping. Every commercial WES must be inspected annually by an authorized factory representative or professional engineer to certify that the WES is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the Township.

viii. **Sound pressure level.** As part of the application and prior to installation of any commercial WES, the applicant shall provide modeling and analysis that will confirm that the commercial WES will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the commercial WES, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the operation of the project.

ix. **Removal.** A principal use WES shall be removed by the owner of the WES or land when the commercial WES has been abandoned or unused for 180 days (non-use period). For purposes of this section, the damage, destruction or removal of any part of WES equipment, or the cessation of operations shall be considered as the beginning of a non-use period. The WES owner or applicant shall notify the Township of the beginning of any non-use period or any removal of equipment. The end of the non-use period may be sooner than 180 days after commencement if the WES or any portion of the facility becomes a nuisance or is dangerous to the public health, safety, and welfare.

x. At the end of the non-use period, the owner of the WES or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the WES and restoration of the land to the condition existing prior to installation, to the extent reasonably feasible.

xi. If the required demolition, removal and restoration of the WES has not been lawfully completed within 60 days after the end of the non-use period, then after fifteen (15) days' prior written notice to the landowner and the WES owner, the Township may remove or secure the removal of the WES and related equipment and the Township's costs, expenses, attorneys' fees and consultants' fees, plus a fifteen-percent administrative charge may be drawn and collected from the security described in Section 10.05.KK.10.c.(7).iv above, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the WES is located and may be collected in the same manner as delinquent taxes.

11. Utility-Scale Energy Facilities

Utility-Scale BESS, SES, and WES Energy Facilities may be permitted as a conditional land use subject to the following standards.

a. Prior to the construction of a Utility-Scale Energy Facility, an application for a conditional use permit must be filed and approved according to the procedures established in Article 9.

b. The construction and operation of all Utility-Scale Energy Facilities shall comply with all applicable local, state and federal requirements.

c. No Utility-Scale Energy Facility shall be constructed, installed, or modified as provided in this section without first obtaining all applicable permits.

d. Applications to build a Utility-Scale Energy Facility in Superior Township must be accompanied by the fees required for a special use permit and site plan review.

e. Utility-Scale Energy Facilities shall not be approved until evidence has been provided to the Planning Commission that the property owners and applicable utility authorities have authorized the proposed system.

12. Utility-Scale Energy Facilities Application Requirements

Applications for the installation, replacement or renewal, or commissioning of a Utility-Scale Energy Facility shall be accompanied by the following information, in addition to all of the information required for conditional uses and site plans. The Planning Commission shall have the authority to modify any of the following requirements based on information provided by applicants or recommendations of the Township Engineer, Superior Area Fire Department, or Township staff. All of the following documents must be prepared by an engineer licensed by the State of Michigan.

a. **General Application Information.**

(1) The planned date for the start of construction and the expected duration of construction.

(2) A description of the energy facility, including a site plan as described in Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:

E. A map of all properties upon which any component of a facility or ancillary feature would be located, and for wind energy systems, all properties within two thousand (2,000) feet of such properties, and for solar energy or battery energy storage systems, all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.

F. Lot lines and required setbacks shown and dimensioned.

G. Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.

H. A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area

i. The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.

(3) A description of the expected use of the energy facility.

(4) Expected public benefits of the proposed energy facility.

(5) The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.

(6) Information on the effects of the proposed energy facility on public health and safety.

(7) A description of the portion of the community where the energy facility will be located.

(8) A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.

(9) Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.

(10) The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.

(11) Interconnection queue information for the applicable regional transmission organization.

(12) If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.

(13) If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.

(14) A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the electric provider or IPP. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.

(15) A sound study and site plan details that include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this Ordinance.

(16) A detailed landscape and buffering plan.

b. **Construction documents.** Construction documents shall include the following plans, manuals, and specifications:

(1) Location and layout diagram of the room or area in which the energy equipment is to be installed.

(2) Details on the hourly fire-resistance ratings of assemblies enclosing the energy equipment.

(3) The quantities and types of energy equipment to be installed.

(4) Manufacturer's specifications, ratings and listings of the energy equipment.

(5) Description of energy management systems and their operation.

(6) Location and content of required signage.

(7) Details on fire suppression, smoke or fire detection, thermal management, ventilation, exhaust and deflagration venting systems, if provided.

(8) Support arrangement associated with the installation, including any required seismic restraint.

c. **Operation and Maintenance Manuals.** Documents that describe continuing energy equipment maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Fire Code, Building Code, and other applicable standards.

d. **Commissioning Plan.** Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Fire Code, Building Code, or applicable standard.

e. **Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

(1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

(2) Procedures for inspection and testing of associated alarms, interlocks, and controls.

(3) Procedures to be followed in response to notifications from the Energy Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

(4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

(5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

(6) Emergency response measures by contingency.

(7) Evacuation control measures by contingency.

(8) Community notification procedures by contingency.

(9) An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.

(10) A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years.

(11) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

(12) Other procedures as determined necessary by Superior Township to provide for the safety of occupants, neighboring properties, and emergency responders.

f. **Decommission plan.** A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant.

g. For energy storage systems, evidence of compliance with NFPA 855 including, but not limited to:

(1) Commissioning Plan (NFPA 855 Chapters 4.2.4 & 6.1.3.2)

(2) Emergency Operation Plan (NFPA 855 Chapter 4.3.2.1.4)

(3) Hazard Mitigation Analysis (NFPA 855 Chapter 4.4)

13. Standards for Utility-Scale Energy Facilities

All Utility-Scale Energy Facilities shall comply with the following:

a. Fencing. All Utility-Scale Energy Facility equipment, including all mechanical equipment, shall be enclosed by a fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports. A minimum of twenty-four (24) feet of clearance shall be maintained on both sides of the perimeter fence in order to provide emergency vehicle access.

b. **Lighting.** Utility-Scale Energy Facilities shall be illuminated according to the standards of Article 12 of the Zoning Ordinance. Unless otherwise permitted by this Ordinance, lighting of a Utility-Scale Energy Facility shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. Utility-Scale Energy Facilities shall implement dark sky-friendly lighting solutions.

c. **Noise:** The sound pressure level of a Utility-Scale Energy Facility and all ancillary equipment shall not exceed 50 dBA (Leq (1-hour)) as measured at any point along any property line where the system is located. Decibel modeling shall use the A-weighted sound level meter as designed by the American National Standards Institute.

d. **Screening and Noise Barriers.** Utility-Scale Energy Facilities shall be landscaped according to the standards of Article 12 of the Zoning Ordinance. The facility shall use architectural features, earth berms, landscaping, or other screening methods that will visually screen the facility from adjacent properties and function as a sound barrier. These elements shall be designed to harmonize the facility with the surrounding area but shall not interfere with any ventilation or exhaust ports.

e. Utility Connections. Utility connections and/or connection transmission lines shall not require a separate land use approval, but connection/transmission lines may be either determined and approved at the time of a Utility-Scale Energy Facility special land use approval process, or, if not finalized at the time of such approval, such lines may be approved by way of site plan approval, so long as such lines connect to an approved Utility-Scale Energy Facility project.

f. **Maximum Ground Floor Coverage.** For purposes of density and/or Maximum Ground Floor Coverage, Outdoor Installations shall be exempt from such calculation, although any Dedicated-Use Building shall be included in such calculation.

g. **Signs.** Utility-Scale Energy Facilities shall post signs in compliance with ANSI Z535 and shall include the type of technology associated with the facility, any special hazards associated, the type of suppression system installed (if any), and 24-hour emergency contact information, including reach-back phone number. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

(1) Additional signs may be permitted subject to the requirements of Article 14 of the Zoning Ordinance.

14. Standards for Utility-Scale Battery Energy Storage Systems

a. Setbacks. Utility-Scale BESS shall be set back at least 300 hundred feet from road right-of-way lines and all property lines.

b. Height. Utility-Scale BESS enclosures shall comply with the building height limitations for principal structures of the underlying zoning district.

c. Michigan Public Service Commission Requirements. Utility-Scale BESS shall comply with any more stringent requirements adopted by the MPSC after determining that such requirements are necessary for compliance with state or federal environmental regulations as provided in MCL 460.1226(8)(c)(v).

15. Standards for Utility-Scale Solar Energy Systems (SES).

a. Setbacks. Utility-Scale SES shall be set back at least 600 hundred feet from road right-of-way lines and all property lines.

b. Height. Total height for a Utility-Scale SES shall not exceed a maximum of twenty-five (25) feet above ground when the arrays are at maximum tilt.

c. Michigan Public Service Commission requirements: Utility-Scale SES shall comply with any more stringent requirements adopted by the MPSC after determining that such requirements are necessary for compliance with state or federal environmental regulations as provided in MCL 460.1226(8)(a)(vi).

16. Standards for Utility-Scale Wind Energy Systems (WES).

a. Setbacks. Setback distance shall be measured from the stated location below to the center of the base of the wind tower as follows:

(1) Occupied community buildings and residences on non-participating properties: A horizontal distance equal to 2.1 times the maximum blade tip height from the nearest point on the outside wall of the structure.

(2) Residences and other structures on participating properties: A horizontal distance equal to 1.1 times the maximum blade tip height from the nearest point on the outside wall of the structure.

(3) Non-participating property lines: A horizontal distance equal to 1.1 times the maximum blade tip height from the property line.

(4) Public road right of way: A horizontal distance equal to 1.1 times the maximum blade tip height from the center line of the public road right-of-way;

(5) Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings: A horizontal distance equal to 1.1 times the maximum blade tip height from the center line of the easement containing the overhead line.

b. **Height.** Total height, measured at the wind tower blade tip, for a Utility-Scale WES shall not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.

c. **Lighting.** Utility-Scale WES shall be equipped with functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine shall be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. A temporary exemption from the requirements of this section may be granted if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

a. The purpose of the exemption;

b. The proposed length of the exemption;

c. A description of the light-mitigating technologies submitted to the Federal Aviation Administration;

d. The technical or economic reason a light-mitigating technology is not feasible.

d. **Shadow Flicker.** Shadow flicker shall not exceed 30 hours per year under planned operating conditions as indicated by industry standard computer modeling and measured at the exterior wall of an occupied community building or non-participating residence.

e. **Signal Interference.** Utility-Scale WES shall meet any standards concerning radar interference, lighting, or other relevant issues as determined by the Michigan Public Service Commission in any implementation or rule-making process.

f. **Michigan Public Service Commission requirements.** Utility-scale WES shall comply with any more stringent requirements adopted by the MPSC after determining that such requirements are necessary for compliance with state or federal environmental regulations as provided in MCL 460.1226(8)(b)(vii).

17. Issuance and Compliance with Permit.

a. Construction of an approved Utility-Scale Energy Facility shall not begin until the permit holder has completed the following:

(1) Submitted the funds for site decommissioning and stabilization in the full amount specified in the approved decommissioning plan in a form acceptable to the Township (bond, parent company guarantee, or an irrevocable letter of credit, but excluding cash).

(2) Executed a development agreement, in a form approved by the Township, specifying all the terms and understandings relative to the construction and operation of the Utility-Scale Energy Facility, the permit holder's responsibilities according to this Ordinance, and the conditions of the special use permit. Development agreements following the approval of Utility-Scale Energy Facility shall be at the Township's discretion. All costs incurred by the Township, including attorney fees, in drafting and approving the development agreement shall be paid by the permit holder. The content of the agreement shall outline the specifics of the proposed Utility-Scale Energy Facility, but shall at a minimum provide the following terms:

i. A survey of the acreage involved in the proposed development.

ii. A description of the ownership of the subject property.

iii. General description the Utility-Scale Energy Facility and all associated site improvements.

iv. The anticipated life of the Utility-Scale Energy Facility.

v. Mechanisms to ensure the continued maintenance of the Utility-Scale Energy Facility, and that maintenance is assured by means satisfactory to the Township.

vi. The method of ensuring that funds will be available for site decommissioning and stabilization in the amount determined after each annual review as required by this Ordinance.

vii. Requirements that the applicant maintain insurance coverage during development in amounts established by the Township, naming the Township as an additional insured, and required insurance provisions after the development is completed.

viii. The approved site plan and special use permit shall be incorporated by reference and attached as an exhibit.

ix. Description of the timing to complete the development of the facility. If the facility is to be developed in phases, a timeline to complete the construction of each phase.

x. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

(3) Construction of an approved Utility-Scale Energy Facility must begin within five (5) years after approval is granted. The Township Board may extend this timeline at the request of the applicant without requiring a new application.

(4) Approved Utility-Scale Energy Facilities shall remain in compliance at all times with the standards identified for approval of the special use permit and all documentation submitted with and affirmations made in the application, including, but not limited to, the site plan, decommissioning plan, fire response plan, and emergency plan. No changes may be made to the permit by the Utility-Scale Energy Facility owner/operator without the written agreement of the Township. The Utility-Scale Energy Facility must further comply with all local ordinances, state and federal laws and regulations except as otherwise provided in Section MCL 460.1231. The Township shall not revoke a permit except for material noncompliance with the special use permit by the owner/operator.

(5) A review of the amount of the decommissioning fund based on inflation, salvage value, and current removal costs shall be completed every year, for the life of the project, and approved by the Township Board.

(6) Approved Utility-Scale Energy Facility special use permits may be transferred to another owner/operator upon the filing with the Township of an attestation by the transferee that it accepts the terms of the permit and acknowledges that it is subject to this Ordinance.

(7) The permit holder shall enter into a host community agreement with the Township within 90 days after issuance of the permit. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the Township $2,000 per megawatt of nameplate capacity located within the Township. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the Township and the permit holder within said 90 days.

b. Performance guarantees.

A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Fire Code and Building Code shall be provided to the Zoning Inspector prior to final inspection and approval and maintained at an approved on-site location.

c. **Changes to Approved Utility-Scale Energy Facilities**

Minor changes to an approved Utility-Scale Energy Facility may be reviewed and approved by the Township Zoning Inspector or their designee. The Township Zoning Inspector may, at their discretion, determine that a proposed amendment constitutes a major change that requires a new special use and site plan approval.

(1) The following changes shall be considered minor:

i. Technical changes to the following application documents:

1. Construction documents

2. Fire Safety Compliance Plan

3. Operation and Maintenance Manual

4. Emergency Operations Plan

ii. Modifications to, retrofits or replacements of an existing Utility-Scale Energy Facility that do not substantially increase the total Utility-Scale Energy Facility nameplate capacity or increase the system lot coverage.

(2) All other changes to an approved Utility-Scale Energy Facility shall be considered major and shall require a new special land use and site plan approval.

KK. RURAL RESIDENTIAL PROPERTIES FIVE (5) ACRES OR GREATER.

The purpose of this Section is to recognize the rural character of larger residential parcels while ensuring that agricultural and animal-related activities remain accessory and subordinate to the principal residential use of the property and do not create impacts inconsistent with surrounding residential development.

a. **Applicability.** The standards of this Section shall apply to any lot located in a Rural Residential District, occupied by a principal single-family detached dwelling, and containing not less than five (5) acres of land.

b. **Permitted Accessory Rural Activities.** The following activities shall be permitted as accessory use to a single-family dwelling on qualifying lots:

1. Keeping of animals in accordance with Section 10.03.F.

2. Private riding arenas and boarding stables in accordance with Section 10.03.H, except that boarding shall be limited to not more than four (4) horses not owned by the occupant of the property.

3. Gardens, orchards, vineyards, apiaries, and the cultivation of crops, flowers, fruits, vegetables, hay, or similar agricultural products.

4. Greenhouses accessory to the residential use of the property.

5. Farm products direct marketing involving products produced primarily on the property, provided that sales remain incidental to the residential use and do not create traffic, parking, noise, or operational impacts characteristic of a commercial enterprise.

6. Storage and use of farm implements, tractors, trailers, and equipment customarily associated with the permitted activities of this Section.

c. General Standards.

1. All activities shall remain clearly accessory and subordinate to the principal residential use of the property.

2. No activity permitted by this Section shall constitute a commercial livestock operation, commercial kennel, commercial riding stable, agricultural service establishment, or other principal agricultural business unless otherwise specifically authorized by this Ordinance.

3. Outdoor storage of equipment, materials, feed, and supplies shall be maintained in an orderly manner and shall not create a nuisance for adjacent properties.

4. Any structure used for the keeping of animals shall comply with all applicable setback requirements for accessory structures and any additional standards contained in this Ordinance.

5. Sales conducted pursuant to this Section shall be limited in scale and intensity so as not to alter the residential character of the property or generate levels of traffic, parking demand, noise, or activity inconsistent with surrounding residential development.

6. Nothing in this Section shall exempt a property owner from compliance with applicable state and county regulations, including animal health, environmental, soil erosion, and manure management requirements.

d. Limitation.

1. The Planning Commission or Zoning Administrator may determine that an activity exceeds the scope of an accessory rural residential use when the activity becomes the principal use of the property, creates substantial off-site impacts, or operates in a manner substantially similar to a commercial agricultural enterprise.

ARTICLE 11

OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 11.01 PURPOSE.

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems by reducing the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; and to promote the use and development of shared parking facilities and cross-access between sites.

SECTION 11.02 SCOPE.

The regulations of this Article shall be met in all districts when any use is established; any structure is erected, enlarged, or increased in capacity; or any existing use is changed to a different use, expanded, extended, or increased in intensity.

SECTION 11.03 GENERAL REGULATIONS.

The following standards shall apply to all off-street parking and loading facilities:

A. Alteration, Reduction or Elimination of Parking or Loading Spaces.

No parking, loading, unloading, or standing space that exists at the effective date of this Ordinance or is provided for the purpose of complying with this Ordinance shall be relinquished or reduced in any manner below the requirements established in this Ordinance.

B. Use.

Any area once designated as required off-street parking, stacking, or loading spaces shall not be changed to any other use, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission. Use of off-street parking, stacking, and loading facilities shall be further subject to the following:

1. No commercial activity or selling of any kind shall be conducted within required parking areas, except as part of a permitted temporary use.

2. Parking lots and loading areas shall not be used for parking of inoperable vehicles, storage or display of motor vehicles for sale, vehicle repairs, dumping of refuse, or storage of any merchandise, equipment, products or materials.

3. Parking of an operable motor vehicle in the parking lot of a non-residential land use shall not exceed a continuous period of more than forty-eight (48) consecutive hours.

4. No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property. Ownership shall be shown for all lots intended for use as parking by the applicant.

C. Unlicensed or Inoperable Vehicles Parking or Storage.

Unlicensed or inoperable motor vehicles shall be parked or stored within a completely enclosed structure, except where otherwise permitted by this Ordinance as a principal or accessory use.

D. Location of Off-Street Parking.

Off-street parking facilities shall be located on the same lot as the principal building or use for which the parking is intended or on a lot under the same ownership as the principal building, except where otherwise permitted per Section 11.09.A (Shared Parking Facilities). The minimum required parking for each use shall be located within three hundred (300) feet of a primary entrance to the principal building or use for which the parking is intended.

E. Rural and Residential Parking Requirements.

Off-street parking in the Rural, Rural Residential, and Urban Residential Districts, and any Business or Special District incorporating RESIDENTIAL USES, shall be subject to the following additional standards:

1. Parking spaces accessory to single-family dwellings, two-family (duplex) dwellings, and similar RESIDENTIAL USES shall be located on the premises of the principal dwelling.

   Such parking shall be provided in an accessory garage, carport, driveway, parking pad or bay, or combination thereof. Parking of motor vehicles at any other location in the front, side or rear yards of any dwelling unit shall be prohibited.

2. Parking of motor vehicles accessory to single-family dwellings, two-family (duplex) dwellings, and similar RESIDENTIAL USES shall be limited to passenger vehicles and a maximum of one (1) commercial vehicle per dwelling unit of a light delivery type not to exceed one (1) ton capacity. Parking of any other commercial vehicle or bus accessory to such uses shall be prohibited. This provision shall not prohibit the parking or storage of horse trailers, utility trailers, boat trailers, recreational vehicle trailers, or similar non-commercial accessory trailers customarily associated with a residential use.

3. The parking of any commercial vehicle or bus exceeding one (1) ton capacity shall be prohibited in RURAL USES, unless contained within a garage or carport, or effectively screened from adjacent properties and road rights-of-way. Tractors and other agricultural vehicles and equipment used for permitted farming and agricultural purposes in the Rural Districts shall not be considered commercial vehicles for the purposes of this Section and Ordinance.

F. Recreational Vehicle and Equipment Parking.

Parking or storage of recreational vehicles and equipment (which shall include but not limited to boats and boat trailers, snowmobiles, trail cycles, all-terrain vehicles, and similar equipment and trailers, cases, and boxes used for transporting recreational equipment, whether occupied by such equipment or not) on any lot in the Rural Districts, Rural Residential Districts, and Urban Residential Districts, and any Business or Special District incorporating RESIDENTIAL USES, shall be subject to the following:

1. Unless stored at an approved outdoor storage facility, the recreational vehicle must be owned by and licensed/registered to a full-time occupant of the zoning parcels upon which the vehicle will be stored.

2. A maximum of one (1) recreation vehicle owned by a resident of the lot may be stored on a lot. Such recreational vehicle shall be stored either within an enclosed structure or a well-screened area behind the front building line of the principal structure.

3. Such vehicles and equipment shall not be parked or stored outside of an enclosed structure or well-screened area behind the front building line of the principal structure, except for periods not to exceed seventy-two (72) hours during loading or unloading or similar activities. When parked in a private driveway, such parking may not be in the public right-of-way or overhang into the public right-of-way including any sidewalk.

4. Recreation vehicles must be operational and maintained in a clean, well-kept state.

5. Recreation vehicles shall not be connected to electricity, gas, water, or sanitary sewer facilities, except a temporary connections may be made for the purpose of recharging batteries or clearing systems.

6. Recreational vehicles equipped with liquefied petroleum gas containers must ensure that such containers meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the recreational vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.

7. Such vehicles and equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use, except as follows:

    a. One (1) recreational vehicle inhabited by visitors shall be permitted on a residential lot of not less than one-half (1/2) acre in lot area, not to exceed a total of thirty (30) days in any calendar year.

    b. Such recreational vehicle shall not be located in any required yard, and sanitary sewer and water facilities in the principal dwelling shall be available to the occupants of the recreational vehicle.

SECTION 11.04 STANDARDS FOR PARKING AND LOADING CALCULATIONS.

The following standards shall apply to all parking calculations:

1. Where more than one (1) principal use exists or is proposed to occupy a site the parking requirements for each use shall be calculated separately. The total parking obligation for the site shall equal the cumulative total of the parking requirements for the individual uses.

2. Where floor area is the unit for determining the required number of off-street parking spaces, "floor area" shall mean the gross floor area (GFA), except that the floor area need not include any area used for parking within the principal building and need not include any floor area used for incidental service installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.

3. When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction shall be counted as one (1) additional space.

4. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift or busiest period of the workday.

5. For requirements stated in terms of capacity or maximum permitted occupancy, the number shall be determined on the basis of the largest occupancy ratings by the State Construction Code, or applicable local, county or state fire or health codes.

6. For those uses not specifically mentioned in this Section, the requirements for off-street parking shall be in accordance with a listed use that the Planning Commission or Zoning Administrator deems to be similar in type.

7. The following uses shall be exempt from the required parking standards of this Section:

    a. RURAL USES and RESIDENTIAL USES not specifically listed in Section 11.05 (Schedule of Off-Street Parking Requirements).

    b. Public utility and essential service uses.

SECTION 11.05 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.

Determinations of the minimum number of required off-street parking spaces and maximum number of permitted spaces by type of use shall be determined in accordance with the following schedule:

A. Minimum Parking Requirements.

Off-street parking, stacking, and loading spaces shall be provided for specific uses of land and structures in the Township in accordance with the minimum requirements of this Section.

