

Zoning Ordinance

Ordinance No. 174

Planning Commission Public Hearing: April 23, 2008

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**Superior Charter Township,
Washtenaw County, Michigan**

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NOTICE OF ADOPTION

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

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, following compliance with all procedures required by this Act.

Section 1.03 Intent and Purpose.

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 of the Michigan Zoning Enabling Act. This Ordinance is based on the Township's Growth Management Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

1. Promoting and protecting the public health, safety, and general welfare;
2. 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;
3. Regulating the intensity of land use; and determining lot areas and open spaces necessary to surround buildings to provide adequate light and air;
4. Lessening and minimizing congestion and conflicts on public roads and highways;
5. Providing for the needs of agriculture, recreation, residences, commerce, and industry in future growth;
6. Providing adequate light, air, privacy and convenience of access to property, and promoting healthful surroundings for family life in residential and rural areas;
7. 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;

8. Protecting against fire, explosion, noxious fumes, odors, heat, dust, smoke, light pollution, glare, noise, vibration, radioactivity, and other nuisances and hazards;
9. 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
10. 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.

1. **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.
2. **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.
3. **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.
4. **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 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 for administrative oversight and enforcement of this Ordinance, and shall further have 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 18.0 (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 7.0 (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.
 - a. The duties and responsibilities of the Zoning Inspector may be vested in one (1) person, divided among two (2) or more persons or delegated to designated Township consultants as the Township Board may determine.
 - b. The Zoning Inspector and any other zoning enforcement officials shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
 - c. The Township Board may remove the Zoning Inspector and any other zoning enforcement official from office in accordance with such employment terms and conditions as the Board shall determine.

B. Planning Commission Authority and Responsibilities.

The Planning Commission shall have the following responsibilities and duties pursuant to this Ordinance.

1. **Zoning Commission authority.** All powers, duties, and responsibilities for a zoning commission as provided by the Michigan Zoning 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 10.0 (Site Plan Review); and for holding hearings, review, and action on applications for conditional use approval per Article 11.0 (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 7.0 (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 by The Township Board.** The Planning Commission shall be responsible for review and making recommendations to the Township Board for action on subdivision plats, land division applications, and other matters referred by the Township Board.

C. Zoning Board of Appeals Authority and Responsibilities.

The Zoning Board of Appeals shall have the authority and responsibilities as specified in Article 13.0 (Zoning Board of Appeals).

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 relative 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 1.07 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 permit shall be a violation of this Ordinance subject to the provisions of Section 1.13 (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 Section 1.07J (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, if 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 meet 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 1.07G (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 7.0 (Special District Regulations) or Article 10.0 (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 therefore, within 15 calendar days of filing.
2. If the application or plans do so conform, the Zoning Inspector shall issue a Certificate of Zoning Compliance within 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 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 90 calendar days each.
2. Any Certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of 180 calendar days after 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 7.0 (Special District Regulations) or Article 10.0 (Site Plan Review). If a site plan is not required under Article 7.0 or Article 10.0, 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 the location and extent of all uses not involving structures.
4. A clear and complete description of existing and intended uses of all structures, existing or proposed.
5. Additional information as required by the Zoning Inspector for purposes of determining compliance with this Ordinance.

Section 1.08 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 therefore 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 1.09 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 therefore 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 1.13 (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 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 therefore, within 15 calendar days after receipt of such application.

Section 1.10 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 1.13 (Violations and Penalties).

Section 1.11 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 1.12 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 of 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 1.13 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 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 1.13E (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 1.14 Public Hearing Procedures.

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or designated Township staff, or by the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

A. Public Notice.

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 300 feet of the boundary of the subject property, and to all occupants of structures within 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 public 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 1.14B (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 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 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 300 feet of the boundary of the subject property not less than 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 public-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 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 11.0 (Conditional Uses) or any rezoning application per Article 18.0 (Amendments) in accordance with the following standards. Such signage shall also be required for any variance request per Article 13.0 (Zoning Board of Appeals), except an appeal of dimensional standards for a single-family detached dwelling [amended 8/16/2010, Ord. 174-04]:

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 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 15 calendar days, but not more than 30 calendar days, before the Planning Commission's public hearing date. [amended 4/20/2009, Ord. 174-02]
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. Pre-Hearing Examination.

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

E. 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.

F. Timeframe for Hearings.

The public hearing shall be scheduled for a date not more than 180 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a shorter time period is required by a provision of this Ordinance or a further time is agreed upon by the parties concerned.

G. Rights of All Persons.

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

H. 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.

I. 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.

ARTICLE 2 ZONING DISTRICTS

SECTION 2.100 PURPOSE OF DISTRICTS

Section 2.101 Zoning Districts.

Superior Charter Township is hereby divided into the following zoning districts:

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	C-1
	General Commercial District	C-2
	Office District	O-1
Other	Public/Semi-Public Services District	PSP
Special	Planned Community District	PC
	Neighborhood Shopping Center District	NSC
	Village Center District	VC
	Medical Services District	MS
	Planned Manufacturing District	PM
	Open Space Preservation Overlay District	OSP

Section 2.102 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 ensure that the natural resource value may be preserved, maintained, and sensitively utilized. The R-C District is designed to protect and enhance natural amenities, including woodlands, wetlands, 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 resource base.

Section 2.103 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 and to protect agricultural enterprises from encroachment by suburban and urban uses and developments. In addition, this district is intended to:

1. Preserve woodlands 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.

Residential subdivisions 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.

Section 2.104 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 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. In addition, the A-2 District is intended to:

1. Preserve woodlands 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. 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;
5. Protect farmland from speculative increases in land prices;
6. Prevent loss of farmland;
7. Prevent conflicts between agricultural activities and residences;
8. Prevent encroachment of urban and suburban services into agricultural areas;
9. Encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production;

10. Reduce the amount of land consumed in rural areas for nonagricultural use;
11. Prevent intrusion of uses into farm areas which are incompatible with general farming activities; and
12. Permit services and uses which are necessary to support farming activities.

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.

Section 2.105 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 lots of sufficient size to 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.

Section 2.106 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 lots of sufficient size to 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.

Section 2.107 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 lots. The R-3 District is to be used only in accordance with the Township's Growth Management 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.

Section 2.108 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 medium-size lots. The R-4 District is intended to create a predominantly urban character. The R-4 District is to be used only in accordance with the Township's Growth Management 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.

Section 2.109 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 insure 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.

Section 2.110 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. 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 Growth Management 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.

Section 2.111 Neighborhood Commercial (C-1) District.

The Neighborhood Commercial (C-1) District is hereby established as a Business District to provide suitable locations for retail, service, and office enterprises that serve a localized market area. 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.

The C-1 District is intended to encourage consolidation of business establishments, particularly as neighborhood shopping centers. Consolidations other than shopping centers are also encouraged with the intent of avoiding strip commercial development, lessening traffic congestion by reducing the number of commercial driveways opening onto major streets, and improving the safety and convenience of consumers. Establishments permitted in this district may be located on arterial or collector streets.

The district is intended to permit the listed activities, while ensuring their compatibility with surrounding residential and/or rural areas. Any one such district is therefore intended to remain small, in the range of two (2) to five (5) acres, and to be subject to yard and density limitations similar to those of the residential districts.

Section 2.112 General Commercial (C-2) District.

The General Commercial (C-2) District is hereby established as a Business District to provide suitable locations for general comparison retail, service, and office establishments that service the entire Township and surrounding area. Retail establishments in this district are of the comparison shopping type and tend to rely on a market area much larger than that of C-1 type establishments. However, C-1 uses are permitted in this district as complementary activities to the primary permitted uses.

It is the intent of the C-2 District to encourage consolidation of the permitted business establishments, particularly as shopping centers. Consolidations other than shopping centers are also encouraged, with the intent of avoiding strip commercial development, lessening traffic

congestion by reducing the number of commercial driveways opening onto major streets, and improving the safety and convenience of consumers. Establishments permitted in this district will usually be located only on arterial streets.

This district should be located as to not encroach on any residential or other area or cause undue traffic congestion.

Section 2.113 Office (O-1) District.

The Office (O-1) District is hereby established as a Business District to provide for areas which are considered desirable locations for office activities, but which are considered unsuitable for other commercial uses permitted in the C-1 and C-2 Districts. The O-1 District is intended for those office activities which are not a part of other commercial or industrial activities or which can be physically separated therefrom. The district may be used as a transition zone between residential and commercial or planned manufacturing areas.

Section 2.114 Public/Semi-Public Services (PSP) District.

The Public/Semi-Public Services (PSP) District is hereby established to accommodate dedicated areas of open space, government buildings and uses, institutional and recreational uses, and similar uses of a public service or institutional character.

Section 2.115 Planned Community (PC) District.

The Planned Community (PC) District is hereby established as a Special District to:

1. 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;
2. Provide for the permanent provision of such open spaces, natural features, and/or resources through the appropriate legal vehicles;
3. Ensure that the increased flexibility in design of land development is subject to proper administrative standards and procedures;
4. Provide for a compatible mix of land uses;
5. Encourage innovation in land use planning and development, especially in residential/open space distribution;
6. Encourage variety in the design of housing, including clustering, where appropriate, and improve the quality of residential environments;
7. Create more stable communities by providing a variety and balance of housing types and living environments;
8. Provide for necessary educational, recreational, and commercial opportunities conveniently located in relation to housing;

9. 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;
10. Establish planning, review, and approval procedures which will properly relate the type, design, and layout of development to a particular site and its neighborhood;
11. 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
12. Lessen the burden of traffic on streets and highways.

A PC District zoning shall comply with the Township's Growth Management Plan and shall be located in areas of Superior Township identified in the Growth Management 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 Growth Management 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 7.0 (Special District Regulations) and Article 10 (Site Plan Review).

Section 2.116 Medical Services (MS) District.

The Medical Services (MS) District is hereby established as a Special District 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 Growth Management 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; and

6. Ensure that the increased flexibility of design in land development authorized herein is subject to proper administrative standards and procedures.

The MS District is a Special District and as such is also subject to applicable provisions of Article 7.0 (Special District Regulations) and Article 10 (Site Plan Review).

Section 2.117 Planned Manufacturing (PM) District.

The Planned Manufacturing (PM) District is hereby established as a Special District to permit and encourage development of 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 Growth Management 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 Special District and as such is also subject to applicable provisions of Article 7.0 (Special District Regulations) and Article 10.0 (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.

Section 2.118 Village Center (VC) District.

The Village Center (VC) District is hereby established as a Special District to encourage and permit mixed uses with a village scale and character in the Dixboro community. This district shall be located in the Dixboro community in accordance with the adopted Growth Management Plan. Uses permitted in this district are intended to be compatible with residential-type structures and neighboring residences, and are intended to be oriented to pedestrians. 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 Dixboro community. Where feasible and appropriate, residential uses should also be incorporated into new developments of commercial and office uses. It is the intent of this district that the setting of buildings will be spacious, and will reflect the existing residential character of Plymouth Road in Dixboro. Parking shall not dominate the appearance of buildings or sites.

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.

The VC District is a Special District and as such is also subject to applicable provisions of Article 7.0 (Special District Regulations) and Article 10.0 (Site Plan Review).

Section 2.119 Neighborhood Shopping Center (NSC) District.

The Neighborhood Shopping Center (NSC) District is hereby established as a Special District to provide for development of neighborhood shopping centers. The NSC District is intended to encourage and permit retail and office uses that will serve the day-to-day needs of neighboring residents. Uses should be compatible with, and supportive of, each other, in one (1) or more buildings of unified architectural character, on a site that is planned, developed, and managed

as a single operating unit. Each site shall be landscaped with a common unifying theme, and be provided with common drives, parking areas, and service areas.

This district is intended to ensure that commercial uses will be provided in a pedestrian-scaled shopping center environment and not in a miscellaneous, uncoordinated arrangement of uses on individual lots. It is intended that the district provide an attractive, comfortable, and convenient environment for patrons, and that the center be compatible with neighboring uses, especially residential uses. Parking shall not dominate the appearance of buildings and sites, and drive-in and drive-through facilities shall be prohibited in 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.

The NSC District is a Special District and as such is also subject to applicable provisions of Article 7.0 (Special Districts) and Article 10.0 (Site Plan Review). This district shall be located in areas of Superior Township that are designated in the adopted Growth Management Plan for Neighborhood Shopping Center use. Uses permitted in the NSC District shall be limited to the specific listing of uses shown on the approved preliminary site plan. No other uses shall be permitted, unless the preliminary site plan is amended by approval of the Planning Commission, after public hearing and in accordance with the provisions of this Ordinance.

Section 2.120 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 as a Special District to preserve open space for the citizens of Superior Charter Township now and in the future.

A. Intent.

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 OSP District is a Special District and as such is also subject to applicable provisions of Article 7.0 (Special District Regulations).

B. Lands to be Designated.

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 Growth Management Plan for preservation of open space, significant natural resources, park lands, agricultural lands, or similar purposes. [amended 4/20/2009, Ord. 174-03]

SECTION 2.200 GENERAL STANDARDS

Section 2.201 Use Regulations.

In all districts, no structure or land shall be used or occupied, except in conformance with Article 4.0 (Land Use Table), 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 [amended 6/18/2012, Ord. 174-10].

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 shall be subject to the applicable standards of this Ordinance, including Section 6.03 (Accessory Structures and Uses).

C. Conditional Uses.

Conditional uses are permitted as listed in the various zoning districts, subject to the provisions of Article 11.0 (Conditional Uses).

Section 2.202 Prohibited Uses.

Uses not listed in Article 4.0 (Land Use Table) as a permitted use in a particular zoning district shall be prohibited in the district.

Section 2.203 Design and Development Requirements.

All uses shall comply with any applicable requirements of Article 5.0 (Use Standards), and all other 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 2.204 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 road 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 2.205 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. 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. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
3. A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.
4. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way of said railroad.
5. 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. 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. A boundary indicated as parallel to, or as an extension of features described in this subsection, shall be so construed.
8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
9. 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. 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 50 feet beyond the district line into the remaining portion of the lot.

ARTICLE 3 DIMENSIONAL STANDARDS

Section 3.101 Table of Dimensional Standards by District.

Dimensional Standards		Districts																		Additional Standards	
		Rural			Rural Residential		Urban Residential			Business			Other	Special							
		R-C	A-1	A-2	R-1	R-2	R-3	R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC	MS	PM		OSP
Maximum Building Height	Feet	35	40	40	35	35	35	35	see Section 5.205 (Manufactured Housing Park Standards)	35	35	35	35	35	see Article 7.0 (Special District Regulations)	30	35	see Article 7.0 (Special District Regulations)	35	see Article 7.0 (Special District Regulations)	Section 3.201
	Stories	2.5	3.0	3.0	2.5	2.5	2.5	2.5		2.5	2.5	2.5	2.5	2.5		2.0	2.5		3.0		
Lot Standards	Minimum Width (feet)	225	225	225	200	150	100	60	125	150	150	100	150	see Article 7.0 (Special District Regulations)	250	100	see Article 7.0 (Special District Regulations)	150	see Article 7.0 (Special District Regulations)	Section 3.202	
	Minimum Depth (feet)						150	120													
Minimum Area (acres or square-feet)		5.0 acres	5.0 acres	2.0 acres	2.0 acres	1.0 acre	21,780	7,200	21,780	10,500	20,000	20,000	20,000	see Article 7.0 (Special District Regulations)	3.0 acres	20,000	see Article 7.0 (Special District Regulations)	2.0 acres	see Article 7.0 (Special District Regulations)	Section 3.203	
Yard/Setback Standards (feet)	Front Yard	Minimum	60	75	75	60	50	35	25	35	20	35	20	20	see Article 7.0 (Special District Regulations)	50	20	see Article 7.0 (Special District Regulations)	50	see Article 7.0 (Special District Regulations)	Section 3.203
		Maximum															35				
	Minimum Side Yard	One Side Yard	30	30	30	20	15	10	6	15	15	20	10	20		25	10		10		
		Total of Two	60	60	60	60	50	25	16	35	30	40	20	40		50	20		20		
Minimum Rear Yard	50	50	50	50	50	50	35	35	35	35	35	35	25	35	35						
Maximum Ground Floor Coverage (GFC)		5%	5%	5%	10%	15%	20%	25%	20%	20%	25%	25%	25%	see Article 7.0 (Special District Regulations)	20%	25%	see Article 7.0 (Special District Regulations)	20%	see Article 7.0 (Special District Regulations)	Section 3.203E	
Maximum Floor Area Ratio (FAR)		0.05	0.05	0.05	0.10	0.15	0.25	0.40	0.30	0.30	0.50	0.50	0.50		0.20	0.50		0.40			
Maximum Net Dwelling Unit Density (units per acre)		0.2	0.2	0.5	0.5	1.0	2.0	4.0	8.0										Section 3.204		

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	C-1
	General Commercial District	C-2
	Office District	O-1
Other	Public/Semi-Public Services District	PSP
Special	Planned Community District	PC
	Neighborhood Shopping Center District	NSC
	Village Center District	VC
	Medical Services District	MS
	Planned Manufacturing District	PM
	Open Space Preservation Overlay District	OSP

DIVISION 2

SUPPLEMENTAL PROVISIONS AND EXCEPTIONS

Section 3.201 Height Exceptions.

Exceptions to the maximum height standards set forth in this Article shall be permitted, as follows:

1. **Farm structures.** The maximum permitted height of farm structures shall be 75 feet.
2. **Wireless communication towers.** Wireless communication towers and antennae shall be subject to the maximum height standards of Section 14.02 (Wireless Communication Facilities).
3. **Wind energy conversion systems (WECS).** Wind energy conversion systems shall be subject to the maximum height standards of Section 14.07 (Wind Energy Conversion Systems).
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.** Chimneys, steeples, elevator towers, stage scenery lofts, mechanical equipment, and similar structures shall not be included in calculating the height of a principal building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.

Section 3.202 Lot Standards.

The following standards and exceptions to the lot provisions set forth in this Article shall apply to all lots in the Township:

A. Lot Width Measurements

The minimum required width of any lot shall consist of the horizontal straight-line distance between the side lot lines measured along the front building line, or the required front yard setback line for vacant lots. The straight-line distance between the side lot lines at their foremost points, where they intersect the street line, shall not be less than eighty percent (80%) of the required lot width, except in the case of lots fronting onto the turning circle of cul-de-sac streets, in which case the minimum distance shall be 20 feet.

B. 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 street rights-of-way.

Section 3.203 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.

A. Yard Measurements

Yard measurements shall be further subject to the following:

1. Yards shall be measured from the outer edge, including overhangs, of the exterior faces of a structure to lot lines.
2. Front and corner side yards shall be measured from existing right-of-way or easement lines.
3. All required yards shall be located parallel and adjacent to property lines.
4. 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.

B. 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.

C. 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.

D. 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.

E. Transition Buffer.

A transition buffer shall be required wherever a lot occupied or proposed to be occupied by COMMERCIAL USES, OFFICE, SERVICE, AND COMMUNITY USES or INDUSTRIAL, RESEARCH, AND LABORATORY USES subject to site plan approval per Article 10.0 (Site Plan Review) abuts a lot in a rural or residential zoning district or occupied or planned to be occupied by permitted RURAL USES or RESIDENTIAL USES, the following standards shall apply (see "Transition and Landscape Strips" illustration):

Transition Buffer Standards		
Use Group	Abutting Zoning District or Use Group	Minimum Transition Strip Width
COMMERCIAL USES	RURAL USES, RESIDENTIAL USES, Rural Districts, Rural Residential Districts, and Urban Residential Districts	20 feet
OFFICE, SERVICE, AND COMMUNITY USES		20 feet
INDUSTRIAL, RESEARCH, AND LABORATORY USES		50 feet

1. Use groups shall be as defined in Article 4.0 (Land Use Table).
2. The minimum required transition buffer for uses in the Village Center (VC) District shall be equal to fifty percent (50%) of the width otherwise required by this subsection.
3. The transition buffer shall be provided along every lot line, except front lot lines, which is contiguous to or across the street from a lot in such district
4. No road, driveway, parking area, sidewalk or similar improvement shall be located in the transition buffer area, 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.
5. The transition buffer and adjacent side yard setback area shall be improved with screening elements and plantings in accordance with Section 14.10D (Methods of Screening). In addition to the transition buffer, the Planning Commission may require a fence to control the blowing of debris onto adjacent property.
6. Where a required transition buffer abuts or overlaps a lot boundary, all required building and yard setbacks for the lot shall be measured from the near boundary of the transition strip. The transition buffer area shall not be included in the area used in calculating lot coverage or floor area ratio.

F. Landscaping Strip.

For any use subject to site plan approval per Article 10.0 (Site Plan Review) and as otherwise required by this Ordinance, a landscape strip at least 20 feet wide shall be provided along and adjacent to the front property line, along all street frontages, and shall extend across the entire width of the lot, subject to the following (see "Transition and Landscape Strips" illustration):

1. No road, driveway, parking area, sidewalk or similar improvement shall be located in this strip, 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.
2. The landscape strip may overlap the required front yard setback area for the zoning district.
3. The landscape strip and required front yard setback area shall be improved with plantings in accordance with Section 14.10D (Methods of Screening).
4. Where RESIDENTIAL USES are proposed adjacent to a road right-of-way, the landscape strip shall not be part of any individual lot, but rather shall be part of the common land area for the development.

G. Permitted Yard Encroachments.

Architectural features, chimneys, and other building projections, egress window wells, HVAC equipment, 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:

1. The following structures may be located within any required yard setback area: open and unroofed terraces, and patios; awnings; flag poles; hydrants; trellises; recreation equipment; outdoor cooking equipment; sidewalks; trees, plants, shrubs, and hedges; solid fences, screens, or walls less than four (4) feet in height; fences, screens, or walls having at least fifty percent (50%) of their surface area open when viewed from the perpendicular; and mailboxes.
2. 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:
 - a. The need for such access by an occupant of the dwelling or by an immediate family member of the occupant; and
 - b. The encroachment into the required setback is the minimum encroachment necessary to construct or install the barrier-free access.

3. Porches and decks may encroach into the required rear yard setback when all of the following conditions apply:
 - a. The porch or deck does not enlarge, expand, or extend an existing nonconformity.
 - b. The porch or deck serves a single family detached dwelling.
 - c. The maximum encroachment is limited to ten (10) feet in depth and 200 square feet in area.
 - d. The lot area of the parcel is 18,000 square feet or less.
 - e. 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.

H. Watercourse and Wetland Setback.

A minimum open space setback area from watercourses and wetlands shall be required in accordance with Section 14.05B (Watercourses and Wetlands). This open space setback area shall overlap any minimum required yard setback area as regulated by this Article.

Section 3.204 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 17.03 (Definitions).

Section 3.205 Compliance with Dimensional Standards.

New lots created, new structures erected, and alterations to existing structures after the effective date of adoption or amendment of this Ordinance shall comply with all applicable dimensional standards of this Ordinance.

1. No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located.
2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
3. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
4. Existing yard setbacks shall not be reduced below the minimum requirements of this Ordinance.

Section 3.206 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. For single-family condominium developments, not more than one (1) principal detached dwelling shall be placed on each condominium lot, as defined in Section 17.03 (Definitions).

Section 3.207 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

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 a public or private street by the entire width of the lot. Such street shall have a right-of-way at least 66 feet wide unless a lesser width has been established and recorded prior to the effective date of this Ordinance.

B. Access for Emergency Services and Parking and Loading Areas.

Every building and structure 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.

C. 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.

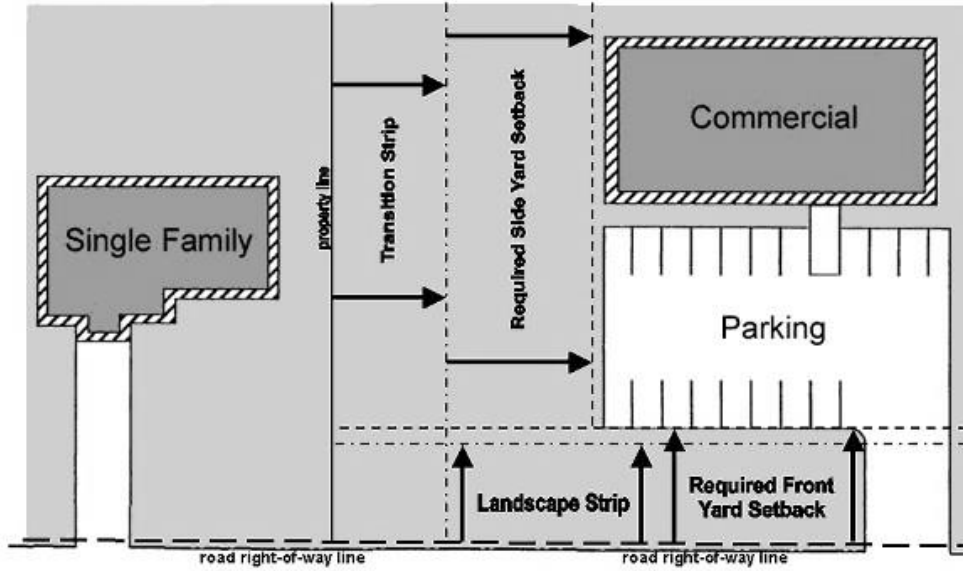
Section 3.208 Corner Clearance Zones.

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):

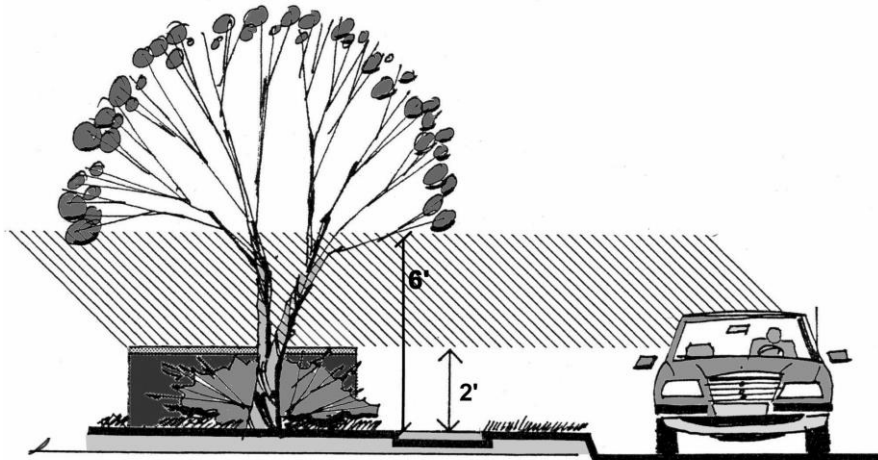
Corner Clearance Zones	
Type of Road Intersection	Minimum Corner Clearance Distance along Rights-of-Way
Any intersection of two (2) primary roadways	50 feet
Any intersection of a primary roadway and a collector or local roadway	25 feet
Any intersection of a collector roadway and a collector or local roadway	25 feet
Any intersection of local roadways	10 feet

1. Road classifications shall be as defined in the Township's Growth Management Plan and the master transportation plans for state or county road authorities.
2. 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.

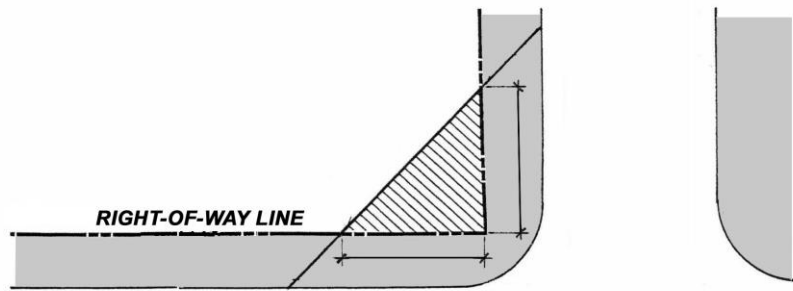
ILLUSTRATIONS



Transition and Landscape Strips



Elevation



Plan View

Corner Clearance Area

ARTICLE 4 LAND USE TABLE

Section 4.01 Key Designations in Table of Uses.

SYMBOL	KEY	
P	Permitted Uses in the Zoning District	Principal Use
C		Conditional Use
A		Accessory Use
[Blank]	Prohibited Use in the District	

Section 4.02 Table of Permitted Uses by District.

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. **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 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.

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	C-1
	General Commercial District	C-2
	Office District	O-1
Other	Public/Semi-Public Services District	PSP
Special	Planned Community District	PC
	Neighborhood Shopping Center District	NSC
	Village Center District	VC
	Medical Services District	MS
	Planned Manufacturing District	PM
	Open Space Preservation Overlay District	OSP

[See Section 7.301 for permitted land uses in the Planned Community (PC) Special District]

Uses	Districts															Use Standards	
	Rural			Residential			Business			Other	Special						
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC	MS		PM
RURAL USES																	
Agricultural Service Establishments		C															Section 5.101
Bulk Feed and Farm Supply Stores								P	P								Section 5.101
Conservation Area or Open Space, Game Refuges, Forest/Wetland Preserves, Trails, and Greenways	P	P	P								P						
Farms for Production of Food, Feed or Fiber	P	P	P														P
Farm-Based Tourism/Entertainment Activities	C	C	C														C
Farm Implement Sales or Repair		C							P								Section 5.101
Farm Products Direct Marketing Business (incl. U-Pick)	A	A	A														A
Greenhouse, Nursery or Tree Farm	A	P	P														A
Keeping of Animals, Non-Farm	P	P	P	A	A												P
Kennel	C	C	C						C								C
Private Riding Arena or Boarding Stable	A	P	P								P						A
Public or Commercial Riding Stable	C	C	C								C						C
Roadside Stand	A	A	A														A
Sod Farm	P	P	P														C
Veterinary Clinic or Animal Hospital		C	C					C	C	C			C	C			Section 5.110
RESIDENTIAL USES																	
Accessory Dwelling										C			A	A		A	Section 5.201
Adult Foster Care Family Home or Small Group Home	P	P	P	P	P												Section 5.208
Adult Foster Care Large Group Home				C	C		P										Section 5.208
Adult Foster Care Congregate Facility							C							P			Section 5.208
Bed and Breakfast Inn		C	C	C									P				Section 5.202
Child Day Care Home, Family	P	P	P	P	P		P										

Uses	Districts														Use Standards		
	Rural			Residential				Business			Other	Special					
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC		MS	PM
RESIDENTIAL USES (continued)																	
Child Day Care Home, Group	C	C	C	C	C		C										Section 5.304
Child Foster Family Home or Family Group Home	P	P	P	P	P												
Dormitory Living Units														C			Section 5.206
Elderly and Senior Housing - Independent							P										Section 5.206
Elderly Housing - Assisted Living Facilities							C	P	P					P			Section 5.206
Elderly Housing – Dependent, Nursing or Rehabilitative Care							C	P	P					P			Section 5.206
Farm Labor Housing		A															Section 5.203
Home Occupations as permitted in Section 5.204	A	A	A	A	A		A						A				Section 5.204
Home Occupations not listed in Section 5.204	C	C	C	C	C		C						C				Section 5.204
Manufactured Housing Parks						P											Section 5.205
Multiple-Family Housing, Townhouse or Stacked Flat							P		C					C			Section 5.206
Single Family Dwellings, Detached	P	P	P	P	P		P						P				Section 5.207
Two-Family or Duplex Dwellings							P										Section 5.206
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table														C			Section 5.206
OFFICE, SERVICE, AND COMMUNITY USES																	
Banks, Credit Unions, and Similar Financial Services								P	P	P				C	A		Section 5.301 Section 5.406
Barber Shop, Beauty Salon or Nail Care								P	P	A				A			Section 5.301
Campgrounds and Recreational Vehicle Parks	C															C	Section 5.302
Cemetery		C	C								P						Section 5.303
Copy Center								P	P	A					A		Section 5.301
Day Care Center - Child or Adult							C	P		A	P			P	A		Section 5.304

Uses	Districts											Use Standards					
	Rural			Residential			Business			Other	Special						
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP		PC	NSC	VC	MS	PM
OFFICE, SERVICE, AND COMMUNITY USES (continued)																	
Funeral Parlor or Mortuary									P	P							
Government Offices								P	P	P	P				P	P	
Health Club or Fitness Center					A	A	A		P	P	A				A	A	Section 5.301
Hospital or Urgent Care Center										P					P		
Institutional Uses								C	C	P	P				A		Section 5.306
Landscaping and Maintenance Operations		C	C														Section 5.307
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapy Facility exceeding 4,000 square-feet in floor area per building								C	P	P			P	P	P	A	Section 5.309
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapy Facility up to 4,000 square-feet in floor area per building								P	P	P			P	P	P	A	Section 5.309
Medical, Optical or Radiology Laboratories									P	P					P	P	
Offices for Business, Professional, Executive, Service or Administrative Uses exceeding 4,000 square-feet in floor area per building								C	P	P			P	P	P	P	
Offices for Business, Professional, Executive, Service or Administrative Uses up to 4,000 square-feet in floor area per building								P	P	P			P	P	P	P	
Offices of a Plumber, Electrician, and Similar Skilled Trades Contractor									P	C							
Pharmacies, Drugstores, and Medical Supply Stores								P	P	C			P		P	A	Section 5.301 Section 5.406

Uses	Districts															Use Standards	
	Rural			Residential				Business			Other	Special					
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC	MS		PM
OFFICE, SERVICE, AND COMMUNITY USES (continued)																	
Police, Fire, and Ambulance Stations	C	C	C	C	C	C	C	P	P	P	P				P	P	C
Recreational Facilities – Private Membership or Restricted Access	C		C	C	C		C				P				C	C	C
Recreational Facilities - Publicly-Owned or Unrestricted Access	C	C	C	C	C		C	P	P		P				C	C	P
Snow Removal Operations		P	P														
Workshops and Studios for Art, Photography, Crafts, Repairs, and Similar Activities								C	P	C			P	P			
COMMERCIAL USES																	
Amusement Center, Indoor									C								
Amusement Center, Outdoor									C								
Antique Sales and Repair								P	P				P				
Bakeries								P	P							P	
Big Box Commercial Uses									C								
Bookstores and Music Shops								P	P				P	P			
Broadcasting Studios, including Radio and Television									P	C							
Car Wash								C	P								
Coffee and Tea Shops								P	P	A				P	C		
COMMERCIAL USES not otherwise listed in this table								C									
Convenience Stores, Not Including Sales of Alcoholic Beverages								P	P				P				
Convenience Stores Selling Alcoholic Beverages								C	C				P				

Uses	Districts														Use Standards			
	Rural			Residential				Business			Other	Special						
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC		MS	PM	OSP
COMMERCIAL USES (continued)																		
Dealership Showroom for Sales or Rentals of Motor Vehicles, Construction or Farming Machinery, or Similar Durable Goods											P							
Drive-In or Drive-Through Facilities for Financial Institutions and government offices								C	C	C	A				C			Section 5.406
Drive-In or Drive-Through Facilities for Restaurants and Food Service Establishments									C									Section 5.406
Drive-In or Drive-Through Facilities for Pharmacies, Drugstores, and Other Retail Sales								C	C									Section 5.406
Flower and Plant Shops								P	P				P	P	A			Section 5.401
Furniture, Appliance, and Department Stores								C	P									Section 5.404
Gift Shops								P	P				P	P	A			Section 5.401
Grocery Stores, Meat and Fish Market, Delicatessen, Ice Cream and Dairy Market, and Health Food Store								P	P				P	P				Section 5.404
Hardware, Garden Supply, and Home Improvement Store								C	P				P					Section 5.404
Hotel or Inn									P						C			
Laundromat or Dry Cleaners								P	P				P					Section 5.401
Manufactured Housing Sales						C			P									Section 5.410
Motion Picture Cinema, Indoor									P									Section 5.407
Motion Picture Cinema, Outdoor																		Section 5.407
Motor Vehicle Fueling Station									C				C					Section 5.408
Motor Vehicle Repair Station									C									Section 5.408
Motor Vehicle Service Center									P									Section 5.408

Uses	Districts											Use Standards					
	Rural			Residential			Business			Other	Special						
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP		PC	NSC	VC	MS	PM
COMMERCIAL USES (continued)																	
Open Air Business, Outdoor Display Area, Dealership Outdoor Sales Lot, or Garden Center									C								Section 5.410
Outdoor Café or Eating Area								C	C			C	C				Section 5.409
Outdoor Sales, Temporary								P	P			P	P				Section 5.412
Restaurants and Food Service Establishments, Not Including Sales of Alcoholic Beverages								P	P			P	P	A	A		Section 5.401 Section 5.406
Restaurants and Food Service Establishments Selling Alcoholic Beverages								C	C			C	C				
Retail Sales								P	P			P		A	A		
Showroom for Display or Sales of Products Created by the Business or Operation										A					A		Section 5.411
Tavern, Pub, Brewpub, Cocktail Lounge, Nightclub, or Similar Establishment									C								
INDUSTRIAL, RESEARCH, AND LABORATORY USES																	
Blacksmithing, Furniture or Cabinet Repair or Manufacture, Woodworking Shops, and Similar Uses															P		
Contractor's Establishments and Equipment Yards															P		Section 5.503
Crematorium															C		Section 5.501
Distribution Facilities and Truck Terminals															C		Section 5.503
Dry Cleaning - Central Cleaning/Processing Plant															C		Section 5.501
Material Recovery Facilities															C		Section 5.502
Manufacturing, Processing, or Treatment of Food Products, Pharmaceuticals, Cosmetics, and Similar Items															P		

Uses	Districts											Use Standards					
	Rural			Residential			Business			Other	Special						
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP		PC	NSC	VC	MS	PM
INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)																	
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 5.501
Outdoor Storage, General																P	Section 5.503
Outdoor Storage, Dismantling or Recycling of Motor or Recreational Vehicles, Boats, Construction or Farming Machinery, Manufactured Houses or Similar Items																C	Section 5.502
Outdoor Storage of Recreational Vehicles									C							C	Section 5.504
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	

Uses	Districts														Use Standards		
	Rural			Residential				Business			Other	Special					
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC		MS	PM
INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)																	
Research and Development Facilities, Technical Centers, and Laboratories															P	P	
Self-Storage Warehouses									C							P	
Slaughterhouse, Rendering Plant or Similar Facility																C	
Warehouses and Non-Farm Bulk Indoor Storage																A	
OTHER USES																	
Accessory Structures and Uses	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A
Composting Centers											C						
Concrete and Asphalt Mixing Plants																C	
Controlled Uses									P								
Extractive and Earth Removal Operations		C	C														
Off-Street Parking Lots	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A
Public Works or Road Maintenance Yards											C						
Stormwater Management Impoundments, Drainageways, and Related Improvements	P	P	P	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	P	P	P	
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	P	P	P
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	C	C	C

Uses	Districts														Use Standards		
	Rural			Residential				Business			Other	Special					
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC		MS	PM
OTHER USES (continued)																	
Volatile Farm-Based Biofuel Production Facility With an Annual Production Capacity of Up To 100,000 Gallons of Biofuel		P	P														Section 5.605
Volatile Farm-Based Biofuel Production Facility With an Annual Production Capacity of Between 100,000 and 500,000 Gallons of Biofuel		C	C														Section 5.605

[See Section 7.301 for permitted land uses in the Planned Community (PC) Special District]

[amended 4/20/2009, Ord. 174-02; 4/1/2011, Ord. 174-05; amended 12/16/2013, Ord. 174-14; and amended 2/21/2017, Ord. No. 174-19]

Effective Date: August 14, 2008

**Article 4
Land Use Table**

ARTICLE 5 USE STANDARDS

Section 5.001 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 addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Section 5.002 Scope of Regulations.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 6.13 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 10.0 (Site Plan Review).

Section 5.003 Organization.

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

SECTION 5.100 RURAL USES

SECTION 5.200 RESIDENTIAL USES

SECTION 5.300 OFFICE, SERVICE, AND COMMUNITY USES

SECTION 5.400 COMMERCIAL USES

SECTION 5.500 INDUSTRIAL, RESEARCH, AND LABORATORY USES

SECTION 5.600 OTHER USES

SECTION 5.100 RURAL USES

Section 5.101 Agricultural Services and Farm Supply Stores.

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. Farm products offered for sale shall include those grown or produced on land in Michigan, or made from products grown or produced on land in Michigan.
3. Any outdoor sales or display areas shall be conform to the standards of Section 5.410 (Outdoor Sales or Display Areas).
4. Outdoor storage areas shall be adequately contained, and shall be screened from adjacent lots and road rights-of-way per Section 14.10D (Methods of Screening).
5. 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.
6. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 10.0 (Site Plan Review).

Section 5.102 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. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 10.0 (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.

2. Screening shall be provided per Section 14.10D (Methods of Screening) where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities. Crop growing areas of a depth of not less than 300 feet may be permitted to satisfy this requirement.
3. 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.
4. Noise levels shall not exceed 65 decibels at any lot boundary or road right-of-way.
5. 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.
6. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.
7. Farm-based tourism or entertainment activities shall conform to the applicable requirements of the Township's Outdoor Assemblies Ordinance (Ord. No. 23).

Section 5.103 Farm Products Direct Marketing Business.

Where farm products direct marketing businesses are listed in Article 4.0 (Land Use Table) as a permitted accessory use, such uses shall be accessory to an active farm operation. Such businesses shall include "U-Pick" commercial agriculture operations, direct sales to area restaurants, residents, and retail stores, Internet-based sales of farm products, and similar businesses.

Section 5.104 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 3.208 (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. Where greenhouses, nurseries, and tree farms are listed in Article 4.0 (Land Use Table) as a permitted accessory use, such uses 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 10.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.

Section 5.105 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.
2. The raising and keeping of fowl, rabbits, and similar small domesticated animals shall require a minimum lot area of one (1) acre. Structures or fenced areas for keeping of small domesticated animals shall be located not less than five (5) 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 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 wastes 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 wastes shall be treated and handled in such a manner as to control flies and odor.

Section 5.106 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. Kennels shall have a minimum lot area of ten (10) acres.
2. 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.
3. 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 300 feet from road rights-of-way, 100 feet from side and rear lot boundaries, and 50 feet from any watercourse.
 - b. Screened in accordance with Section 14.10D (Methods of Screening).
4. 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.
5. 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.
6. Dogs shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance.
7. All dogs shall be enclosed within a building at night.
8. 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.
9. Preliminary and final site plans shall be required in accordance with Article 10.0 (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 [amended 5/21/2012, Ord. 174-07].

Section 5.107 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 75 feet from all side and rear lot boundaries.
 - 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 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 1.07 (Certificates of Zoning Compliance). Approval of a building permit may be required if the facility is open to the public [amended 6/18/2012, Ord. 174-10].

Section 5.108 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 5.201 (Accessory Dwelling).
2. The lot area shall not be less than 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 75 feet from adjacent properties.
5. Stable and arena buildings, corrals, and similar structures for public or commercial riding stables and academies 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.

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 8.0 (Off-Street Parking and Loading Regulations). Such areas shall be screened per Section 14.10D (Methods of Screening).
9. Such uses shall be subject to site plan approval per Article 10.0 (Site Plan Review).

Section 5.109 Roadside Stands.

Roadside stands up to 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. 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.
3. 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. All signs used in connection with the use shall be temporary, and shall comply with the requirements of Article 9.0 (Signs). Such signs shall be removed when the stand is not in use.
5. 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 5.102 (Farm-Based Tourism/Entertainment Activities).

Section 5.110 Veterinary Clinics and Hospitals.

Veterinary clinics and 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 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 14.10D (Methods of Screening).
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 10.0 (Site Plan Review).

SECTION 5.200 RESIDENTIAL USES

Section 5.201 Accessory Dwelling.

It is the intent of this Section to permit dwellings accessory to certain non-residential uses under limited circumstances and subject to specific standards. The standards of this Section are intended to preserve the character and appearance of principal buildings that include one (1) or more accessory dwelling units. Accessory dwellings shall be subject to the following standards:

A. Accessory to Office and Service Uses and Commercial Uses.

The following standards shall apply to accessory dwelling units permitted in the O-1 (Office) District, and the NSC (Neighborhood Shopping Center) and VC (Village Center) Special Districts:

1. The accessory dwelling unit(s) shall be located within the same building occupied or intended to be occupied by one (1) more principal OFFICE AND SERVICES USES or COMMERCIAL USES, as permitted in the zoning district.
2. Accessory dwelling units shall be prohibited on the ground floor or street level of the building, and shall be constructed with adequate sound and firewall separation from the principal use(s).
3. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.
4. Parking shall be provided for each accessory dwelling unit per Article 8.0 (Off-Street Parking and Loading Regulations).
5. Construction of new accessory dwelling units shall be subject to site plan approval per Article 10.0 (Site Plan Review). The application shall include submittal of floor plans for the accessory dwelling and principal building.
6. Alteration of existing, approved accessory dwelling units shall be subject to administrative approval per Section 1.07 (Certificates of Zoning Compliance).

B. Accessory Dwelling in the PM Special District.

A dwelling may be permitted accessory to principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted in the PM (Planned Manufacturing) Special District, subject to the following:

1. The accessory dwelling shall be located in a separate residential building on the same parcel or an abutting parcel under the same ownership as the principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted on the site.
2. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel, or to on-site security personnel.