B. Maximum Parking Requirements.

It is the intent of this chapter to minimize excessive areas of pavement which reduce aesthetic standards and contribute to high rates of stormwater runoff. Exceeding the minimum parking space requirements by more than 20% shall only be allowed with

approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

C. Electric vehicle parking standards.

1. **Parking.**
   a. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces.
   b. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
   c. Electric vehicle charging stations shall be sized the same as a standard parking space.
2. **Lighting.** Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.
3. **Equipment standards and protection.**
   a. Vehicle charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to impede pedestrian travel or create trip hazards on sidewalks.
   b. Adequate vehicle charging stations protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the vehicle charging station is set back a minimum of 24 inches from the face of the curb.
4. **Signage and notification of station specifics.**
   a. Each electric vehicle charging station space may be posted with signage indicating the space is only for electric vehicle charging purposes.
   b. Notification shall be placed on the unit to identify voltage and amperage levels, time of use, fees, safety information, and other pertinent information.
5. **Installation and maintenance.**
   a. All necessary electrical permits must be obtained.
   b. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

E. Schedule of Off-Street Parking Requirements.

Off-street parking, stacking, and loading spaces shall be provided for specific uses of land and structures in the Township in accordance with the following:

Use	Minimum Required Parking
RURAL USES	
Farm-Based Tourism or Entertainment Activities	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or one (1) per four (4) persons allowed within the maximum capacity of the facility.
Farm Market, Bulk Feed and Fertilizer Supply, and Farm Implement Sales or Repair	One (1) per four hundred (400) square feet of floor area, plus one (1) per on-duty employee.
Roadside Stand	One (1) per one hundred (100) square feet of display area.
Veterinary Clinic, Animal Hospital, or Kennel	One (1) per five hundred (500) square feet of floor area, plus one (1) per on-duty employee.
RESIDENTIAL USES	
Accessory Dwelling	One (1) space per accessory dwelling unit, unless waived in accordance with Section 7.03.H.
Adult Foster Care Small or Large Group Home, State Licensed Residential Facilities, and Other Managed Residential Facilities	One (1) per resident sleeping room, plus one (1) per on-duty employee.
Bed and Breakfast Inn	One (1) per guest sleeping room, plus any required spaces for the dwelling.
Dormitory Living Units	One (1) per two (2) dwelling units or four (4) beds.
Elderly and Senior Housing – Independent	One (1) per dwelling unit, plus one (1) per on-duty employee.
Elderly Housing – Assisted	One (1) per two (2) dwelling units or four (4) beds, plus

Use	Minimum Required Parking
Living Facilities; or Dependent, Nursing or Convalescent Care	one (1) per on-duty employee.
Family and Group Child Day Care Home, or Adult Foster Care Family Home	One (1) per on-duty employee, plus any required spaces for the dwelling.
Manufactured Housing Parks	Two (2) per dwelling.
Multiple-Family Housing, Townhouses, and Stacked Flats	One and one-half (1.5) per dwelling unit with up to two (2) bedrooms, and two (2) per three-bedroom or larger dwelling unit. One (1) per dwelling units for studio or efficiency units.
Two-Family (Duplex) Dwellings	
Single-Family Dwellings, Detached	Two (2) per dwelling.
OFFICE, SERVICE, AND COMMUNITY USES	
Ambulance, Fire, and Police Stations	One (1) per on-duty employee, plus any required spaces for storage of vehicles.
Barber Shop, Beauty Salon or Nail Care	One (1) per service chair or station, plus one (1) per on-duty employee.
Campgrounds and Recreational Vehicle Parks	One (1) at each campsite, plus any required spaces for accessory COMMERCIAL USES or other uses.
Cemetery	One (1) per on-duty employee, plus required parking for any accessory office or other uses.
Day Care Center – Child or Adult	One (1) parking space per five (5) children/dependent adults of state licensed or authorized capacity, plus one (1) parking space per on-duty employee.
Funeral Parlor or Mortuary	One (1) per four (4) persons allowed within the

Use	Minimum Required Parking
	maximum building occupancy.
Health Club or Fitness Center	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per three hundred (300) square feet of floor area, whichever is greater.
Hospital or Urgent Care Center	One (1) per two (2) beds (excluding bassinets), plus one (1) per on-duty employee.
Institutional Uses	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or one (1) per four (4) persons allowed within the maximum building occupancy.
Landscaping and Maintenance Operations	One (1) per on-duty employee, plus required spaces for the dwelling or offices.
Snow Removal Operations	
Medical or Dental Office, Clinic or Laboratory; Massage Therapist, or Physical Therapy Facility	One (1) per on-duty employee, plus one (1) per examination or treatment room.
Offices for Professional, Service or Administrative Uses	One (1) per three hundred (300) square feet of floor area.
Government Offices	
Recreation Facilities, Indoor	For membership organizations: One (1) per two (2) individual or family memberships, based upon the anticipated maximum membership level.
	For all other uses: One (1) per four (4) persons allowed within the maximum occupancy.

Use	Minimum Required Parking
Recreation Facilities, Outdoor	For golf courses: Four (4) per hole, plus one (1) per on-duty employee.
	For golf driving ranges: Two (2) per practice station, plus one (1) per on-duty employee.
	For facilities with a known maximum occupancy: One (1) per four (4) persons allowed within the maximum occupancy.
	For membership organizations: One (1) per two (2) individual or family memberships, based upon the anticipated maximum membership level.
Workshop or Studio	One (1) per four hundred (400) square feet of floor area.
COMMERCIAL USES	
Amusement Center, Indoor	For bowling alleys: Three (3) per bowling lane, plus one (1) per on-duty employee.
	For all other uses: One (1) per four (4) persons allowed within the maximum building occupancy.
~~Amusement Center, Outdoor~~	For miniature golf, batting cages or similar uses: One (1) per hole, batting cage, or similar station, plus one (1) per on-duty employee.
Bank, Credit Union or Similar Financial Institution	One (1) per three hundred (300) square feet of floor area.
Big Box COMMERCIAL USES	One (1) per four hundred (400) square feet of floor area.
Car Wash	For self-serve facilities: Two (2) parking spaces, plus one (1) parking space per on-duty employee, plus two (2) stacking space per service bay.
	For automated facilities: Two (2) parking spaces, plus one (1) parking space per on-duty employee, plus stacking spaces equal to four (4) times the maximum

Use	Minimum Required Parking
	capacity of the facility (determined by dividing total service lane length in feet by twenty-five (25) feet).
Dealership Showroom for Sale or Rental of Recreational Vehicles, Motor Vehicles, Construction Machinery or Similar Durable Goods	One (1) per five hundred (500) square feet of floor area of the sales room, plus one (1) per on-duty employee.
Private Event Venue	One (1) per two (2) guests based on maximum occupancy of the building, plus (1) per on-duty employee
Drive-through Facilities	See Section 10.05.J.
Hotel or Inn	One (1) per occupancy unit, plus one (1) per on-duty employee.
Laundromat or Dry Cleaners	One (1) per five (5) washing and drying machines, or three hundred (300) square feet of floor area for uses without machines for individual use, plus one (1) per on-duty employee.
Manufactured Housing Sales	One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee.
Motion Picture Cinema, Indoor	One (1) per three (3) seats, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee.
Motion Picture Cinema, Outdoor	One (1) per vehicle allowed within the maximum occupancy, or per three (3) persons where individual seating is provided, plus one (1) per on-duty employee.
Motor Vehicle Fueling Station	One (1) parking space per on-duty employee, plus one (1) parking space at each fueling location, plus one (1) stacking space per two (2) fueling locations.
Motor Vehicle Service Center	One (1) parking space per on-duty employee, plus one

Use	Minimum Required Parking
or Repair Stations	(1) parking space per service bay, plus one (1) stacking space per service bay.
Open Air Business, Outdoor Display Area, Garden Center, or Dealership Sales Lot	For dealership sales lots: One (1) per 4,000 square feet of outdoor dealership sales lot area.
	For all other uses: One (1) per 1,000 square feet of outdoor sales or display area.
Restaurants and Food Service Establishments, Carry-Out Only	One (1) per two hundred (200) square feet of floor area, plus one (1) per on-duty employee.
Restaurants, Fast food including Drive-in and Drive-through	One (1) per sixty (60) square feet of floor area, plus requirements for drive-through in Section 10.05.J.
Restaurants and Food Service Establishments, with Dine-In Seating	One (1) per two (2) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee.
Outdoor Café or Eating Area	
Retail Stores and COMMERCIAL USES not otherwise listed in this table	One (1) per two hundred-fifty (250) square feet of floor area.
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	One (1) per three (3) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee.
INDUSTRIAL, RESEARCH, AND LABORATORY USES	
INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table – established for a known user.	Five (5), plus one (1) per on-duty employee, plus required parking for any accessory office or other uses.
INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise	Five (5), plus one (1) per 2,000 square feet of floor area for the proposed principal use(s), plus required parking for

Use	Minimum Required Parking
listed in this table – established on speculation, or where the end user or number of anticipated employees is not known.	any accessory office or other uses.
Material Recovery Facilities	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Outdoor Storage, General	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Outdoor Storage, Dismantling or Recycling Yard for Motor Vehicles, Machinery, Manufactured Houses or Similar Items	
Self-Storage Warehouses	Two (2) for the caretaker's dwelling, plus one (1) per three hundred (300) square feet of floor area in the principal building, plus (1) per 10,000 square feet of recreational vehicle storage area.
Outdoor Storage of Recreational Vehicles or Similar Items	
OTHER USES	
Controlled Uses	One (1) per two hundred (200) square feet of floor area.
Composting Centers	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Extractive and Earth Removal Operations	
Public Works and Road Maintenance Yards	One (1) per on-duty employee, plus required parking for any accessory office or other uses.
Racetracks	One (1) per 4,000 square feet of gross land area occupied by the use, or one (1) per three (3) persons allowed within the maximum occupancy load for the facility.
Recycling Collection Facility	One and one-half (1.5) per on-duty employee, plus

Use	Minimum Required Parking
	required parking for any accessory office or other uses.

SECTION 11.06 DESIGN REQUIREMENTS FOR PARKING AREAS.

Every parcel of land hereafter used for public or private off-street parking facilities a parking area shall be designed, constructed, and maintained in accordance with the following:

On each site proposed for use, addition, and/or conversion for which a site plan is required to be submitted, there shall be provided on the same site a minimum of one (1) off-street parking space designed pursuant to the Michigan Public Facilities by Physically Limited Act, PA 1 of 1966 and applicable standards of the Building Code.

A. Landscaping and Screening.

Any off-street parking area shall be landscaped, in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers).

B. Setback.

Off-street parking facilities shall conform to the following minimum setback requirements:

1. Off-street parking spaces shall not be located in any required front yard. When the lot is a corner lot, the parking spaces shall not be located within the required yard along either road right-of-way.

2. Off-street parking spaces and driveways shall be set back a minimum of ten (10) feet from any side or rear property line, except as follows:

    a. The required setback shall be screened, where applicable, in accordance with Section 12.03 (Landscaping, Screening, and Land Use Buffers) along the property line.

    b. The required setback shall not apply to parking spaces and driveways that serve a single-family dwelling or two-family (duplex) dwelling.

c. Any parking lot located in a Rural, Rural Residential, or Urban Residential District shall be set back a minimum of twenty-five (25) feet from any adjacent property.

3. Distance measurements for driveway setbacks shall be made from the pavement edge to the nearest point along the lot boundary or right-of-way.

4. No parking spaces shall be located within any required transition buffer per Section 12.03.

D. Exterior Lighting.

Light fixtures used to illuminate off-street parking areas shall conform to the requirements of Section 12.04 (Exterior Lighting).

E. Ingress/Egress.

Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Driveways and aisles for any off-street parking area shall comply with the following requirements:

1. Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way traffic flow. Aisles for angle parking spaces shall be limited to one-way movement and shall be clearly marked as such.

2. Ingress and egress to a parking lot shall not be across land located in a Rural, Rural Residential, or Urban Residential District if the parking lot is located in any district zoned for non-residential uses.

3. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited.

4. Lanes for entering and exiting traffic shall be clearly marked. Exit lanes shall include adequate area for traffic waiting to exit the site.

F. Pavement, Striping, and Signage.

Off-street parking facilities, off-street loading, unloading, or standing spaces, barrier free parking spaces, access aisles, and pedestrian paths from parking lots to building entrances shall be paved with concrete, plant-mixed bituminous asphalt or similar materials in accordance with the standards of this Ordinance and the Township's engineering standards. Pavement striping and signage shall be provided in accordance with applicable State Construction Code and Township requirements.

Except as otherwise expressly provided by this Ordinance, all driveways, access drives, maneuvering lanes, off-street parking areas, loading areas, unloading areas, and vehicle standing areas associated with a use subject to site plan review shall be paved with concrete, plant-mixed bituminous asphalt, brick, masonry pavers, or another durable, dustless, all-weather surface approved by the Township Engineer. Driveways serving only a single-family detached dwelling or an agricultural use are not required to be paved unless paving is required by another provision of this Ordinance, an approved site plan, the Township engineering standards, or another agency having jurisdiction.

G. Grading and Drainage.

Driveways and off-street parking areas shall be graded and provided with adequate stormwater management and drainage facilities to dispose of surface waters in accordance with applicable construction and design standards established by the Township, Washtenaw County Road Commission, and Washtenaw County Drain Commissioner. Surface water shall not drain on to abutting properties, toward buildings, or across a public road, except in accordance with an approved drainage plan.

H. Parking Layout.

The layout of off-street parking shall be in accordance with the following minimum requirements (see "Parking Layout" illustration):

Parking Pattern (degrees)	**Maneuvering Lane Width**	**Parking Space Width**	**Parking Space Length**	**Width of Maneuvering Lane Plus Two Rows**
0° (parallel)	24 feet (two-way)	8.0 feet	22 feet	40 feet
45°	12 feet (one-way)	9.0 feet	20 feet	49 feet
60°	16 feet (one-way)	9.0 feet	20 feet	56 feet
90°	20 feet (two-way)	9.0 feet	20 feet	60 feet

1. Parking space dimensions shall be exclusive of access drives or aisles and shall be of usable shape and condition. Maneuvering lanes and aisles shall be designed to meet applicable Township and outside agency engineering standards for emergency vehicle access.

2. Parking Abutting Sidewalks. Where a parking space overhangs a sidewalk, the minimum sidewalk width shall be seven (7) feet. Parking length may be reduced by two (2) feet.

3. Lots with one-way traffic flow shall have angled spaces in the direction of flow. The direction of traffic flow shall be indicated by pavement marking and signs. Mixing of ninety-degree and angled spaces in the same parking lot is generally prohibited.

4. Spaces which permit vehicles to park head-on against the sides of other vehicles are prohibited. Such a change in parking direction should be separated by a landscape island, sidewalk, drive, or other physical feature.

5. Parking spaces on entrances from major roads or service drives will not be permitted where the parking maneuvers will interfere with traffic flow.

6. The ends of parking bays which are adjacent to major drives in a parking lot shall be physically separated from the drive by landscape islands or other physical features.

7. A developer or property owner may provide all or part of the proposed parking using spaces wider than the minimum required.

8. Off-street parking facilities for trucks, recreational vehicles, and similar large vehicles shall be of sufficient size to adequately serve such vehicles without interfering with other vehicles that use the same facilities. Such truck and large vehicle spaces shall be a minimum of fourteen (14) feet wide and fifty-five (55) feet long.

J. Shared Access Standards.

The purpose of this subsection is to protect the substantial public investment in the Township's road system by preserving the traffic capacity of existing roads, promote safe and efficient travel within the Township, and ensure reasonable vehicular access to properties, though not always the most direct access. Primary vehicle access to

parcels in the Business Districts or occupied by OFFICE, SERVICE, AND COMMUNITY USES or COMMERCIAL USES may be provided by the development and use of shared driveways, cross-access drives, service drives, and similar means of shared access, subject to the following:

1. **Location.** The lot shall have the minimum required road frontage per Section 7.12 (Access to Streets). New shared driveways, cross-access drives, and service drives shall be aligned with existing drives on adjacent lots where feasible, and parallel or perpendicular to the road right-of-way.

2. **Cross-access easement.** Shared driveways, cross-access drives, and service drives shall be located within a dedicated access easement that permits traffic circulation between lots. The property owners shall record the approved easement in the Washtenaw County Register of Deeds office and shall provide two (2) copies of the recorded document to the Township Clerk.

3. **Maintenance.** The easement area shall remain clear of obstructions and shall not be used for parking unless otherwise approved by the Planning Commission. Each property owner shall be jointly and severally responsible for maintenance of the shared access.

SECTION 11.07 OFF-STREET LOADING REQUIREMENTS.

To avoid interference with public use of roads and parking areas, adequate off-street loading, unloading, or standing spaces shall be provided on the same lot for any COMMERCIAL USES or INDUSTRIAL, RESEARCH, AND LABORATORY USES that customarily receive or distribute vehicles, materials, or merchandise, subject to the following:

A. Specifications for Loading, Unloading, or Standing Areas.

Every parcel of land hereafter used as a loading, unloading, and/or standing area shall be developed and maintained in accordance with the following regulations:

1. Each off-street loading, unloading, or standing space shall be of sufficient size and configuration to accommodate the largest type of delivery vehicle anticipated for the proposed use. At a minimum, such loading spaces shall meet the following requirements:

    a. For express package carriers, vans, and similar delivery vehicles, such space shall be not less than ten (10) feet in width and twenty-five (25)

feet in length and, if a roofed space, not less than fifteen (15) feet in height.

b. For larger delivery vehicles, such space shall be not less than ten (10) feet in width and fifty-five (55) feet in length and, if a roofed space, not less than fifteen (15) feet in height.

2. All off-street loading, unloading, and standing spaces shall be set back a minimum of fifty (50) feet from any Rural Residential or Urban Residential District, or any Business or Special District that includes RESIDENTIAL USES, except where enclosed within a building or screened to the satisfaction of the Planning Commission, per Section 12.03 (Landscaping, Screening and Land Use Buffers).

3. All off-street loading, unloading, and standing areas shall be drained so as to prevent surface drainage onto abutting properties, toward buildings, or onto public streets. All loading dock approaches shall be paved so as to provide a permanent, durable, and dustless surface.

4. Ingress and egress to loading, unloading, and standing areas shall be provided by means of clearly defined drives. Ingress and egress to a loading, unloading, and standing area for a non-residential use shall not be across land in any Rural Residential or Urban Residential District, or any Business or Special District that includes RESIDENTIAL USES.

5. Each ingress and egress to a loading, unloading, or standing area shall be at least forty (40) feet from any adjacent property located in any Rural Residential or Urban Residential District, or any Business or Special District that includes RESIDENTIAL USES.

6. Loading spaces shall be located within or immediately adjacent to the building to be served.

7. No off-street loading, unloading, or standing space shall be located in the required front yard.

8. Off-street loading, unloading, or standing areas that make it necessary for vehicles to back directly into a public road are prohibited. All maneuvering of trucks, automobiles, and other vehicles shall take place on the site and not within a road right-of-way.

B. Schedule of Loading, Unloading, and Standing Requirements.

The minimum number of off-street loading, unloading, and standing spaces shall be determined in accordance with the following schedule:

1. One (1) space for the first five thousand (5,000) square feet of gross floor area, plus one (1) space for each additional twenty thousand (20,000) square feet of gross floor area or fraction thereof.

2. Required off-street parking spaces shall not be included in the counting of required loading, unloading, or standing spaces.

3. In the case of two (2) or more uses on one (1) lot or parcel, the total requirements for off-street loading, unloading, and standing facilities shall be the sum of the various uses computed separately.

4. It is the intent of this chapter to minimize excessive areas of pavement which reduces aesthetic standards and contributes to high rates of stormwater runoff. The Planning Commission may grant a waiver in the loading space requirements if the applicant is able to demonstrate and the Planning Commission is able to determine that such loading space is not required, based on documented evidence, to accommodate the use on a typical day.

SECTION 11.08 CONSTRUCTION AND MAINTENANCE.

Construction, alteration, and maintenance of off-street parking and loading facilities shall be in accordance with an approved final site plan and the following:

A. Construction.

Plans and specifications showing required off-street parking and loading spaces, including the means of access, ingress, egress, and circulation, shall be submitted to the Zoning Inspector for review at the time of application for a building permit. If a site plan is required per Article 8 (Site Plan Review), such plans shall be submitted for Planning Commission approval as part of the site plan application.

1. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require submittal of a performance guarantee per Section 3.09.C (Performance Guarantees) to ensure completion.

2. Copies shall be provided to the Township of any permits or written approvals from the Washtenaw County Road Commission, Washtenaw County Drain Commissioner, or other agency with jurisdiction.

B. Maintenance.

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

1. Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this Ordinance.

2. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.

3. All off-street parking and loading facilities required by this Section shall be maintained free of accumulated snow, ice, debris, or other materials which prevent full use and occupancy of such parking facilities.

SECTION 11.09 MODIFICATION OF STANDARDS.

Limited modifications to the standards of this Article shall be permitted, subject to the following:

E. **Shared parking for separate zoning lots.** The developed parking for adjacent zoning lots may be shared, provided that a signed agreement is provided by the property owners, and the applicant can demonstrate that the peak usage will occur at different periods of the day. To demonstrate shared parking compatibility, the applicant shall use a recognized industry standard such as the Urban Land Institute Shared Parking Report. Underlying parking space requirements for each use shall be based on Superior Township parking requirements noted herein or as otherwise modified by the provisions of this article. Side or rear parking lot setbacks may be reduced or waived where a shared access driveway, connected parking lots, and/or internal service drives are provided.

F. **Mixed Use Parking.** Parking for mixed-use development shall be determined applying the shared parking methodology established by the most recent edition of the Urban Land Institute Shared Parking book. This methodology shall be applied by compiling the required parking for all the proposed uses within the development as they would be required if developed separately, and then incorporating the shared parking calculations to realize efficiencies in complementary uses that can then allow for an overall reduction in required parking. As with traditional shared-parking projects, underlying parking space requirements for each use shall be based on

Superior Township parking requirements noted herein or as otherwise modified by the provisions of this Article.

G. **Exceeding Maximum Number of Required Spaces.** Exceeding the maximum parking space requirements of this Article shall be prohibited, except where the Planning Commission determines that additional parking is necessary to accommodate the use on a typical day of operation, based upon evidence supplied by the applicant. The Planning Commission may require the applicant to provide a detailed evaluation of parking needs for the proposed use, or additional documentation of demonstrated parking needs for equivalent operations or facilities at other locations.

H. **Deviation of Parking Spaces.**

The Township recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.

The Planning Commission, in its sole discretion, may grant deviations from off-street parking requirements. These deviations may require more or less parking based upon a finding that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. In the event that a deviation is granted, the following shall apply:

1. An applicant may request a parking deviation at any time, as part of a current site plan, special land use, or rezoning application, or may request a parking deviation as a separate and distinct action with no other concurrent request.
2. The applicant shall provide information proportionate to the requested deviation, which may include operating characteristics, employee and customer counts, comparable-use data, shared-parking calculations, available on-street parking, or a professional parking study for a substantial deviation.
3. A parking deviation may be included in a concurrent approval. A Planning Commission deviation shall be incorporated into the motion or resolution.
4. The Planning Commission may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question.
5. The Planning Commission may require the applicant to set aside area for reserve parking (land banking) to be constructed as needed, although this is not a prerequisite for the approval of a deviation. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities, such as maneuvering lanes and drainage.
6. Deferred parking spaces shall be constructed in accordance with the approved site plan upon written request by the Township after the Township Planner or Zoning Administrator has documented three (3) incidents of problem parking on the site.

I. Modification of Paving Requirements.

The Planning Commission may approve an alternative paving material or surface for all or part of a driveway, access drive, maneuvering lane, parking area, loading area, unloading area, or vehicle standing area, subject to the following:

1. The Planning Commission shall determine, based on a recommendation from the Township Engineer, that the alternative paving material or surface will provide a stable, durable, dust-controlled, all-weather surface appropriate for the anticipated vehicle type and frequency and will not create erosion, sediment tracking, drainage, accessibility, or emergency access concerns.