3. Approval of a new accessory dwelling in the PM Special District shall be subject to the procedures and requirements of Article 7.0 (Special District Regulations). The application shall include submittal of floor plans and elevation drawings for the accessory dwelling.
4. Alteration of an existing, approved accessory dwelling in the PM Special District shall be subject to administrative approval per Section 1.07 (Certificates of Zoning Compliance).

C. Caretaker's Residence.

Where a provision of this Article permits an accessory dwelling for use as a caretaker's residence, the following standards shall apply:

1. The caretaker's residence may be located within the principal building, or may be a separate residential building on the same parcel as the principal use(s).
2. The caretaker's residence shall have separate kitchen, bath, and toilet facilities and a private entrance. If located within the principal building, the caretaker's residence shall be constructed with adequate sound and firewall separation from the principal use(s).
3. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel.
4. Construction of a caretaker's residence shall be subject to site plan approval per Article 10.0 (Site Plan Review). The application shall include submittal of floor plans and elevation drawings for the accessory dwelling.
5. Alteration of an existing, approved accessory dwelling in the PM Special District shall be subject to administrative approval per Section 1.07 (Certificates of Zoning Compliance).

Section 5.202 Bed and Breakfast Inn.

Bed and breakfast inns shall comply with the following:

A. General Regulations.

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.

1. 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.
2. 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.
3. Not more than one (1) person, other than members of the resident family, shall be employed in a bed and breakfast operation.

B. Specifications.

A dwelling to be used for a bed and breakfast operation shall have a minimum floor area of 1,600 square feet, excluding basement and garage floor areas.

1. Each bedroom shall have a minimum floor area of 120 square feet and shall be occupied by not more than two (2) persons.
2. Not more than four (4) bedrooms shall be provided for bed and breakfast operations in any one single-family detached dwelling.
3. Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure. At least one (1) bathroom containing a lavatory, toilet, and bathtub or shower shall be provided for each four (4) guests. Each such bathroom shall be separate from the living quarters of the resident family.
4. No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast inn. Cooking facilities in a dwelling containing a bed and breakfast inn shall be limited to the residential kitchen.

C. Scope of Operation.

No retail sales or other COMMERCIAL USES shall be permitted, except incidental sales associated with the bed and breakfast operation.

1. Full breakfasts or continental breakfasts may be served to registered guests only. No other meals shall be provided to such guests.
2. Service of alcoholic beverages in a bed and breakfast operation shall be prohibited.
3. Bed and breakfast facilities shall not be used for receptions, weddings, and similar celebrations and parties, other than private events for members of the resident's immediate family.
4. The maximum length of stay for any occupant of a bed and breakfast operation shall be 14 days in any period of 90 consecutive days.

D. 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.

1. 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 9.0 (Signs). The ground sign shall be set back a minimum of ten (10) feet from road rights-of-way.
2. 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 8.0 (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.

E. Site Plan Approval.

Bed and breakfast inns shall be subject to site plan approval per Article 10.0 (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.

F. 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.

Section 5.203 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 10.0 (Site Plan Review).
2. All structures for farm labor housing shall comply with the standards of Article 3 (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 100 feet from all side and rear property lines and 75 feet from road rights-of-way.
 - b. Such housing shall be set back a minimum of 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 100-249 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.

Section 5.204 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:

A. Use Standards.

Home occupations shall conform to the following requirements:

1. The home occupation shall qualify for and receive all applicable local, state, and federal licenses, certificate, and permits.
2. No persons shall be employed in the home occupation other than members of the immediate family residing on the premises.
3. 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.
4. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
 - a. 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.
 - b. 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.
5. Traffic generated by a home occupation shall not be greater in volume than that normally expected within the neighborhood.
6. 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 8.0 (Off-Street Parking and Loading Regulations).
7. No signs shall be permitted for the home occupation, other than a nameplate as permitted for a dwelling per Article 9.0 (Signs).

8. 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.
9. Exterior display and storage of equipment or materials associated with or resulting from a home occupation shall be prohibited.
10. 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.

B. Permitted Home Occupations.

The following uses shall be permitted as home occupations:

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.
2. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).
3. Home office for a massage therapist, subject to the standards of Section 5.309 (Therapeutic Massage).
4. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
5. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary, jewelry making, cabinetry, woodworking, weaving, sewing, tailoring and similar crafts.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. 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 15 days per calendar year.
8. 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 11.0 (Conditional Uses).

C. Prohibited Uses.

The following uses are expressly prohibited as a home occupation:

1. Motor vehicle and recreational vehicle repair, body and paint shops, welding shops, and storage or dismantling yards.
2. Kennels and veterinary clinics.
3. Medical or dental clinics.
4. Retail sales of merchandise, and eating or drinking establishments.
5. Mortuary and funeral homes.
6. Controlled uses and sexually oriented businesses.

7. 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.
8. 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.
9. Any use that would potentially create or exacerbate any hazard of fire, explosion, or radioactivity.
10. 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.

D. 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.

Section 5.205 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:

A. Lot Area and Height Regulations.

1. **Lot area.** The minimum area of the lot that comprises the manufactured housing park shall be 20 acres.
2. **Height requirements.**
 - a. Except as otherwise provided in Paragraph b below, no building or structure shall exceed a height of two (2) stories or 25 feet.
 - b. The maximum height of accessory structures in a manufactured housing park shall be 15 feet. The height of a storage building on a manufactured housing park site shall not exceed the lesser of 15 feet or the height of the manufactured housing.
3. **Landscaping.**
 - a. A landscape strip at least 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.

- b. Such landscape strip shall not contain carports, recreation shelters, storage shelters, or any other structures, parking spaces, or active recreation areas.

B. Planning and Development Regulations for Manufactured Housing Parks.

1. **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.
2. **Minimum distances.** A manufactured home shall be in compliance with the following minimum distances:
 - a. 20 feet from any part of an attached or detached structure, which is used for living purposes, on an adjacent manufactured housing park site.
 - b. Ten (10) feet from an attached or detached structure or accessory, which is not used for living purposes, of an adjacent manufactured home.
 - c. Ten (10) feet from an on-site parking space of an adjacent site.
 - d. 50 feet from any permanent building.
 - e. Ten (10) feet from the edge of an internal street.
 - f. 20 feet from the right-of-way line of a dedicated public street within the manufactured housing park.
 - g. Seven and one-half (7.5) feet from a parking bay.
 - h. Seven (7) feet from a common pedestrian walkway.
3. **Parking requirements.**
 - a. A minimum of two (2) parking spaces shall be provided for each manufactured housing park site.
 - b. Additional parking facilities shall be provided:
 - (1) for storage of maintenance vehicles;
 - (2) at the park office location for office visitors; and
 - (3) 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.
4. **Streets.**
 - a. 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.

- b. Only streets within the manufactured housing park shall provide vehicular access to individual manufactured housing park sites in the manufactured housing park.
 - c. Two-way streets shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street.
 - d. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides.
 - e. 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.
5. **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.
6. **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 1.0 (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 10.0 (Site Plan Review).
7. **Placement of a manufactured housing park unit.**
- a. 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.
 - b. 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.
8. **Site plan review required.**
- a. Construction of a manufactured housing park shall require prior approval of a site plan by the Township Planning Commission.

- b. The site plan shall be prepared on standard 24-inch by 36-inch sheets and shall be of a scale not greater than one (1) inch equals 20 feet or less than one (1) inch equals 200 feet, and of such accuracy that the Planning Commission can readily interpret the plan.
- c. For purposes of this Section only, a site plan shall provide the following information:
 - (1) Scale, north arrow, name and date, and date of any revisions.
 - (2) Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
 - (3) Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
 - (4) A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
 - (5) Existing topography, at a minimum of two (2) foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; 100-year flood hazard area.
 - (6) Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
 - (7) Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
 - (8) Locations and size of existing public utilities on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins; location of existing wells, septic tanks, and drain fields, if applicable.
 - (9) Names and rights-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.
 - (10) Zoning classification of the subject property; location of required yards; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.
 - (11) Grading plan, at a minimum contour interval of two (2) feet.
 - (12) Location and exterior dimensions of proposed buildings and structures other than manufactured housing unit dwellings; height and finished floor elevations of such buildings and structures;

location of the manufactured home and parking spaces on each manufactured housing park site.

- (13) Location and alignment of all proposed streets and drives; rights-of-way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.
 - (14) Location and dimensions of all proposed parking areas; number of spaces in each; dimensions of spaces and aisles; typical cross section of parking surface.
 - (15) Location, width, and surface of proposed sidewalks and pedestrian paths, including notations on the site plan depicting handicapped access.
 - (16) Location, use, size, and proposed improvements of open space and recreation areas.
 - (17) Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.
 - (18) Location, type, size, area, and height of proposed signs.
 - (19) General proposed utility layout for sanitary sewer, water and storm water systems.
 - (20) Landscape plan showing location, type, and size of plant materials.
 - (21) Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical sections.
 - (22) An overall map shall be developed on a 24-inch by 36-inch sheet showing how this property ties in with all other surrounding properties, including:
 - (a) existing and proposed water mains and sanitary and storm sewers in the area, including sanitary sewer service areas;
 - (b) the road network in the area; and
 - (c) the relationship of existing and proposed drainage courses and retention bases in the general area that impact or are impacted by this development as well as an area-wide drainage map showing all the sub-areas that affect this site (all drainage must be directed to retention ponds).
9. **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.
10. **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.

Section 5.206 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:

A. General Standards.

1. **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:
 - a. Where buildings are front-to-front or front to rear, three (3) times the height of the taller building, but not less than 70 feet.
 - b. Where buildings are side-to-side, one and one-half (1 1/2) times the height of the taller building, but not less than 20 feet.
 - c. Where buildings are front-to-side, rear to side, or rear-to-rear, two (2) times the height of the taller building but not less than 45 feet.

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.

2. **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.
3. **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.
4. **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:
 - a. Multiple-family buildings shall comply with the standards of Section 14.09 (Building Form and Composition).
 - b. Exterior walls shall be finished with materials common to dwellings in the Township, such as, but not limited to, beveled siding or brick.
 - c. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.

5. **Site plan approval.** Construction, expansion, and alteration of multiple-family housing shall be subject to site plan approval per Article 10.0 (Site Plan Review).

B. 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:

1. **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.
2. **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.
3. **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.

C. Multiple-family residences in the O-1 (Office) District.

The following additional standards shall apply to multiple-family residences, where permitted in the O-1 (Office) District:

1. Multiple-family residences proposed to be located within the same building occupied or intended to be occupied by one (1) more principal OFFICE AND SERVICES USES or COMMERCIAL USES permitted in the zoning district shall be subject to approval as accessory dwelling units per Section 5.201 (Accessory Dwelling).
2. Multiple-family residences proposed to be developed as the principal use of a parcel in the O-1 District shall be subject to the standards of this Section, and the standards of the R-7 (Multiple-Family Residential) District as specified in Article 3.0 (Dimensional Standards).

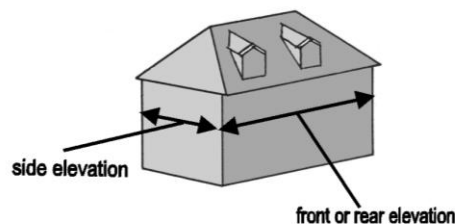
Section 5.207 Single-Family Dwellings, Detached

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 placed on a permanent foundation wall meeting all requirements of the State Construction Code, subject to the following:
 - a. The dwelling shall be secured to the ground by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.
 - b. Wheels, tongue, hitch, or similar appurtenances attached to a manufactured dwelling shall be removed before anchoring the dwelling.
3. The dwelling shall be connected to potable water and sanitary sewerage facilities per Section 14.06 (Water Supply and Sanitary Sewerage Facilities).
4. The single-family detached dwelling shall be aesthetically compatible in design and appearance with housing in the neighborhood and other single-family dwellings in Superior Charter Township. Compatibility shall be determined according to the following standards:
 - a. Single-family dwellings shall comply with the standards of Section 14.09 (Building Form and Composition).
 - b. Exterior walls shall be finished with materials common to dwellings in the Township, such as, but not limited to, beveled siding or brick.
 - c. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.
 - d. The dwelling, prior to any additions or expansions, shall have a minimum width across all front, side, and rear elevations of 26 feet see "Dwelling Elevations" illustration.
5. 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 1.07 (Certificates of Zoning Compliance).
6. Not more than one (1) single-family detached dwelling shall 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. A single-family detached dwelling shall not be used as an accessory building in any residential district.
7. Single-family dwellings shall have a minimum floor area, not including basement or attached garage floor area, of 1,200 square feet. [amended 4/20/2009, Ord. 174-02]

ILLUSTRATION



Dwelling Elevations

Section 5.208 Adult Foster Care Facilities.

The following shall apply to all adult foster care facilities as defined in Section 17.03 (Definitions):

A. General Standards.

The following standards shall apply to all adult foster care facilities in the Township:

1. **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.
2. **Outdoor recreation area.** For each person cared for in an adult foster care facility there shall be provided and maintained a minimum of 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 6.01 (Fence Regulations).
3. **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.

B. 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:

1. **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.
2. **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.
3. **Concentration of facilities.** These facilities shall be located a minimum of 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:
 - a. A licensed group day-care home.
 - b. Another adult foster care small group home, large group home or congregate care facility.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.
 - d. 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.
4. **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 14.10D (Methods of Screening).

5. **Site plan approval required.** Construction, expansion, and alteration of these facilities shall be subject to site plan approval per Article 10.0 (Site Plan Review). [amended 2/21/201709, Ord. 174-19]

SECTION 5.300

OFFICE, SERVICE, AND COMMUNITY USES

Section 5.301 Accessory Office, Service, and Community Uses.

Where specific OFFICE, 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) Special 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.

Section 5.302 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 14.10D (Methods of Screening).
3. **Setbacks.** Structures and areas designated for camping shall be located a minimum of 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 5.201 (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.

Section 5.303 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 14.10D (Methods of Screening).

4. Crypts, mausoleums, and other buildings containing human remains, other than a subterranean grave, shall be set back a minimum of 100 feet from lot boundaries.
5. The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
6. A caretaker's residence shall be permitted accessory to a cemetery, subject to the requirements of Section 5.201 (Accessory Dwelling).
7. Establishment, expansion, and alteration of a cemetery shall be subject to site plan approval per Article 10.0 (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.

Section 5.304 Day Care Facilities.

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:

1. In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan.
2. Group day care homes shall be located a minimum of 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:
 - a. Another licensed group day-care home.
 - b. A adult foster care small group home, large group home or congregate care facility.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people as licensed under the State public health code.
 - d. 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 6.01 (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.
 - a. No signs shall be permitted for such uses, other than that permitted for a single-family dwelling in the zoning district.
 - b. 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 16 hours during any 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 10.0 (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.

[amended 8/16/2010, Ord. 174-04; and amended 2/21/2017, Ord. No. 174-19]

Section 5.305 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 Article 4.0 (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 14.10D (Methods of Screening).
3. **Caretaker's residence.** A caretaker's residence shall be permitted accessory to a funeral home or mortuary, subject to the requirements of Section 5.201 (Accessory Dwelling).

Section 5.306 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 17.03 (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 500 persons.

Section 5.307 Landscape Operations and Snowplow Businesses.

Landscape maintenance and installation operations, snowplowing and removal businesses, and similar uses 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 10.0 (Site Plan Review).
3. **Use standards.** The use shall be accessory to and remain secondary to a principal farm operation or single-family dwelling on the same parcel, and shall be subject to the following requirements:
 - a. Employees of the business not residing on the lot shall work primarily off-site.

- b. The Planning Commission may limit hours of operation for the business to minimize impacts on adjacent residents and uses.
 - c. 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.
 - d. The business shall not generate vehicular traffic above that normally associated with similar agricultural operations in the Rural Districts.
 - e. 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 5.503 (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 14.10D (Methods of Screening).
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 8.0 (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).

Section 5.308 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:

A. General Requirements.

The following general standards shall apply to all private recreational facilities:

1. 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.
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. The hours of operation of any private recreational facilities shall be subject to Planning Commission approval.
3. Accessory food service operations and/or sales of recreation equipment shall be permitted, subject to the following:
 - a. Such accessory uses shall be clearly incidental to and subordinate to the principal private recreational use(s).
 - b. Such accessory uses shall be limited to hours of operation that coincide with those of the principal private recreational use(s).
4. Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Article 10.0 (Site Plan Review).

B. 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:

1. **Minimum land area.** Such facilities shall be located on a parcel of land not less than 40 acres in gross lot area.
2. **Security fencing and signage.** 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 100 feet apart.
3. **Compliance with standards.** 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.
4. **Indoor ranges.** Indoor firearms ranges shall be insulated with sound dampening materials, and shall be set back a minimum of 500 feet from all lot boundaries.
5. **Outdoor ranges.** Outdoor firearms ranges shall be surrounded by berms or other suitable containment and noise dampening measures, and set back a minimum of 1,500 feet from all lot boundaries.
6. **Noise impacts.** All facilities shall be designed to contain projectiles within the site, and to minimize noise impacts on surrounding properties and uses.

C. Golf Course and Driving Ranges.

The following requirements shall apply to all golf courses and driving ranges, in addition to the general standards above:

1. Golf driving ranges shall be prohibited in the Rural Residential and Urban Residential Districts.
2. 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:
 - a. The entity responsible for long-term maintenance of the facility, 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.
3. Structures associated with such uses shall be set back a minimum of 100 feet from lot boundaries that abut Rural Residential or Urban Residential Districts or existing RESIDENTIAL USES.
4. The facility shall be designed and maintained to contain golf balls and other course activities within the site.
 - a. 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.
 - b. The site plan shall include illustration of expected ball trajectories and dispersion patterns along fairways and for driving ranges located within 500 feet of a building, parking lot, lot boundary or road right-of-way.

Section 5.309 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.

SECTION 5.400

COMMERCIAL USES

Section 5.401 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) Special 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 5.402 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 5.410 (Outdoor Sales and Display Areas).
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).

Section 5.403 Bakeries.

Bakeries shall be subject to the following standards by zoning district:

1. **Planned Manufacturing (PM) Special District.** The principal use of the premises shall be for the preparation and manufacturing of bakery products to be distributed and sold at off-site locations. Any area(s) for sales of products prepared on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the principal use.
2. **Business Districts.** The principal use of the premises shall be for the preparation and sale of bakery products on the premises. Distribution of products made on the premises to off-site locations shall be prohibited.

Section 5.404 Big Box COMMERCIAL USES.

"Big-Box" stores, supermarkets, and wholesales stores, multi-tenant shopping centers, and similar COMMERCIAL USES with more than 50,000 square-feet of total gross floor area in a single building footprint) shall be subject to the following:

1. **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.
 - 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. Vehicle access to private, local or unpaved roads shall be prohibited.
 - b. A traffic impact study and proposed mitigation measures shall be required.
2. **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.
3. **Screening.** Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 14.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
4. **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.

Section 5.405 Car Washes.

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

A. Use Standards.

1. 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.
2. Steam used in the cleaning process shall be contained within an enclosed building.
3. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any RESIDENTIAL USES. The hours of operation of any vehicle wash facility shall be subject to Planning Commission approval.
4. 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.
5. The hours of operation car wash shall be subject to Planning Commission approval.

B. Ingress/Egress.

1. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Driveways serving a wash facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads.
3. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
4. 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.
5. All maneuvering areas and stacking lanes shall be located within the car wash lot.

C. Screening.

Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 14.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

Section 5.406 Drive-in or Drive-through Facilities.

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

1. Adequate 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. Such facilities shall be set back a minimum of 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 14.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
 3. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
 4. A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
 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. The total sign area of all permitted menu boards shall not exceed 48 square feet.
 - b. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow.

Section 5.407 Motion Picture Cinema.

Indoor or outdoor motion picture cinemas shall be subject to the following:

A. General Requirements.

All indoor or outdoor motion picture cinemas shall conform to the following standards:

1. **Screening.** Screening shall be required from adjacent Rural, Rural Residential, and Urban Residential Districts and existing RESIDENTIAL USES per Section 14.10D (Methods of Screening).
2. **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.
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 500 persons.

B. Additional Outdoor Cinema Requirements.

All outdoor cinemas and drive-in theaters shall conform to the following:

1. A drive-in theater shall not be located adjacent to any Rural Residential or Urban Residential Districts.
2. 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).
3. All points of entrance or exit for vehicles shall be located no closer than 500 feet from the intersection of any two (2) road rights-of-way.
4. 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.
5. 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 100 feet from any road rights-of-way or front lot boundary.
6. 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.
7. 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.

Section 5.408 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations.

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

A. Use Standards.

1. 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.
2. The minimum lot area for such uses shall be one (1) acre, and the minimum lot width for such uses shall be 175 feet.
3. 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.
4. 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).
5. Open service bays and overhead doors shall not face towards any adjacent Rural Residential or Urban Residential Districts or RESIDENTIAL USES.
6. Display of temporary signs shall be prohibited where such signs are attached to the pump island canopy, light poles or similar structures.
7. Outdoor sales or display areas shall limited to areas identified on an approved final site plan, and shall conform to the requirements of Section 5.410 (Outdoor Sales and Display Areas).
8. 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.

B. Pollution Prevention.

In addition to the requirements contained in Article 10.0 (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.

1. 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.
2. The entire area used for vehicle service shall be paved.
3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

C. Fueling Station Pump Islands.

In addition to the requirements contained in Article 10.0 (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).

1. The pump island canopy shall be architecturally and aesthetically compatible with the principal building and the surrounding area, as determined by the Planning Commission.
2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with Section 14.09 (Exterior Lighting).
3. Pump islands shall be so arranged that ample space is available for motor vehicles that are required to wait.
4. The location of gasoline storage and sales shall be reviewed by the Township Fire Department for compliance with the National Fire Prevention Code.

D. 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.

1. 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.
2. The maximum widths of any driveway at the right-of-way line shall be 35 feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than 45 degrees.
3. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
4. The distance between curb cuts shall be no less than 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.

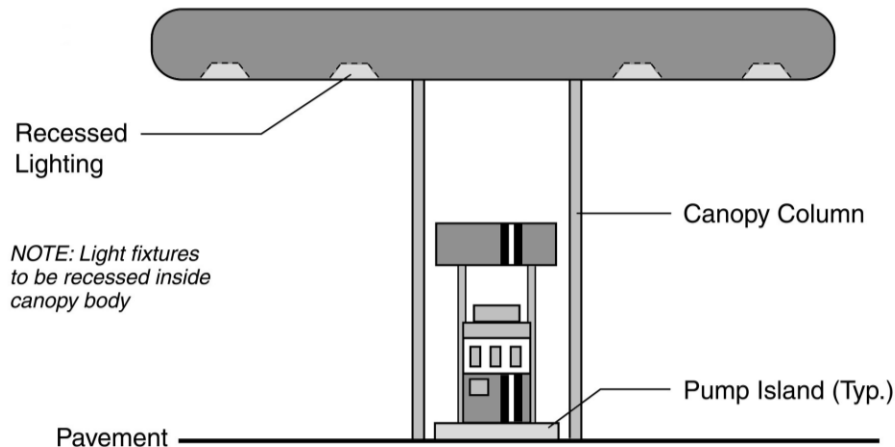
E. Incidental Outdoor Storage.

Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.

1. Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of Section 14.08 (Trash Storage and Disposal Standards).
2. All outdoor storage shall be reviewed and approved by the Township Fire Department for compliance with the National Fire Prevention Code.
3. Such storage shall not occur in front of the front building line.

4. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
5. Outdoor storage shall be prohibited accessory to a motor vehicle fueling station, unless separate approval has been granted for a vehicle repair use.

ILLUSTRATION



Pump Island Canopy Lighting

Section 5.409 Outdoor Cafés and 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 14.10D (Methods of Screening) 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 8.0 (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.

Section 5.410 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. **Location.** 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. **Setbacks.** 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 50 feet of any Rural Residential or Urban Residential Districts or RESIDENTIAL USES.
3. **Broadcasting devices prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
4. **Hours of operation.** 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 and signs.** Exterior lighting shall conform to the standards of Section 14.09 (Exterior Lighting). Additional signs shall not be permitted beyond those permitted for the principal use.
6. **Pedestrian access.** The proposed activity shall be located and designed so as to ensure safe pedestrian access.
7. **Grading, surfacing, and drainage.** 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. **Screening.** Such sales or display area shall be screened from adjacent Rural, Rural Residential, and Urban Residential Districts in accordance with Section 14.10D (Methods of Screening).

Section 5.411 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.

Section 5.412 Temporary Outdoor Sales.

Such sales shall be accessory to the principal use and permanent business on the premises.

1. No part of such sales operation shall be located within any road right-of-way or corner clearance area.
2. 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.
3. The sales operation shall not impede or adversely affect vehicular or pedestrian traffic flow or parking maneuvers.
4. Merchandise, equipment, and materials used in or resulting from such sales shall be removed from the premises within three (3) days of termination of the sale.
5. Temporary outdoor sales accessory to a business operation shall not exceed a maximum of 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 60 days per calendar year.
6. 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 1.07 (Certificates of Zoning Compliance).
7. The Zoning Inspector may require a cash bond of two hundred fifty dollars (\$250) to be provided to the Township prior to the start of an approved sale to guarantee site clean up.
8. Temporary outdoor sales shall comply with all applicable requirements of this Ordinance and other Township ordinances, such as noise restrictions, exterior lighting standards, etc [amended 4/1/2011, Ord. 174-05].

SECTION 5.500

INDUSTRIAL, RESEARCH, AND LABORATORY USES

Section 5.501 Intensive Industrial Operations.

Intensive industrial operations shall be subject to the following:

A. 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.

B. 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:

1. 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.
2. 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.
3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
4. Description of all secondary containment measures, including design, construction materials and specifications, and security measures
5. 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 11.0 (Conditional Uses).

C. Development Standards.

Intensive industrial operations shall not be located within 500 feet of the boundary of any Rural Residential or Urban Residential Districts, or Planned Community (PC) special district incorporating RESIDENTIAL USES.

1. 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.
2. In accordance with Section 7.003 (Regulatory Flexibility) the Planning Commission may recommend and the Township may authorize measurement of this separation distance to the near edge of the operation's development area within a larger parcel. The planned uses and/or method of open space preservation for land within the required separation distance shall be shown on the Planned Manufacturing (PM) district Area Plan for the project.
3. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 14.10D (Methods of Screening) [amended 8/16/2010, Ord. 174-04].

Section 5.502 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 10.0 (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 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 [amended 8/16/2010, Ord. 174-04].
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 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 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 60 dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed 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 14.09 (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.

Section 5.503 Outdoor Storage, General.

Outdoor storage of equipment, products, machinery, lumber, landscaping and building supplies or similar Items shall be subject to the following:

1. The storage area 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.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 14.10D (Methods of Screening).
3. **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.

Section 5.504 Self-Storage Warehouses.

The following regulations shall apply to self-storage warehouses:

1. The minimum lot area for mini-warehouses shall be two (2) acres, and the minimum lot width shall be 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 50 feet shall be maintained in landscaped open space. Side yard setbacks shall be no less than 25 feet and rear yard setbacks shall be no less than 40 feet.
4. The minimum distance between self-storage buildings shall be 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.
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 14.10D (Methods of Screening).
 - c. All such recreational vehicle 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 14.10D (Methods of Screening).
9. A caretaker's residence may be provided within the principal building as an accessory dwelling in accordance with Section 5.201 (Accessory Dwelling).

SECTION 5.600

OTHER USES

Section 5.601 Composting Centers.

Composting centers and support facilities shall be subject to the following:

A. 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 10.0 (Site Plan Review), the following information shall be included on a site plan for a composting facility:

1. Access route traffic patterns as well as on-site traffic patterns.
2. 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:
 - a. Methods and practices by which the tracking of mud or compost materials from composting areas into public road rights-of-way will be minimized.
 - b. 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.
 - c. An on-site traffic control pattern, including a bypass road around the truck cleaning area if applicable.
 - d. 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.
3. Written documentation of an operation plan addressing the following:
 - a. Hours of operation.
 - b. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
 - c. Method of receiving compost materials.
 - d. Method of sorting and handling composting materials on-site.
 - e. Measures to be taken should anaerobic conditions arise.
 - f. Expected frequency of removal of composted materials.
 - g. Expected frequency for turning of composting windrows.

- h. Fire protection.
 - i. Description of daily cleanup procedures.
 - j. Measures to be taken should surface or groundwater contamination take place.
 - k. The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
4. 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 365 consecutive days. The plan shall describe:
- a. How the existing site will be cleaned up.
 - b. How and where the existing surface debris will be disposed.
 - c. What the final disposition of the land will be.
 - d. A cost estimate for clean up and restoration of the site.

B. Size and Location.

Composting facilities shall have a minimum lot area of 20 acres, and shall not be allowed in any 100-year floodplain, groundwater recharge area, or regulated wetland.

C. Ground and Surface Water Quality.

To ensure that ground or surface waters are not contaminated, such facilities shall be subject to the following:

- 1. The surface and ground waters at a composting facility shall comply with the water quality requirements of applicable state and federal laws.
- 2. 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.
 - a. 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.

- b. 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.
3. If any stream or swale is present on the site, it shall be buffered by a 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.
4. 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.
5. Documentation of the analysis for all ground and surface water monitoring events shall be submitted to the Township within 60 days after completion.
6. 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.

D. Anaerobic Conditions Prohibited.

Compost materials shall not be accepted on site in an anaerobic condition. 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 30 calendar day period, the Planning Commission may rescind approval of any Conditional Use Permit or require closure of the facility for up to 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.

E. 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:

1. No composting facility shall be constructed or expanded within 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.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 14.10D (Methods of Screening) [amended 8/16/2010, Ord. 174-04].

F. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.

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.

1. 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.
2. 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

G. 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.

H. 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.

Section 5.602 Controlled Uses.

It is hereby recognized by the Township Board that controlled uses, as defined in this Ordinance, have serious and inherent objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances. The Board acknowledges the specific consequences that adult uses and sexually oriented businesses have caused for the adjoining City of Ypsilanti, including lost business opportunities, increased costs for police services in the neighborhood of such uses, and significant financial costs associated with mitigation and removal of such blighting influences.

Controlled uses are hereby recognized as an impediment to stable growth and development and full implementation of the Growth Management Plan in the Township. Such uses create or exacerbate disruptive and deleterious conditions that impact adjacent properties; especially when constructed in proximity to other controlled uses, residential zoning districts, and public and other institutional uses. Special regulation of these uses is necessary to minimize adverse impacts on the public health, safety, and welfare of persons and property; and to ensure that such impacts will not cause or contribute to blighting conditions or downgrading of property values in the Township. Accordingly, it is the intent and purpose of Superior Charter Township to adopt reasonable regulations for controlled uses. Operation or expansion of any controlled use,

whether conducted as a separate business activity or in conjunction with another use, shall conform to the following:

A. Controlled Uses Defined.

The following uses are defined as "controlled uses" for the purposes of this Ordinance:

1. 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 17.03 (Definitions);
2. Pawnshop or collateral loan and/or exchange establishment; and
3. Specially designated distributor's establishment or specially designated merchant's establishment, as licensed by the Michigan Liquor Control Commission.

B. 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:

1. 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.
2. Application shall be made by filing all completed forms and the required review fee and escrow deposit with the Township Clerk.
3. 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 10.0 (Site Plan Review).

The Township Clerk, upon receipt of all application materials, shall forward the materials to the Planning Commission.

C. Planning Commission Action

The Planning Commission shall study the application and, within 180 calendar days after receipt of a complete and accurate application, shall approve, approve with conditions, or reject the application.

1. 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 5.602C (Restrictions on Location), then the Planning Commission shall hold a public hearing on the request in accordance with Section 1.14 (Public Hearing Procedures). Public notice signage shall be required in accordance with the requirements for a Conditional Use Permit application.
2. Planning Commission action on any request to waive one (1) or more requirements of Section 5.602C (Restrictions on Location) shall be in accordance with the standards of Section 5.602F (Waiver of Restrictions on Location).

3. 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.
4. The Planning Commission may require the applicant to submit a performance guarantee to the Township per Section 1.08C (Performance Guarantees) to ensure that such conditions will be fulfilled.

D. Restrictions on Use.

The following use restrictions shall apply to controlled uses:

1. 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.
2. 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 an controlled use. This provision shall apply to any display, decoration, sign, window or other opening.

E. 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:

1. No controlled use shall be located within 1,000 feet of any other controlled uses.
2. No controlled use shall be located within 1,000 feet of any institutional uses as defined in Section 17.03 (Definitions), child day care center, public park or playground.
3. No controlled use shall be located within 500 feet of the boundary of any Rural Residential or Urban Residential Districts or PC (Planned Community) Special District incorporating RESIDENTIAL USES.

F. 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 5.602C (Restrictions on Location), subject to the following:

1. No waivers shall be given to permit a controlled use to locate within 1,000 feet of any institutional uses as defined in Section 17.03 (Definitions), child day care center, public park or playground.
2. A public hearing shall be held per Section 1.14 (Public Hearing Procedures).

3. To waive or reduce one (1) or more of the restrictions in Section 5.602C (Restrictions on Location), the Planning Commission shall find that the following conditions exist:
 - a. 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;
 - b. 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;
 - c. 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
 - d. All other applicable Township regulations and state or federal laws will be observed.

Section 5.603 Extractive and Earth Removal Operations.

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 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:

A. Scope.

The following types of extractive and earth removal activities shall be subject to the regulations of this Section:

1. The removing or extracting of any soil, sand, peat, marl, clay, gravel, stone, or similar materials.
2. The processing, storage, loading, and transportation of the above-mentioned materials.

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.

B. General Requirements.

In addition to other requirements set forth in this Ordinance, the removal of soil, including top soil, 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:

1. There shall be not more than one (1) entranceway from a public road to a parcel of land used for such operations for each 660 feet of frontage on a public road right-of-way. Entranceways shall be located not less than 500 feet from an intersection of two (2) or more public roads.
2. 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.
3. No digging, stockpiling, excavating, or equipment storage and/or repairs shall take place closer than 100 feet from any lot line, and 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.
4. 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.
5. Noise levels shall not exceed 60 dBA as measured at the property line of the nearest residentially-zoned or occupied property, or otherwise shall not exceed 70 dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties.
6. 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.
7. 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.

8. All fixed equipment and machinery shall be located at least 100 feet from any lot line and 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 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 100 feet from any lot line adjacent to such zoning district.
9. A fence not less than six (6) feet high shall be erected around the area being excavated, which shall be adequate to prevent trespass.
10. 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.
11. Travel routes for trucks entering and leaving the operation shall not pass through residential areas, unless such travel routes are on paved primary roads.
12. 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 [amended 8/16/2010, Ord. 174-04].

C. 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 10.0 (Site Plan Review) and shall include the following additional information:

1. Name and address of the person, firm, or corporation who or which will be conducting the actual removal operations.
2. Type of materials or resources to be removed or to be brought to the site.
3. 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.
4. Clear indication of all natural features to remain and to be removed.
5. Existing topography at contour levels of two (2) feet.
6. 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.

7. Extent of future earth removal areas and depth thereof.
8. Location and nature of structures and stationary equipment to be located on the site during earth removal operations.
9. Location and description of soil types.
10. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of earth removal operations.
11. 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.
12. Location and width of drives, sight distances, and lane widening on public roads at intersections of same with drives.
13. Description of pollution and erosion control measures, including a dust control program that includes, at a minimum, the following:
 - a. 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.
 - b. Directing engine exhaust gases that are generated by the machine used on the piles for loading or unloading upwards;
 - c. Covering open body trucks before they leave the site;
 - d. Cleaning the wheels and body of trucks as needed to remove spilled materials after the truck has been loaded;
 - e. Restricting the speed of vehicles used on site as necessary to minimize dust generation;
 - f. Minimizing the drop distance from which the material is discharged into a pile or a truck; and
 - g. Maintaining records adequate to demonstrate compliance with the approved dust control plan.
14. 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.
15. Map showing truck routes to and from the site.

16. Owner, use, and zoning classification of land uses and location(s) of adjacent buildings, drives, and road rights-of-way within 500 feet of the subject parcel(s).
17. General description of existing and proposed water, sewer or septic, and storm drainage systems.
18. Location and type of proposed screens and fences; height, typical elevation, and vertical section of screens and fences, showing materials and dimensions.
19. Location, type, direction, and intensity of outside lighting.

D. 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 10.0 (Site Plan Review), and shall include the following additional information:

1. Location and extent of all natural features to be retained during operations.
2. Contour lines at intervals of two (2) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines.
3. Schedule and areas of progressive rehabilitation.
4. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area.
5. Conceptual layout of proposed site improvements and a description of the proposed use(s) of the site when restored.
6. Description of methods and materials to be used in restoring the site.

E. Performance Guarantees.

The applicant shall provide a performance guarantee in accordance with Section 1.08C (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.

F. 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.

1. 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.
2. 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.
3. Preliminary site restoration shall begin immediately upon expiration of authorization for excavation or earth removal operations. Approval of a final site plan per Article 10.0 (Site Plan Review) shall be required for final redevelopment and re-use of the site.

G. 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.

Section 5.604 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.

Section 5.605 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:

A. General Standards.

The following standards shall apply to all such facilities:

1. 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.

2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, 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.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 3.0 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. 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.
5. 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:
 - a. Air pollution emissions.
 - b. Transportation of biofuel or another product or by-product of production.
 - c. Use or reuse of additional products resulting from biofuel production.
 - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production.
 - e. 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.
 - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. 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.
7. The operator of a facility with an annual production capacity of not more than 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:
 - a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
 - b. 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 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.

B. 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 100,000 gallons of biofuel, and to any biofuel production facility subject to Conditional Use Permit approval in accordance with this Section or Ordinance:

1. Such facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.
2. 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:
 - a. A detailed description of the process to be used to produce the biofuel.
 - b. The number of gallons of biofuel anticipated to be produced annually.
 - c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
 - d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

C. Limitations on Special 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:

1. **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 1.14 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 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. Such applications shall not be subject to the requirements of Section 11.08 (Re-Application).

2. **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 [amended 12/16/2013, Ord. 174-14].

ARTICLE 6

GENERAL PROVISIONS

Section 6.01 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 3.208 (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 10.0 (Site Plan Review), where deemed necessary for security purposes or public safety.
 - 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.
3. **Security fences.** 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.
4. **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 16.0 (Nonconformities).

5. **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 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 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 17.03 (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 17.03 (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 Section 1.07 (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 [amended 4/1/2011, Ord. 174-05].
3. **Non-residential fences.** Fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES in any zoning district shall be subject to the following:
- a. **Location.** Such fences may be located within any required yard, subject to height, corner clearance zones, and other applicable regulations of this Ordinance.
 - b. **Height.** Such fences shall not exceed six (6) feet in height, except where otherwise provided for in Article 5.0 (Use Standards).
 - c. **Approval required.** Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to approval of a minor site plan per Article 10.0 (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 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 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 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 1.13 (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 6.02 Swimming Pools.

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 100 square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts 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 1.07 (Certificates of Zoning Compliance).

Section 6.03 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 uses shall be secondary and incidental to the principal use(s) of the parcel. Accessory structures and uses shall be subject to the following:

1. 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.
2. In the Rural, Rural Residential, and Urban Residential Districts, detached accessory structures shall be set back behind the rear 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:
 - a. In the case of a corner lot in the Urban Residential 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).
 - b. In the Rural and Rural Residential Districts, 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:
 - (1) The accessory structure shall be located on a lot with a minimum lot area of 10.0 acres;
 - (2) The accessory structure shall be set back a minimum of 300 feet from all front lot boundaries and road rights-of-way, and a minimum of 75 feet from all side lot boundaries;

- (3) 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 6.01 (Fence Regulations), other permitted structures, or the installation of additional landscaping elements per Section 14.10D (Methods of Screening); and
 - (4) The accessory structure and any additional screening shall be subject to review and approval by the Zoning Inspector per Section 1.07 (Certificates of Zoning Compliance).
 - c. In the Rural and Rural Residential Districts, accessory structures shall not encroach into the minimum required side yard.
 - d. Detached accessory structures in the Rural Districts larger than 832 square feet in floor area shall comply with the minimum required yard setback standards for the zoning district.
3. In any zoning district, a detached accessory structure shall not exceed fifteen (15) feet in height, except as follows:
 - a. In the Rural Districts and R-1 (Single-Family Residential) zoning district, non-farm accessory structure height shall not exceed 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 3.201 (Height Exceptions).
4. In the Rural Residential and Urban Residential Districts, not more than twenty-five percent (25%) of the area of the minimum required rear yard may be occupied by accessory structures.
5. In any Business District, any accessory use or structure not attached to the principal building shall comply with all area, placement, and height regulations of the district in which it is located.
6. In any zoning district, the ground floor area of all detached accessory structures except farm structures, private stables, and riding arenas shall not exceed the ground floor area of the principal building, subject to the following:
 - a. In the Rural Districts and R-1 (Single-Family Residential) zoning district, the ground floor area of such accessory structures shall not exceed one and one-half (1-1/2) times the ground floor area of the principal building, up to a maximum of 4,000 square feet.
 - b. In the Rural Residential and Urban Residential Districts, the floor area of a residential garage shall not exceed the habitable floor area, not including basement floor area, of the principal dwelling.
 - c. In no case shall such accessory structures exceed 4,000 square feet.

7. In any zoning district, a detached accessory structure shall be located at least ten (10) feet from any other principal building or accessory structure.
8. No accessory structure shall be used prior to the principal building, except as a temporary construction structure per Section 6.04 (Temporary Structures) [amended 6/18/2012, Ord. 174-10].

Section 6.04 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 dwelling, 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.
 - d. A temporary structure shall be connected to on-site private water supply and sewage disposal systems approved by the Washtenaw County Environmental Health Division or to publicly owned and operated water supply and sanitary sewage systems.
2. The Zoning Inspector shall notify the Township Board and Planning Commission in writing of each Certificate issued under this Section.

B. Certificate of Occupancy.

A Certificate of Occupancy indicating approval of the temporary structure as acceptable for human habitation shall be required. 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.

C. Extension.

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.

D. 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.
 - 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 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.

E. Temporary Construction Structures.

Temporary construction structures shall be subject to the following additional standards:

1. 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.
2. 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.
3. The temporary construction structure shall be vacated and shall be removed from the site within 14 calendar days following completion of the final phase.

4. 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.

F. 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 the amount of five thousand dollars (\$5,000) to ensure removal of the temporary dwelling per this Section.

Section 6.05 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 land owners 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 1.07 (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 11.0 (Conditional Uses). Such activities shall further comply with the applicable standards of the Township's Outdoor Assemblies Ordinance (Ord. No. 23).

Section 6.06 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:

1. Motor vehicle repairs and maintenance outside of a completely enclosed structure shall be limited to:
 - a. Changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil;
 - b. Replacement of spark plugs and ignition points;
 - c. Rotation of tires and checking of adequate pressure; and
 - d. Replacement of drive belts and hydraulic and coolant lines.
2. Adequate provision shall be made for the safe and proper handling and disposal of used, drained, or replaced fluids.
3. Any other motor vehicle repairs or maintenance shall be restricted to within a completely enclosed structure.
4. 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 6.07 Completion of Construction.

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.

1. 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 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.

2. Where a building permit has been issued within 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 16.0 (Nonconformities), if applicable.

Section 6.08 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. Any walk, terrace or other pavement serving a like function and not in excess of 18 inches above grade shall be permitted in any required yard and not be considered to be a structure.

Section 6.09 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter in accordance with this Ordinance and the Township's adopted property maintenance code. Any hazardous places on a lot shall be fenced and secured.

Section 6.10 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Section 6.11 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 6.12 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 6.13 Performance Standards.

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.

A. Purpose and Scope.

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.

Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.

B. Noise.

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance.

1. **Noise disturbance examples.** Examples of noise disturbances include, 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 17.03 (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 17.03 (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.
 - 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)

Receiving Zoning District	Time	Average Sound Level
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. **Special Districts.** Where the receiving district is a Special 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 stock piles, 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 indicated in the following chart that is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 µg/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 µg/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

Notes Related to Table:

ppm = parts per million

μg = micrograms
mg = milligrams
cc = cubic centimeters

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.

K. Procedures for Determining Compliance.

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

1. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Inspector or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. Upon initiation of an official investigation, the Zoning Inspector or designated Township consultant shall be empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:
 - a. Plans of the existing or proposed facilities, including buildings and equipment.
 - b. A description of the existing or proposed machinery, processes, and products.
 - c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
 - d. Measurement of the amount or rate of emissions of materials purported to be in violation.

2. **Method and cost of determination.** The Zoning Inspector or designated Township consultant shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

3. **Appropriate remedies.** If, after appropriate investigation, the Zoning Inspector or designated Township consultant determines that a violation does exist, written notice of the violation shall be provided to the owners or operators of the facility deemed responsible requesting that the violation be corrected within a specified time limit.

- a. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, the Zoning Inspector or designated Township consultant shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.