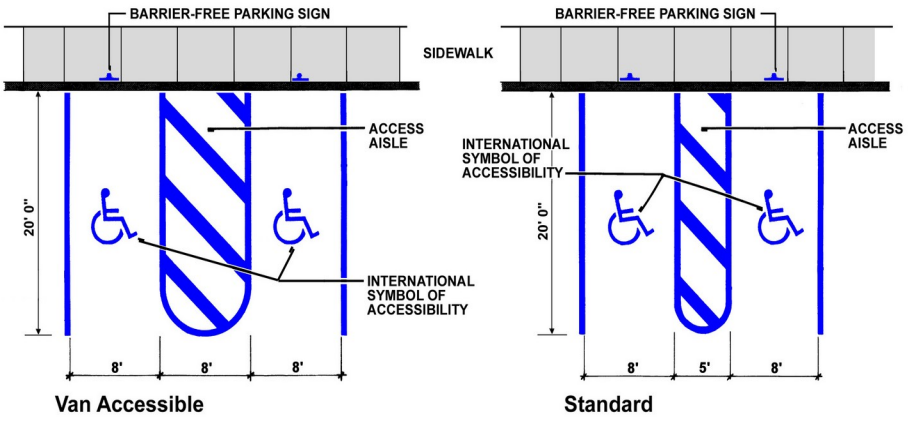
2. Alternative paving material or surface for barrier free parking spaces, access aisles, and pedestrian paths from parking lots to building entrances shall be prohibited.

3. Alternative paving materials shall be limited to graded and compacted gravel, crushed limestone, or similar materials approved by the Township Engineer. The approved surface shall be maintained in a stable, compacted, weed-free, and dust-controlled condition and shall not result in mud, loose aggregate, or sediment being tracked onto a public or private road.

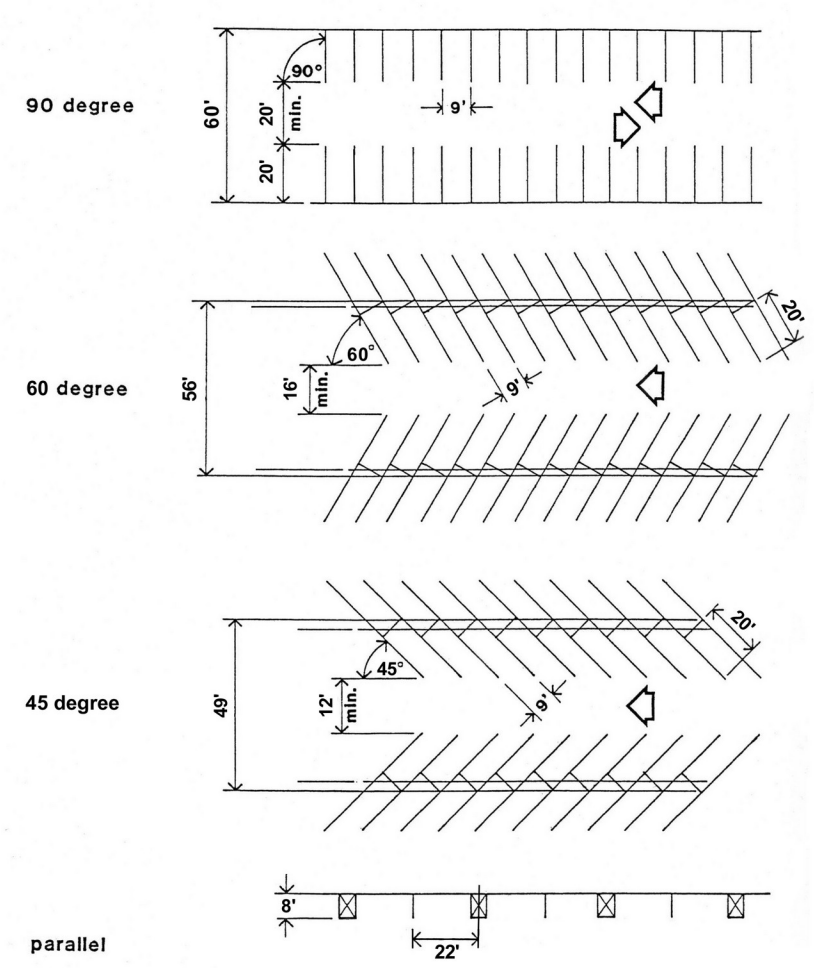
J. **Modification of Loading Space Requirements.**

The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

ILLUSTRATIONS



Barrier-Free Parking Space Layout



Parking Layout

ARTICLE 12

SITE DESIGN STANDARDS

SECTION 12.01 TRASH STORAGE AND DISPOSAL STANDARDS.

Garbage, trash, and similar refuse to be stored outside a building occupied or intended to be occupied by a multiple-family residential or non-residential use in any zoning district shall be kept within lidded containers and stored within a screened enclosure. Such trash storage areas and enclosures shall be subject to the following:

A. Garbage, trash, and refuse. Outdoor trash storage shall be limited to normal refuse collected on a regular basis and maintained in a neat, orderly and sanitary condition.

1. In no instance shall any refuse be visible above required screening.

2. The Planning Commission may require internal storage and the use of trash compactors where, in the determination of the Commission, such measures are necessary to serve the public health, safety, and welfare.

B. Outdoor trash storage area screening. Outdoor trash storage areas shall be screened and secured in accordance with the following:

1. The enclosure shall be constructed of a solid, obscuring material, such as wood, concrete block, or brick, which is architecturally compatible with the architectural materials used in the site development. The enclosure walls shall be a minimum of six (6) feet in height.

2. The enclosure shall be secured by steel-reinforced and lockable gate at least six (6) feet in height and constructed of opaque material compatible with the wall materials.

3. Concrete-filled bollards or similar protective devices shall be installed at the opening and to the interior rear of the enclosed area to prevent damage to the walls.

4. A concrete pad at least four (4) inches thick shall be provided under the trash storage area, extending out a minimum of ten (10) feet in front of the enclosure's gates.

5. Such storage area shall be located and arranged as to minimize visibility from adjacent road rights-of-way.

6. The enclosure shall be located to meet the standards set forth in the current International Fire Code in effect in the Township.

SECTION 12.02 BUILDING FORM AND COMPOSITION.

The composition, orientation, and form of new construction and new buildings in the Township shall be subject to the following:

A. Scope.

The standards of this Section shall apply to all new construction, subdivision and site condominium developments, and new buildings subject to site plan review per Article 8 (Site Plan Review), or Zoning Inspector approval per Section 3.02 (Certificates of Zoning Compliance). The requirements of this Section are not intended to regulate structural quality, workmanship or the performance and maintenance characteristics of various materials.

B. Residential Building Exteriors.

This Section has been established to promote the consistent, orderly development of the Township's residential neighborhoods by assuring that a satisfactory and harmonious relationship will exist between proposed development and existing and prospective development of contiguous lands and adjacent neighborhoods. The following shall apply to all single-family, two-family, and multiple-family attached and detached dwellings.

1. If vinyl, aluminum, or steel siding is to be installed on any dwelling, the area of all such siding shall not exceed fifty percent (50%) of the total area on the front and side dwelling elevations.

    a. All exposed exterior surfaces of a building's front and side elevations, inclusive of window and door surfaces, shall be calculated to represent one hundred percent (100%) of the exterior wall surface.

    b. The following shall apply where a rear dwelling elevation faces towards and is visible from an abutting primary road as classified by the master

transportation plans of the Township, or county or state road authorities:

(1) The rear elevation shall be improved with exterior façade materials consistent with the types and percentages of such materials as required for the front dwelling elevation.

(2) This standard shall not apply to rear dwelling elevations where a landscape strip will screen the rear elevation from view, as shown on an approved final landscape plan. The landscape strip shall conform to the requirements of Section 12.03 (Landscaping, Screening and Land Use Buffer).

2. A minimum six (6) inch roof overhang shall be provided at all dwellings eaves and gables.

C. Non-Residential Building Exteriors.

The quality of non-residential building design, placement, and composition is essential to provide a comfortable, human-scale environment in the Township, and maintain the Township's attractiveness and economic vitality. Accordingly, it is the purpose of this Section to maintain the visual environment of the Township, protect the general welfare by ensuring that the Township's property values, appearance, character, and economic well-being are preserved through minimum non-residential building composition and placement standards. The composition, orientation, and form of new construction and new buildings occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES in the Township shall be subject to the following:

1. **Materials.** If vinyl, aluminum, or steel siding is to be installed on any building, the area of all such siding shall not exceed fifty percent (50%) of the total area on the front and side building elevations. All exposed exterior surfaces of a building's front and side elevations, inclusive of window and door surfaces, shall be calculated to represent one hundred percent (100%) of the exterior wall surface.

2. **Facade variation.** Building facade walls exceeding one hundred (100) feet in length shall be subdivided into bays, through the location and arrangement of architectural features and design variations. Such features and design elements may include, but are not limited to projections, bays, recesses, enhanced façade materials and architectural detailing, and variations in building height, roof forms, and window patterns (see illustration).

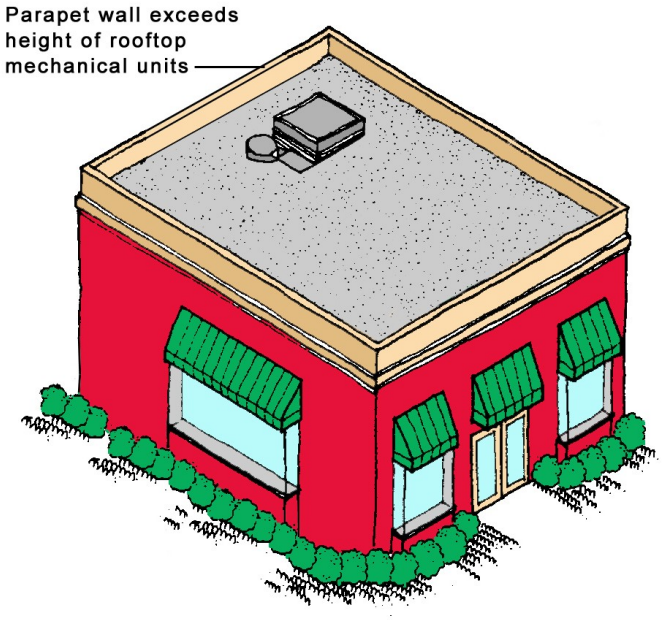
3. **Public entrances.** Buildings shall have at least one (1) public entrance that faces a public road right-of-way or internal development street. Additional public entrances shall be permitted on the rear or side facade, including primary access to other uses in a multi-tenant building.

4. **Rear facade.** All sides of a building shall be complementary in design, details, and materials. Side and rear facades shall include building materials and architectural features similar to those present on the front facade of the building.

5. **Rooftop equipment screening.** Roof-top mechanical equipment, HVAC systems, exhaust stacks, elevator housings, and other equipment shall be screened from public rights-of-way and adjacent uses by a parapet wall or similar device that exceeds the height of the roof-top equipment and extends around all sides of the building (see illustration).

6. **Security and safety equipment.** Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted on the interior of the building. Such security equipment shall be recessed and completely concealed during regular business hours and shall be predominantly transparent to allow maximum visibility of the interior.

ILLUSTRATIONS



Roof Design



Facade Variation

SECTION 12.03 LANDSCAPING, SCREENING, AND LAND USE BUFFERS.

Screening and land use buffers are necessary for the protection and enhancement of the environment, and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Screening and buffering also contribute to a healthy development pattern and increase the level of privacy for residential uses in the Township.

The purpose of this Section are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for screening of specific areas from road rights-of-way and adjacent lots. It is the intent of this Section that required screening and buffering elements shall be immediately effective in achieving the purpose of this Section and shall maintain that effectiveness as the plant materials mature.

A. Scope.

The standards of this Section shall be considered the minimum necessary to achieve the purposes of this Section and Ordinance. The standards of this Section shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of

this Ordinance that are subject to review per Article 8 (Site Plan Review). Where existing sites have been developed without adequate screening or buffering, the purposes of this Section shall be achieved through improvements that are in reasonable proportion to the scale and scope of the proposed building and other site improvements.

B. General Plant Material Standards.

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 7.11 (Corner Clearance Zones) and shall not conflict with visibility for motorists or pedestrian access.

2. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines, and access to or visibility of fire hydrants. The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.

3. **Protection.** Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.

4. **Plant material standards.** The following shall apply to all plant materials:

    a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American HORT.

    b. All plant material shall be true to name in conformance to the current edition of "Standardized Plant Names" established by the American HORT, or other source accepted by the Township.

    c. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack. Artificial plant material shall be prohibited within required screening areas.

    d. The use of plant materials native to the southern Lower Peninsula of Michigan is encouraged.

5. **Groundcovers.** The following shall apply to all groundcover materials:

   a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.

   b. The creative use of groundcover alternatives is encouraged, such as native prairie grasses, wildflowers, and similar plantings. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) growing season.

   c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.

6. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.

7. **Topsoil.** A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

C. Standards for Size and Variety of Plant Materials.

To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2½ - 3 caliper-inches diameter
Evergreen Trees	6.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter or

Screening Materials	Minimum Size at Installation
	6 feet overall height
Shrubs	30 inches in height or 24 inches in spread

D. Screening between Land Uses.

1. Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of berms and/or living materials so as to maintain a minimum opacity of at least eighty percent (80%). Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen.

   The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.

   Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade. A required wall shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the Planning Commission may approve an alternate location of a wall. The Planning Commission and the building department shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone, or wood.

E. Greenbelts. A greenbelt, as defined in this section, shall be provided in accordance with the following requirements:

1. Upon any improvement for which a site plan is required, a greenbelt shall be provided along the frontage of all public or private streets.

2. The greenbelt shall be landscaped with a minimum of one (1) tree for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Nonornamental deciduous trees within a greenbelt shall be a minimum caliper of three (3) inches or greater. Evergreen trees within a greenbelt shall be a minimum height of eight (8) feet.

3. If ornamental deciduous trees are substituted for either nonornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two (2) inches or greater;

4. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and other natural landscape materials; and

5. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

F. Parking Lot Landscaping and Perimeter Screening.

Parking lot landscaping and perimeter screening shall be arranged to improve the safety of pedestrians and motorists; guide traffic movement; define egress/ingress points, traffic circulation, and fire lanes; and improve the appearance of the parking area. Parking lot landscaping and perimeter screening shall be subject to the following:

1. **Perimeter screening.** Parking lots shall be screened from all abutting RURAL USES, RESIDENTIAL USES, residential zoning districts, and road rights-of-way per Section 12.03 D (Landscaping, Screening and Land Use Buffers).

2. **Snow storage area.** Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.

3. **Landscaping within parking lots.** Landscaped islands shall be provided at the ends of parking rows. One (1) planting island for every ten (10) spaces, as otherwise required by the Planning Commission to break up large expanses of pavement, guide traffic flow and protect parked cars. Landscaped islands shall be subject to the following (see illustration):

a. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of one hundred-eighty (180) square feet.

b. A minimum of one (1) deciduous shade or ornamental tree shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover the remaining areas of the island. The Planning Commission may require additional plantings to achieve the objectives of this Section.

c. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.

d. The use of rain gardens, bioswales, and similar naturalized stormwater management systems with appropriate plantings is encouraged, provided that such systems shall conform to the Township's adopted engineering standards.

G. Loading, Storage, and Service Area Screening.

Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers).

1. **Methods of Screening.** Where the Planning Commission may exercise discretion in the method of screening, required landscaping and screening elements shall be provided by one (1) or more of following methods as best suited to the existing conditions:

   a. **Hedgerow.** This method is intended to create an effective obscuring screen within a limited land area. This method shall consist of shrubs planted and maintained as a continuous visual screen, subject to the following (see illustration):

      (1) The maximum permitted spacing between individual plants shall not exceed three (3) feet on-center, unless a different separation distance is determined by the Township Planner to be more appropriate for the type of shrub proposed.

      (2) Maintained plant height at maturity shall be adequate for the intended screening function.

(3) Low height shrubs (two (2) to four (4) feet in height) shall be used to provide necessary ground-level screening to block headlight glare or similar low-level impacts.

(4) Larger shrubs (exceeding four (4) feet in height) shall be used to establish a landscaped barrier between land uses of differing intensities, or to provide more complete screening.

b. **Fence.** This method shall consist of an ornamental, rail or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration):

(1) Required fences shall have a minimum height of three (3) feet and shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.

(2) The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots and shall be subject to Planning Commission approval.

c. **Berm.** This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration):

(1) Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio).

(2) Berms shall have a minimum height of three (3) feet above the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.

(3) The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.

(4) The berm shall be designed and graded to blend with existing topography, and sodded, hydro-seeded or planted with appropriate groundcovers.

(5) The Planning Commission may require greenbelt buffer plantings on the berm in accordance with the requirements of this Section.

(6) For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.

d. **Evergreen screen.** This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of fifteen (15) feet apart in at least two (2) staggered rows (see illustration).

e. **Masonry wall.** Such walls shall be subject to the following (see illustration):

(1) Masonry walls shall have a minimum height of two (2) feet and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.

(2) Walls shall be solid in character, and capped with a stone or concrete cap.

(3) Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.

f. **Existing Landscaping.** Existing landscaping may be used as a substitute for required screening and greenbelt if the applicant demonstrates that the intent of this ordinance is satisfied by the existing plant material.

H. Detention and Retention Basin Screening. Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.

2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.

3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.

4. The minimum requirements for the landscaping of detention/retention ponds shall be as follows:

   a. One (1) deciduous shade or evergreen tree and ten (10) shrubs shall be planted for every fifty (50) lineal feet of pond perimeter as measured along the top of the bank elevation.

   b. The required trees and shrubs shall be planted in a random pattern or in groupings.

   c. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.

   d. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

I. Prohibited Plant Materials.

The following trees are not considered desirable plant materials because of various problems, except where removal of existing trees would result in a loss of screening or buffering, or where noted in the following table:

Species	Common Name
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Juglans nigra	Black Walnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Fraxinus x	Ash varieties
Pyrus calleryana	Callery or Bradford pear

J. Plant Material Installation and Maintenance.

All screening elements and plant materials shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

1. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within three hundred sixty-five (365) calendar days from the date of site plan approval for the project.

2. **Extension.** The Township Planner or Zoning Inspector may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.

3. **Performance guarantee.** The Township Planner or Zoning Inspector may require submittal of a performance guarantee, per Section 3.09 (Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Township Planner or Zoning Inspector shall conduct an inspection of the plant materials before the guarantee may be released.

4. **Maintenance.** All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

    a. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.

    b. Adequate provisions shall be made to regularly supply water to all required plant materials as necessary to ensure proper growth and development.

    c. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.

    d. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.

e. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.

f. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.

K. Modifications.

The Planning Commission shall have the authority to approve alternative designs or plant materials, and to determine how the standards of this Section apply to existing conditions and redevelopment sites in accordance with the following:

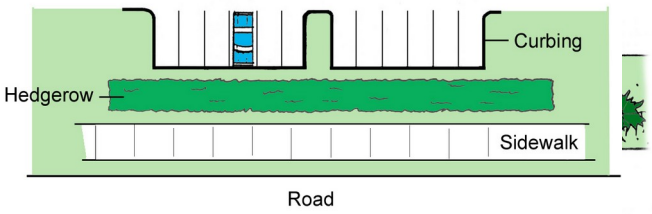
1. **Alternative designs or materials.** The Planning Commission may approve alternative landscape designs or plant materials upon determination that the alternative would meet the purpose and objectives of this Section.

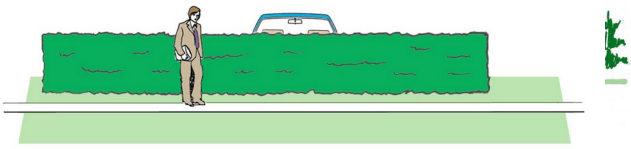
2. **Existing conditions.** The Planning Commission shall have the authority to determine that the requirements of this Section have been satisfied by existing topography, vegetation or other means acceptable to the Planning Commission.

3. **Redevelopment sites.** Where an existing building is undergoing renovation, expansion, or change in use, required landscaping and screening improvements shall be in reasonable proportion to the size and configuration of the site and the scale of proposed improvements, as determined by the Planning Commission in accordance with the purpose and objectives of this Section.

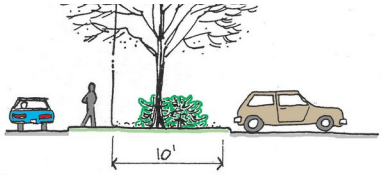
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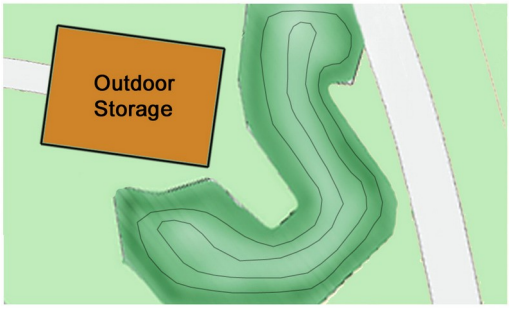
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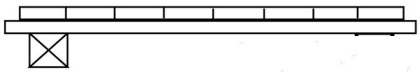


Berm

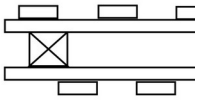


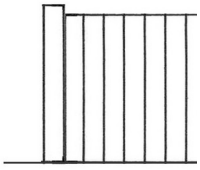
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Evergreen Screen



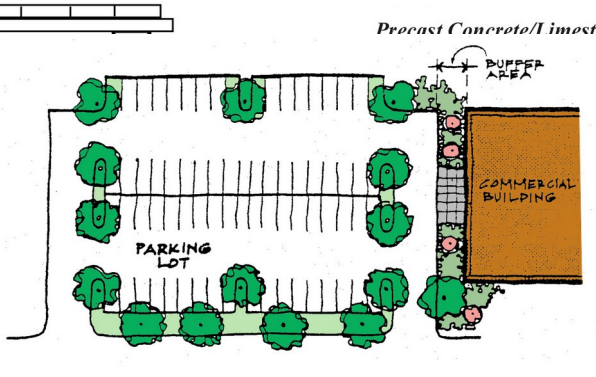
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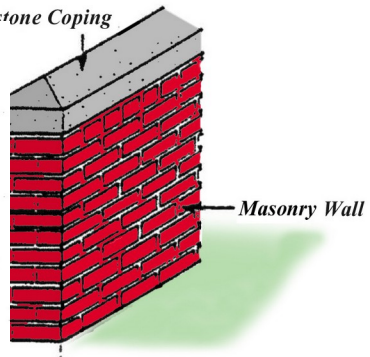




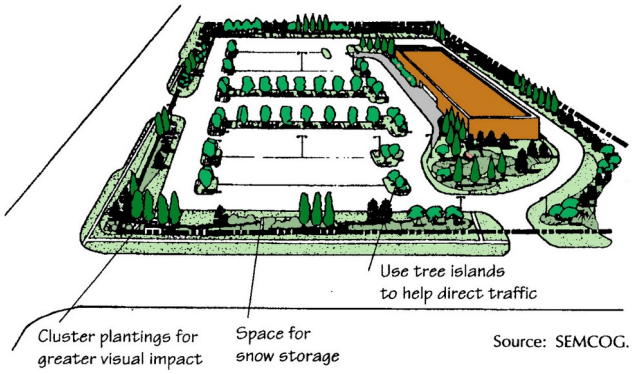
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Fence





Wall



Landscaping Within Parking Lots

SECTION 12. 04 EXTERIOR LIGHTING.

The purpose of this Section is to preserve the lawful nighttime use and enjoyment of all properties in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy and resources; and prevent the degradation of the nighttime visual environment. The standards of this Section are intended to protect the general welfare by allowing sufficient but not excessive lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the Township. Lighting standards set forth herein are also intended to:

1. Provide for and control lighting in outdoor public places where public health, safety, and welfare are potential concerns;

2. Protect drivers and pedestrians from the glare of non-vehicular light sources;

3. Protect neighbors, the environment, and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained, or shielded light sources;

4. Promote energy efficient lighting design and operation; and

5. Protect and retain the visual character of the Township.

A. Scope.

The standards of this Section shall apply to all exterior lighting sources; all light sources visible from any road right-of-way or adjacent lot; and all projects subject to site plan review per Article 8 (Site Plan Review), and zoning compliance approval per Section 3.02 (Certificates of Zoning Compliance), except as follows:

1. Exterior lighting accessory to farms, greenhouses, private riding stables, and single- and two-family (duplex) dwellings shall be exempt from the requirements of this Section.

2. Holiday decorations displayed for temporary periods not to exceed ninety (90) calendar days shall be exempt from the requirements of this Section.

3. Lighting for a permitted temporary circus, fair, carnival, or civic use shall be exempt from the requirements of this Section, except that the Planning Commission or Zoning Inspector may impose reasonable restrictions on the use of such lighting where necessary to protect the public health, safety and welfare.

4. Shielded pedestrian walkway lighting and shielded lighting of flags of the United States of America and/or State of Michigan shall be exempt from the requirements of this Section.

5. This Section shall not apply to circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Section; or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.

6. This Section shall not apply to fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

B. General Provisions.

The following general standards shall apply to all light sources regulated by this Section:

1. **Fully shielded.** Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution. Directional luminaries such as floodlights and wall mounted luminaries shall be shielded and aimed so they do not create glare when viewed from neighboring property. The use of floodlights and wall-mounted luminaires to light parking areas shall be prohibited, unless there is a finding by the Planning Commission that no other acceptable means of lighting is possible. Lighting under canopies shall be recessed or full cutoff luminaires aimed straight down.

2. **Glare and light trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.

3. **Light Color Standard.** Correlated color temperature of any outdoor light source shall not exceed 3500 Kelvin unless introduced as part of a façade or landscape lighting scheme used exclusively for the decorative illumination through color of certain building façade or landscape features.

4. **Intensity.** The maximum illumination levels or intensity of light within any site shall not exceed the following standards:

Light Intensity	**Maximum** (footcandles)
At any point within the site	20.0
At any lot boundary adjacent to road right-of-way line	0.2
At any lot boundary adjacent to residential zoned or used property	0.2
At any lot boundary adjacent to non-residential zoned or used property	1.0

C. Standards by Type of Fixture.

The following additional standards shall apply to specific types of exterior light fixtures.

1. **Freestanding pole lighting.** The maximum height of all freestanding, pole-mounted fixtures shall not exceed twenty (20) feet when adjacent to any lot boundary of non-residential zoned or used property and sixteen (16) feet when adjacent to any lot boundary of residential zoned or used property.

2. **Architectural lighting.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface. Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings.

3. **Window lighting.** All interior light fixtures visible through a window from a road right-of-way or abutting lot shall be shielded to prevent glare impacts at the lot boundary or within the right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible from an abutting lot or road right-of-way.

D. Measurements.

1. Lighting Plans. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety.

2. The lighting plan shall include a photometric plan which plots illuminance in footcandles on ten feet by ten feet (10' x 10') horizontal grid over the entire site up to and including all property boundaries. The lighting plan shall include a layout of all proposed and existing luminaires, and a photometric analysis plotted in a manner that demonstrates that Ordinance requirements are met. The lighting plan shall also include luminaire details, glare reduction devices, mounting heights, and pole and pole foundation details.

3. Lighting plans shall be coordinated with landscape plans to minimize conflict between landscaping and intended light distribution; and

E. Prohibited Lighting.

The following types of exterior light sources and activities shall be prohibited:

1. **Mercury vapor lighting.** The installation of mercury vapor fixtures shall be prohibited.

2. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type.

F. Reduction in Nighttime Lighting. All outdoor lighting shall be reduced to at least fifty percent (50%) of the light level at full illumination one (1) hour after closing. Lighting reductions shall not be required under the following circumstances:

1. Where a business operates twenty-four (24) hours;

2. Where lighting is intended to reduce real or perceived risk; and,

3. Where lighting is intended to discourage intruders, vandals or burglars, and to protect merchandise and property.

G. Alternatives and Alterations.

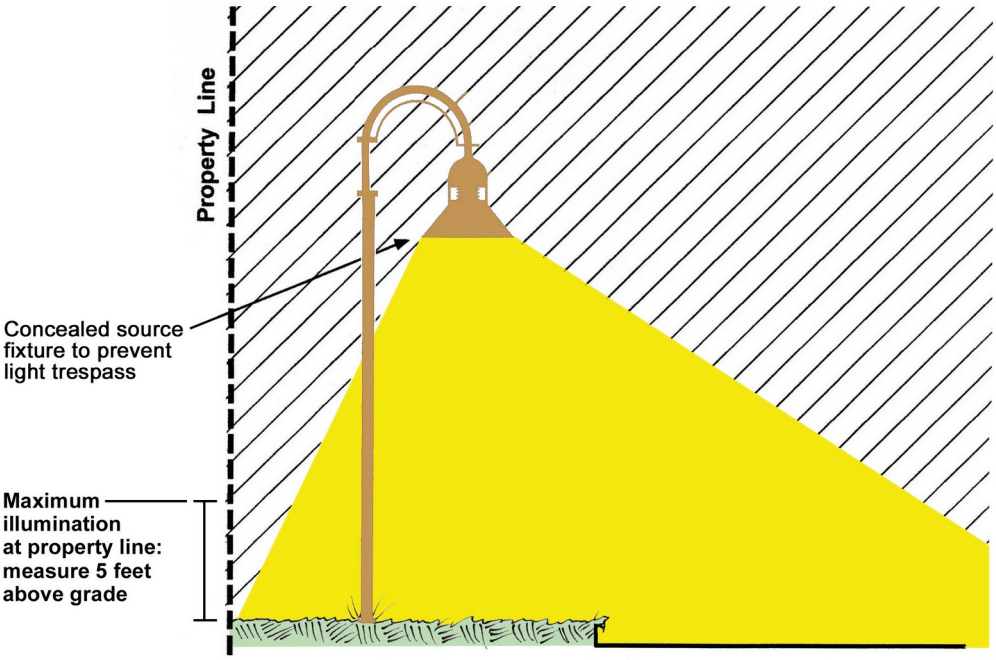
Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Section and the following:

1. **Decorative light fixtures.** The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass.

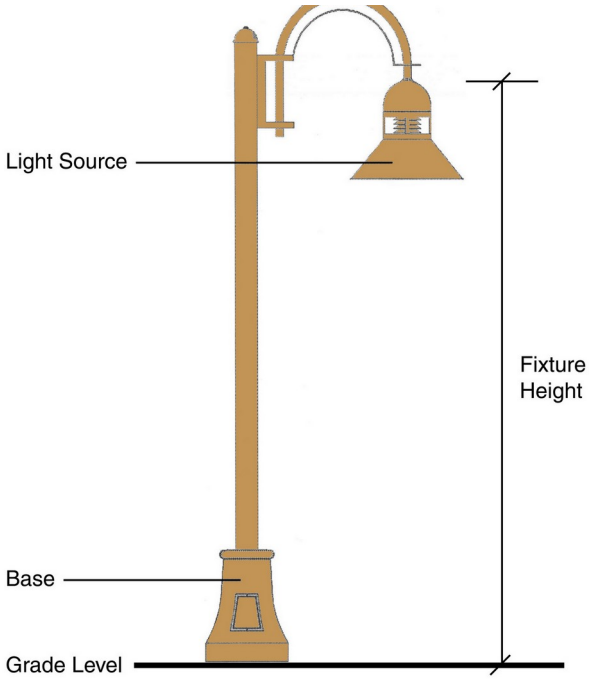
2. **Fixture alteration or replacement.** Light fixtures regulated by this Section shall not be altered or replaced after approval has been granted, except

where the Township Planner or Zoning Inspector has verified that the alteration or substitute fixture conforms to the requirements of this Section.

ILLUSTRATIONS



Lighting Fixture Orientation and Shielding



Light Fixture Height

SECTION 12.05 SECURITY CAMERAS.

A. Applicability

1. For all multiple family residential and non-residential and properties, security cameras shall be installed, maintained, and accessible to law enforcement upon request as required by law.

2. Camera security plans shall be reviewed as part of the Site Plan Review process.

B. Standards

1. Location & Mounting:

    a. Building-mounted cameras shall be installed below the roofline and generally between eight (8) and twenty (20) feet above grade, unless required for large sites or multi-story façades.

    b. Freestanding poles shall meet standards of Subsection C.

    c. Cameras shall not extend into public rights-of-way or obstruct sidewalks or accessibility routes.

2. Aiming, Screening & Privacy:

    a. Cameras shall be aimed to monitor on-site areas (entries, parking lots, drive aisles) and not be directed to focus primarily on adjacent private property, dwelling windows, or private areas. Incidental capture of areas visible from public vantage points is permitted if not the primary focus.

    b. Lens hoods, privacy masking, geofencing, or screen walls/landscaping may be used to avoid intrusion into private areas.

    c. Cameras located near property lines shall be aimed inward to minimize the capture of adjacent properties and public rights-of-way, except where necessary for legitimate site security at driveways or public entrances.

3. Illumination & Glare:

    a. Infrared (IR) or visible illuminators shall be oriented to prevent glare or light trespass onto adjacent residential property or public streets.

b. Any associated security lighting shall comply with lighting standards in Section 12.04, Exterior Lighting, including cutoffs and luminance limits.

4. Visual Integration:

   a. Conduit and cabling shall be concealed within walls, soffits, or painted to match the mounting surface.

   b. Camera housings shall be neutral, non-reflective finishes.

   c. Roof- or parapet-mounted cameras shall be set back to minimize visibility from the street.

5. Maintenance:

   a. Cameras and associated equipment shall be kept in good working order, firmly affixed, and free of dangling cables.

   b. Damaged or inoperable equipment shall be repaired or removed within 30 days.

6. Audio Recording & Privacy Compliance:

   a. Any audio recording features shall comply with applicable state and federal laws regarding recording of private conversations.

   b. Cameras shall not be used for surveillance of areas where a reasonable expectation of privacy exists.

   c. Use of facial recognition analytics, if any, shall comply with applicable laws.

7. Data Security & Retention:

   a. Recorded data shall be stored securely with access limited to authorized personnel or vendors.

   b. All security cameras shall be high definition with a minimum resolution of 1080p and night vision.

   c. The security cameras shall be in operation twenty-four (24) hours a day, seven (7) days a week, and shall be set to maintain the record of the prior thirty (30) days of continuous operation.

d. An alarm system is required that is operated and monitored by a recognized security company. Security cameras shall be placed to cover the entire site.

e. Upon request related to an active code enforcement or public safety investigation, the owner shall cooperate, consistent with applicable law.

8. Signage:

a. When cameras monitor publicly accessible on-site areas (e.g., store entrances, parking lots), a notice sign stating “Area Under Video Surveillance” is required at primary entries.

b. Sign area shall be no larger than two (2) square feet and compatible with sign standards set forth in Article 14 of this ordinance.

C. Freestanding Poles & Enclosures

1. Where Allowed: Freestanding camera poles are permitted in nonresidential districts and in multi-family or mixed-use developments when building mounting is impractical.

2. Height: Maximum 20 feet when within 100 feet of a residential lot line; otherwise 25 ft. The Zoning Administrator may allow up to thirty (30) feet for large campuses or parking fields where necessary to reduce the number of poles.

2. Setbacks: Minimum ten (10) feet from any lot line and outside required clear sight triangles.

3. Design: Poles shall match the site’s light poles or be a matte, neutral finish. Ground equipment shall be within tamper-resistant cabinets; any enclosures shall be screened per landscape/screening standards.

4. Co-Location: Where feasible, co-locate cameras on existing light poles or structures to reduce clutter, provided that structural and electrical capacity is adequate.

D. Prohibited Practices

1. Aiming cameras to continuously monitor interior dwelling windows or other private areas on adjacent property.

2. Mounting cameras on fences that project over a public right-of-way or onto another property.

3. Strobes or distracting flashing lights associated with cameras.

4. Use of decibel-producing audible alarms (sirens) associated with camera triggers except as permitted by the noise ordinance.

ARTICLE 13

ENVIRONMENTAL STANDARDS

SECTION 13.01 PURPOSE.

Environmental standards are established in order to preserve the short-term and long-term environmental health, safety, and quality of the Township. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy and operation. These standards are established as minimum requirements to be maintained.

SECTION 13.02 PERFORMANCE STANDARDS.

A. Purpose.

The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health, safety, and welfare.

Farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from these requirements. No other structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

B. Noise.

1. No person shall make, continue, or cause to be made or continued, any noise disturbance including, but are not limited to:

    a. Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.

b. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across any residential zoning district boundary or within a noise sensitive zone as defined in Section 2.03 (Definitions).

c. Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across any residential zoning district boundary or within a noise sensitive zone as defined in Section 2.03 (Definitions). This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.

d. Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

e. Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the specific limits set forth in this Section, provided that conspicuous signs are displayed indicating the presence of the zone.

2. **Exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally accepted manner:

a. The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.

b. Snow plowing and other public works activities.

c. Church bells, chimes, and carillons, and/or other means of announcing an activity at a place of assembly or worship between the hours of 7:00 a.m. and 10:00 p.m.

d. Lawncare and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.

e. Licensed vehicles operated on a road.

f. Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities.

3. **Maximum permitted sound levels by receiving zoning district.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

Receiving Zoning District	Time	Average Sound Level
Rural Residential Districts	7:00 a.m. to 10:00 p.m.	55 dB(A)
Urban Residential Districts	10:00 p.m. to 7:00 a.m.	50 dB(A)
Non-Residential Districts	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

Notes related to table:

a. **Correction for tonal sounds.** For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

b. **Correction for impulsive or impact sounds.** For any source of sound that emits an atypical impulsive or impact sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

c. **Planned Community (PC).** Where the receiving district is a Planned Community (PC) district, the applicable standards of this table shall be based on the types of uses within the planned development.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stockpiles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

D. Odor.

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

E. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal state, county and local regulatory

agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Washtenaw County Environmental Health Division, and the U.S. Environmental Protection Agency.

G. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

H. Gases.

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels established by the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction.

I. Electromagnetic Radiation and Radio Transmission.

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

J. Radioactive Materials.

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

SECTION 13.03 FLEMING CREEK AREA DEVELOPMENTS.

The intent of this Section is to provide for additional evaluation of new development projects for RESIDENTIAL USES or COMMERCIAL USES on land within the Fleming Creek Watershed. This Section is not intended to stifle creativity in site design, or to restrict development that conforms to the requirements of this Ordinance.

A. Scope.

The Fleming Creek Advisory Council may evaluate and make advisory recommendations to the Planning Commission regarding development plans for new RESIDENTIAL USES or COMMERCIAL USES on sites within the Fleming Creek Watershed, as defined in Section 2.03 (Definitions).

Development plans subject to this Section shall include applications for preliminary site plan or preliminary condominium site plan approval per Article 8 (Site Plan Review); and applications for tentative approval of a preliminary plat per the requirements of the Township's Subdivision Ordinance (Ord. No. 42).

B. Evaluation of Development Projects.

The Township Clerk shall promptly transmit a copy of the application and plans for any development project subject to this Section to the Fleming Creek Advisory Council, along with an invitation to provide written comments or advisory recommendations to the Planning Commission.

1. Where a Council member is determined to have a conflict of interest associated with the project, a summary of the conflict and any Council actions taken in response should be noted in the communication to the Planning Commission.

2. Any Fleming Creek Advisory Council comments, or advisory recommendations received by the Township Clerk in accordance with this Section shall be forwarded to the Planning Commission for consideration as part of the review process for the development project.

3. The Planning Commission may defer consideration of the Council's comments or advisory recommendations to review of a final site plan, final condominium site plan or final approval of a preliminary subdivision plat for the development project upon determination that the project has limited potential to adversely impact water resources in Fleming Creek.

SECTION 13.04 NATURAL FEATURES PROTECTION.

This Section is intended to establish minimum regulations necessary to protect groundwater recharge and inflow areas, preserve quality of receiving surface waters and wetlands, minimize soil erosion and siltation, and preserve woodlands and individual trees.

A. Review Standards.

The Planning Commission shall consider and make findings of fact based upon the following criteria as part of the review of a development application subject to this Section:

1. Sufficient information has been provided to determine that the proposed development conforms to all applicable standards of this Section.
2. The standards for approval for the type of plan (e.g. preliminary site plan, final site plan, etc.) have been met by the applicant.
3. The protection and conservation of natural resources from pollution, impairment, or destruction is of paramount concern. Therefore, woodlands, trees, and other natural features regulated by this Section shall have priority over development when there are location alternatives on the development site for proposed structures and other improvements that would permit reasonable use and development of the land in accordance with this Ordinance and other Township ordinances.
4. The integrity of woodland areas and other natural features regulated by this Section will be maintained, regardless of whether such features cross property lines.
5. Where natural features regulated by this Section are proposed to be altered or removed, the applicant has demonstrated that all development options available under this Ordinance to preserve such features in a manner that would permit reasonable use and development of the land in accordance with this Ordinance and other Township ordinances, have been considered and pursued.
6. The proposed alteration and/or removal of natural features regulated by this Section is the minimum necessary to allow reasonable use and development of the parcel(s) in accordance with this Ordinance and other Township ordinances.
7. Proposed measures to mitigate the alteration and/or removal of natural features regulated by this Section are sufficient and conform to Ordinance requirements.

8. The proposed protection measures will minimize disturbance of preserved trees and woodlands and prevent damage to protected natural features from erosion and siltation and/or construction activities.

9. Where the proposed activity involves residential development, the residential structures shall be designed, located, and constructed in a manner that minimizes impacts upon and the need for mitigation of natural features.

10. Notwithstanding the foregoing, no application shall be denied solely on the basis that trees are growing on the parcel subject to review under this Section.

B. Watercourses and Wetlands.

The standards of subsection 13.04 B (Watercourses and Wetlands) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community Development Plan under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to development of a private road under the Township's Private Road Ordinance (Ord. No. 163) and any construction project requiring a certificate of zoning compliance under this Ordinance.

The following minimum setbacks from wetlands and certain watercourses shall be required for the purpose of protecting groundwater recharge and inflow areas, protecting the quality of receiving surface waters, and minimizing erosion and siltation:

1. **Setback from rivers and streams.** A minimum open space setback of fifty (50) feet shall be maintained from the ordinary high-water mark of any rivers and streams.

2. **Setback from wetlands.** A minimum open space setback of twenty-five (25) feet shall be maintained from the boundary or edge of any wetland, as defined and regulated in the Township Wetlands Ordinance (Ord. No. 135). Where a residential development subject to this Section includes common open space areas, the boundaries of individual single-family residential lots shall be located entirely outside of required wetland setback areas.

3. **Setback from county drains.** A minimum open space setback of twenty-five (25) feet shall be maintained from the boundary of any dedicated county drain easement not otherwise regulated by this subsection, or a minimum of fifty (50) feet from the centerline of any county drain without a dedicated easement. If a river or stream is also designated as a county drain, the standards for rivers and streams shall apply.

4. **Standards for such open space setback areas.** The following standards shall apply to all open space setback areas required under this subsection:

   a. Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained.

   b. Docks and similar waterfront structures may be constructed within a required setback, subject to Michigan Department of Environmental Quality (MDEQ) regulations and applicable Township ordinances.

   c. Trails, paths, boardwalks, and similar passive recreational improvements may be constructed within a required setback, provided that appropriate measures are taken to minimize soil erosion.

   d. Farming operations and agricultural activities as regulated by the Right to Farm Act (P.A. 93 of 1981, as amended) and the Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture shall be permitted within a required setback.

   e. The following activities shall be restricted within any open space setback area required under this subsection:

      (1) Removal of trees and other vegetation shall be limited to removal of invasive or poisonous species and dead or diseased trees, and minimal land clearing and grubbing for activities permitted by this subsection.

      (2) Fences may be placed within required setback areas, provided that no fence shall impede surface drainage or water flow.

      (3) No road, driveway, sidewalk or similar improvement shall be located in a required open space setback, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent street right-of-way.

   f. The following activities shall be prohibited within any open space setback area required under this subsection:

      (1) Drainage by ditching, underdrains, or other systems.

      (2) Deposition of any materials, including soil, compost, gravel, garbage, concrete or asphalt debris, and other fill materials.

      (3) Removal of soils or minerals.

(4) Construction or relocation of any parking lot, ground sign, dwelling, building, or other permanent structure.

g. Before development, land clearing, filling, or any property alteration, the developer or builder shall provide and maintain suitable barriers such as snow fencing, cyclone fencing etc., to protect open space setback areas required under this subsection.

C. Slopes.

The standards of subsection 13.04 C (Slopes) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community Development Plan under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to the development of a private road under the Township's Private Road Ordinance (Ord. No. 163).

No development shall be permitted in areas where the soil is highly erodible, or in any area with existing steep slopes of twenty-five percent (25%) or greater. Land areas with slopes of at least twelve percent (12%) but less than twenty-five percent (25%) shall be subject to the following:

1. Where such land areas contain other natural features to be preserved in accordance with applicable provisions of this Section, the integrity and profile of such slopes shall also be maintained.

2. Where parcels containing such land areas abut rivers and streams, the integrity and profile of such slopes shall be maintained. Buildings may be built into such slopes, subject to compliance with the applicable requirements of this Ordinance, the State Construction Code, other Township ordinances, and Township engineering standards.

3. Other land areas with such slopes may be developed in accordance with this Ordinance, subject to the following:

   a. Buildings may be built into such slopes, subject to the applicable requirements of the State Construction Code, other Township ordinances, and Township engineering standards.

   b. Cut and fill activities within existing and planned road rights-of-way, and for public utility and other public improvements, shall be limited to the minimum necessary to comply with the applicable engineering standards of the Township and outside agencies with jurisdiction.

c. Retaining walls may be used to maximize preservation of existing slopes.

d. Except as otherwise provided in the foregoing subsections of this Section 13.04 C, the integrity and profile of the slope shall be maintained.

D. Floodplains.

The standards of subsection 13.04 D (Floodplains) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community Development Plan under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to the development of a private road under the Township's Private Road Ordinance (Ord. No. 163).

Where a description and delineation of floodplains is required in accordance with this Ordinance or other Township ordinances, the following shall apply:

1. Development shall be prohibited within the one hundred (100) year floodplain of any existing watercourse or wetland.

2. It shall be the applicant's responsibility to delineate the one hundred (100) year floodplain boundaries. Where there is any uncertainty, contradiction, or conflict as to the location of the floodplain boundaries, the final determination of the boundaries shall be made by the Township Engineer or designated wetlands consultant after referral from the Planning Commission.

E. Groundwater Recharge Areas.

The standards of subsection 13.04 E (Groundwater Recharge Areas) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community Development Plan under this Ordinance or other Township ordinances.

Where a description and delineation of groundwater recharge areas is required in accordance with this Ordinance or other Township ordinances, the following shall apply:

1. Stormwater management facilities shall be designed to maintain or improve natural retention and infiltration characteristics of groundwater recharge areas.

2. Site plans shall delineate the location and extent of any contaminated soils or groundwater on the site or that may affect the proposed development.

3. The applicant shall demonstrate how the proposed site design and layout of uses on the development site will:

    a. Preserve the groundwater recharge areas and the infiltration capacity of the soils;

    b. Prevent polluted materials from infiltrating into groundwater;

    c. Minimize impervious areas through site planning that makes most efficient use of paved, developed space and that maximizes open space areas; and

    d. Manage stormwater runoff to maximize on-site infiltration and provide adequate pre-treatment and filtering of sediments and other impurities.

4. The Planning Commission may require the use of buffer zones to protect surface vegetation, or the installation and use of such other techniques it deems necessary to mitigate or retain stormwater runoff or protect groundwater recharge areas.

F. Woodlands and Tree Preservation.

The standards of subsection 13.04 F (Woodlands and Tree Preservation) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community (PC) development plan under this Ordinance or other Township ordinances. The following tree and woodland preservation and mitigation standards shall apply to all developments subject to this Section:

1. **Intent.** Rapid growth and increasing demands upon natural resources have encroached upon, despoiled or eliminated many of the trees and other forms of vegetation, and associated processes, that constitute important physical, aesthetic, recreational, and economic assets to existing and future residents of the Township. Specifically, the Township finds that woodlands and trees:

    a. Protect public health and safety by reducing noise and the mental and physical impacts of noise pollution; absorbing air pollutants and carbon dioxide; reducing flood risk and conserving surface water quality by minimizing soil erosion and siltation; providing buffering to reduce wind and storm impacts; and maintaining visual screening with its accompanying summer cooling effect.

b. Contribute significantly to the Township's general welfare by maintaining natural beauty, providing recreational and educational opportunities, and representing an irreplaceable heritage for existing and future residents.

c. Are matters of paramount public concern, as provided by the Michigan Constitution (1963, Article IV, Section 52), and the Natural Resource and Environmental Protection Act of 1994 (P.A. 451 of 1994, as amended).