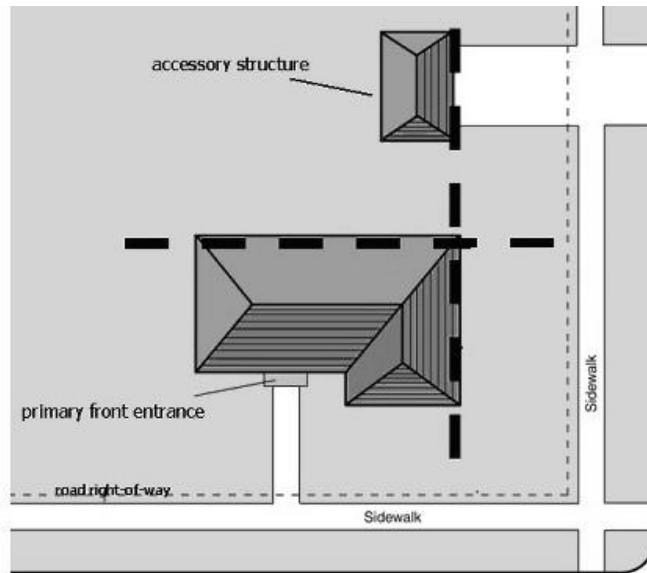
- b. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Township shall take such action as may be warranted to correct the violation. in accordance with the regulations set forth in this Section.

- c. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Township may grant an extension upon determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.

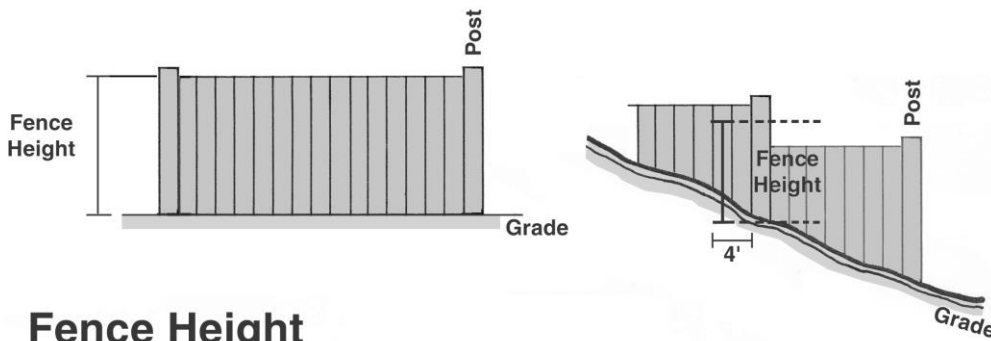
- d. **Reply requesting technical determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Township may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

4. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to other applicable penalties under this Ordinance.

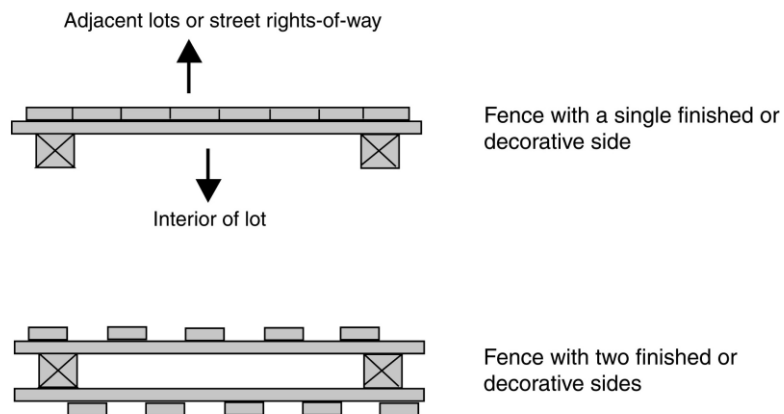
ILLUSTRATIONS



Accessory Structure Location on Corner Lot



Fence Height



Orientation of Finished Side - Top View

ARTICLE 7

SPECIAL DISTRICT REGULATIONS

Section 7.001 Authority to Establish Special Districts.

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

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

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

Section 7.002 Scope.

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

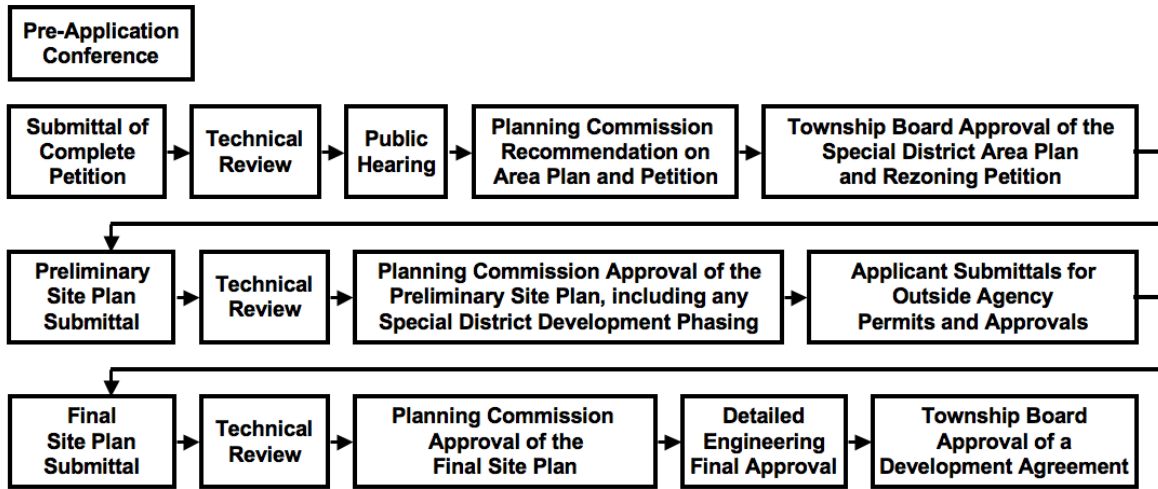
1. The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of the Area Plan, and on approved final site plans, and any attached documents shall have the full force and permanence of this Ordinance as though such regulations were specifically set forth in this Ordinance.
 - a. Such regulations shall be the continuing obligation of any subsequent interests and assigns in a Special District and shall not be altered except in accordance with Section 7.106 (Amendment and Revision).
 - b. The approved plan(s) and any documents attached thereto shall control any subsequent planning or development at any stage in the process.
2. A parcel of land that has been classified as a Special District by the Township Board shall not thereafter be developed or used except in accordance with the approved Area Plan, and approved preliminary and final site plans.
3. No construction, grading, cutting of trees or other vegetation, soil stripping, excavating, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot with or under application for a Special District classification, until the requirements of this Article have been met.

Section 7.003 Regulatory Flexibility.

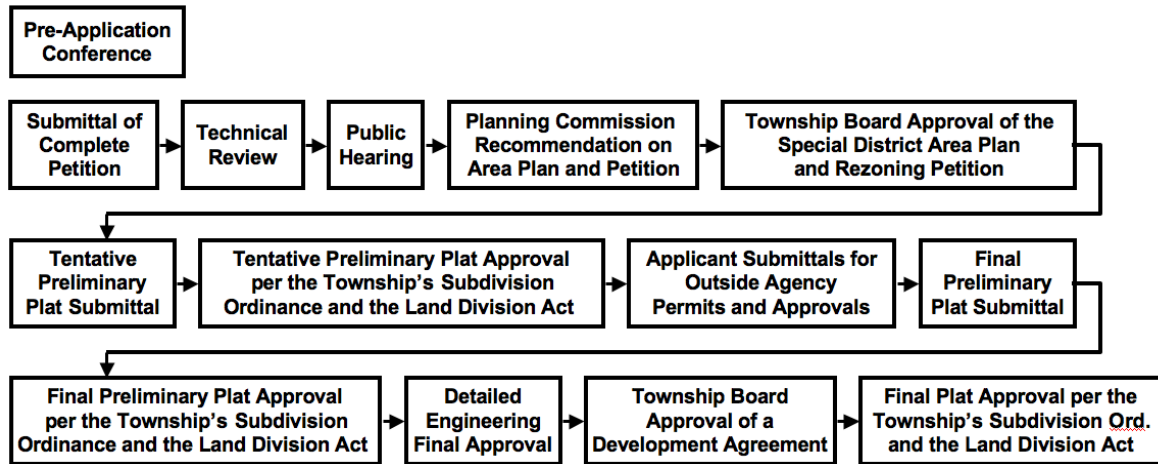
Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, all standards of this Ordinance shall be applicable to uses and development in a Special District. To encourage flexibility and creativity consistent with the intent of this Article, limited deviations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

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

SECTION 7.100 REVIEW PROCEDURES



Special District Approval Process - Site Plans



Special District Approval Process - Subdivision Plats

Section 7.101 Pre-Application Conference.

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

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

Section 7.102 Petition Requirements.

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

A. Special District Approval Procedures.

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

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

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

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

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

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

- a. This time limit may be extended by agreement between the petitioner and the Planning Commission.
 - b. The report to the Township Board shall state the Planning Commission's findings of fact and conclusions on the petition for Special District approval; including an analysis of the petition's compatibility with the Growth Management Plan, an analysis of any proposed deviations from applicable Zoning Ordinance standards, recommendation(s) for action, and any recommended conditions relating to an affirmative decision.
6. **Township Board action.** The Township Board shall review the petition, report and recommendation of the Planning Commission, the public hearing record, and any other reports thereon; and shall take action to approve, approve with conditions, deny or postpone to a date certain for future consideration the petition.
- a. As part of its action, the Township Board shall reference the Planning Commission's report, and shall state the basis for its decision and any conditions imposed on an affirmative decision.
 - b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed petition, the Board may refer the request back to the Planning Commission for further review and recommendation within a time specified by the Board, prior to Township Board action thereon.
 - c. Reasonable conditions may be required with the approval of a Special District petition and Area Plan. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the Township as a whole.
 - (2) Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.

- (3) Be necessary to meet the intent and purposes of this Article and Ordinance, be related to applicable standards of this Ordinance, and be necessary to ensure compliance with those standards.
7. **Petitioner review and agreement.** If the Township Board approves the petition, the petitioner shall review the petition in its approved form, including any conditions of approval. The petitioner and all owner(s) of record of all property included within a Special District or the legal representatives of said owner(s) shall then sign a statement that the approved petition and Area Plan shall be binding upon the petitioner and owner(s) of record and upon their heirs, successors, and assigns. The petition and Area Plan shall not be officially approved nor may the petitioner submit a preliminary or final site plan, where applicable, until the signed statement has been received by the Township Clerk.
8. **Changes to the Official Zoning Map.** Following the official approval of a petition by the Township Board and receipt of the signed statement from the petitioner and owner(s) of record as specified above, the Special District designation shall be noted on the Official Zoning Map in accordance with the procedures specified in Section 2.205B (Changes to Official Zoning Map).

C. Standards of Petition Review.

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

1. **Growth Management Plan policies.** The proposed development shall conform to the adopted Growth Management Plan.
2. **Ordinance standards.** The proposed development shall conform to the intent, regulations, and standards of the proposed Special District and this Ordinance.
3. **Public facilities.** The proposed development shall be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, and refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the Township Board, such facilities and services.
4. **Open space and recreation areas.** The common open space, any other common properties, individual properties, and all other elements of a Special District are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
5. **Common areas and improvements.** The petitioner shall have made satisfactory provision to ensure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for the

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

6. **Location and layout.** The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site, and assembly of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children, relationship of the proposed project to main thoroughfares and street intersections, and the general character and intensity of the existing and potential development of the neighborhood.
7. **Compatibility of land uses.** The proposed use(s), mix of housing unit types and densities, or mix of residential and non-residential uses shall satisfy the intent of the proposed Special District, conform to applicable use standards and limitations, and be acceptable in terms of convenience, privacy, compatibility, and similar standards.
8. **Minimize adverse impacts.** That noise, odor, light, or other external effects from any source whatsoever, which is connected with the proposed use, will not adversely affect adjacent and neighboring lands and uses.
9. **Preservation of natural features.** The proposed development shall create a minimum disturbance to natural features and landforms.
10. **Streets.** Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
11. **Pedestrian facilities.** Major pedestrian circulation shall be provided for within the site and shall interconnect all use areas, where applicable. The pedestrian system shall provide for logical extensions of pedestrian ways outside the site, and pedestrian connections to the site boundaries, where applicable.

D. Effect of Petition and Area Plan Approval.

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

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

Section 7.103 Site Plan Approval.

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

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

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

Section 7.104 Subdivision Plat Approval.

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

Section 7.105 Phasing of Development.

Development within a Special District may be divided into two (2) or more phases as delineated on the approved Area Plan. Such phasing shall be subject to the following requirements:

1. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities; and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
2. The Township Board, upon recommendation of the Planning Commission, may require that development be phased so that:
 - a. Township, school district, and county property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development.
 - b. No overloading of utility services or community facilities will result.
 - c. The various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any single phase.
3. The Planning Commission may require the petitioner to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a Special District request for recommendation to the Township Board with respect to this requirement.

4. The Planning Commission may require the petitioner to post a performance guarantee per Section 1.08C (Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.
5. Development in accordance with the approved final site plan shall be completed within three (3) years of the date of final site plan approval by the Planning Commission. If said development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent phases of a Special District unless good cause is shown for not completing the phase.

Section 7.106 Amendment and Revision.

Changes to an approved Special District petition, Area Plan, preliminary site plan or final site plan shall be prohibited, except in accordance with this Section. The Planning Commission shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the minutes at the meeting at which the action is taken.

A. Major/Minor Change Review Procedure.

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

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

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

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

B. Major Changes.

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

- 1. Change in concept of the development.
- 2. Change in use or character of the development.
- 3. Change in type of dwelling unit or other structure as identified on the approved Area Plan.
- 4. Increase in the number of dwelling units or other structures.
- 5. Increase in non-residential floor area of over five percent (5%).
- 6. Increase in GFC or FAR of the entire Special District of more than one percent (1%).
- 7. Rearrangement of lots, blocks or building tracts.
- 8. Reduction in land area set aside for common area open space or the relocation of such area(s).
- 9. Increase in building height.
- 10. Any change that will have an adverse impact on neighboring properties or uses.

C. Minor Changes.

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

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

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

Section 7.107 Expiration of Approval.

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

A. Expiration of Area Plans.

An approved Special District Area Plan shall expire unless:

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

B. Expiration of Final Site Plan.

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

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

C. Effects of Expiration.

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

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

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

D. Extension of Area Plan Approval.

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

E. Extension of Preliminary or Final Site Plan Approval.

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

Section 7.108 Rescinding Special District Approval.

Approval of a Special District petition or Area Plan may be rescinded by the Township Board upon determination that the approved Area Plan or development agreement have been violated; that the approved petition or Area Plan has expired per Section 7.107 (Expiration of Approval); or that the site has not been improved, constructed or maintained in compliance with approved plans. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 1.14 (Public Hearing Procedures), at which time the developer of the project, the owner of an interest in land for which Special District approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

Section 7.109 As-Built Drawings.

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

Section 7.110 Compliance Required.

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

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

SECTION 7.200 GENERAL STANDARDS

Section 7.201 Circulation and Access.

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

A. Vehicular Access.

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

B. Pedestrian Access.

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

C. Design and Construction of Streets.

Public and private streets shall be designed and constructed according to established standards for public streets, except where deviations from such standards are approved in accordance with this Section and Section 7.003 (Regulatory Flexibility). If private streets in a Special District are to be dedicated to a public agency in the future, the owners shall first fully agree to bear the full expense of reconstruction or any other action required to make streets suitable for public acceptance.

D. Deviations from Street Design Standards.

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

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

Section 7.202 Utilities.

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

A. Access to Water and Sewer.

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

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

B. Stormwater Management Facilities.

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

C. Utility Lines and Equipment.

Electrical, telephone, and cable television distribution lines shall be placed underground, unless the location(s) of overhead lines and poles has been approved as a deviation in accordance with Section 7.003 (Regulatory Flexibility). Surface-mounted transformers and similar equipment for the underground wires shall be shown on the final site plan and shall be landscaped and screened from view.

Section 7.203 Open Space Regulations.

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

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

Section 7.204 Parking and Loading Requirements.

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

Section 7.205 Common Areas and Facilities.

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

A. Dedication of Common Areas and Facilities.

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

B. Maintenance of Common Areas and Facilities.

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

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

C. Trustee.

Common areas and facilities may be deeded to a trustee who shall be responsible for the collection and disbursement of funds, and who shall account to the individual owners as to the use of their monies. If a trustee is used, the trustee shall employ a professional manager. The trustee may be an HOA, a trust company, or similar organization.

D. Easements.

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

Section 7.206 Outdoor Lighting.

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

SECTION 7.300 ADDITIONAL DISTRICT STANDARDS

Section 7.301 Planned Community (PC) Special District.

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

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

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

A Eligibility Criteria.

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

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

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

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

B. Limitations on Uses.

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

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

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

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

C. Density Regulations.

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

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

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

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

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

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

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

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

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

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

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

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

E. Density Bonus for Exemplary Project Design.

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

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

F. Perimeter Open Space and Yard Requirements.

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

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

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

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

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

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

G. Distances Between Buildings.

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

H. Exterior Views.

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

I. Height Regulations.

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

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

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

J. Cluster Residential.

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

Section 7.302 Medical Services (MS) Special District.

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

A Eligibility Criteria.

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

B. Limitation on Uses

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

C. Density Regulations.

Density shall be regulated as follows:

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

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

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

D. Required Yards.

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

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

E. Distances Between Buildings.

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

F. Height Regulations.

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

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

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

Section 7.303 Planned Manufacturing (PM) Special District.

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

A Eligibility Criteria.

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

B. Limitation on Uses.

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

C. Density Regulations.

Density shall be regulated as follows:

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

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

D. Required Yards.

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

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

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

E. Transition Buffer.

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

F. Distances Between Buildings.

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

G. Height Regulations.

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

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

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

Section 7.304 Village Center (VC) Special District.

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

A Eligibility Criteria.

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

B. Site Plan Approval.

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

C. Location of VC Special Districts.

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

D. Limitations on Uses.

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

E. Landscape Strip.

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

F. Design Standards

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

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

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

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

Section 7.305 Neighborhood Shopping Center (NSC) Special District.

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

A. Eligibility Criteria.

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

B. Site Plan Approval.

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

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

C. Limitations on Uses.

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

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

D. Yard Regulations.

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

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

E. Design Standards.

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

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

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

Section 7.306 Open Space Preservation (OSP) Special District.

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

A. Eligibility Criteria.

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

B. Site Plan Approval.

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

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

C. Density and Height Regulations.

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

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

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

D. Amendments.

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

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

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

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

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

ARTICLE 8

OFF-STREET PARKING AND LOADING REGULATIONS

Section 8.01 Purpose.

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems; to limit 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 8.02 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 8.03 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 48 consecutive hours [amended 12/16/2013, Ord. 174-13].
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 8.09A (Shared Parking Facilities). The minimum required parking for each use shall be located within 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 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 subject to the following:
 - a. The minimum required parking spaces per this Article shall be located on the premises of the principal dwelling.
 - b. Such parking shall be provided in an accessory garage, carport, driveway, paved 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. Required off-street parking facilities shall be located within 100 feet of the principal dwelling served by the facility.
3. 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.
4. The parking of any commercial vehicle or bus exceeding one (1) ton capacity shall be prohibited accessory to 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 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 Special District incorporating RESIDENTIAL USES, shall be subject to the following:

1. Such vehicles and equipment shall not be parked or stored in front of the front building line of the lot and principal building, except for periods not to exceed 72 hours during loading or unloading or similar activities.
2. A maximum of one (1) recreation vehicle owned by a resident of the lot may be stored on a lot outside of an enclosed structure or a well-screened area.
3. 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 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 8.04 Standards for Parking and Loading Calculations.

The following standards shall apply to all parking calculations:

1. **Multiple or mixed uses.** Where more than one (1) principal use exists or is proposed to occupy a site (such as a motor vehicle fueling station with a convenience store and car wash, a restaurant with a drive-through lane, or a mixed-use commercial/residential building), 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. **Floor area.** 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. **Fractions.** 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. **Employees.** 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. **Capacity or permitted occupancy.** 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. **Uses not specifically mentioned.** 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 Inspector deems to be similar in type.
7. **Exempt.** The following uses shall be exempt from the required parking standards of this Section:
 - a. RURAL USES and RESIDENTIAL USES not specifically listed in this Section.
 - b. Public utility and essential service uses.

Section 8.05 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.

The maximum amount of off-street parking permitted for any use shall not exceed one hundred thirty percent (130%) of the minimum parking requirements of this Section. This requirement shall not apply to spaces reserved for off-site uses as part of a shared parking facility agreement per Section 8.09A (Shared Parking Facilities).

C. 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 400 square feet of floor area, plus one (1) per on-duty employee.
Roadside Stand	One (1) per 100 square feet of display area.
Veterinary Clinic, Animal Hospital, or Kennel	One (1) per 500 square feet of floor area, plus one (1) per on-duty employee.
RESIDENTIAL USES	
Accessory Dwelling	One (1) per accessory dwelling unit.
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 Living Facilities; or Dependent, Nursing or Convalescent Care	One (1) per two (2) dwelling units or four (4) beds, plus 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, Town-houses, and Stacked Flats	One and one-half (1.5) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit.
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.

Use	Minimum Required Parking
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 six (6) children of state licensed or authorized capacity, plus one (1) parking space per on-duty employee, plus one (1) stacking space in a designated drop-off/pick-up area per 12 children of state licensed or authorized capacity.
Funeral Parlor or Mortuary	One (1) per four (4) persons allowed within the maximum building occupancy.
Health Club or Fitness Center	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of floor area.
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 on-duty employee, plus 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, Osteopathic, Chiropractic, Optical 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 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.
	For parks, playgrounds, tot lots, and similar uses: One (1), plus one (1) per acre of gross land area.
	For all other uses: One (1) per 7,500 square feet of land area.
Workshop or Studio	One (1) per 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.
	For all other uses: One (1) per 7,500 square feet of land area.
Bank, Credit Union or Similar Financial Institution	One (1) per 300 square feet of floor area.
Big Box COMMERCIAL USES	One (1) per 200 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 capacity of the facility (determined by dividing total service lane length in feet by 25 feet).
Dealership Showroom for Sale or Rental of Recreational Vehicles, Motor Vehicles, Construction Machinery or Similar Durable Goods	One (1) per 500 square feet of floor area of the sales room, plus one (1) per on-duty employee.

Use	Minimum Required Parking
Drive-in or Drive-through Facilities	Two (2) per service window, booth, cubicle or stall, plus six (6) stacking spaces per service lane.
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 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 or Repair Stations	One (1) parking space per on-duty employee, plus one (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 200 square feet of floor area, plus one (1) per on-duty employee.
Restaurants and Food Service Establishments, with Dine-In Seating	One (1) per four (4) 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 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.

Use	Minimum Required Parking
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 listed in this table – established on speculation, or where the end user or number of anticipated employees is not known.	Five (5), plus one (1) per 2,000 square feet of floor area for the proposed principal use(s), plus required parking for 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 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 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 required parking for any accessory office or other uses.