2. **Purpose.** The woodlands and landmark tree preservation and mitigation standards of this Section are hereby established to:

a. Provide for the protection, preservation, replacement, proper maintenance, and use of trees and woodlands located in the Township; minimize disturbance; prevent damage from erosion and siltation and/or construction activities; and prevent loss of wildlife habitat and vegetation. In this regard, it is the intent of this Section to protect the integrity of woodlands as a whole, recognizing that woodlands serve as part of an ecosystem, and to place priority on preservation of woodlands and trees.

b. Protect the woodlands and trees of the Township, support local property values, and promote the natural beauty of the Township.

c. Prevent owners or developers of property from removing trees from land prior to or in anticipation of development.

d. Provide for the replacement of trees removed, where no reasonable alternative site development is available.

e. Respond to public concern for preservation of natural resources in the interest of public health, safety and general welfare of Township residents.

3. **Required plan information.** The following required information shall be incorporated into the applicable development review processes of this Ordinance or other Township ordinances:

Required Development Plan Information for Woodlands and Tree Preservation	**Preliminary Plan**	**Final Plan**
Required information shall be provided by a landscape architect or a certified arborist, who shall verify the contents by seal or signature, whichever applies.	•	•
The most current available aerial photograph of the site, at a scale not less than one (1) inch equals one hundred (100) feet.	•	•
General evaluation of the quality of woodland areas and trees on and around the site by means of a reasonable sampling, including: 1. Diversity of tree species. 2. Tree sizes and density. 3. Health and vigor of the trees, including general documentation of dying and diseased trees by species and condition. 4. Soil conditions and drainage characteristics of the site. 5. Other factors such as the value of the woodland area as a scenic asset, wind block, noise buffer, or other environmental benefit.	•	
General assessment of trees in adjacent road-rights-of-way, and trees located beyond the lot boundaries that may be affected by development-related access or utility improvements, grading, or other changes; by means of a reasonable sampling with trees identified by location, size, and species.	•	
Tree inventory of all regulated trees as specified in this ordinance, in a form acceptable to the Planning Commission, as follows: 1. A topographical map at the same scale as the related site plan, plat or survey drawing for the division of the land. 2. All regulated trees shall be inventoried by field survey and shown on the topographical map by identifying tag number, type, location, and crown spread drawn to scale. 3. Existing trees and woodlands shall be superimposed on the related site plan, plat or survey drawing for division of land. 4. Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown as a group with the overall crown spread drawn to scale, with estimated number and size of each predominant species. 5. General outline and evaluation of woodlands outside the development site and not otherwise impacted by the development. Detailed inventory of such trees shall only be required where necessary to verify compliance with the minimum tree preservation requirements of this Section.		•

<table>
<tr><th>Required Development Plan Information
for Woodlands and Tree Preservation</th><th>Preliminary Plan</th><th>Final Plan</th></tr>
<tr><td>Identify all regulated trees to be removed, relocated, or preserved.</td><td></td><td>●</td></tr>
<tr><td>Proposed locations of any existing trees to be relocated, together with a description of how such trees are to be removed, protected, and transplanted during land clearance, development, and construction; and how they are to be maintained after construction.</td><td></td><td>●</td></tr>
<tr><td>A statement of compliance setting forth how existing trees to be preserved will be protected during land clearance and construction and on a permanent basis, thereafter, including proposed use of tree wells, protective barriers, directional drilling, retaining walls, etc.</td><td></td><td>●</td></tr>
<tr><td>Invasive species information, including the general locations of the following invasive species, a description of the extent of growth, the condition and size range of such species on the site, and percentage of the site covered by such species:
<table>
<tr><th>Common Name</th><th>Species</th></tr>
<tr><td>Common (European) and Glossy Buckthorn</td><td>Rhamnaceae family</td></tr>
<tr><td>Autumn Olive</td><td>Elaeagnus umbellata</td></tr>
<tr><td>Honeysuckle</td><td>Lonicera tartarica</td></tr>
<tr><td>Multiflora Rose</td><td>Rosa multiflora</td></tr>
<tr><td>Phragmites</td><td>Phragmites australis</td></tr>
</table></td><td></td><td>●</td></tr>
<tr><td>A plan for eradication and control of these listed invasive species as part of the development project.</td><td></td><td>●</td></tr>
<tr><td>A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur and their potential impact on the viability of the existing trees.</td><td>●</td><td>●</td></tr>
<tr><td>A statement of compliance with the tree preservation and replacement tree requirements of this Section, including the numbers of regulated trees to be preserved and removed, percentages of regulated trees on the site before and after any removal, and all required calculations.</td><td></td><td>●</td></tr>
</table>

Required Development Plan Information for Woodlands and Tree Preservation	Preliminary Plan	Final Plan
Such other information and detail as may be required to demonstrate compliance with the requirements of this Section.		•

4. **Landmark and sovereign tree standards.** A landmark tree, as regulated by this Section, shall be any tree that has a diameter at breast height (D.B.H.) of twenty-four (24) inches or greater; or that is of a type and D.B.H. equal to or greater than that shown on the following table. A sovereign tree, as regulated by this Section, shall be any tree that is registered on the National Big Tree Registry or a similar national or state registry accepted by the Planning Commission; that has been documented by the Township, a historian, or other means accepted by the Planning Commission to be closely associated with an event, person, or place of historical significance to the Township; or that is of a species and diameter at breast height (D.B.H.) equal to or greater than that shown on the following table.

Common Name	Species	Landmark Tree D.B.H.	Sovereign Tree D.B.H.
Any tree species that has a diameter at breast height (D.B.H.) of at least:		24 inches	
Basswood	*Tilia americana*	18 inches	54 inches
Beech	*Fagus grandifolia*	18 inches	45 inches
Buckeye, Ohio	*Aesculus glabra*	18 inches	
Catalpa	*Catalpa* spp.	18 inches	45 inches
Cherry, Black	*Prunus serotina*	18 inches	54 inches
Elm, American	*Ulmus americana*	18 inches	50 inches
Fir	*Abies* spp.	18 inches	
Fir, Douglas	*Pseudotsuga menziesii*	18 inches	
Kentucky Coffee Tree	*Gymnocladus dioicus*	18 inches	40 inches
Pine	*Pinus* spp.	18 inches	
Sycamore or London Plane	*Platanus* spp.	18 inches	54 inches
Spruce	*Picea* spp.	18 inches	
Tulip-tree	*Liriodendron tulipifera*	18 inches	54 inches

Common Name	Species	Landmark Tree D.B.H.	Sovereign Tree D.B.H.
Walnut, Black	*Juglans nigra*	18 inches	54 inches
Hickory, various	*Carya* spp.	16 inches	35 inches
Maple	*Acer* spp.	16 inches	48 inches
Oak	*Quercus* spp.	16 inches	48 inches
Birch	*Betula* spp.	12 inches	36 inches
Cherry	*Prunus* spp.	12 inches	36 inches
American Chestnut	*Castanea dentata*	6 inches	18 inches
Butternut	*Juglans cinerea*	6 inches	18 inches

5. **Tree preservation and replacement.** Any development subject to this Section shall not conduct land clearing or grubbing activities; or remove, replace, transplant, damage, or destroy any woodland or individual tree regulated by this Section, except in accordance with the following:

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
The following trees located within the lot boundaries, along with trees adjacent to the lot boundaries or in adjacent road rights-of-way where the drip line overlaps a lot boundary or right-of-way line, shall be considered to be regulated trees for purposes of this Section, and shall be replaced if removed in accordance with the following schedule:	•	•

Regulated Trees	Replacement Ratio (number of replacement trees per removed tree)
Coniferous (height)	
10.0 to 15.0 feet	one to one (1:1)
15.01 to 30.0 feet	three to one (3:1)
More than 30.0 feet	six to one (6:1)

Standards for Tree Preservation and Replacement		Existing Trees	Replace-ment Trees
Landmark coniferous tree	one (1) tree per inch of removed tree D.B.H.		
Deciduous (D.B.H.)			
8.0 to 12.0 inches	one to one (1:1)		
12.01 to 16.0 inches	three to one (3:1)		
More than 16.0 inches	six to one (6:1)		
Landmark deciduous tree	one (1) tree per inch of removed tree D.B.H.		
Sovereign (D.B.H.)			
Sovereign tree	two (2) trees per inch of removed tree D.B.H.		

Standards for Tree Preservation and Replacement	Existing Trees	Replace-ment Trees
A minimum of thirty percent (30%) of the total number of regulated trees as currently existing or that have existed on the subject site within the last five (5) years shall be preserved and left standing. This calculation shall be made based upon the number of regulated trees either within the: 1. Defined area of the development site as shown on the development plan, where woodlands outside of this area and not otherwise impacted by the development will not be disturbed; or the 2. Lot boundaries of the development parcel, where all such trees have been included in the detailed tree inventory. The Planning Commission shall consider preserved woodlands outside of the development site as part of determining whether the development plans conform to this requirement.	•	
No replacements shall be required for following trees otherwise regulated by this Section, subject to documentation and verification as part of the required plan information, and such trees shall not count towards the minimum required percentage of preserved trees: 1. Dying and diseased trees. 2. Any invasive woody shrub species listed in subsection 13.04 F.3. 3. Any of the following species of trees: Box Elder (*acer negundo*), Silver Maple (*acer saccharinum*), Cottonwood (*populus deltoids*), and Red Cedar (*juniperus virginiana*).	•	•
If regulated trees were removed within the past five (5) years, the Township Planner or designee shall use historical aerial photos and other available data to determine the number, characteristics, and extent of such trees; and the amount of additional tree mitigation required for such removed trees.	•	•
Regulated tree removal shall be limited to any of the following: 1. When necessary for the location of a structure or site improvement where no reasonable alternative location for the structure or improvement can be identified, after consideration of all development options available under this Ordinance.	•	

Standards for Tree Preservation and Replacement	Existing Trees	Replace-ment Trees
2. Where necessary, as determined by the Township Engineer, to provide reasonable drainage on the site, and when no reasonable alternative drainage is available without the removal of the trees. Land clearing shall be minimized and limited to designated road rights-of-way, drainage and utility easements, minimum building and driveway envelopes, and other minimum areas necessary for site improvements, considering the development options available under this Ordinance.		
The Planning Commission may require that sovereign trees on a development parcel subject to this Section be preserved and incorporated into the proposed development and will consider creative arrangements and clustering of lots or development areas to preserve additional landmark and sovereign trees.	•	
Regulated trees shall be tagged in the field, using non-corrosive metal tags, with by the identifying number designated on the required tree inventory.	•	
All trees to be removed shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.	•	
Replacement trees shall be of the same or a more desirable species suitable for the habitat and location that is on the list of landmark trees in this Section or otherwise native to Michigan, except those listed in Section 12.03.I (Prohibited Plant Materials). Trees of such species that are otherwise required by this Ordinance for screening or buffering purposes may also be used to satisfy up to fifty percent (50%) of the replacement tree requirements of this Section.		•
Replacement trees shall conform to the General Plant Material Standards and (Standards for Size and Variety of Plant Materials of this ordinance. Such trees shall be:		•

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
1. Nursery grown or comparable relocated from the same lot. 2. Tree spade transplanted while in the dormant state or, if not in the dormant state, balled and burlapped with a solid, well laced root ball when in the dormant state. Burlap to be removed or cut open at planting. 3. Number I grade, with a straight, unsecured trunk and a well-developed uniform crown (park grade acceptable).		
The location of any replacement tree shall be on the same parcel as the removed tree wherever feasible, as determined by the Township. If tree replacement on the same parcel is not feasible, the Township may: 1. Accept an alternative planting location in the Township; or 2. Allow a deposit into a tree-planting fund maintained by the Township in an amount acceptable by the Township, based upon the current retail market value for the tree replacement, to be utilized for planting, maintenance, and preservation of trees and woodland areas in the Township.		•
Replacement trees shall be approved through inspection by the Zoning Inspector or designated representative.		•

6. **Installation and maintenance.** Installation, care, and maintenance of all existing trees and replacement trees subject to the requirements of this Section shall conform to the requirements of Section 12.03 K (Plant Material Installation and Maintenance), and the following:

Installation and Maintenance Requirements	Existing Trees	Replacement Trees
Replacement and transplanted trees shall be staked, fertilized, watered, and mulched to ensure their survival in a healthy, growing condition and replaced at the developer's expense if they die within three (3) years.	•	•

Installation and Maintenance Requirements	Existing Trees	Replace-ment Trees
Prior to the issuance of the first building permit, the developer shall post a performance guarantee with the Township [per Section 3.09 (Performance Guarantees)] in an amount estimated by the developer and approved by the Township Engineer to ensure preservation or installation of required trees for a period of three (3) years from the date of receiving written notification from the developer that the last required tree has been planted or preserved, and has been inspected by the designated Township official.	•	•
The developer shall be responsible for replacing any tree used to satisfy the replacement requirements of this Section determined by the developer, Zoning Inspector or designated Township representative to be diseased, dead or dying within three (3) years after installation.	•	•
The developer shall be responsible for replacing any regulated tree determined by the developer, Zoning Inspector or designated Township representative to have been damaged due to on-site construction activity, or that is determined to be diseased, dead, dying, or otherwise destroyed or removed within three (3) years after final approval of a site plan or subdivision plat. Such identified tree(s) shall be replaced in accordance with the replacement ratio specified in this Section.	•	•
Three (3) years after all trees have been planted within the development, the Township shall release the guarantee, less any funds needed to complete required tree replacement.	•	•

Installation and Maintenance Requirements	Existing Trees	Replace-ment Trees
After this initial three (3) year period, the developer or any successor entity responsible for common area maintenance shall be responsible for replacing any healthy regulated tree or replacement tree within a general common element or other common area of the development determined by the Zoning Inspector or designated Township representative to have been damaged, destroyed or otherwise removed from the site. Such identified tree(s) shall be replaced in accordance with the replacement ratio specified in this Section. No replacements shall be required for dead or diseased trees.	•	•
Road rights-of-way, utility easements, and large land areas separate from the construction or land-clearing area may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, or other brightly visible materials at least thirty (30) inches above the ground from stake to stake along the outer perimeter of areas to be cleared.	•	
Protected area around preserved trees shall be defined by the drip line of all woodlands and individual trees designated to remain, plus an area outside of the drip line defined by a parallel boundary line placed a minimum of five (5) feet outward from the drip line. Such areas around preserved trees shall be protected before and during development, filling, land clearing, or any property alteration or construction activity.	•	
Protective barriers of wood, metal, or other suitable materials (such as snow fencing, cyclone fencing, etc.) acceptable to the Township Engineer shall be placed parallel to the outer perimeter of each protected area.	•	
No person shall conduct any construction activity; place, park or store solvents, building materials, equipment, soil, gravel, debris, vehicles, trailers, temporary structures or similar items; or attach a device or wire to any remaining tree within such protected areas except to cordon off such areas as required.	•	

Installation and Maintenance Requirements	Existing Trees	Replace-ment Trees
Protective barriers shall remain in place and be maintained in proper condition until the Township authorizes their removal or issues a final certificate of occupancy, whichever occurs first.	•	
Removal of brush, invasive species, and other land grubbing activities within the protected area of a landmark tree or sovereign tree shall be done by hand. No tracked or motorized vehicles or machinery shall be permitted within this area.	•	

7. **Additional tree removals.** Additional removal of regulated trees resulting from review or approval of construction plans or outside agency permits or approvals, or any action by the developer following final development plan approval, shall be subject to the requirements of this Section. Tree replacement shall not be required for removal of regulated trees from within a road right-of-way by written order of the county or state road authority with jurisdiction for traffic safety purposes; or from within the boundaries of an adjoining parcel of land by the independent action of a landowner not associated with the development subject to this Section.

8. **Woodland protection.** In accordance with Master Plan objectives and policies for woodlands protection, developers of land subject to this Section are encouraged to conserve woodlands through the use of conservation easements, inclusion of such areas within the development's general common elements or other common areas, or by other methods of long-term protection.

9. **Verification of plan information.** The Township may engage the services of a landscape architect, certified arborist or other consultant whose expertise the Township values to confirm the accuracy of the tree survey and related documentation of compliance with this Section before a final decision is made. Such expenses shall be subject to reimbursement by the applicant per Section 3.09.B (Escrow Deposits for Variable Costs and Expenses).

10. **Inspections.** To ensure compliance with this Section, the Township may perform periodic inspections of subject lots or parcels prior to mass grading and during all phases of construction and development, as well as for up to three (3) calendar years after completion of the development project. The

Township may employ a landscape architect, certified arborist or other consultant whose expertise the Township values to verify compliance with the approved final site plan, and to inspect and verify the health and condition of any tree designated to remain, any transplanted tree, and any replacement trees under this Section. The applicant shall incur all costs associated with such inspections.

SECTION 13.05 WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.

Dwellings, lots, and principal buildings for which provision of a potable water supply or a sanitary sewage disposal facility is required by state or county regulation or otherwise necessary before occupancy by any use permitted under this Ordinance shall be subject to the following:

1. **Connection to public water and sewer required.** The following structures and uses shall be connected to publicly owned and operated sanitary sewage and water supply systems:

   a. All dwelling units in the Urban Residential Districts.

   b. All buildings in the Medical Services (MS) District.

   c. All buildings in the Neighborhood Commercial district, Planned Manufacturing (PM) District, and all other zoning districts located within an Urban Service Area as defined in the adopted Growth Management Plan.

   Individual lots in such zoning districts in existence at the time of adoption of this Ordinance may use independent, on-site wells and septic systems approved by the Washtenaw County Environmental Health Division if publicly owned and operated sanitary sewerage and water supply systems are not available.

2. **Private community wastewater systems (PCWS).** Private wastewater systems (PCWS) for sanitary sewage treatment shall be prohibited in all zoning districts except as part of a Planned Community (PC) District and in compliance with the Private Community Wastewater System Ordinance (Ord. No. 166, as amended.)

3. **Screening standards for sewage treatment and disposal facilities.** In addition to any state or county requirements, all private community wastewater facilities and publicly owned and operated sewage treatment and disposal facilities and operations shall be completely enclosed by a fence not less than six (6) feet high. Such facilities and operations shall be surrounded on all sides by a buffer strip at least two hundred (200) feet wide within which dense evergreen screening shall be placed in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers) to screen the installation from view.

ARTICLE 14

SIGNS

SECTION 14.01 PURPOSE.

The purpose of this article is to regulate the location, size, construction, and manner of display of signs in order to minimize their harmful effects on the public health, safety and welfare. The Township further finds that reasonable use of signage promotes commerce in the Township. However, unrestricted signage does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the Township would unduly distract or endanger motorists and pedestrians; cause the deterioration of business or residential areas; obstruct vision; negatively impact property values; and reduce the effectiveness of both business signage and signs needed to direct and warn the public.

The following municipal interests are considered by the Township to be compelling government interests. Each interest is intended to be achieved under this article in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events is intended to promote an important government interest that would not be effectively achieved absent the regulations in this article. Regulating the location, size, construction, and manner of display of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding unsafe and nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; property identification for emergency response and wayfinding purposes; and unique character of areas of the Township.

A. Public safety.

1. Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the Township, with particular emphasis on the safety of pedestrians. The safety path and sidewalk networks provide facilities for pedestrians situated between vehicular roads and private properties throughout the Township. In areas of the Township without sidewalks or safety paths, pedestrians typically travel along the edges of roadways.

2. Since most signage on the private properties is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions that can jeopardize traffic and pedestrian safety, this article is intended to regulate signs so as to reduce such distractions and, in turn, reduce the risk of crashes, property damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are traveling in the districts identified in this article.

3. This article is also intended to protect public safety by requiring signs that are poorly maintained and/or structurally unsafe to be repaired or removed to protect against fallen signs or deteriorating sign debris from entering improved roadways, sidewalks and safety paths and causing dangerous conditions for vehicular traffic and pedestrians.

4. The Township encourages signage that will inform motorists and pedestrians of their desired destinations without conflicting with other structures and improvements. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks, and specifying minimum-sized characters for efficient perception by motorists and pedestrians, while minimizing distractions that could put pedestrians at risk.

5. In some circumstances, adjusting the size, setback, and other regulations applicable to signage may be important to avoid confusion and promote clarity where vehicular speeds vary on commercial/business thoroughfares.

6. In multitenant buildings and centers, it is compelling and important to provide distinct treatment with a gradation of regulation for individual identification depending on base sign size, amount of road frontage, and the like, all intending to provide clarity to alleviate confusion and thus additional traffic maneuvers, provide a minimum size of characters to allow identification, and maintain maximum-sized overall signage to prevent line-of-sight issues.

7. Maximize size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.

B. Character and quality of life. Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the Township. This article

intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the Township's character and support neighborhood stability. Signs that contribute to the visual clutter, contribute to the potential conflict between vehicular and pedestrian traffic, and distract from scenic resources and views will be prohibited in efforts to preserve the character, aesthetic qualities and unique experience within the Township. It is also the intent of this article that signs will reflect the character of unique districts as may be established by the Township's Master Plan, other adopted plans, or this article and other parts of this chapter.

C. Economic development and property values. The establishment of the restrictions in this article has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.

D. Avoidance of nuisance-like conditions. Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the Township. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character and quality of life in the Township. Ultimately, these regulations are compelling and important for the protection of all police power values.

    1. An excessive number of signs in one location creates visual blight and clutter, as well as confusion of the public. Thus, limiting the number of signs on properties, establishing setbacks from property lines, and requiring reasonable spacing between signs are compelling interests that can be pursued with minimum regulation.

    2. Signs that are too large can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes can be the subject of clear and effective regulations that address this compelling and important interest.

3. Requiring maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures.

4. There is a compelling governmental interest that signs avoid glare, light trespass, safety, and skyglow. The selection of proper fixture type(s) and location, use of supportive lighting technology, and control of light levels in a reasonable fashion is consistent with regulations that are narrowly tailored to achieve the Township's interests.

E. Property identification for emergency response and wayfinding purposes. Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.

F. Maintaining unique character of areas of the Township. Acknowledge the unique character of certain areas and districts, and establishing special time, place, and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas/districts.

G. Protection of the right to receive and convey messages. The important governmental interests and regulations contained in this article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve nonspeech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this article is intended to prohibit the right to convey and receive messages protected by the First Amendment of the United States Constitution.

SECTION 14.02 GENERAL STANDARDS.

The following general standards shall apply to signs in all zoning districts:

A. Compliance Required.

1. Signs erected, altered, and maintained in the Township shall conform to the standards of this Article. In no case shall any sign exceed the maximum sign height and sign area standards that apply to the type of sign, or an equivalent sign regulated by this Article.

B. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).

2. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.

3. **Sign area.** Measurements of permitted sign area shall be in accordance with the following standards:

    a. The surface area of a sign shall include the total area within a regular geometric figure (circle, triangle, rectangle or square) enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached (see illustration).

    b. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area.

    c. Where two (2) sign faces with identical sign areas are placed back-to-back no more than eighteen (18) inches apart, then the sign area shall equal the area of one (1) face.

    d. Where two (2) sign faces with different sign areas are placed back-to-back no more than eighteen (18) inches apart, then the sign area shall equal the area of the larger face.

    e. Where two (2) sign faces are placed more than eighteen (18) inches apart at any point, then the sign area shall equal the total area of all sign faces.

f. Where a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.

4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade (see illustration).

   a. **Signable area for multi-tenant buildings.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.

   b. **Signable area for buildings on corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), each street level façade shall be considered as a separate signable area for purposes of this Article (e.g. - A building that faces two (2) road rights-of-way shall have two (2) signable areas).

C. Construction and Maintenance.

All signs shall be constructed or installed in compliance with the State Construction Code and other applicable building, fire, and electrical codes; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. All signs shall be of sturdy construction to withstand normal natural elements and shall be properly maintained at all times.

1. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.

2. All sign faces shall be smooth, and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over or in front of the sign structure.

3. Building-mounted and ground signs shall be maintained with all necessary structural and decorative components, including supports, sign frames, and electrical equipment. Signs that are in a ripped or worn condition shall be classified as damaged signs for the purposes of this Article. All electrical wiring associated with a freestanding sign shall be installed underground.

4. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination. Signs with damaged, incomplete or missing sign copy areas or non-functional or damaged illumination elements shall be classified as damaged signs for the purposes of this Article.

5. All permanent signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code.

6. All signs attached to a structure shall be designed so that the supporting framework, other than the supporting elements on a freestanding sign, is contained within or behind the face of the sign or within the building to which the sign is attached so as to be totally screened from view.

D. Placement Requirements.

The following placement standards shall apply to all signs:

1. No sign may extend above any parapet or be placed upon, cantilevered over or otherwise suspended above or on any roof surface. For purposes of this Article, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.

2. No sign attached to a building, other than a permitted awning or projecting sign, shall project more than one (1) foot from the building wall.

3. Signs shall not be located within nor extend over any road right-of-way or corner clearance area, except where specifically authorized by this Article. This restriction shall include any future planned rights-of-way, as defined by the master transportation plans for the Township, or county or state road authorities.

4. All signs shall be set back at least ten (10) feet horizontal distance from any utility pole, overhead wire, transformer or streetlight.

E. Hazards and Obstructions.

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.

F. Use.

All signs shall be accessory to the principal use of the lot where the sign is located and shall not impair the use of adjacent properties.

G. Illumination.

Internal and external sign illumination shall be permitted, subject to the following:

1. **External sign illumination.** Where permitted under this Article, external illumination of signs shall be subject to the following:

   a. The light source(s) shall be fully shielded to prevent upward illumination or glare, directed towards the sign face, and designed to concentrate all light on the sign copy area (see illustration); and

   b. The light source(s) shall be arranged and shaded so as not to project onto the public right-of-way and interfere with traffic or project onto adjacent property.

2. **Internal sign illumination.** Where permitted under this Article, internal illumination of signs shall be subject to the following:

   a. The sign faces shall be more than fifty percent (50%) covered by semi-opaque colors and materials with a color value and saturation of fifty percent (50%) or higher (see illustration).

   b. Sign illumination intensity shall not exceed three (3) footcandles as measured ten (10) feet from the sign.

   c. Internal illumination of signs accessory to Rural Uses and Residential Uses shall be prohibited.

3. **Other Limitations.**

   a. Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type which have a changing light intensity, brightness, or color, or which are so constructed and operating as to create an appearance of writing or printing. Illumination involving searchlights, strings of lights or movements of lights or other devices shall be prohibited.

   b. Neon lighting is prohibited outside of the sign structure and shall not be permitted as accent lighting along a building wall or window.

   c. The backlighting of awnings and signs is prohibited.

H. Changeable Copy Area.

A changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed fifty percent (50%) of the total sign area.

I. Animated Copy Prohibited.

To minimize visual distractions and hazards for motorists, pedestrians, and property; animated copy, as defined in Section 2.03 (Definitions), shall be prohibited as part of any sign allowed under this Ordinance.

SECTION 14.03 SIGNS ALLOWED WITHOUT A CERTIFICATE.

The following signs are exempt from Section 3.02 (Certificates of Zoning Compliance for Signs) requirements and shall be permitted accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable standards of this Article:

A. Off-Site Seasonal Signs.

An active farm operation in the Township that sells agricultural goods or products grown or produced and sold on the farm operation site shall be permitted off-site temporary signs on other private lands located in any Rural, Rural Residential or Business District with the permission of the property owner and subject to the following:

1. Such signs shall not exceed thirty-six (36) square feet in area per sign, and no more than four (4) off-site signs shall be permitted per farm.

2. Such signs shall be set back a minimum of ten (10) feet from all road rights-of-way, and a minimum of five hundred (500) feet from the centerlines of the intersection of two (2) or more roads.

3. A maximum of two (2) such signs shall be permitted at any road intersection.

4. Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within seven (7) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.

B. Temporary Signs Within Road Rights-of-Way.

Temporary signs proposed to be located within or over road rights-of-way, including street banners or signs associated with a public event or festival, shall be subject to

Township Board approval. The Township Board may establish policies for the display and removal of such signs and may require payment of an inspection fee or performance guarantee to ensure timely removal. Placement in the right-of-way shall be consistent with Washtenaw County Road Commission requirements.

C. Address Numbers and Nameplate.

All principal buildings shall display their assigned address number in a manner legible from the road right-of-way. In addition, one (1) wallplate shall be permitted per principal building to provide for the further communication of a message by the occupants. The wallplate shall not exceed four (4) square-feet in area and shall be attached flat against the building wall.

D. Directional signs.

1. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line and shall not exceed six square feet in area for each sign and four feet in height.

2. A directional sign may bear the logo of a business for which it directs entering and exiting traffic if it is the determination of the Zoning Administrator that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.

E. Other Temporary Signs.

Temporary signs not otherwise provided for in this Section shall be subject to the following:

1. General regulations.

   a. It is the intent of these regulations to minimize the proliferation of temporary signs in the Township.

   b. Temporary signs shall not be illuminated

   c. Unless otherwise specified, all temporary signs shall be located on the premises they are intended to serve.

2. Permits required. All permitted temporary signs that are 12 square feet or greater, except those signs where additional sign area is permitted during the

time frame and conditions specified in this section, shall require a permit from the Zoning Administrator. Banners meeting the requirements of this section shall require a permit from the Zoning Administrator.

3. **Maximum height and sign area.** Such temporary signs shall be permitted in accordance with the following table of standards for maximum permitted height and total sign area per lot:

Zoning District		Maximum Sign Area	Minimum Setback	Maximum Sign Height
Rural District	A1 and A2	18.0 square feet	5	6.0 feet
Residential Districts	R2 and R6	18.0 square feet	5	6.0 feet
Business Districts	NC, VC, and PM	24.0 square feet	15	6.0 feet
Other District	PSP and MS	24.0 square feet	15	6.0 feet

4. **Removal.** Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within seven (7) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.

5. **Right-of-way.** Such temporary signs shall be located outside of all road rights-of-way.

6. **Damaged or unsafe temporary signs.** The owner, agent or person responsible for creating or placing the sign on the lot shall immediately remove such signs determined by the Zoning Administrator to be in a damaged or unsafe condition. Failure to remove a sign in such condition shall be considered a violation of this Ordinance.

7. **Additional standards for portable signs.** The following additional requirements shall apply to portable signs (see illustration - also referred to as "sandwich board" signs):

   a. Portable signs shall only be permitted accessory to principal Commercial Uses within the NC and VC zoning district.

   b. Portable signs shall be constructed of plastic, metal or similar weather-resistant materials, and shall be maintained in a neat and orderly condition. Use of plywood, cardboard or paper shall be prohibited.

c. A maximum of one (1) portable sign shall be permitted per lot or parcel.

d. Portable signs shall not exceed five (5) feet in height, three (3) feet in width, and fifteen (15) square feet in sign area per sign face.

e. Such signs shall be located outside of all road rights-of-way and shall be set back a minimum of ten (10) feet from the curbline or pavement edge of any roadway.

f. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian movement or visibility.

g. Portable signs shall only be displayed during regular business hours for the use.

F. Other Signs and Sign-Related Activities.

The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning, normal maintenance, and minor repairs of an existing sign, provided that the approved design is not altered, and all work is in compliance with applicable Ordinance requirements.

2. One (1) window sign accessory to a principal non-residential use not exceeding four (4) square-feet in area and may be illuminated. Additional window signs may be permitted in accordance with Section 14.05 (Building Mounted Signs).

3. Signs, tablets, or markers that are cut into the face of masonry surfaces or constructed of bronze or other incombustible materials and are located flat on the façade wall of a building.

4. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization; and pennants installed by the Township on or over public roads.

5. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.

6. Traffic safety and control and similar signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices; and essential service signs denoting utilities, hazards, and precautions.

7. Signs on the interior of a building not legible from the building exterior, and other incidental signs not visible from public road rights-of-way.

8. Changes to sign copy within an approved changeable copy area.

9. Signs required per Section 3.11 (Public Hearing Procedures).

10. Incidental signs carried by or affixed to clothing worn by persons; and incidental signs on vehicles, trailers, and similar transitory devices that are in motion or associated with and regularly used in the course of conducting the principal use located on the premises.

11. Signs not exceeding one square foot in area mounted to a wall, mailbox, or lamppost, located on single family residential lots only.

12. Legal notices, identification, information, or directional sign erected, or required by governmental bodies.

13. Integral decorative or architectural features of building, except letters, trademarks, moving parts, moving lights, or backlit areas.

SECTION 14.04 SIGNS ALLOWED WITH A CERTIFICATE.

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a Certificate of Zoning Compliance in accordance with Section 3.02 (Certificates of Zoning Compliance for Signs):

A. Construction Signs.

Temporary signs on active construction sites, shall be subject to the following:

Standards	Construction Signs
Maximum number of permitted signs	One (1) sign per road frontage of the zoning lot.
Minimum required setbacks	Outside of any road rights-of-way and ten (10) feet from the edge of pavement for any internal access

Standards	Construction Signs
	drive.
Maximum sign area	Twenty-four (24.0) square feet
Maximum sign height	Six (6.0) feet
Method of illumination	External light sources only.
Display period	The sign shall not be erected prior to final site plan or final preliminary plat approval and shall be removed within fourteen (14) calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.

B. Site Entry Features with Signage.

Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; or multi-tenant office, research or business campus, subject to the following (see illustration):

1. Site entry features may consist of walls, columns, gates, and similar design elements, and may be located within required yard setback areas. Site entry features shall be located outside of any road rights-of-way and a minimum of ten (10) feet from the edge of pavement for any internal access drive.

2. The Planning Commission shall have approved the location, design, and maintenance provisions for the site entry features as part of final site plan approval. Site entry features proposed to be added to an existing site shall be subject to Planning Commission approval of an amended final site plan.

3. The location and design of an entrance structure shall not interfere with pedestrian, bicycle, or vehicular traffic movement, and shall conform to the requirements of Section 7.11 (Corner Clearance Zones).

4. A maximum of one (1) sign shall be permitted on a site entry features per side of a road entrance from a public road classified as a primary roadway by the master transportation plans of the Township, or county or state road authorities, subject to the following:

Standards	Site Entry Features with Signage
Maximum sign area	28.0 square feet per sign
Maximum sign height	6.0 feet
Method of illumination	External light sources only

B. Multi-Tenant Building Directory.

Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level façade (such as a multiple-tenant office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to the following (see illustration):

1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level façade.

2. The maximum sign area shall not exceed three percent (3%) of the signable area of the building.

3. Illumination of such signs shall be limited to external light sources.

SECTION 14.05 BUILDING-MOUNTED SIGNS.

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township. The following standards shall apply to building-mounted signs in any zoning district:

Standards	Type of Permitted Signs			
	Wall	**Awning**	**Projecting**	**Window**
Permit required?	yes	yes	yes	no

Standards	Type of Permitted Signs			
	Wall	Awning	Projecting	Window
Internal or external illumination permitted?	yes	yes	yes	no
Maximum number of sign faces per building-mounted sign	one (1)	one (1)	two (2)	one (1)
Minimum sign height clearance	none	7.5 feet	8.0 feet	none
Maximum permitted sign area of all building-mounted signs	10% of signable area of the building space occupied by the use		24 square feet per face	10% of the street level window surface area
Number	One wall, awning, or projecting sign per building or per tenant if a multiple tenant building. One additional wall, awning or projecting sign is permitted for a building/tenant space that fronts on two rights-of-ways or drive-aisles.			One per building or tenant if a multiple tenant building. One additional window sign is permitted for a building that fronts on two rights-of-ways or drive-aisles

1. **Certificate approval.** Approval of a Certificate of Zoning Compliance per Section 3.02 (Certificates of Zoning Compliance for Signs) shall be required to erect, alter or relocate a wall or awning sign in the Township.

2. **Window signs.** Window signs shall be restricted to interior window surfaces. A Certificate of Zoning Compliance shall not be required for permitted window signs under this Section.

3. **Location.** All building-mounted signs shall be located entirely within the street level façade(s).

4. **Rear public entrance sign.** One (1) additional building-mounted sign not exceeding four (4) square feet in an area shall be permitted for each rear public entrance. This sign area shall be in addition to the building-mounted sign area otherwise permitted under this Section.

5. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.

6. **Awning signs.** Awning signs shall be restricted to the surface area of the awning's valance, which is the band of material hanging perpendicular to the ground (see illustration). Awning materials for an internally illuminated awning sign shall be opaque, except for any permitted sign area.

7. **Residential uses.** Building**-**mounted signs shall be prohibited accessory to RESIDENTIAL USES in any zoning district.

8. **Projecting signs.** Projecting signs shall be further subject to the following (see illustration):

    a. Such signs shall project from the wall at an angle of ninety (90) degrees.

    b. A maximum of one (1) projecting sign shall be permitted per use.

    c. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces.

    d. Projecting signs may extend out from the building wall a maximum of five (5) feet and shall be pinned away from the building wall at least six (6) inches.

    e. No part of the sign extends into or over a road right-of-way.

SECTION 14.06 GROUND SIGNS.

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township, and to minimize the proliferation of excessive or out-of-scale ground signage that would compete for the attention of motorists

or create traffic hazards or visual blight within the Township. The following shall apply to ground signs accessory to non-residential uses in any zoning district:

A. Ground Sign Standards.

Zoning District	Max Sign Height	Min. Sign Setback	Max. Sign Area/Sign	Max. No. of Signs
R-C, A-1, A-2, or OSP	6	6	18	1
R-1 or R-2	6	6	24	1
R-3, R-4, R-6 or R-7	8	8	24	1
NC, PC, MS or PM	10	10	36	1
PSP or VC	8	8	28	1

1. Approval of a Certificate of Zoning Compliance per Section 3.02 (Certificates of Zoning Compliance for Signs) shall be required to erect, alter or relocate a ground sign in the Township.

2. Ground signs shall be prohibited within corner clearance areas, as defined in Section 7.11 (Corner Clearance Zones).

3. Setbacks shall be measured from the near edge of the planned future road right-of-way, as defined by the master transportation plans of the Township, or county or state road authorities.

4. A maximum of two (2) sign faces shall be permitted per ground sign.

5. No part of a ground sign shall be located within a required side yard or within ten (10) feet of a side lot line.

6. Ground sign shall be set back a minimum of fifty (50) feet from any existing residential dwellings on abutting zoning lots.

7. No ground sign shall be placed in such a manner as to prevent any motorist on a curve of a road from obtaining a clear view of approaching vehicles for a distance of five hundred (500) feet along the road.

SECTION 14.07 SIGNS IN THE BUSINESS AND SPECIAL DISTRICTS.

Signs permitted in the Business and Special Districts shall be subject to the following additional standards:

A. Medical Services (MS) District.

Signs within the MS District are subject to the following regulations:

1. In addition to the issuance of a Certificate of Zoning Compliance, all building-mounted signs and ground signs regulated by this Article shall require site plan approval from the Planning Commission to ensure that a coordinated approach to signage within the site is provided, and that all signage is consistent with the intended character of the MS District and the purposes of this Article.

2. Signs that have been approved as part of the site plan review process may be modified without additional review by the Planning Commission if the modification does not:

    a. Increase the size of the sign by more than ten percent (10%);

    b. Alter the placement of the sign by more than fifteen (15) feet in any direction; or

    c. Add illumination or increase the existing illumination of the sign.

3. The modified sign shall conform to all applicable requirements of this Article.

4. The Planning Commission may require that information for other existing or planned signage be provided as part of the site plan approval.

5. Section 14.13 (Sign Exceptions) shall not apply to signs in the MS District.

B. Planned Community (PC) District.

Signs within a PC Special District shall conform to all applicable requirements of this Article and the approved PC Area Plan, final site plan, and any conditions of approval.

1. Modifications from the sign standards of this Article may be approved by the Township as part of the approval of a Planned Community (PC) development.

2. Any proposed modifications shall be approved as part of the PC Area Plan.

3. The location, size, height, and other details of signs subject to approved modifications from the sign standards of this Article shall be shown on the final site plan.

4. Where a conflict exists between the standards of this Article and an approved PC Area Plan, final site plan or any conditions of approval, the provisions of the approved Planned Community (PC) development shall govern.

5. Section 14.13 (Sign Exceptions) shall not apply to signs in an approved PC District.

C. Other Business and Special Districts.

Signs within all other Business and Special Districts shall conform to all applicable requirements of this Article.

SECTION 14.08 BILLBOARDS.

Billboard signs, as defined in Section 2.03 (Definitions), shall be subject to the following:

A. Findings.

The Township has made the following determinations related to billboard signs:

1. The placement of signs on lots or structures in the Township that exceed the maximum permitted standards of this Article for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses and would be inappropriate to the intended character and sound development of Superior Charter Township.

2. Unrestricted display of billboard signs along primary roadways as classified by the master transportation plans of the Township or county or state road authorities would lessen the effectiveness of signs allowed under this Article, create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.

3. Billboard signs are not appropriate in the Rural Districts and Rural Residential Districts, because such signs would detract from the visual appearance and

rural/recreational character of these zoning districts, which is attractive to visitors and residents and a benefit to the local agricultural economy.

4. Billboard signs are not appropriate in the Urban Residential Districts, Business Districts, and the Special Districts where Residential Uses are permitted, because the intense commercial nature of the advertising activity would be harmful to property values and incompatible with quality of life in residential areas.

5. Billboard signs are not appropriate in the Business Districts, and the Special Districts where Commercial Uses and Industrial, Research, and Laboratory Uses are permitted, because such signs would be out-of-scale with the structures and character of the districts, incompatible with abutting residential and recreational uses, and harmful to the promotion of commerce in the districts.

6. Billboard signs are not appropriate in the Public/Semi-Public Uses (PSP) District, and the Special Districts where Office, Service, and Community Uses are permitted, because such signs would be out-of-scale with the structures and character of the districts, and incompatible with abutting rural, residential, and recreational uses.

7. The placement of new billboard signs in the Township is contrary to the purposes of this Article and the Township's Master Plan.

B. New Billboards Prohibited.

In accordance with the above findings, new billboard signs shall be prohibited in Superior Charter Township.

C. Existing Billboards.

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 14.11 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of existing billboard signs in the Township.

SECTION 14.09 PROHIBITED SIGNS.

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.

2. Signs painted on or attached to trees, utility poles, fences or streetlights.

3. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.

4. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.

5. Strings of pennants, flags, balloons, and similar floating devices for purposes of advertising.

6. Roof signs, and inflatable signs.

7. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.

8. Signs displayed without required permits or outside of permitted size, location or time period limitations.

9. Non-accessory and off-premises signs, including billboard signs per Section 14.08 (Billboards), except as otherwise provided for in this Article.

10. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

SECTION 14.10 CERTIFICATES OF ZONING COMPLIANCE FOR SIGNS.

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Article, without first obtaining a Certificate of Zoning Compliance from the Township, and any other required permit(s). Where a provision of this Article requires approval of a Certificate of Zoning Compliance for a sign, such approval shall be subject to the provisions of Section 3.02 (Permits and Certificates of Zoning Compliance) and the following:

1. **Application information.** Certificate applications for a sign shall include the following information:

    a. The name, address and telephone numbers for the applicant, property owner, and sign contractor; address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.

    b. A complete description of the applicant's relationship to the property owner.

    c. The required fee shall be paid to the Township Treasurer according to the schedule of fees established by the Township Board. No part of the fee shall be returnable or refundable to the applicant. No fee shall be required of any governmental body or agency.

    d. Any other information required by the Zoning Administrator to show full compliance with this Ordinance.

2. **Plot plan and elevations.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the zoning lot.

    a. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing building and street level façade dimensions and details for all existing and proposed building-mounted signs.

    b. Information depicted in sufficient detail on aerial or building photographs may be accepted by the Zoning Administrator to satisfy this requirement.

3. **Sign details.** A complete description and scaled drawings of the sign, including all dimensions and the area in square feet, specifications of existing and proposed materials, details of structural supports and sign illumination, and a landscape plan of the base, if applicable.

4. **License and insurance.** Every person who engages in the erecting, altering or dismantling of permanent signs in the Township shall first submit proof of appropriate licenses or certifications, and shall annually provide the Zoning Administrator with a certificate of public liability insurance. A Certificate of Zoning Compliance for a sign shall not be issued unless the insurance certificate is on file with the Township.

SECTION 14.11 NONCONFORMING SIGNS.

All legal nonconforming signs shall be permitted to continue as nonconforming signs until removed or altered, subject to the following:

A. Good Working Order.

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 14.02 (General Standards), to the maximum extent feasible. Nonconforming signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

B. Servicing.

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with applicable codes and ordinances.

C. Alterations.

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 14.02 G (Illumination).

2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 14.02 G (Illumination).

3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:

   a. The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.

   b. Where a ground sign is nonconforming with respect to a required setback, the existing sign's wiring and support structure(s) may be re-used, subject to the following:

      (1) The sign shall be located outside of any existing road right-of-way, as defined by the master transportation plans of the Township, or county or state road authorities.

      (2) The sign shall be located outside of any corner clearance area, as defined by Section 7.11 (Corner Clearance Zones).

      (3) The existing sign setback distance shall be maintained or increased by the permitted alterations.

SECTION 14.12 SIGN REMOVAL BY TOWNSHIP ACTION.

The Zoning Administrator shall have the authority to determine whether a sign is unlawful, damaged, unsafe or abandoned, and to take such actions as necessary to enforce the provisions of this Article and Ordinance, subject to the following:

A. Abandoned or Unlawful Signs.

Signs determined to be abandoned shall be removed by the sign owner and the site restored within thirty (30) calendar days after notification by the Zoning Administrator. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the property owner's expense. All support structures and components shall be completely removed, and the site

restored. The owner shall reimburse the Township for removal costs, or the Township may place a lien on the property for such expenses.

B. Damaged Signs.

Signs determined to be in a damaged condition shall be repaired or removed by the sign owner within fifteen (15) calendar days after notification by the Zoning Administrator. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Zoning Administrator shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.

C. Unsafe Signs.

The Zoning Administrator may order the removal of any sign determined to be unsafe without prior notice. After removal, the Zoning Administrator shall notify the owner of the property upon which the sign was located by certified mail of the action taken and the reasons for the action. The Township shall hold the removed sign elements for fifteen (15) calendar days after the mailing date of the notice, after which the sign may be discarded. The owner shall reimburse the Township for removal and storage costs, or the Township may place a lien on the property for such expenses.

D. Nonconforming Signs.

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 14.11 (Nonconforming Signs) requirements.

E. Temporary Signs.

The Township may remove without notice any temporary sign determined by the Zoning Administrator to be in violation of this Ordinance. A removed sign shall be held by the Zoning Administrator for seven (7) calendar days, after which it may be discarded.

SECTION 14.13 EXCEPTIONS.

Any party who has been denied a Certificate of Zoning Compliance for a proposed sign may file a petition for an exception to the provisions of this Article with the Zoning Board of Appeals within sixty (60) calendar days of denial. The Board of Appeals shall have the authority to grant an exception from

the strict application of these regulations in accordance with the following:

A. Applications and Review Procedures.

Application for a sign exception shall be filed with the Township Clerk by the Certificate applicant, the owner of record of the property in question or by a person authorized to act on the record owner's behalf. The petition shall consist of:

1. A completed application form and required fee, paid to the Township Treasurer;

2. A copy of the Certificate of Zoning Compliance application and reason for denial;

3. A statement of the specific reasons for the exception request; and

4. All information required for a Certificate of Zoning Compliance per Section 3.02 (Certificates of Zoning Compliance).

The Township Clerk shall transmit the application and information to the Board of Appeals and to the Zoning Administrator.

B. Public Hearing.

The Board of Appeals shall hold a public hearing on each request for a sign exception under this Section. The Chair shall fix a reasonable time and date for the hearing, which shall be held within ninety (90) calendar days after receipt of a complete and accurate application. Notice shall be given, and the hearing shall be held in accordance with Section 3.11 (Public Hearing Procedures). All hearings shall be open to the public.