Section 8.06 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:

A. Barrier-Free Parking Requirements.

Barrier-free parking spaces shall be provided at conveniently accessible locations within each parking area built to accommodate five (5) or more vehicles per the State Construction Code and the following (see illustration):

Number of Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required	Accessible Parking Spaces Required
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

B. Landscaping and Screening.

Any off-street parking area providing spaces for five (5) or more vehicles shall be landscaped, and effectively screened from all lot boundaries and road rights-of-way, in accordance with Section 14.10E (Parking Lot Landscaping and Perimeter Screening).

C. 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 15 feet from any side or rear property line, except as follows:
 - a. The required setback may be reduced to a minimum of ten (10) feet where effective screening is provided in accordance with Section 14.10D (Methods of Screening) 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. Each ingress and egress to a parking lot located in any in a Rural, Rural Residential, or Urban Residential District shall be set back a minimum of 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 3.203E (Transition Buffer).

D. Exterior Lighting.

Light fixtures used to illuminate off-street parking areas shall conform to the requirements of Section 14.09 (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 built to accommodate more than five (5) vehicles 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 any 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. Not more than 20 parking spaces shall be permitted in a continuous row without interruption by a landscaped island or similar site element per Section 14.10E (Parking Lot Landscaping and Perimeter Screening).
5. 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.

G. Stacking Spaces.

Where required by this Article, stacking spaces shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

H. 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.

I. 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. A developer or property owner may provide all or part of the proposed parking using spaces wider than the minimum required (such as 10 foot wide spaces).
3. 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 14 feet wide and 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 3.207 (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 8.07 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 25 feet in length and, if a roofed space, not less than 15 feet in height.
 - b. For larger delivery vehicles, such space shall be not less than ten (10) feet in width and 55 feet in length and, if a roofed space, not less than 15 feet in height.
2. All off-street loading, unloading, and standing spaces shall be set back a minimum of 50 feet from any Rural Residential or Urban Residential District, or any Special District that includes RESIDENTIAL USES, except where enclosed within a building or screened to the satisfaction of the Planning Commission, per Section 14.10D (Methods of Screening).
 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 Special District that includes RESIDENTIAL USES.
 5. Each ingress and egress to a loading, unloading, or standing area shall be at least 40 feet from any adjacent property located in any Rural Residential or Urban Residential District, or any 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 5,000 square feet of gross floor area, plus one (1) space for each additional 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.

Section 8.08 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 10.0 (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 1.08C (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.

Section 8.09 Modification of Standards.

Limited modifications to the standards of this Article shall be permitted, subject to the following:

A. Shared Parking Facilities.

Parking facilities for a use shall not be considered as providing the required parking facilities for any other use, unless a shared parking facility has been approved by the Planning Commission in accordance with the following:

1. Prior to approval of a shared parking facility, the Planning Commission shall determine that the operating hours of the uses do not overlap, or the peak activity for each use will occur at different periods of the day or week.
2. The Planning Commission shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces to be permitted in accordance with this subsection.
3. Where shared parking facilities are provided, the minimum number of required parking spaces shall not be less than the sum of the minimum required number of spaces for the largest user of parking, plus one-half (1/2) of the minimum required number of spaces for each additional use as specified in this Article.
4. Where shared parking facilities are provided, the minimum required parking for each use shall be located within 500 feet of a primary entrance to the principal building or use for which the parking is intended.
5. Shared facilities and the permitted reduction in required parking shall be subject to acceptance by the Planning Commission of a shared parking facility agreement between the property owners. The property owners shall record the approved agreement in the Washtenaw County Register of Deeds office, and shall provide two (2) copies of the recorded document to the Township Clerk.

B. 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.

C. Deferment of Parking Spaces.

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space.

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 Inspector has documented three (3) incidents of problem parking on the site.

D. Modification of Paving Requirements.

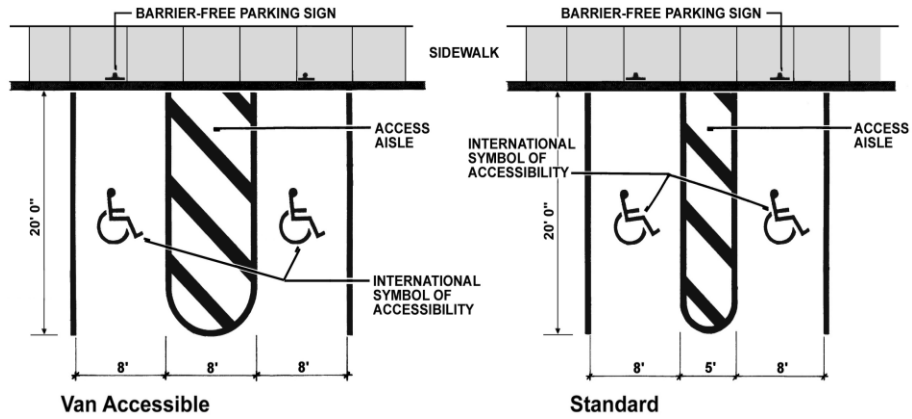
The Planning Commission may approve an alternative paving material or surface for all or part of a parking, loading, unloading, or standing facility, subject to the following:

1. The Planning Commission shall determine that the alternative paving material or surface is more appropriate for a particular site or use.
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 that would provide a durable surface and are acceptable to the Township Engineer.

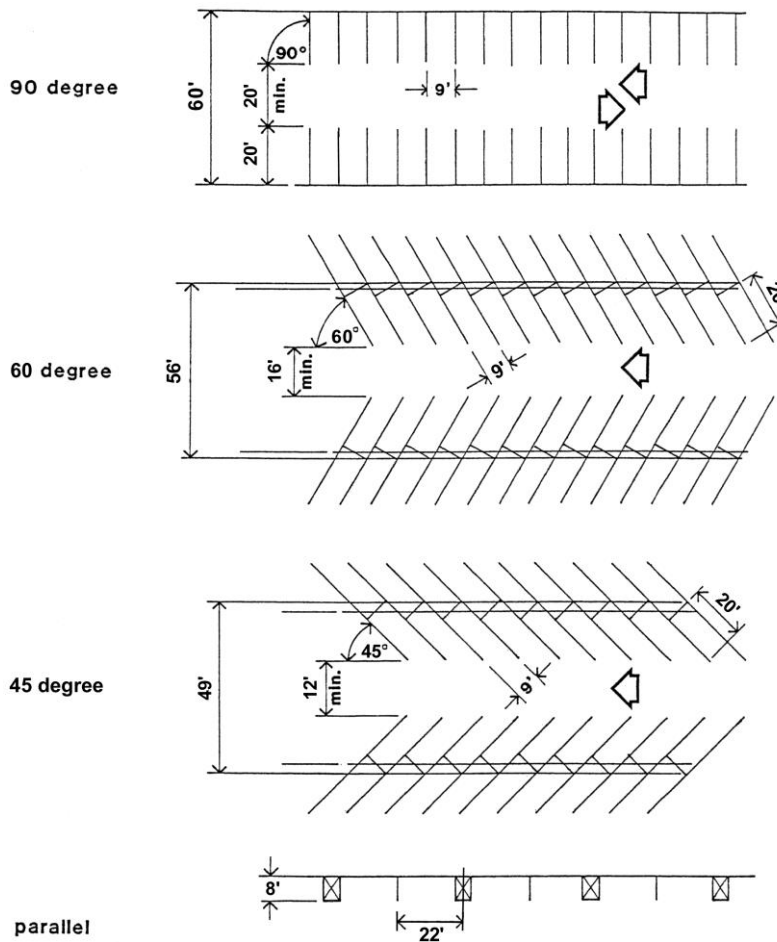
E. Modification of Loading Space Requirements.

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 9 SIGNS

Section 9.01 Purpose.

The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a lot or building in the Township. 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.

It is the intent of this Article that all signs be designed, constructed, and maintained in a manner appropriate in appearance with the intended character of their vicinity so as not to adversely affect the intended character of the zoning district where the sign is located. The provisions of this Article shall be considered to be the minimum necessary to meet the intent and purposes of this Article and Ordinance, and to promote and protect the public health, safety, comfort, morals, and convenience. The further purposes of this Article are to:

1. Encourage free expression of ideas and dissemination of messages in accordance with applicable law, using signs that are compatible with their surroundings and legible under the circumstances in which they are designed to be seen.
2. Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination.
3. Permit such signs as will not, by reason of their size, location, or manner of display, endanger public health or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety.
4. Minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
5. Require timely removal of temporary, damaged, and unsafe signs.
6. Prohibit certain signs which, due to their size, design or placement, have a detrimental impact on the character of their surroundings or the appearance of the Township.
7. Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.

Section 9.02 General Standards.

The following general standards shall apply to signs in all zoning districts:

A. Compliance Required.

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 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 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 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 frame, and electrical equipment. Signs that are in a ripped or worn condition shall be classified as damaged signs for purposes of this Article.
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 purposes of this Article.

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 any roof surface. For purposes of this Article, roof surfaces constructed at an angle of 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 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. Any sign permitted by this Article may contain a non-commercial message.

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.** Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type. Illumination involving searchlights, strings of lights or movements of lights or other devices shall be 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 17.03 (Definitions), shall be prohibited as part of any sign allowed under this Ordinance.

Section 9.03 Signs Allowed Without a Certificate.

The following signs are exempt from Section 9.10 (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.

Seasonal signs accessory to 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 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 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 10 feet from all road rights-of-way, and a minimum of 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) nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed four (4) square-feet in area, and shall be attached flat against the building wall.

D. Construction Signs.

Temporary construction signs 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 10 feet from the edge of pavement for any internal access drive.
Maximum sign area	32.0 square feet
Maximum sign height	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 14 calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.

E. Other Temporary Signs.

Temporary signs not otherwise provided for in this Section shall be subject to the following:

- 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 Name		Maximum Sign Area for All Signs	Maximum Sign Height
Rural Districts	R-C, A-1, and A-2	36.0 square feet	6.0 feet
Rural Residential Districts	R-1 and R-2	18.0 square feet	5.0 feet

Zoning District Name		Maximum Sign Area for All Signs	Maximum Sign Height
Urban Residential Districts	R-3, R-4, R-6, and R-7	12.0 square feet	5.0 feet
Business Districts	C-1, C-2, and O-1	24.0 square feet	6.0 feet
Other District	PSP	18.0 square feet	5.0 feet
Special Districts	PC	18.0 square feet	5.0 feet
	NSC	24.0 square feet	6.0 feet
	VC	18.0 square feet	5.0 feet
	MS	none	none
	PM	18.0 square feet	5.0 feet
	OSP	36.0 square feet	6.0 feet

2. **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.
3. **Right-of-way.** Such temporary signs shall be located outside of all road rights-of-way.
4. **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 Inspector to be in a damaged or unsafe condition. Failure to remove a sign in such condition shall be considered a violation of this Ordinance.
5. **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 as specified in Article 4.0 (Land Use Table).
 - 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 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 curblineline 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 9.05 (Building Mounted Signs).
- 3. Memorial 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 1.14 (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.

Section 9.04 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 9.10 (Certificates of Zoning Compliance for Signs):

A. 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 3.208 (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. 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 9.05 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
Internal or external illumination permitted?	yes	yes	yes	no
Maximum number of sign faces per building-mounted sign	one (1)	one (1)	one (1)	one (1)
Minimum sign height	none	7.5 feet	8.0 feet	none
Maximum permitted sign area of all building-mounted signs	10% of the signable area of the building space occupied by the use			10% of the street level window surface area

1. **Certificate approval.** Approval of a Certificate of Zoning Compliance per Section 9.10 (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 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 90 degrees.
 - b. A maximum of one (1) projecting sign shall be permitted per use, with a maximum sign area of 24 square feet per sign face.
 - 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 9.06 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.

Maximum Ground Sign Height	Minimum Sign Setback from Buildings and Road Rights-of-Way	Maximum Sign Area per Ground Sign	Maximum Number of Ground Signs per Zoning Lot
10 feet	equal to actual sign height	36 square feet	1

1. Approval of a Certificate of Zoning Compliance per Section 9.10 (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 3.208 (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 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 500 feet along the road.

B. Permitted Modifications.

The following modifications to the standards of this Section have been established to:

1. Preserve the character and appearance of the Township's lower intensity use districts through more restrictive standards;
2. Ensure that permitted signage is in reasonable proportion to the land use intensity; and
3. Provide for the specific signage needs of multi-tenant shopping centers and uses that abut primary roadways as defined by the master transportation plans of the Township, or county or state road authorities.

Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning lot:

		Maximum Sign Height	Minimum Sign Setback	Maximum Sign Area per Sign	Maximum Number of Signs
Permitted Modifiers		10 feet	equal to actual sign height	36 square feet	1
Cumulative Modifiers	Located in the R-C, A-1, A-2 or OSP Districts	- 4 feet	no change	- 18 square feet	no change
	Located in the R-1 or R-2 Districts	- 4 feet	no change	- 12 square feet	no change
	Located in the R-3, R-4, R-6 or R-7 Districts	- 2 feet	no change	- 12 square feet	no change
	Located in the PSP or VC Districts	- 2 feet	no change	- 8 square feet	no change
	Total lot frontage on all public road rights-of-way is less than 100 feet	no change	no change	- 8 square feet	no change
	Total lot frontage on all public road rights-of-way exceeds 500 feet	no change	no change	no change	+ 1 additional sign
	Sign abuts a primary paved roadway with a posted speed limit greater than 50 miles per hour	+ 2 feet	no change	+ 18 square feet	no change
	Sign abuts a public road with an existing right-of-way width greater than 90 feet	+ 2 feet	no change	+ 8 square feet	no change
	Lot is occupied by a multi-tenant office building, shopping center or similar group of at least five (5) independent non-residential uses	no change	no change	+ 24 square feet	no change
Total Permitted with Modifiers:		_____ feet	_____ feet	_____ square feet	_____ sign(s)

Section 9.07 Signs in the Special Districts.

Signs permitted in the Special Districts shall be subject to the following additional standards:

A. Medical Services (MS) District.

Signs within the MS Special 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 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 9.13 (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 9.13 (Sign Exceptions) shall not apply to signs in an approved PC District.

C. Other Special Districts.

Signs within all other Special Districts shall conform to all applicable requirements of this Article.

Section 9.08 Billboards.

Billboard signs, as defined in Section 17.03 (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 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 Growth Management 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 9.11 (Nonconforming Signs). The Zoning Inspector shall be responsible for maintaining an inventory of the location and condition of existing billboard signs in the Township.

Section 9.09 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 9.08 (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 9.10 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 1.07 (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 Inspector 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 Inspector 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 Inspector 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 9.11 Nonconforming Signs.

All legal nonconforming 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 9.02 (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 9.02G (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 9.02G (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 3.208 (Corner Clearance Zones).
- (3) The existing sign setback distance shall be maintained or increased by the permitted alterations.

Section 9.12 Sign Removal by Township Action.

The Zoning Inspector 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 30 calendar days after notification by the Zoning Inspector. 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 15 calendar days after notification by the Zoning Inspector. 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 Inspector 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 Inspector may order the removal of any sign determined to be unsafe without prior notice. After removal, the Zoning Inspector 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 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 9.11 (Nonconforming Signs) requirements.

E. Temporary Signs.

The Township may remove without notice any temporary sign determined by the Zoning Inspector to be in violation of this Ordinance. A removed sign shall be held by the Zoning Inspector for seven (7) calendar days, after which it may be discarded.

Section 9.13 Exceptions.

Any party who has been denied a Certificate of Zoning Compliance for a proposed sign may file a petition for an exception to provisions of this Article with the Zoning Board of Appeals within 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 9.10 (Certificates of Zoning Compliance for Signs).

The Township Clerk shall transmit the application and information to the Board of Appeals and to the Zoning Inspector.

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 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 1.14 (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 9.04A (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 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 500 feet along the road.

D. Other Sign Exceptions.

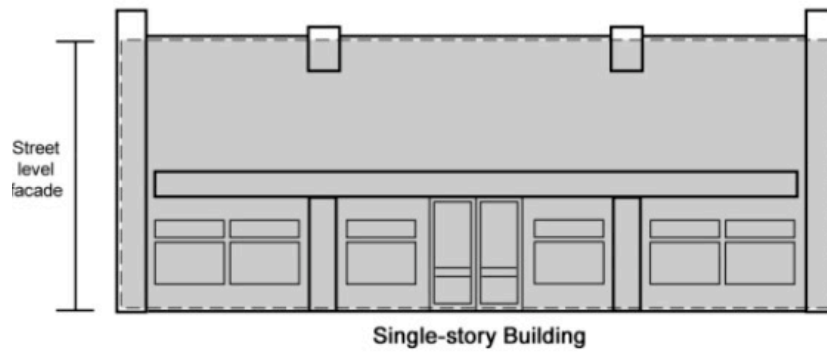
For all other sign exception petitions, the Board of Appeals shall consider the following exception standards, the intent and purposes of this Article, and any other factors deemed relevant in determining whether to grant an exception from provisions of this Article:

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.

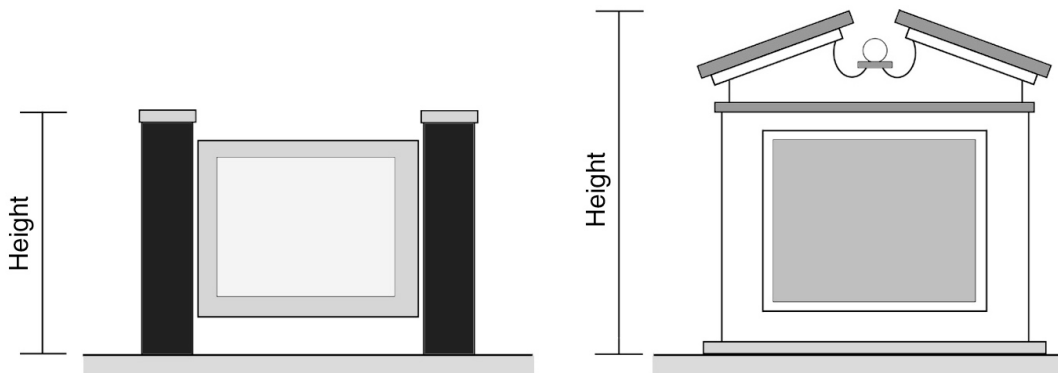
E. Findings and Conditions.

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.