C. Exceptions for Certain Signs Within Road Rights-of-Way.

The Board of Appeals may grant an exception for one (1) ground sign to be installed

and maintained within the road right-of-way at any entrance to an existing single-family residential subdivision or site condominium development established prior to the date of adoption or amendment of this Ordinance without sufficient common area for site entry features as regulated by Section 14.04 A (Site Entry Features with Signage). Approval of such an exception shall be subject to the following:

1. Proof of preliminary approval of the sign location and design by the Washtenaw County Road Commission.

2. Such signs shall have a maximum height of six (6) feet and a maximum sign area of twenty-eight (28) square feet.

3. No such sign shall be placed in such a manner as to prevent any motorist on a curve of a road from obtaining a clear view of approaching vehicles for a distance of five hundred (500) feet along the road.

D. Other Sign Exceptions.

For all other sign exception petitions, the Board of Appeals shall consider the following exception standards, the intent and purposes of this Article, and any other factors deemed relevant in determining whether to grant an exception from provisions of this Article:

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.

2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.

3. **Site features.** Construction of a conforming sign would require significant tree removal or extensive topographic changes.

4. **Scale.** A sign that exceeds the allowable height or area standards of this Article would be more appropriate in scale to the building, use or site frontage.

5. **Aesthetics.** The exception shall not adversely impact the character or appearance of the building or lot, the surrounding area, and the zoning district.

6. **Intent.** The exception shall not impair the intent and purposes of this Article.

7. **Minimum necessary action.** The exception shall be the minimum necessary to provide for reasonable use, visibility or legibility of the sign.

E. Findings and Conditions.

In a motion granting or denying a sign exception, the Board of Appeals shall state the specific findings of fact and conclusions or grounds for the decision. The Board of Appeals may attach conditions to a sign exception approval in accordance with the intent and purposes of this Article.

SECTION 14.14 VIOLATIONS.

A. It is a violation of this chapter to:

   a. Install, authorize installation, create, erect, or maintain any sign in a way inconsistent with the terms of this chapter or that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located

   b. Install, authorize installation, create, erect, or maintain any sign requiring a permit without such a permit.

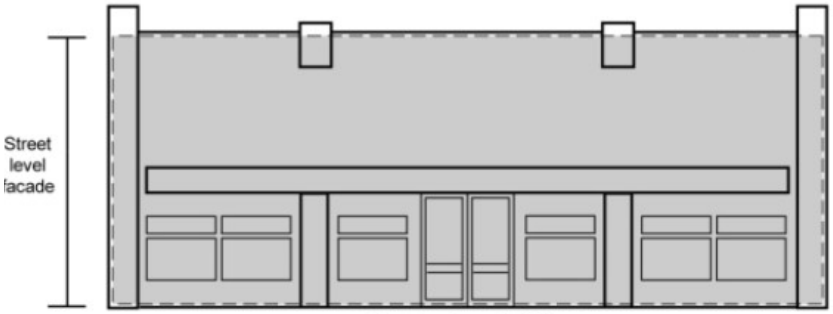
B. Separate violation. Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation.

C. Right-of-way. Unless specified elsewhere in this chapter, any signs placed within a road right-of-way (ROW) and on utility poles will be considered a violation of this chapter and may be removed by the Township at the expense of the owner.

SECTION 14.15 ENFORCEMENT.

Knowing and willful violation of the provisions of this article shall be a municipal civil infraction. Enforcement of this article may proceed through the municipal civil infraction process. Each day that such violation continues after receipt of written notice to remove a sign shall be deemed a separate offense. Violation of these regulations shall result in a revocation of the subject sign permit.

ILLUSTRATIONS



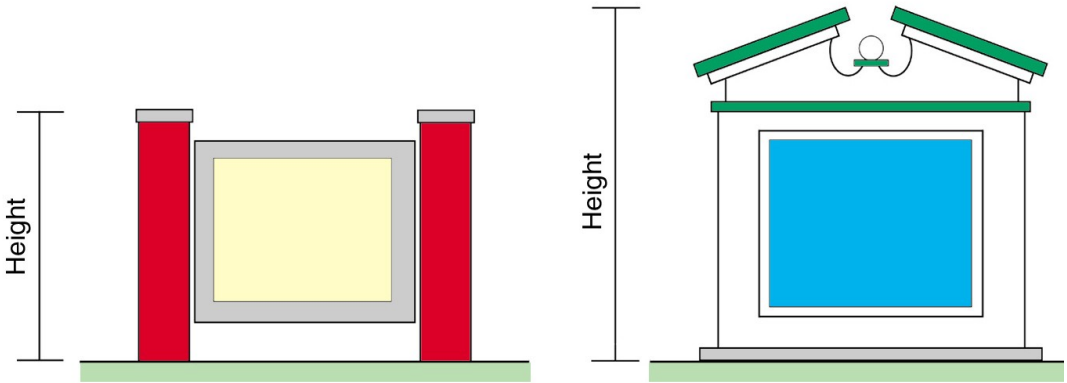
Single-story Building



Multiple-story Building

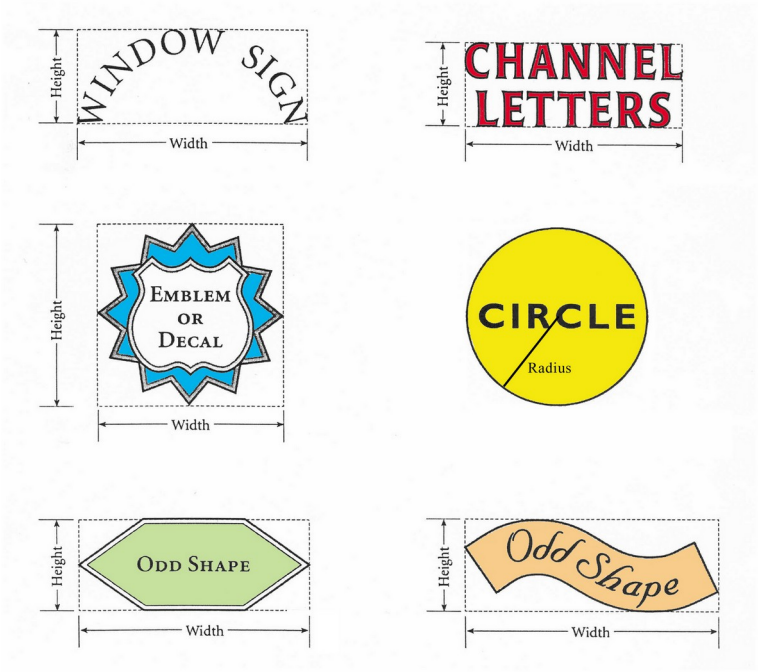
Signable Area

ILLUSTRATIONS

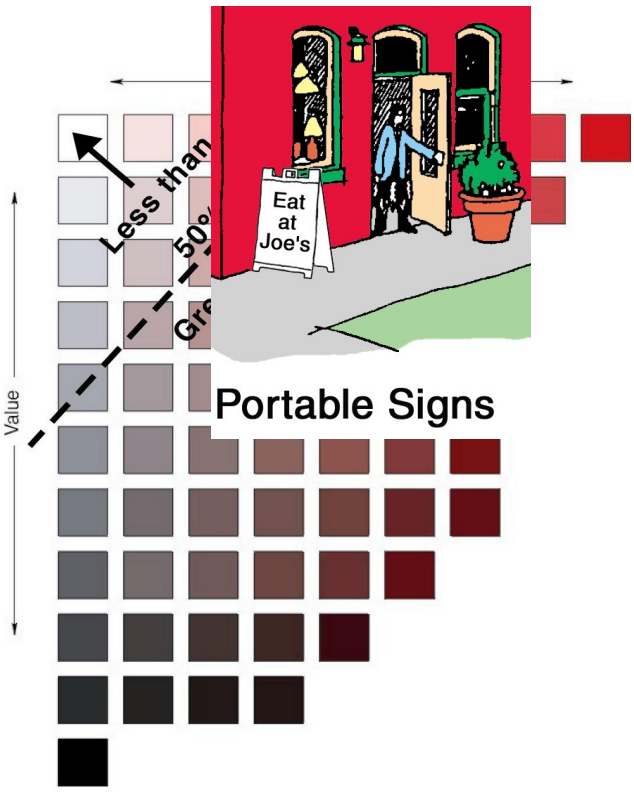


Sign Height

ILLUSTRATIONS



Computation of Sign Area



Portable Signs

Color Value and Saturation



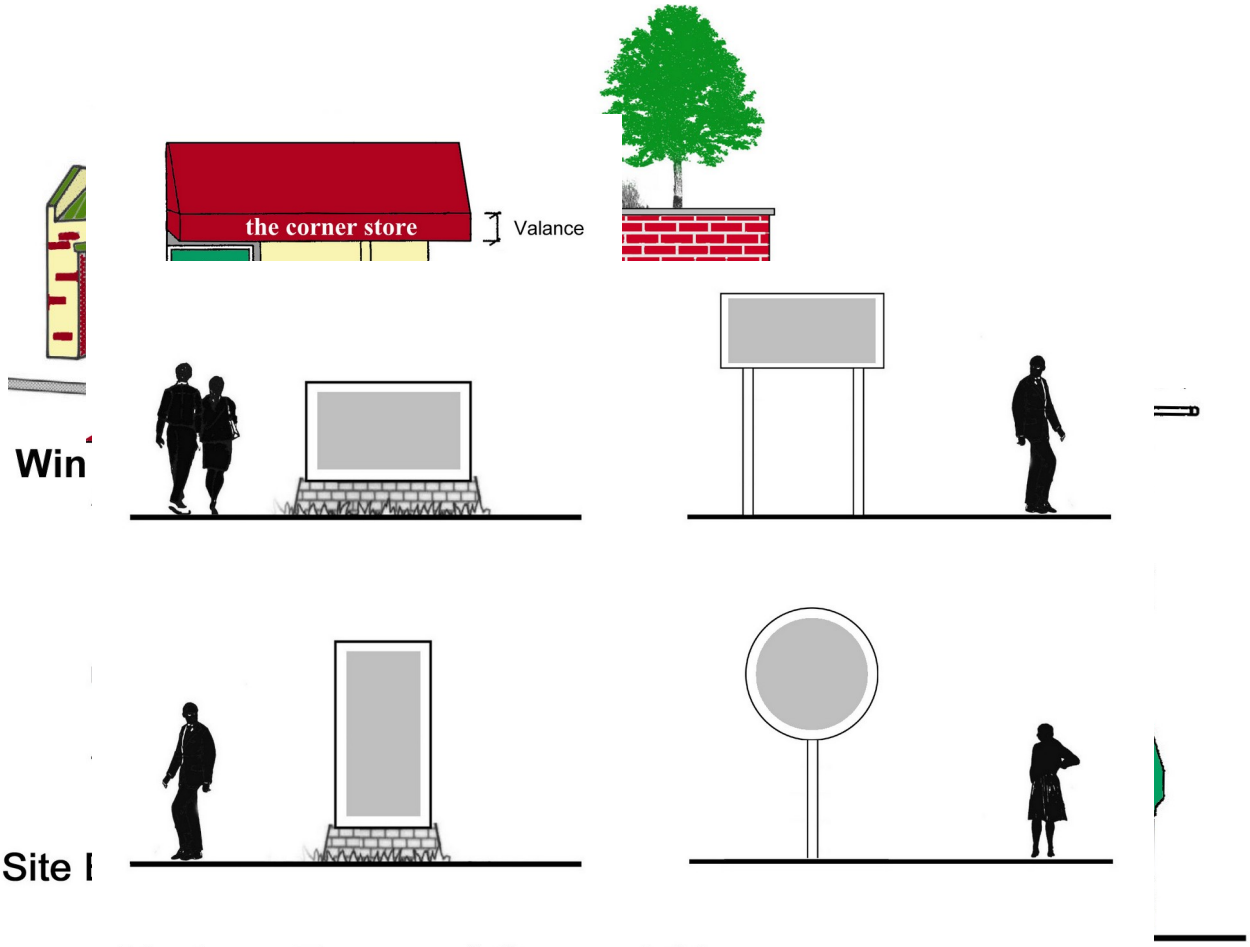
External illumination only



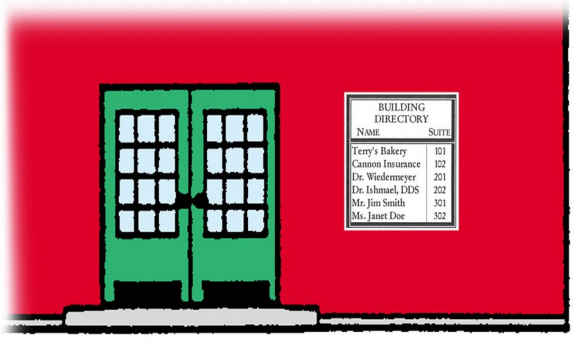
Internal illumination permitted

Sign Illumination

ILLUSTRATIONS



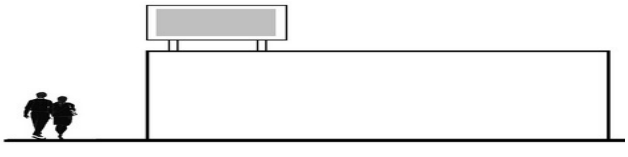
Various Types of Ground Signs



Building Directory



Projecting Sign



Roof Sign

ARTICLE 15

NONCONFORMING LOTS, USES, AND STRUCTURES

SECTION 15.01 PURPOSE.

A. Within the districts established by this Ordinance, there are existing structures, lots of record, sites, and uses that were lawful before this Ordinance was adopted, but have become nonconformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival. Where discontinuance or removal is not feasible, it is the intent of this Article to provide for the gradual upgrading of such nonconformities to conforming status.

The regulations of this Article are intended to permit such nonconformities to continue without specific limitation of time, while restricting extensive further investments that may make them more permanent.

1. Regulate the use and development of nonconforming lots, the completion, alteration and reconstruction of nonconforming structures, the redevelopment and improvement of nonconforming sites, and the maintenance, extension and substitution of nonconforming uses.

2. Specify the limited conditions and circumstances under which nonconformities shall be permitted to continue.

3. Establish standards for determining whether a use is nonconforming, and whether a nonconforming use has ceased to occupy a particular lot or parcel.

B. It is recognized that there exists within the districts established by this Article and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Article was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this Article to be incompatible with permitted uses in the districts involved. It is further the intent of this Article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

C. The standards of this Article are intended to accomplish the following:

1. Eliminate nonconforming uses which are considered to be incompatible with permitted uses and encourage redevelopment into more conforming uses.

2. Permit legal nonconforming buildings, structures or uses to remain until they are discontinued or removed.

3. Encourage investment in surrounding neighborhoods by bringing nonconforming structures into compliance with this Ordinance.

4. Encourage upgrading of site elements such as site landscaping, parking, paving, signage, access, pedestrian circulation or other features of a site which was developed in compliance with the standards at the time of construction, but which do not meet current site standards.

5. Encourage combination of contiguous nonconforming lots of record to create lots which conform to current standards, are compatible with other lots in the appropriate zoning district, to promote public health, safety and welfare and to eliminate problems associated with over-crowding.

D. Nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Article provided progress has been diligently pursued and substantial construction has occurred.

E. The authorization of nonconformities that were legally established prior to enactment or amendment of this Ordinance to continue shall not apply to buildings, structures or uses which were not legally established prior to the enactment or amendment of this Ordinance. Those nonconforming uses or nonconforming structures which have not been legally established shall be declared illegal and shall be discontinued at the effective date of this Ordinance.

SECTION 15.02 SCOPE.

Nonconformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various zoning districts. Except as otherwise provided in this Article, any nonconforming lot, use, site or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. Nonconformities shall not be enlarged, expanded, or extended, except in accordance with this Article, and shall not be used as grounds for adding structures and uses prohibited elsewhere in the same district. All nonconformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Article.

SECTION 15.03 NONCONFORMING SINGLE-FAMILY DETACHED DWELLINGS.

Nonconforming single-family detached dwellings and customary accessory structures shall be exempt from the provisions of this Article that would otherwise apply to existing, lawfully established single-family detached residential uses located in non-residential zoning districts; or to existing, lawfully established single-family detached dwellings or customary accessory structures that do not conform to the applicable dimensional standards of this Ordinance. Such dwellings and accessory structures may be used, repaired, expanded, altered, or replaced if destroyed, subject to the following:

1. **Dwelling as a nonconforming use.** An existing, lawfully established single-family dwelling and customary accessory structures located in a non-residential zoning district may be repaired, altered, or replaced if destroyed, provided that:

    a. Such work shall conform to all applicable standards of this Ordinance as if the property and use were located in the single-family residential zoning district (R-1, R-2, R-3, or R-4) most similar in terms of the minimum lot width and area requirements to the size of the subject lot.

    b. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and rules.

2. **Dwelling as a nonconforming structure.** Where an existing, lawfully established single-family dwelling or customary accessory structure is

nonconforming structure with respect to the dimensional requirements of this Ordinance, the following standards shall apply:

a. Structural changes and alterations to a nonconforming single-family dwelling or customary accessory structure that decrease or do not affect the degree of nonconformity shall be permitted. Such structures may be expanded, provided that:

(1) The addition shall conform to the dimensional standards and other requirements of the zoning district in which it is located.

(2) The expanded structure shall not exceed the ground floor coverage and floor area ratio limits of the district in which it are located.

b. All repairs and maintenance shall conform to the State Construction Code and all other applicable code requirements. A damaged structure shall be adequately secured and shall be protected against further damage from the elements.

c. A nonconforming single-family dwelling and customary accessory structures may be reconstructed or replaced if destroyed, provided that:

(1) Any replacement structure shall conform to the dimensional standards of the zoning district where it is located, except where, in the determination of the Zoning Inspector, existing site conditions would prevent reasonable conformance. In such cases, the dwelling or customary accessory structure may be reconstructed on the existing location.

(2) Application for a building permit for reconstruction or replacement of a destroyed structure shall be made within three hundred sixty-five (365) calendar days of the date of such damage, and all work shall be completed within the building permit approval period. Where pending insurance claims require an extension of time, the Zoning Inspector may grant one (1) extension of up to three hundred sixty-five (365) calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.

(3) A nonconforming structure that is moved within a lot or to another lot shall thereafter conform to the regulations of the district in which it is located.

d. If a nonconforming dwelling or customary accessory structure becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

SECTION 15.04 NONCONFORMING LOTS OF RECORD.

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

A. Use of a Single Nonconforming Lot of Record.

A principal building or single-family detached dwelling and customary accessory structure(s) may be erected, occupied, and used on a single, nonconforming lot of record, provided that the lot is not in continuous frontage with other lots in the same ownership and is in accordance with other requirements applying in the zoning district.

This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and all requirements other than those applying to area, or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

B. Combination of Nonconforming Lots.

If two (2) or more lots or combinations of lots and portions of lots are in single ownership as of the date of this Ordinance or at any time thereafter and are in continuous frontage, and if all or part of the lots do not meet the requirements established under this Ordinance for lot width and area, the lands involved shall be combined and considered a single, undivided parcel for purposes of this Ordinance.

1. No portion of the resulting parcel shall be used, sold, or divided in such a manner as to diminish compliance with lot width and area requirements established by this Ordinance.

2. Where the nonconforming lot(s) were created by public taking action or as a result of a court order, combination of the lots shall not be required.

3. Where possible, nonconforming lots of record shall be combined to create lots that comply with the requirements of this Ordinance.

C. Division of Nonconforming Lots.

A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots.

SECTION 15.05 NONCONFORMING USES.

All nonconforming uses, other than non-conforming single family detached dwellings, shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

A. Compliance with Other Applicable Standards.

Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, ordinances, regulations and codes, other than the specific use regulations for the zoning district where the use is located.

1. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.

2. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within one hundred-eighty (180) days of their effective date, shall constitute grounds for the Township to seek court approval to terminate or remove the use at the owner's expense.

B. Alteration.

Nonconforming uses shall not be enlarged, increased in intensity, extended to occupy a greater area of land or floor area, or moved in whole or in part to any other portion of the lot or structure; other than that occupied at the time the nonconforming status was established.

1. No such land occupied by a nonconforming use shall be subdivided nor any structure added, except for purposes and in a manner conforming to zoning district regulations. Subdivision that does not increase the degree of nonconformity shall be permitted.

2. Expansions, additions, or alterations that would have the effect of intensifying the impact, appearance, or character of a nonconforming use shall be subject to Section 15.05.D (Expansion or Substitution).

3. Substitution of a nonconforming use for another nonconforming use on the same site shall be subject to Section 15.05.D (Expansion or Substitution).

C. Cessation.

Cessation of use includes, but is not limited to, vacancy of the building or structure in which the nonconforming use was conducted, or discontinuance of the activities consistent with or required for the operation of such nonconforming use, irrespective of whether an intention to cease or abandon the nonconforming use may exist.

1. A nonconforming use that ceases for a period of more than three hundred sixty-five (365) calendar days or is superseded by a conforming use shall not be resumed.

2. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the legal nonconforming status of the land.

3. If a structure associated with a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements. All subsequent uses shall conform to all Ordinance requirements.

4. If a structure associated with a nonconforming use is removed, or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to all Ordinance requirements.

5. If a structure associated with a nonconforming use is damaged by any means to an extent that the repair cost is less than or equal to the state equalized value of the property, such structure may be replaced at its location existing prior to such damage.

a. Structural reconstruction or replacement shall begin on the site within 365 calendar days of the date of damage and shall be completed within the building permit approval period.

b. Failure to complete such work within the stated time period shall eliminate the legal nonconforming status of the land. All subsequent uses shall conform to all Ordinance requirements.

c. Where pending insurance claims require an extension of time, the Zoning Inspector may grant one (1) extension of up to three hundred sixty-five (365) calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.

D. Expansion or Substitution.

A nonconforming use may be may expanded, or a nonconforming use may be substituted for another nonconforming use, subject to Zoning Board of Appeals approval in accordance with the following:

1. **Filing of application.** Application for approval of a nonconforming use substitution or expansion 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.

2. **Eligibility.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which nonconforming use substitution or expansion 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.

3. **Information required.** An application for approval of a nonconforming use substitution or expansion shall contain the following information:

   a. The applicant's name, address, and telephone number.

   b. The names, addresses, and telephone numbers of all record owners and proof of ownership.

c. 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.

d. Legal description, address, and tax parcel number of the property.

e. A scaled and accurate survey drawing, correlated with the legal description and showing all existing structures, drives, and other improvements.

f. A detailed description of the existing use and proposed expansion or substitution. The Planning Commission may require documentation that the existing use is legally nonconforming.

g. Where required by the Planning Commission or by Section 8.02 (Site Plan Approval Required), detailed site plans shall be submitted for review per Article 8 (Site Plan Review).

4. **Required fees and escrow deposits.** The Township Board shall establish, by resolution or ordinance, fees and escrow deposits for review of nonconforming use substitution or expansion applications. Required fees and escrow deposits shall be paid to the Township Treasurer at the time of the filing of the application and no part of a required fee shall be returnable to the applicant. No action shall be taken on any application for which required fees have not been paid in full.

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

6. **Planning Commission review and public hearing.** Upon receipt of a complete and accurate application for approval of a nonconforming use substitution or expansion from the Clerk, the Planning Commission shall undertake a study of the application. A public hearing shall be held on the application and notice shall be given in accordance with Section 3.11 (Public Hearing Procedures).

7. **Criteria for approval.** Subsequent to the public hearing, the Planning Commission shall review the application to the standards and findings required herein and the information provided at the public hearing. The Planning Commission may approve a nonconforming use substitution or expansion upon finding that the existing use and proposed expansion or substitution satisfy all of the following criteria for approval:

a. **Use standards.** The existing use and proposed expansion or substitution conform to the following:

(1) The nonconformity does not significantly depress the value of nearby properties.

(2) The use does not adversely impact the public health, safety, and welfare.

(3) The use does not adversely impact the purpose of the district where it is located.