ILLUSTRATIONS

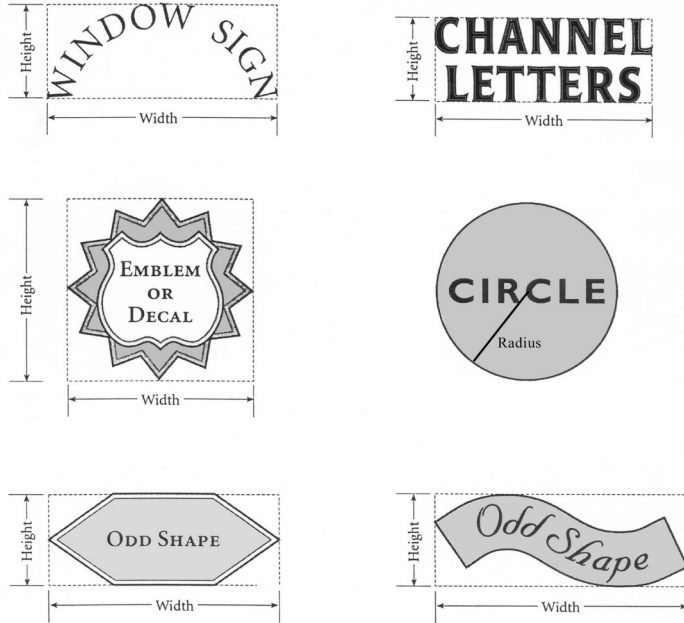


Signable Area

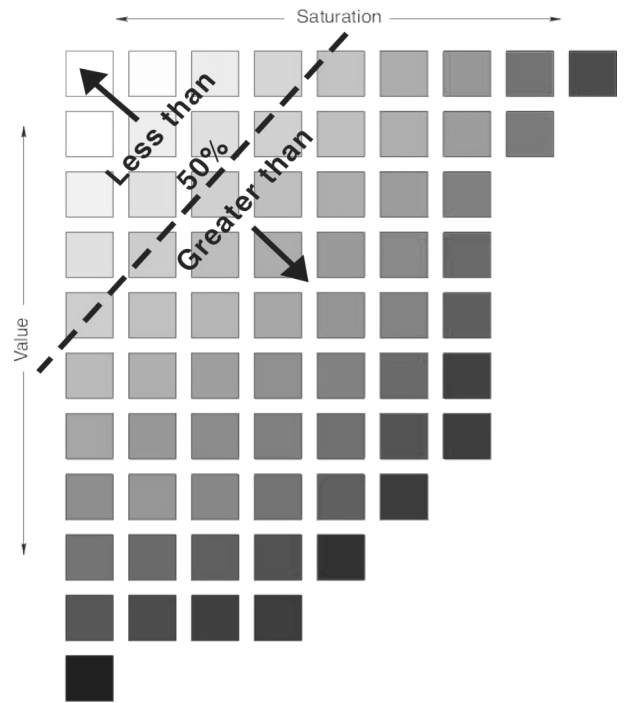


Sign Height

ILLUSTRATIONS



Computation of Sign Area



Color Value and Saturation



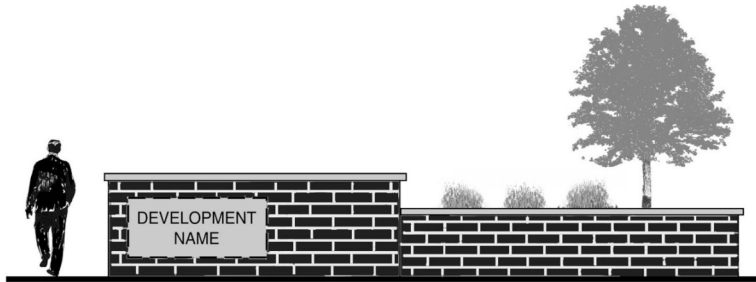
External illumination
only



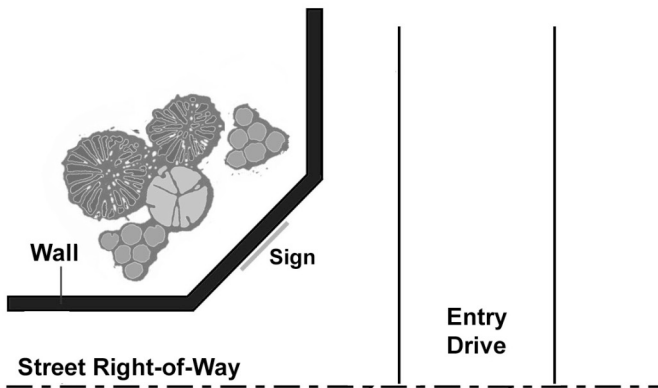
Internal illumination
permitted

Sign Illumination

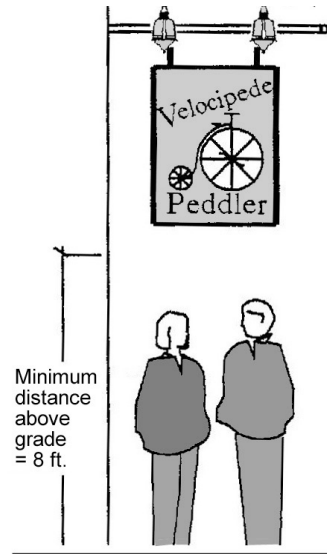
ILLUSTRATIONS



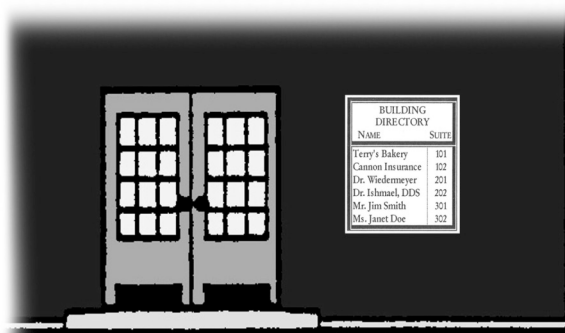
Portable Signs



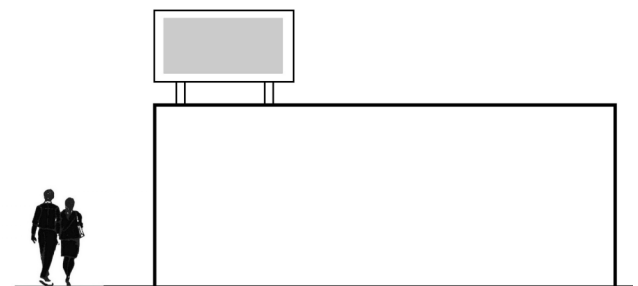
Site Entry Feature With Signage



Projecting Sign Detail

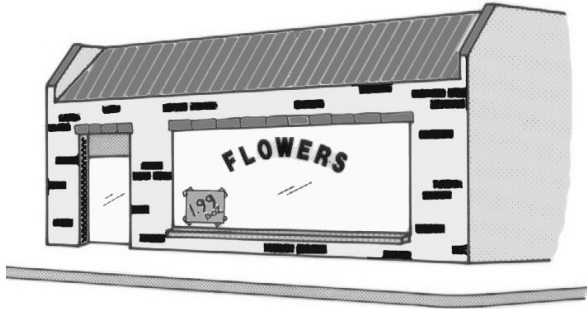


Building Directory

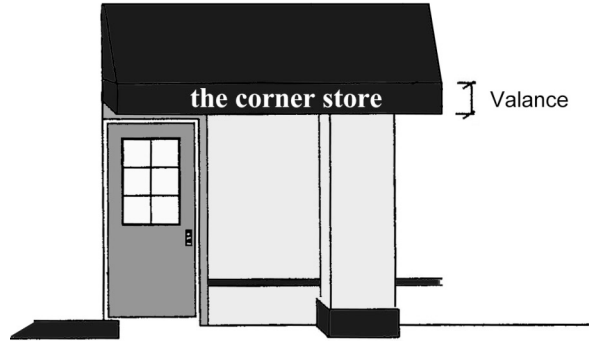


Roof Sign

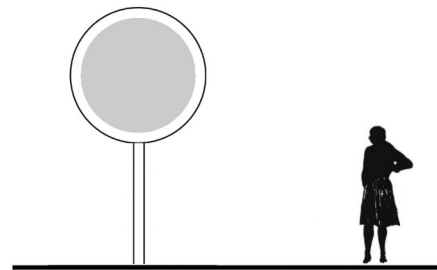
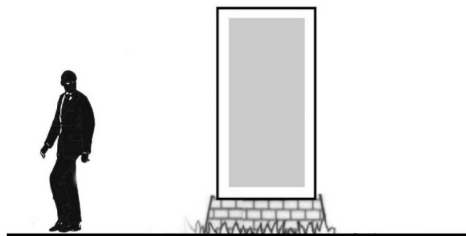
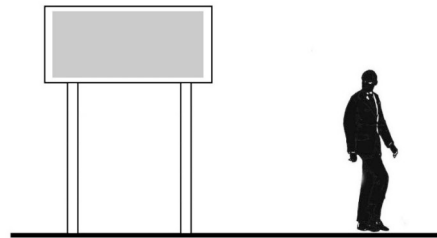
ILLUSTRATIONS



Window Sign



Awning Sign



Various Types of Ground Signs

ARTICLE 10

SITE PLAN REVIEW

Section 10.01 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. Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity. It is the further purpose of this Article to protect natural, cultural, and civic resources; minimize adverse impacts on adjacent properties and surrounding areas; encourage cooperation and consultation between the Township and the applicant; and facilitate development in accordance with the Growth Management Plan.

Section 10.02 Site Plan Approval Required.

The Zoning Inspector shall not issue a Certificate of Zoning Compliance and the Building Inspector shall not issue a Building Permit for construction of or addition to any structure or use for which site plan approval is required until a site plan has been approved and is in effect. No use for which site plan approval is required shall be commenced or expanded, nor shall the Zoning Inspector issue a Certificate of Zoning Compliance, nor shall the Building Inspector issue a Certificate of Occupancy for such use until a site plan has been approved and is in effect. Except where authorized per Section 10.05F (Effect of Preliminary Site Plan Approval), no grading, cutting of trees or other vegetation, excavation, land-filling, 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 1.07 (Certificates of Zoning Compliance):

1. All conditional uses, subject to the provisions of Article 11.0 (Conditional Uses).
2. All RURAL USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards). All RURAL USES subject to the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from site plan approval.
3. All RESIDENTIAL USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards). The following RESIDENTIAL USES shall be exempt from site plan approval:

- a. One (1) single-family detached dwelling and customary accessory structures on an existing residential lot of record.
 - b. One (1) two-family or duplex dwelling and customary accessory structures on an existing residential lot of record.
 - c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
 - d. Establishment of a home occupation listed in Section 5.204 (Home Occupations) as a permitted accessory use.
4. All OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES, as specified in Article 4.0 (Land Use Table).
 5. All OTHER USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards).
 6. Construction, expansion or alteration of a manufactured housing park shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 5.205 (Manufactured Housing Parks).
 7. Creation, expansion or alteration of a Special District project shall be subject to approval in accordance with the procedures and standards of Article 7.0 (Special District Regulations).
 8. 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 12.0 (Condominium Regulations).
 9. 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 14.01 (Open Space Preservation Residential Development).
 10. Construction, expansion or alteration of a wireless communications facility shall be subject to approval in accordance with the procedures and standards of Section 14.02 (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 5.204 (Home Occupations).
8. Landscaping and maintenance operations and snow removal operations in a Rural District.
9. Temporary outdoor sales in accordance with Section 5.412 (Temporary Outdoor Sales).
10. A change of use for an existing building, construction of an addition to an existing building, or expansion of an existing, conforming use, subject to the following:
 - a. The site has previously received site plan approval.
 - b. The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
 - c. No variances to the requirements of this Ordinance are required.
 - d. The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 1,000 square feet, whichever is less.
11. Similar projects and uses, as accepted by the Zoning Inspector.

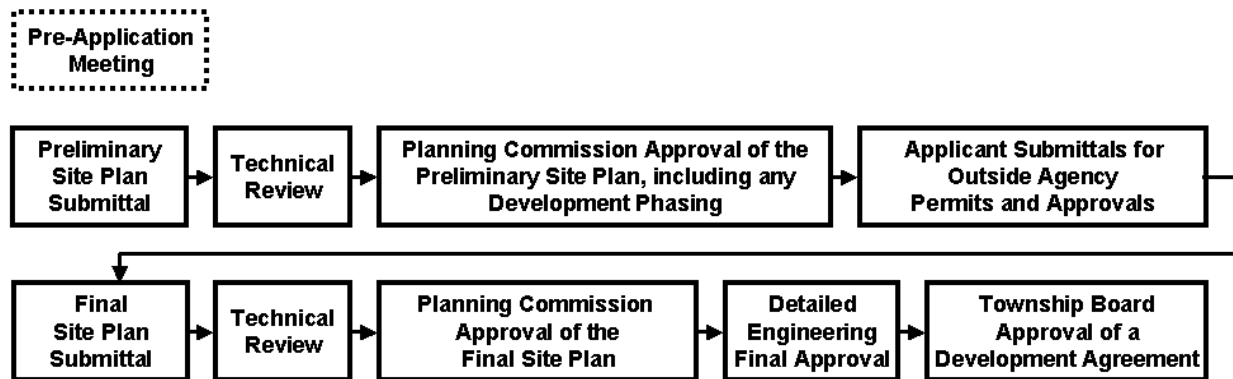
The Planning Commission shall have the authority to require submittal of a preliminary and a final site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional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

C. Administrative Approval.

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

1. Incidental changes during construction due to unanticipated site constraints or outside agency requirements, consistent with an approved site plan.
2. Incidental landscaping changes or species substitutions, consistent with an approved site plan.

3. Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.
4. Construction of an accessory structure for a multiple-family or non-residential use, or installation of screening around a waste receptacle, mechanical unit or similar equipment.
5. Sidewalk or pedestrian pathway construction, and barrier-free access improvements.
6. Incidental exterior lighting changes that conform to Section 14.11 (Exterior Lighting).



Preliminary and Final Site Plan Approval Process



Minor Site Plan Approval Process

Section 10.03 Pre-Application Meeting.

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

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

Section 10.04 Applications for Site Plan Approval.

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

A. Application Submittal and Technical Review.

Application shall be made by filing all completed forms and sixteen (16) full-size copies of the site plan drawing(s) with the Township Clerk, and payment of required review fees and escrow deposits to the Township Treasurer.

1. Any application or site plan that does not satisfy the information requirements of this Article shall be considered incomplete, and shall be returned to the applicant.
2. The Township Clerk, upon receipt of all required application materials, shall forward the site plan and application materials to the Planning Commission, with copies to the Township Planner and other designated Township officials and consultants.
 - a. A preliminary site plan for RESIDENTIAL USES or COMMERCIAL USES on a lot within the Fleming Creek Watershed, as defined in Section 17.03 (Definitions), shall be forwarded to the Fleming Creek Advisory Council per Section 14.12 (Fleming Creek Area Developments).
 - b. A minor or preliminary site plan for a lot located in the Dixboro community, as defined in the adopted Growth Management Plan, shall be forwarded to the Dixboro Design Review Board per Section 14.04 (Design Review).
3. Each final site plan shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered or licensed in the State of Michigan and shall bear the professional seal of the preparer. [amended 6/18/2018, Ord. 174-21]

B. Information Required.

Each application for site plan approval shall include all required information for the type of site plan under review, as specified in Section 10.07 (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 10.05 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 Inspector, Fire Chief, Township Engineer, and such other officials and agencies that may have an interest in or be affected by the proposed development.

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

A. Environmental Contamination and Remedial Action.

If the Planning Commission, in its discretion, determines that the prior or current uses of, or activities on, the land indicate the possibility of environmental contamination, it may require that the applicant provide evidence that no such contamination exists (e.g., through a Level II investigation or such other environmental assessment as the Planning Commission, in its discretion, shall deem advisable).

In the event that 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 10.10 (Standards of Site Plan Approval), have been met by the applicant.

C. Actions.

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

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

D. Recording of Site Plan Action.

Planning Commission action on the minor, preliminary, or final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval.

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

E. Effect of Minor Site Plan Approval.

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

Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

F. Effect of Preliminary Site Plan Approval.

Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 10.10 (Standards for Site Plan Approval). The Planning Commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Township for preliminary site work to begin for soils exploration and incidental site clearing. The conditions which may be attached to such permits shall include, but shall not be limited to:

1. Measures to control erosion.
2. Exemption of the Township from any liability if a final site plan is not approved.
3. Provision of a performance guarantee per Section 1.08C (Performance Guarantees) for site restoration if work does not proceed to completion.

G. Effect of Final Site Plan Approval.

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance, and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 14.03 (Development Agreement). Execution of the Development Agreement authorizes issuance of a Building Permit to begin site work or construction, provided all other construction and engineering requirements have been met. No site work or construction shall begin prior to the execution and recording of the Development Agreement.

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

Section 10.06 Combining Preliminary and Final Site Plans.

An applicant may, at the applicant's discretion and risk and with 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 10.07 Required Site Plan Information.

The following minimum information shall be included with each application for approval of a minor site plan, preliminary site plan, final site plan, or Special District Area Plan per Article 7.0 (Special District Regulations). An item of required information not applicable to the project or site may be omitted from a site plan, subject to acceptance by the Planning Commission:

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, engineer, landscape architect or land surveyor registered or licensed in the State of Michigan shall bear the individual's professional seal.	●	●	●	●
Location, address(es), and tax identification number(s) of subject parcel(s).	●	●	●	●
Dimensions of the site, and the gross and net land area.	●	●	●	●
Legal description(s) of the subject parcel(s).		●	●	●
Legal description of the proposed development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.			●	●
Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.				●
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.		●	●	●
Gross and net dwelling unit density for residential projects.		●	●	●
General description of the number, size ranges, and types of proposed dwelling units; and proposed facade materials.		●		
A schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units, and lot area per dwelling unit.			●	●
Average initial sales price ranges for dwelling units to be offered for sale, and average initial rents of rental dwelling units.		●		●
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	●	●	●	●

Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
SITE PLAN DATA AND NOTES				
Vicinity map showing the general location of the site.		●	●	●
Scale, north arrow, initial plan date, and any revision date(s).	●	●	●	●
Preliminary and final site plans shall be drawn to an engineer's scale not greater than 1:100 and appropriate for the required sheet size of 24 inches by 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 8.5 inches by 14 inches (minimum) and 24 inches by 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.	●		●	●
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.				●

Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
Location, area, and dimensions of any outdoor sales, display or storage areas.	●		●	●
Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross section showing materials and dimensions.			●	●
BUILDING DESIGN AND ORIENTATION				
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	●	●	●	●
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.			●	●
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.			●	●
Conceptual drawings of exterior building façades for principal buildings and building additions, drawn to an appropriate scale.		●		
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.	●		●	●
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.				●
ACCESS AND CIRCULATION				
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.		●	●	●
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	●	●	●	●
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.			●	●

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 14.05 (Natural Features Protection) or the Township Wetlands Ordinance; including type, location, size, and species; slopes from 12% to 25% and steep slopes 25% and above; clear indication of all features to be preserved, removed, or altered; and proposed mitigation measures.				●
Delineation of the 100-year floodplain on and abutting the site [see Section 14.05D (Floodplains)].		●	●	●
Description of groundwater recharge areas located on the subject parcel(s), and a rough delineation of their borders [see Section 14.05E (Groundwater Recharge Areas)].			●	●
Delineation of all vegetation within required open space setback from watercourses and wetlands per Section 14.05B (Watercourses and Wetlands).				●
Outdoor open space and recreation areas; location, area, and dimensions.		●	●	●
Description of the organization that will own and maintain open space and recreation areas, and a long-term maintenance plan for such areas.				●
SCREENING AND LANDSCAPING				
Location and size of required landscape strips, if applicable.		●	●	●
General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.	●		●	●
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.				●
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.				●

Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
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 14.09B (Residential Building Exteriors).				●
UTILITIES, STORMWATER MANAGEMENT, AND GRADING				
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities.		●	●	●
Location and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site.			●	●
Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.			●	●
Layout, line sizes, inverts, hydrants, flow patterns, and location of manholes and catch basins for proposed sanitary sewer and water supply systems.				●
Calculations for capacity of stormwater management and drainage facilities.				●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.				●
General areas of intended filling or cutting.		●	●	●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 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.				●
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 Growth Management Plan.	●	●	●	●

Section 10.08 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 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 365 calendar days from the date of approval and shall expire and be of no effect unless a application for final site plan approval for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period.

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

C. Expiration of Final Site Plan Approval.

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

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

D. Extension of Site Plan Approval.

The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a minor, preliminary, or final site plan approval for up to 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 10.09 Phasing of Development.

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

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
4. The Planning Commission may require the applicant to post a performance guarantee per Section 1.08C (Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

Section 10.10 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:

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Plan
All required information has been provided.	●	●	●
The proposed development conforms to all regulations of this Ordinance for the district(s) in which it is located and all other applicable regulations and ordinances; and are compatible with the adopted Growth Management Plan.	●	●	●
The applicant is legally authorized to apply for site plan approval.	●	●	●
The proposed development will be harmonious with and not harmful, injurious, or objectionable to existing and future uses in surrounding area, or the environment.	●	●	●
Preservation and/or mitigation of natural resources conforms to the standards of Section 14.05 (Natural Features Protection), and the development as proposed will not cause soil erosion or sedimentation.		●	●
The proposed development respects natural topography and minimizes the amount and extent of cutting and filling.		●	●

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Pan
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.			●
Grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect adjacent properties or the surrounding area.			●
Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.			●
The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●		●

Section 10.11 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 1.11C (Performance Guarantees) [amended 12/16/2013, Ord. 174-13].

Section 10.12 Amendment and Revision.

Changes to an approved minor, preliminary, or final site plan shall be prohibited, except in accordance with this Section and Article. The Planning Commission shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the minutes at the meeting at which the action is taken.

A. Major/Minor Change Review Procedure.

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

1. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and petitioner; such as technical causes, site conditions, state or federal projects, or changes in state laws.
 - a. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
 - b. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
2. The Planning Commission shall determine whether the requested change is major or minor, as defined in this Section.
 - a. Major changes, as determined by the Planning Commission per Section 10.12B (Major Changes), shall require an amendment to the approved site plan. Submittal and approval of such amendments shall follow the procedures of this Article for a new site plan approval application.
 - b. Minor changes, as determined by the Planning Commission per Section 10.12C (Minor Changes), shall require Planning Commission approval, including, at the Commission's discretion, revised site plan drawings.
 - (1) The applicant and owner(s) of record or legal representative of such owner(s) shall sign revised drawings requested by the Planning Commission as part of an approval of a minor change.
 - (2) The Planning Commission shall notify applicable agencies with jurisdiction if it approves a minor change.

B. Major Changes.

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

1. Change in concept of the development.
2. Change in use or character of the development.
3. Change in type of dwelling unit or other structure as identified on the approved site plan.
4. Increase in the number of dwelling units or other structures.
5. Increase in non-residential floor area of over five percent (5%).
6. Increase in GFC or FAR of more than one percent (1%).
7. Rearrangement of lots, blocks or building tracts.
8. Reduction in land area set aside for common area open space or the relocation of such area(s).
9. Increase in building height.
10. Any change that will have an adverse impact on neighboring properties or uses.

C. Minor Changes.

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

1. A change in residential floor area.
2. An increase in non-residential floor area of five percent (5%) or less.
3. Minor variations in layout that do not constitute major changes.
4. An increase in GFC and FAR of one percent (1%) or less.
5. A decrease in the number of approved dwelling units.

Section 10.13 Rescinding Final Site Plan Approval.

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

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.14 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan

approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** 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 or designated agent.

Section 10.14 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:

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

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

Section 10.15 Inspection.

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

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

approved final site plan. The Zoning Inspector 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 10.16 Violations.

A site plan approved under this Article shall have the full force of this Ordinance. Any violation of such approved plan shall be grounds for the Township Board or Zoning Inspector 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 1.13 (Violations and Penalties).

ARTICLE 11

CONDITIONAL USES

Section 11.01 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 may be essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such conditional uses are appropriate and not essentially incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without restrictions or conditions being imposed by reason of special problems or issues presented by the use or its particular location in relation to neighboring properties.

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 11.02 Scope.

This Ordinance, therefore, requires approval of a Conditional Use Permit for every use listed in the several zoning districts as conditional uses. This Article specifies the procedures and standards to be followed in granting such permits. If the Conditional Use Permit application is in compliance 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 11.03 Application Procedure.

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

A. Filing of Application.

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

B. Eligibility.

The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which Conditional Use Permit approval is sought, or by the

owner's designated agent. Applications that are found by the Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.

C. Information Required.

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

1. The applicant's name, address, 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 buildings, drives and other improvements.
6. A detailed description of the proposed use.
7. A site plan meeting the requirements of Article 10.0 (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 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 undertake a study of the application. A public hearing shall be held on the petition and notice shall be given in accordance with Section 1.14 (Public Hearing Procedures).

Section 11.04 Authority to Grant Permits.

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

Section 11.05 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. Postponing.

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

B. Approval or Denial.

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

1. The Planning Commission's decision, all findings of fact and conclusions forming the basis for the decision, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting.
2. Upon determination that the Conditional Use Permit application conforms to all applicable standards of this Ordinance, other applicable ordinances, and state and federal statutes, the Conditional Use Permit shall be approved.

C. 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 of 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 proposed use will be compatible with the natural environment and existing and future land uses in the vicinity;

- c. The proposed use will be compatible with the Growth Management 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 5.0 (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 with jurisdiction.

Section 11.06 Conditions of Approval.

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

A. Conditions.

In granting a Conditional Use Permit, the Planning Commission shall impose any conditions it deems necessary to achieve the objectives and standards of this Ordinance and the Growth Management 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 1.13 (Violations and Penalties).

C. Effect and Modification of Permit.

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

1. A public hearing shall be held on any proposed changes as required for an original application.
2. Any such approved changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.

Section 11.07 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 1.14 (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. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

Section 11.08 Re-Application.

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

Section 11.09 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.

1. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.
2. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for rescinding Conditional Use Permit approval.
3. The Zoning Inspector, Township Planner or other Township designee may make periodic investigations of developments for which a Conditional Use Permit has been approved.

ARTICLE 12

CONDOMINIUM REGULATIONS

Section 12.01 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.

Section 12.02 Scope.

The standards set forth in this Article shall be considered minimum requirements. Where the adopted Growth Management Plan or other provisions of this Ordinance or other applicable state laws or Township ordinances require higher standards, such higher standards shall apply.

Section 12.03 Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with all applicable standards of this Ordinance:

1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), the condominium unit shall be considered a lot under this Ordinance.

2. **Attached residential or multiple-family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance for multiple-family dwellings.
3. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district and type of land use.

Section 12.04 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 10.0 (Site Plan Review), and the following:

A. 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 10.07 (Required Site Plan Information).

B. Final Condominium Site Plan Requirements.

The final condominium site plan shall include all information required for final site plans per Section 10.07 (Required Site Plan Information), and all information required by the Condominium Act.