(4) No useful purpose would be served by the strict application of Ordinance requirements that apply to the nonconformity.

(5) In the case of a use substitution, the proposed nonconforming use is more appropriate than the existing nonconforming use in the zoning district in which it is located.

b. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with Article 14 (Signs).

c. **Building improvements.** The Planning Commission may approve an expansion of a nonconforming use that includes new construction, or expansion or structural alteration of the existing building(s) occupied by the use where such work conforms to applicable Ordinance requirements.

d. **Site improvements.** If the site is nonconforming with respect to applicable site design standards of this Ordinance, the proposed expansion and associated site improvements shall also conform to the requirements of this Ordinance.

e. **Other conditions.** The Commission may attach conditions of approval to assure that the use does not become contrary to the purposes of this Article or Ordinance, or the public health, safety or welfare.

SECTION 15.06 NONCONFORMING STRUCTURES.

All other nonconforming structures, other than single family detached structures, shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

A. Alterations.

Structural changes and alterations to a nonconforming structure that decrease or do not affect the degree of nonconformity shall be permitted. Expansions or additions to a nonconforming structure, or alterations to a nonconforming structure that would increase or intensify a nonconformity, shall be subject to Section 15.06 F (Expansion).

B. Relocation.

A nonconforming structure that is moved within a site or to another site shall thereafter conform to the regulations of the district in which it is located.

C. Normal Repairs and Maintenance.

Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing, heating, or cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements. Such improvements shall not result in any enlargement of a nonconforming structure, including any increase in floor area, volume, number of dwelling units, dimensions, height, or number of stories. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs and maintenance or is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

D. Buildings under Construction.

Nothing in this Article shall require a change in the plans, construction or designated use of any structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that such work shall be completed within three hundred sixty-five (365) calendar days of the effective date.

E. Damaged or Unsafe Structures.

A nonconforming structure or a portion thereof, if destroyed or damaged by any means to the extent such that the expense of such reconstruction would exceed the state equalized value of the property, shall not be reconstructed except in conformity with the regulations of the zoning district in which it is located.

1. Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming structure damaged by any means, provided that the expense of such reconstruction shall not exceed the state equalized value of the property.

    a. Application for a building permit for such reconstruction shall be made within three hundred sixty-five (365) calendar days of the date of such damage, and all work shall be completed within the building permit approval period.

    b. The lot and damaged structure shall be adequately secured from unauthorized access to the Zoning Inspector's satisfaction. The damaged structure shall be protected against further damage from the elements.

    c. Where pending insurance claims require an extension of time, the Zoning Inspector may grant one (1) extension of up to three hundred sixty-five (365) calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.

2. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

F. Expansion.

A nonconforming structure may be enlarged or expanded, subject to the following:

1. **Expansion of nonconforming farm buildings.** Nonconforming buildings used in farming or active agricultural operations may be expanded if approved by the Zoning Inspector, subject to the following requirements:

    a. Farming shall be a permitted use in the district in which the use is located and the intended use of the structure shall be a permitted use in the district in which the structure is located; and

    b. The expansion shall meet all requirements of the zoning district in which it is located. The existing structure(s) and the expansion shall not exceed the ground floor coverage or floor area ratio limits of the district in which they are located.

2. **Expansion of other nonconforming structures.** Other nonconforming structures may be enlarged or expanded, subject to Zoning Board of Appeals approval in accordance with the following:

   a. **Filing of application.** Application for approval to enlarge or expand a nonconforming structure 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 an interest in the land or structure(s) for which approval to enlarge or expand a nonconforming structure 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.** Applications for approval to enlarge or expand a nonconforming structure shall contain the following information:

      (1) The applicant's name, address, and telephone number.

      (2) The names, 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 structures, drives, and other improvements.

      (6) Where required by the Planning Commission or by Section 8.02 (Site Plan Approval Required), detailed site plans and building elevations shall be submitted for review per Article 8 (Site Plan Review).

d. **Required fees and escrow deposits.** The Township Board shall establish, by resolution or ordinance, fees and escrow deposits for review of applications for approval to enlarge or expand a nonconforming structure. Required fees and escrow deposits shall be paid to the Township Treasurer at the time of the filing of the application and no part of a required fee shall be returnable to the applicant. No action shall be taken on any application for which required fees have not been paid in full.

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

4. **Planning Commission review and public hearing.** Upon receipt of a complete and accurate application for approval to enlarge or expand a nonconforming structure from the Clerk, the Planning Commission shall undertake a study of the application. A public hearing shall be held on the application and notice shall be given in accordance with Section 3.11 (Public Hearing Procedures).

5. **Criteria for approval.** Subsequent to the public hearing, the Planning Commission shall review the application to the standards and findings required herein and the information provided at the public hearing. The Planning Commission may approve an enlargement or expansion of a nonconforming structure upon finding that the existing structure and proposed enlargement or expansion satisfy all of the following criteria for approval:

   a. The nonconformity results from noncompliance with zoning district regulations for minimum lot area, minimum lot width, required yards, off-street parking and loading requirements, or transition or landscape strip requirements. In no case shall a structure that is nonconforming because of lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the nonconformity.

   b. The existing and proposed uses of such buildings and structures shall be permitted in the district in which they are located.

   c. The proposed enlargement or expansion shall conform to all requirements of the zoning district in which it is located.

d. The Planning Commission shall make the following findings of fact before approving such a request:

(1) Retention of the nonconforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship;

(2) The proposed enlarged or otherwise improved nonconforming structure would not adversely affect the public health, safety, and welfare; and

(3) The proposed improvement is reasonably necessary for continuation of the use on the lot.

6. **Other conditions.** The Planning Commission may attach conditions to the approval to assure that the proposed enlargement or expansion of the nonconforming structure does not become contrary to the purpose of this Article and Ordinance, or to the public health, safety, and welfare.

SECTION 15.07 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconformity, provided there is no change in the nature or character of such nonconformity except in accordance with this Article.

SECTION 15.08 CESSATION OF NONCONFORMITIES BY TOWNSHIP ACTION.

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Zoning Act. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.

SECTION 15.09 REPAIRS AND MAINTENANCE

A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (l2) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order to such official.

ARTICLE 16

ZONING BOARD OF APPEALS

SECTION 16.01 BOARD ESTABLISHED.

A Zoning Board of Appeals is hereby established, in accordance with Act 110 of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.), and in such a way that the objectives of this Zoning Ordinance shall be observed, public health, safety and welfare secured, and substantial justice done. The Zoning Board of Appeals is established to ensure that the objectives of this Ordinance may be more fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, and that reasonable relief be provided in the application of this Ordinance.

SECTION 16.02 MEMBERSHIP AND TERMS.

Board of Appeals membership shall be subject to the following:

A. Membership.

The Board of Appeals shall consist of seven (7) members appointed by the Township Board. One (1) member shall be a member of the Township Planning Commission, and one member may be a member of the Township Board.

1. The remaining members shall be selected from the electors of the Township residing in the unincorporated area of the Township. The members selected shall be representative of the population distribution, and of the various interests present in the Township.

2. An employee or contractor of the Township Board shall not serve as a member of the Board of Appeals.

3. In the event a member is elected to The Township Board and such election increases the number of Township Board members serving on the Board of Appeals to more than one (1), then such member's seat on the Board of Appeals shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by Township Board appointment.

B. Alternates.

The Township Board may appoint up to two (2) alternate members for the same term as regular members of the Board of Appeals. An alternate member may be called to serve as a regular member for the Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings of the Board of Appeals. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons described in Section 16.02 D (Abstaining). The alternate member appointed shall serve in the case until a final decision is made.

The alternate member has the same voting rights as a regular member of the Board of Appeals.

C. Terms.

The term of office of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies shall be filled for the remainder of the unexpired term by Township Board appointment.

D. Abstaining.

A member shall abstain from participating in a public hearing or voting on any question in which he or she has a conflict of interest. A member of the Board of Appeals who is also a member of the Township Board or Planning Commission shall abstain from participating in a public hearing or voting on the same matter that the member previously voted on as a member of the Board or Commission. The member may consider and vote on other unrelated matters involving the same property. Failure of a member to abstain in such cases shall constitute malfeasance of office.

E. Removal From Office.

A member may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 3.11 (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the

motion or resolution, if any, regarding removal from office, and the roll call vote of the Township Board.

SECTION 16.03 GENERAL REGULATIONS.

Board of Appeals membership shall be subject to the following:

A. Rules and Officers.

The Board of Appeals may adopt rules and regulations to govern its procedures. The Board of Appeals shall elect annually a Chair, Vice-Chair, and Secretary from its membership. An elected officer of the Township shall not serve as Chair of the Board of Appeals.

1. The Chair shall preside at and conduct Board of Appeals meetings; and shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before the Board of Appeals.

2. In the absence of the Chair, the Vice-Chair shall exercise all powers and authority of the Chair.

3. The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all Board of Appeals proceedings.

B. Votes and Quorum.

A concurring vote of a majority of the members of the Board of Appeals shall be necessary for any decision. The Board of Appeals shall not conduct business unless a majority of its members is present.

C. Representation.

Any person may appear on his or her own behalf at a hearing or may be represented by an agent or an attorney authorized to appear on his or her behalf.

D. Hearings.

The Board of Appeals shall hold a public hearing on each question submitted to it for decision. The Chair shall fix a reasonable time and date for the hearing, which shall be held within ninety (90) calendar days after receipt of a complete and accurate application. Notice shall be given and the hearing shall be held in accordance with Section 3.11 (Public Hearing Procedures). All hearings shall be open to the public.

E. Time Limit for Decision.

The Board of Appeals shall decide upon all matters within one hundred–eighty (180) calendar days after the public hearing. The decision of the Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant or appellant and the Board of Appeals.

F. Meetings.

Meetings of the Board of Appeals shall be held at the call of the Chair and at such other times as the Board of Appeals in its rules might specify.

1. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings of fact, conditions of approval, facts, and other relevant factors, and all its official actions.

2. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting.

3. All meetings and records shall be open to the public. All minutes shall be filed in the offices of the Township Clerk.

G. Oaths.

The Chair of the Board of Appeals or, in the Chair's absence the acting Chair, may administer oaths and compel the attendance of witnesses.

SECTION 16.04 POWERS AND DUTIES.

The Board of Appeals shall hear and decide and rule on the following as provided herein:

6. The Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map.

7. The Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.

8. The Board of Appeals shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance.

9. The Board of Appeals shall also hear and decide on any other matters referred to the Board of Appeals or upon which the Board of Appeals is required to pass under this Ordinance.

10. The Board of Appeals shall not change the zoning district classification of any property or make any change in the terms of this Ordinance, and shall not take any action which would have as a result the making of legislative changes in this Ordinance.

11. The Zoning Board of Appeals shall not grant a variance to reduce the required lot area or road frontage below the minimum required for the district therein located.

12. The Board of Appeals shall not grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

13. The Board of Appeals shall not hear matters relating or pertaining to conditional uses, use variances or Special District developments.

SECTION 16.05 REQUIRED FEES AND ESCROW DEPOSITS.

The Township Board shall establish, by resolution or ordinance, fees and escrow deposits for review of petitions or appeals to the Board of Appeals. 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 amendments proposed or requested by the Township. No action shall be taken on any petition or appeal for which required fees have not been paid in full.

SECTION 16.06 ADMINISTRATIVE APPEALS.

Consideration of administrative appeals shall be subject to the following:

1. Appeals may be taken to the Board of Appeals by a person, firm or corporation aggrieved by the order, requirement, decision or determination, or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within sixty (60) calendar days of the order, requirement, decision or determination in question.

2. The appeal shall be filed with the official from whom the appeal is taken or such other person as the Board of Appeals may from time to time designate.

3. The appellant shall submit a clear description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The appellant may be required by the Board of Appeals to submit additional information to clarify the appeal.

4. The Township Clerk or such other person as the Board of Appeals may from time to time designate shall transmit to the Board of Appeals copies of all relevant papers constituting the record upon which the action appealed from was taken.

5. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Appeals after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record upon application, upon notice to the Zoning Inspector from whom the appeal is taken, and upon due cause shown.

6. The Board of Appeals shall reverse an administrative decision only upon determining that the order, requirement, decision or determination constituted an abuse of discretion; was arbitrary or capricious; or was based upon an erroneous finding of a material fact or an erroneous interpretation of the Zoning Ordinance.

    a. After making such a determination, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance:

        (1) Reverse or affirm wholly or in part;

        (2) Modify the order, requirement, decision, or determination appealed from; or

        (3) Make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit.

    b. To that end, the Board of Appeals shall have all of the powers of the official(s) from whom the appeal is taken.

SECTION 16.07 INTERPRETATIONS.

The Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and to carry out the intent and purposes of this Ordinance and

the Growth Management Plan. The Board of Appeals shall also have the power to interpret the Official Zoning Map in such a way as to carry out the intents and purposes of this Ordinance and the Growth Management Plan, subject to the standards of Section 4.02 (Official Zoning Map).

SECTION 16.08 VARIANCES.

The Board of Appeals shall have the authority to grant variances where, owing to special conditions, strict enforcement of this Ordinance would result in unnecessary hardship or practical difficulty, subject to the requirements of the Michigan Zoning Enabling Act and the following:

A. Variance Petition.

Application for a variance shall be filed with the Township Clerk or such other person as the Board of Appeals may from time to time designate by the record owner of the property in question or by a person authorized to act on the record owner's behalf.

1. The Township Clerk or such other as the Board of Appeals may from time to time designated shall transmit the application and information to the Board of Appeals and to the Zoning Inspector.

2. The petition shall consist of a completed application form, fee, and the following required information:

    a. Legal description, address, tax parcel number, and zoning classification of the subject property, and zoning classifications of adjacent parcels.

    b. An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearing or angles correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; and lot areas and all calculations necessary to show compliance with the regulations of this Ordinance. Such drawings shall include all septic systems, wells, and easements and all significant trees and natural features.

    c. A statement of the specific reasons for the request for a variance.

    d. Name and address of the applicant and the property owner, and the interest of the applicant in the property.

e. Documentation demonstrating:

(1) That without a variance the property could not be used for the purposes permitted in the zoning district.

(2) That the plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions.

(3) That the variance would not alter the essential character of the area.

(4) That the plight or problem is not self-created.

B. Standards for Review.

A variance shall not be granted unless all of the following standards are met:

1. Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district, subject to the following:

   a. The existence of nonconforming dwellings, lots of record, structures, uses, or sites on neighboring lands in the same zoning district or other zoning districts shall not be considered grounds for a variance.

   b. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.

2. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.

3. Granting the variance requested would not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.

4. A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure. The Board of Appeals may consider lesser variances than that requested by an applicant.

5. The variance granted shall be in harmony with the intent of this Ordinance and will not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.

C. Motions.

Any motion for action on a variance application shall include specific findings of fact and conclusions made by the Board of Appeals on the request, which shall be incorporated into the written record of the meeting.

D. Expiration.

Each variance approved shall become null and void unless a building permit has been issued for the construction authorized by the variance within one hundred–eighty (180) calendar days after the date of approval and construction has been pursued diligently to completion; or the occupancy of land or buildings authorized by the variance has commenced within one hundred–eighty (180) calendar days after the date of approval.

1. Where a building permit has been issued for construction authorized by a variance, the variance shall become null and void upon expiration of the building permit.

2. Where a variance has been approved for a project subject to site plan approval per Article 8 (Site Plan Review), the variance shall become null and void only upon expiration of an approved final site plan for the project.

3. The Board of Appeals may, upon written request by the petitioner with a showing of good cause, grant one (1) extension of variance approval for up to an additional one hundred-eighty (180) calendar days.

D. Reapplication.

An application for a variance that has been denied wholly or in part by the Board of Appeals 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 of changed conditions found by the Board of Appeals to be valid.

SECTION 16.09 SITE PLAN REQUIREMENTS.

If an application or appeal to the Board of Appeals involves a land use or a development that requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in Article 8 (Site Plan Review).

1. The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the preliminary site plan.

2. The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Board of Appeals. The Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for Commission action on the preliminary site plan.

SECTION 16.10 CONDITIONS OF APPROVAL.

The Board of Appeals may impose conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township, where applicable. Violation of any condition imposed shall be deemed a violation of this Ordinance and punishable under Section 3.10 (Violations and Penalties).

SECTION 16.11 APPEALS TO CIRCUIT COURT.

Any person aggrieved by a decision of the Board of Appeals in a particular case shall have the right to appeal to the Circuit Court on question of law and fact. The appeal shall be filed within thirty (30) calendar days after the Board of Appeals issues its written decision, signed by the Chair or acting Chair; or within twenty-one (21) calendar days after the Board of Appeals approves the minutes of its decision.

ARTICLE 17

AMENDMENTS

SECTION 17.01 INITIATING AMENDMENTS.

The Township Board may from time to time, on recommendation from the Planning Commission, amend, revise, or supplement district boundaries or the provisions and regulations of this Ordinance to provide for resource guardianship, public necessity, convenience, or safety, and the general welfare. Amendments may be initiated by the Township Board or Planning Commission. Amendments may also be initiated by petition of one (1) or more property owners or residents of the Township, or by one (1) or more persons acting on behalf of such property owners or residents. All proposed amendments shall be referred to the Planning Commission for review, public hearing, and recommendation before final action by the Township Board.

SECTION 17.02 REQUIRED FEES AND ESCROW DEPOSITS.

The Township Board shall establish, by resolution or ordinance, fees and escrow deposits for review of zoning amendment petitions. Required fees and escrow deposits shall be paid to the Township Treasurer at the time of the filing of the application and no part of the required fee shall be returnable to the applicant. No fee or escrow deposit shall be required for amendments 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.

SECTION 17.03 PRE-APPLICATION MEETING.

A property owner or their agent or designee shall meet with the Township staff prior to submitting a formal application for an amendment under this Article. The purpose of the meeting is to discuss the amendment review process, information requirements, Master Plan policies, and standards for approval.

1. The Township may require payment of a fee or escrow deposit to cover the costs of a pre-application meeting.

2. Comments or suggestions regarding a proposed amendment shall constitute neither approval nor a disapproval of the amendment, nor shall the Township be

bound by such comments or suggestions during any subsequent review of an amendment application.

SECTION 17.04 AMENDMENT PROCEDURE.

The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, as amended (MCL 125.3101 et seq.) and the following:

A. Filing of Petition.

A petition shall be filed with the Township Zoning Administrator . The Administrator shall transmit the petition to the Planning Commission for review and recommendation to the Township Board.

B. Technical Review.

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

C. Public Hearing.

A public hearing shall be held for all proposed amendments in accordance with Section 3.11 (Public Hearing Procedures).

D. Planning Commission Recommendation.

Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from officials, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings of fact, conclusions, and recommendation to the Township Board. The report shall include a summary of comments received at the public hearing.

E. Township Board Action.

Following receipt of the report and recommendation from the Planning Commission, the Township Board shall consider and vote upon the adoption of the proposed amendment.

1. The Township Board may, at its discretion, refer the amendment back to the Planning Commission for further consideration or revision within a specified time limit.

2. The Township Board may hold additional public hearings on the proposed amendment in accordance with Section 3.11 (Public Hearing Procedures). The Township Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.

3. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed amendment, it shall refer same to the Planning Commission for a report thereon within a time specified by the Board. Thereafter, the Board may act upon the petition.

F. Re-Application.

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of three hundred sixty-five (365) calendar days unless the Township Board or Planning Commission determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.

2. New or additional information is available that was not available at the time of the review.

3. The new application is materially different from the prior application.

G. Authorization and Limitations. The Township Board shall have the authority to place conditions on a rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the Township Board. In exercising its authority to consider a conditional rezoning, the Township is also authorized to impose the following limitations:

1. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional

rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.

2. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.

3. Any use or development proposed as part of an offer of conditions that would require special use approval under the terms of this ordinance may only be commenced if special use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

4. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
5. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.

H. Amendment of Conditions. The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board, provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

I. Procedure. The procedure for consideration of Conditional Rezoning request shall be the same as provided in Section 17.04 for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning in addition to the following:

1. A Conditional Rezoning request shall be initiated by the applicant submitting a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:

a. A written statement that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.

b. A written statement that confirms that the property will not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.

c. A list of conditions proposed by the applicant.

d. A time frame for completing the proposed improvements.

e. A legal description of the land.

f. A Sketch Plan in sufficient detail to illustrate any specific conditions proposed by the applicant.

2. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.

3. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:

   a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.

   b. The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:

      (1) A change in Township policy since the Master Plan was adopted.

      (2) A change in conditions since the Master Plan was adopted.

      (3) An error in the Master Plan.

c. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.

d. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.

e. The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.

J. Amendment to Zoning Map. Upon approval by the Township Board of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.

K. Expiration. A Conditional Rezoning Approval shall expire two (2) years from the effective date of the rezoning unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the Township.

1. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.

2. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken.

   a. The property owner seeks a new rezoning classification for the property; and/or

   b. The Township initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.

L. Recording. A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Washtenaw County Register of Deeds and a certified copy of the Agreement is filed with the Township Clerk.

M. Violation of Conditional Rezoning Agreement. If development and/or actions are undertaken in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this Ordinance and deemed a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

SECTION 17.05 INFORMATION REQUIRED.

The following information shall be required with any petition for amendment to this Ordinance or Official Zoning Map submitted by one (1) or more property owners or residents of the Township, or by one (1) or more persons acting on behalf of such property owners or residents:

A. Zoning Map Amendment.

When the petition involves an amendment to the Official Zoning Map, the petitioner shall submit the following information:

1. A legal description of the property, including street address(es) and tax code number(s).

2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

3. The name, address, and email address of the petitioner.

4. The petitioner's interest in the property. If the petitioner is not the owner, the name and address of the owner(s), and the signed consent of the owner(s) to the petition. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the signed consent of the owner(s) to the petition shall not be required.

5. Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information. In the event a petition for zoning amendment is initiated by the

Township Board or Planning Commission, the certification by the owner(s) shall not be required.

6. Identification of zoning district requested and the existing zoning classification of subject property.

7. Vicinity map showing location of property, and adjacent land uses and zoning classifications.

8. General description of natural resources and features, including, but not limited to, wetlands, streams, and other water bodies, steep slopes, woodlands, and floodplains, to be depicted on scaled drawings. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, this general description shall not be required.

9. Reasons for the proposed amendment or zoning classification.

B. Zoning Ordinance Text Amendment.

When a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:

1. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.

2. Name and address of the petitioner.

3. Reasons for the proposed amendment.

SECTION 17.06 FINDINGS OF FACT REQUIRED.

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact and conclusions shall be made as part of the public records of the meetings of the Planning Commission. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

A. Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the original Ordinance.

B. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition.

C. The capacity of Superior Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.

D. Effect of approval of the petition on the condition and/or value of property in Superior Township or in adjacent municipalities.

E. Relation of the petition to the Township's adopted Master Plan, and of other government units where applicable.

A petition shall not be approved unless these and other facts are affirmatively resolved in terms of resource guardianship, public necessity, convenience, and safety, and the general welfare of Superior Township and of other civil divisions, where applicable.

SECTION 17.07 NOTICE OF ADOPTION.

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) calendar days of such approval in a newspaper of general circulation within Superior Township. The notice of adoption shall include the following information:

A. The Article and Section of the Ordinance amendment, in the case of a text amendment;

B. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;

C. The effective date of the amendment; and

D. The place and time where a copy of the Ordinance may be inspected or purchased.

SECTION 17.08 REFERENDUM.

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file a petition for referendum under this Section.

A. If a notice of intent is filed, then within thirty (30) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a petition may be filed with the Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of the Township for their approval. To qualify, the petition shall be signed by a

number of qualified and registered voters residing in the unincorporated portion of the Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected.

B. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:

1. The expiration of thirty (30) calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or official zoning map, if the petition is not filed within that time period.

2. The Township Clerk finds that the petition, if filed within thirty (30) calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, is inadequate.

3. If a petition is filed within thirty (30) calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, the Township Clerk finds that the petition is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection and determining the result of the election.

SECTION 17.09 CONFORMANCE TO COURT DECREE.

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to specific Township lands may be adopted by the Township Board and the amendment published without referring same to any other commission or agency.