C. 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. Principal buildings or detached dwellings on proposed condominium lots may be shown on the site plans, but shall not be required for site condominium development approval.

Section 12.05 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 10.12 (Amendment and Revision). In the event that the

condominium development is located in a Special District, such changes shall be subject to Section 7.106 (Amendment and Revision).

Section 12.06 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 Section 10.02 (Site Plan Approval Required), a site plan for that building, structure, or use shall be approved in accordance with Article 10.0 (Site Plan Review) before a building permit or Certificate of Zoning Compliance may be issued.

Section 12.07 Condominium Site Plan Expiration.

Expiration of preliminary and final condominium site plans shall be subject to the provisions of Section 10.08 (Expiration of Site Plan Approval). In the event that the condominium development is located in a Special District, expirations of approval shall be subject to Section 7.107 (Expiration of Approval).

Section 12.08 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 Section 10.13 (Rescinding Site Plan Approval). In the event that the condominium development is located in a Special District, such action shall be subject to Section 7.108 (Rescinding Special District Approval).

Section 12.09 Density Regulations.

For the purposes of this Ordinance, 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, as specified in Article 3.0 (Dimensional Standards). 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.

1. 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.
2. 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.
3. Where detached units are not located on individual lots ("zero lot line condominium dwellings"), the following standards shall apply:
 - a. The maximum residential dwelling unit density for a site condominium development consisting all or part of zero lot line condominium dwellings shall conform to the standards of Article 3.0 (Dimensional Standards) for the zoning district.
 - b. Required yards shall be measured from:
 - (1) The building envelope boundaries to abutting road rights-of-way;
 - (2) Required perimeter setback lines from parcel boundaries;
 - (3) Required setback lines from wetlands and watercourses; and
 - (4) 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.
4. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
5. Residential condominium developments shall conform to the dwelling unit density standards for the zoning district, as specified in Article 3.0 (Dimensional Standards).
6. A condominium is eligible to be developed in accordance with Section 14.01 (Open Space Preservation Residential Development).

Section 12.10 Design and Development Standards.

The following shall apply to all condominium units and developments in the Township:

A. Use Standards.

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

B. 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.

1. Corner lots shall have extra width to permit appropriate building setback. Lots abutting a mid-block cross access pedestrian way or other right-of-way shall be treated as corner lots.
2. 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:
 - a. Lots may back onto the above features, and corner lots may abut such features. Such lots shall be separated therefrom by a minimum 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 part located outside of any road rights-of-way and utility easements.
 - b. Lots may face onto a marginal access street.
 - c. Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets.
 - d. Lots may be grouped around a cul-de-sac or loop street that opens onto a primary road or collector street.
3. **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.
4. **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.

5. **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:
 - a. A suitable site for placing a house without excessive grading.
 - b. A usable area for outdoor living and other outdoor activities.
 - c. Adequate surface drainage away from the house site and outdoor living areas.
 - d. Reasonable driveway grades.
 - e. Minimal general site grading with retention of significant trees and other vegetation.
 - f. Minimal use of acute angles and odd, non-geometric shapes as part of the lot.
6. **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 provisions of this Ordinance.

C. 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:

1. **Layout.** Road and street layout shall conform to the adopted Growth Management Plan and the following:
 - a. 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 7.0 (Special District Regulations).
 - b. 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.
 - (1) The layout shall also provide for proper projection of streets into adjoining properties not yet developed.

County Road Commission standards. A landscaped median strip at least 20 feet wide shall be provided between a marginal access street and the adjacent road.

6. **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.
7. **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 90 degrees without a change in street name.
8. **Blocks.** Blocks generally shall be not less than 330 feet or more than 1,320 feet in length as measured from the centerlines of streets, subject to the following:
 - a. 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.
 - b. For blocks exceeding 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.
 - c. 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.

D. Access.

Pedestrian and vehicular access to residential lots in a condominium development shall conform to the following standards:

1. **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.
2. **Reserve strips.** Privately held reserve strips controlling access to streets shall be prohibited.
3. **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 discretion 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 20 foot wide access easement.

E. Natural Features.

All condominium developments shall conform to the natural features preservation requirements of this Ordinance and other applicable Township ordinances, including Section 14.05 (Natural Features Protection).

F. Trees.

Trees shall be provided in the margins of both sides of all streets in a condominium development, and shall be placed at the minimum rate of two (2) per single-family residential lot or at a maximum distance apart of 60 feet. The Planning Commission may also require the installation of trees according to the same distances in pedestrian ways.

1. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement, satisfy the intent of this Ordinance.
2. Trees to be installed in the street margins or pedestrian ways shall be of a large deciduous type, and shall conform to the standards of Section 14.10 (Screening and Land Use Buffers). The Planning Commission may permit substitution of deciduous ornamental trees for some or all of the required street trees.

3. Species, such as the Norway Maple (*Acer platanoides*), that have shallow root zones or may otherwise cause uplift or buckling of adjacent sidewalks or paved pedestrian ways as they mature shall be prohibited [amended 6/16/2014, Ord. 174-15].

G. Reservation of Public Use Areas.

Where a proposed park, playground, open space, public school, library, or other public use area shown in the adopted Growth Management 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.

1. 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.
2. 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.
 - a. The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission.
 - b. The reservation shall be valid for a period of 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.
 - (1) 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.
 - (2) 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.
 - (3) 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).

H. Exterior Lighting.

Exterior lighting within a condominium development shall conform to the applicable standards of Section 14.11 (Exterior Lighting) and the following:

1. Exterior lighting shall be arranged and downshielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind with adjacent roads or adjacent properties and uses.

2. Streetlighting, where required or otherwise provided as part of a condominium development, shall conform to the following:
 - a. Streetlighting shall be required for all residential developments, except developments in Rural Residential Districts with a net dwelling density of less than one (1) unit per acre.
 - b. The Planning Commission may require streetlighting for condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, RESEARCH, AND LABORATORY USES.
 - c. Streetlighting shall have underground wiring, and shall be downshielded and designed to minimize glare.
 - d. Fixture standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.
 - e. Required streetlighting shall be installed prior to the occupancy of structures within the development.

I. 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.

1. Adequate provisions shall be made for proper drainage of stormwater run-off from individual lots within a condominium development per the Township's engineering standards.
2. Where it is anticipated that additional runoff resulting from the condominium development may overload an existing downstream drainage facility, the Planning Commission shall not approve the development until adequate provision has been made by the developer for resolving downstream drainage problems.
3. Stormwater detention or retention basins may be required in order to control the discharge of stormwater from a proposed development. Such basins shall be designed to emulate a naturally formed or free form depression, and to minimize the need for perimeter fencing.

J. Potable Water and Sanitary Sewage or Septic Facilities.

Each condominium unit shall be connected to approved potable water supply and sanitary sewage treatment and disposal systems in accordance with the requirements of Section 14.06 (Water Supply and Sanitary Sewerage Facilities) and the following:

1. **Water supply facilities.** Water supply facilities shall be designed and located according to the applicable standards of the Township and any outside agencies with jurisdiction.

- a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
 - b. On-site services and private water systems shall be designed according to applicable standards of the Washtenaw County Environmental Health Division (WCEHD) and the Township.
2. **Sanitary sewage facilities.** Where publicly owned and operated sanitary sewage facilities are available, sewers shall be installed to serve each lot. All sanitary sewer facilities shall be designed and constructed in accordance with the applicable standards of the Township and any outside agencies with jurisdiction.
- a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
 - b. Each lot in a development served by publicly owned and operated sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
 - c. If sanitary sewage facilities are not available, minimum lot sizes shall conform to requirements of the WCEHD, and individual, on-site septic systems shall be subject to WCEHD approval. In no case shall the minimum lot size be less than that required by the zoning district for the subject parcel(s).
 - d. The use of private community wastewater systems (PCWS), as defined in Section 17.03 (Definitions), shall be prohibited in condominium developments, except where approved by the Township as part of a Planned Community (PC) Special District.

K. 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.

1. 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.
2. 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, street lights, and street light poles.
3. 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.

4. Utilities placed in road rights-of-way shall not conflict with other underground lines.

L. 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.

1. All underground public utility installations that traverse publicly-owned property shall be protected by dedicated easements approved by the public utility.
2. Such easements shall be so located as not to interfere with the use of any lot or other part of the development.
3. 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.

Section 12.11 Manufactured Housing Park Condominium.

Where a manufactured housing park development falls within the definition of manufactured housing park condominium project in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the following:

1. All streets and driveways in the development shall conform to the standards set forth in Section 12.10C (Roads and Streets). Direct vehicular access shall be prohibited from a residential lot to a collector street. Such access shall be provided by local residential streets within the development.
2. Collector street dimensions shall conform to WCRC specifications.
3. Each lot shall abut and have direct access to a public or private street.
4. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.
5. Sidewalks and pedestrian ways shall be provided in accordance with Section 12.10D (Access), except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.

6. All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this Ordinance and all other applicable Township ordinances and regulations.
7. Fuel oil and gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the development and to dwelling sites shall be underground and so designed as to conform to the State Construction Code and any other applicable codes and ordinances.
8. When a master satellite, wireless Internet or similar centralized antenna is provided, all lines extended to individual lots shall be underground. Such master antennae shall be so placed as not to be a nuisance to development, residents or surrounding areas, and shall comply with the provisions of Section 14.02 (Wireless Communication Facilities).

Section 12.12 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 is 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.
7. **Expansion.** Any intended or contemplated future expansion of the development should be shown on the preliminary and final site plans.

Section 12.13 Special District Condominium Developments.

Developments in a Special District may be granted certain approved deviations from this Article in accordance with Section 7.003 (Regulatory Flexibility). 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.

Section 12.14 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 3.0 (Dimensional Standards), and shall be subject to review as an amended condominium site plan per Article 10.0 (Site Plan Review).

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 3.0 (Dimensional Standards) 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.

Section 12.15 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.

Section 12.16 Construction in a General Common Element.

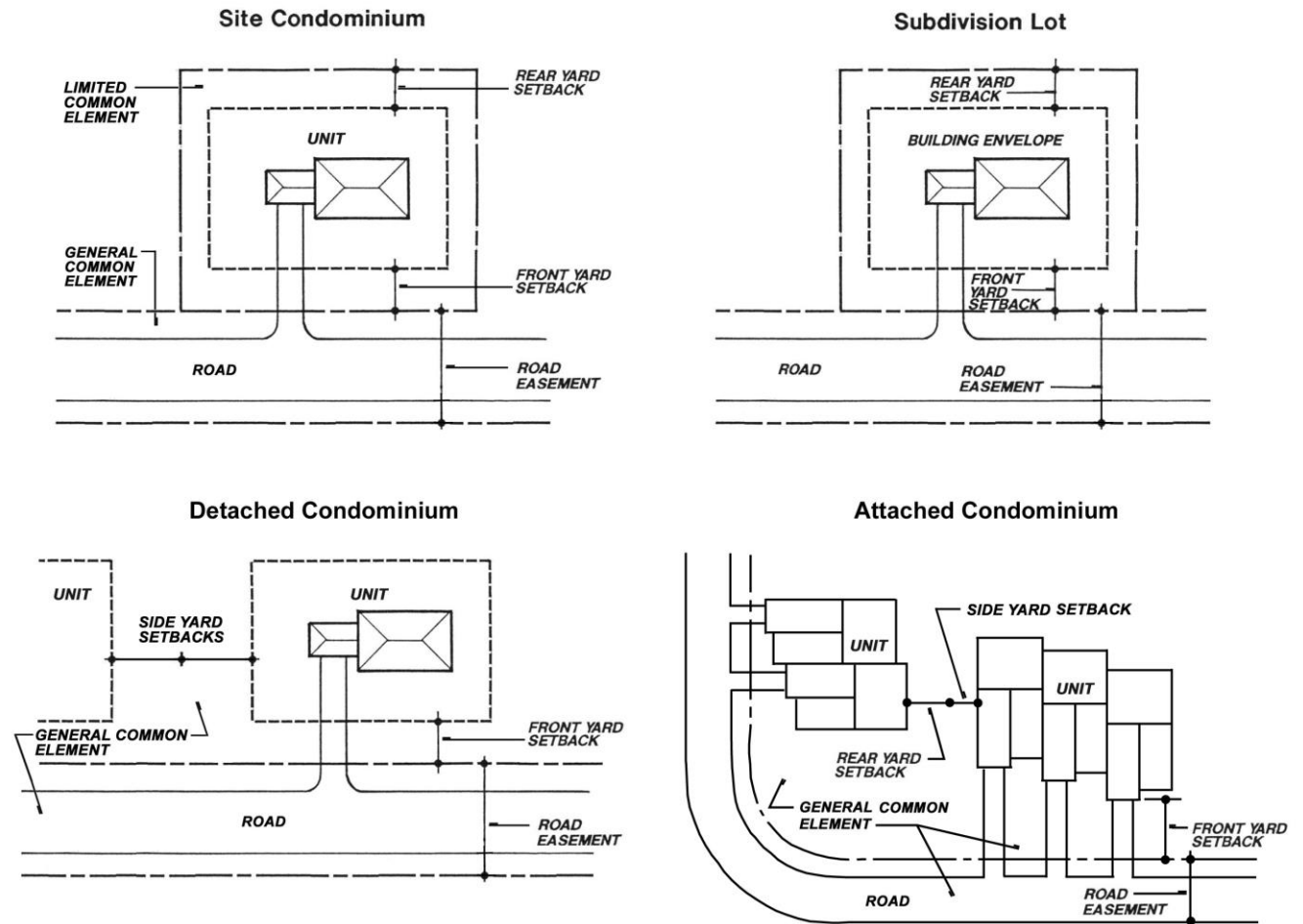
Any application for a Building Permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

Section 12.17 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, and 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



Condominium Terminology

ARTICLE 13

ZONING BOARD OF APPEALS

Section 13.01 Board Established.

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers, as provided in the Michigan Zoning Enabling Act, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

Section 13.02 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 13.02D (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 1.14 (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 13.03 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 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 1.14 (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 180 calendar days after receipt of a complete and accurate application. 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 13.04 Powers and Duties.

The Board of Appeals shall hear and decide and rule on the following as provided herein:

1. 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. 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. 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. The Board of Appeals shall also hear and decide on any other matters referred to the Board of Appeals shall or upon which the Board of Appeals shall is required to pass under this Ordinance.
5. 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.
6. 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.
7. The Board of Appeals shall not hear matters relating or pertaining to conditional uses, use variances or Special District developments.

Section 13.05 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 13.06 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 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 13.07 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 2.205E (Rules for Interpretation).

Section 13.08 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.

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 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 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 10.0 (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 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 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 13.09 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 10.0 (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 13.10 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 1.13 (Violations and Penalties).

Section 13.11 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 30 calendar days after the Board of Appeals issues its written decision, signed by the Chair or acting Chair; or within 21 calendar days after the Board of Appeals approves the minutes of its decision.

ARTICLE 14

SPECIAL DEVELOPMENT REGULATIONS

Section 14.01 Open Space Preservation Residential Development.

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 3.0 (Dimensional Standards), 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 a undeveloped state by means of a conservation easement or similar legal means that runs with the land.

A. Qualifying Conditions.

Land in the Rural Districts, Rural Residential Districts, R-3 (Single-Family Residential) District, and Planned Community (PC) Special District may be developed, at the option of the property owner(s) or developer(s), with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than fifty percent (50%) of the total buildable area of the subject parcel(s), if all of the following apply:

1. 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.
2. The development option provided pursuant to this Section has not previously been exercised with respect to the subject property, and the subject land is not subject to any pre-existing, permanent land conservation encumbrance.
3. Natural resources, open space, or agricultural lands exist on the site that would be preserved through use of this development option.

B. 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 10.0 (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 Article 12.0 (Condominium Regulations).

C. 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.

D. 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.

E. 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 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 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 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 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.

F. 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 and allows 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.

Section 14.02 Wireless Communication Facilities.

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:

1. 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;
2. 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;
3. Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;
4. Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;
5. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;
6. 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;
7. Establish consistent review procedures and information requirements for construction, alteration, and enlargement of wireless communication facilities; and
8. 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.

A. Type 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.	●		

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
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 20 feet or 10% of its original height, whichever is greater. Also see Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations).	●		
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 20 feet or 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 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations).	●		
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 20 feet or 10% of its original height, whichever is greater. Also see Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations).	●		
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 20 feet or 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.		●	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		●	

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
Installation of a satellite dish antenna with a diameter less than 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 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 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.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

1. **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 11.02A (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

2. **Facilities subject to Zoning Inspector approval.** Facilities subject to certificate of zoning compliance approval per Section 11.02A (Type of Review Required) shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and Section 1.07 (Certificates of Zoning Compliance).

B. Conditional Use Permit.

Wireless communications facilities subject to conditional use approval per Section 11.02A (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 11.0 (Conditional Uses).

1. **Limitation on review fees.** Per Section 3514 of the Michigan Zoning Enabling Act, fees required for a Conditional Use Permit application per Section 14.02A

(Type of Review Required) shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

2. **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 per Section 14.02A (Type of Review Required) to the Township Planner to determine whether the application is administratively complete per Section 11.38B (Application Information).
 - a. The Township Planner shall transmit a written response to the Clerk and the applicant within 14 business days stating either that the application is administratively complete or listing the specific information needed for a complete application.
 - b. The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.
3. **90-day time limit on Planning Commission action.** For any Conditional Use Permit application not subject to the additional requirements of Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations) below, the Planning Commission shall complete its review and take final action per Section 11.05 (Planning Commission Action) within 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 90 calendar day period.
4. **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 per Section 14.02A (Type of Review Required) and referencing this subsection shall be modified as follows:
 - a. **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application per Section 11.05 (Planning Commission Action) within 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.
 - b. **Limitation on conditions of approval.** Planning Commission authority per Section 11.06 (Conditions of Approval) and 14.02B.8. (Conditions of Approval) to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to:
 - (1) Verify compliance with the applicable requirements of this Ordinance; or

- (2) Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation [amended 12/16/2013, Ord. 174-14].
5. **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:
 - a. Alteration or enlargement of an existing wireless communication tower; or
 - b. Expansion of an approved ground equipment enclosure area.
6. **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.
7. **Information required.** In addition to any information required by Article 11.0 (Conditional Uses), applicants for a Conditional Use Permit for a wireless communication facility shall submit the following information:
 - a. **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:
 - (1) 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.
 - (2) 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.
 - (3) 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.

- b. **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 10.0 (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.
- c. **Removal agreement.** The applicant shall submit a signed and notarized removal agreement for the future removal of the facility in accordance with Section 11.02J (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.
- d. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Planning Commission that this condition has been satisfied.
- e. **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.
- f. **Collocation information.** A notarized statement by the applicant indicating whether the proposed tower will accommodate collocation of additional antennae for future users.

- g. **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.

- 8. **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 11.0 (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:

 - a. 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 11.02J (Cessation of Operation).
 - 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.
 - c. 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.

- 9. **Factors to consider in granting a Conditional Use Permit.** In addition to any standards for consideration of Conditional Use Permit applications contained in Article 11.0 (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:

 - a. Height of the proposed tower.

- b. Proximity of the tower to residential structures and residential district boundaries.
 - c. Nature of uses on adjacent and nearby properties.
 - d. Surrounding topography.
 - e. Surrounding tree coverage and foliage.
 - f. 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.
 - g. Proposed ingress and egress.
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
10. **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:

- a. No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- d. 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).
- e. 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.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

- g. The applicant demonstrates that an alternative technology that does not require the use of towers or 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.

C. General Regulations.

All wireless communication facilities shall be subject to the following regulations:

1. **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.
2. **Wind load.** Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.
3. **State and federal regulations.** All wireless communication facilities shall meet or exceed applicable federal and state regulations and standards, subject to the following:
 - a. 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 180 calendar days of their effective date, unless a different compliance schedule is mandated by the controlling state or federal agency.
 - b. If, upon inspection, the Township determines that a facility constitutes a danger to persons or property, then the facility owner or operator shall have 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.
 - c. 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.
4. **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.
5. **Engineering certification.** Any civil, mechanical or structural engineering information supplied by the applicant shall be certified by a licensed professional engineer.
6. **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.

7. **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).
8. **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.

D. Standards for Wireless Communication Towers.

Wireless communication towers shall be subject to the following:

1. **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.
2. **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.
3. **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.
 - a. 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.
 - (1) 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.
 - (2) 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.
 - (3) Under no circumstance shall a wireless communication tower be permitted to locate less than one (1) mile from another wireless communication tower.
 - b. No tower shall be located closer than 200 feet from the boundary of any Rural, Rural Residential or Urban Residential Districts, including any Planned Community (PC) or other Special District incorporating residential uses.

- c. 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.
4. **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.
5. **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).
 - a. 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.
 - b. 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.
 - c. The base of the tower shall occupy no more than 500 square feet.
6. **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.
7. **Height.** Structures shall not exceed 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.
8. **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.
 - a. The area of the proposed ground equipment enclosure shall be the minimum necessary to accommodate all proposed and planned future users of the facility.
 - b. The antennae shall be painted to match the exterior treatment of the tower.
 - c. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the facility.

- d. Advertising, signs, and identification intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - e. Metal structures shall be constructed of or treated with corrosive-resistant material.
9. **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 14.10D (Methods of Screening) along each side of such fencing and building.
- a. The screening shall be maintained in good condition at all times so as to continue its effectiveness.
 - b. Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible.
 - c. 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.
10. **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.

E. 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 11.02A (Type of Review Required) and the following standards:

- 1. 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.
- 2. 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.
- 3. The antenna and support structure shall not be illuminated, unless required by the FAA or other agency with jurisdiction.
- 4. 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.
- 5. All accessory ground equipment shall be located within the building or structure, except where otherwise permitted as part of a Conditional Use Permit approval.

F. Standards for Satellite Dish Antennae.

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section 11.02A (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. 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.
4. 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.
5. Satellite dish antennae with a diameter of 1.5 meters or larger and located within 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.

G. Standards for Amateur Radio Antennae.

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section 11.02A (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
2. Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
4. 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.

H. 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.

I. 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:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section 1.14 (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.
2. **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.

J. 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 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 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 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 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 365 calendar days shall be deemed abandoned.

Section 14.03 Development Agreement.

A Development Agreement may be entered into between the Township and the owner(s)/developer(s) of any property upon which any RESIDENTIAL USES, OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, RESEARCH, AND LABORATORY USES are to take place following final site plan approval or equivalent final development plan approval under this Ordinance or other Township ordinances, and prior to the commencement of or any site work or construction. The cost to prepare and record this 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 may be subject to review by designated Township officials and consultants; and shall be subject to approval by the Township Board. Following approval, the Township Clerk or designee shall record the approved Development Agreement in the Washtenaw County Register of Deeds office, and shall provide a copy of the recorded Agreement to the owner(s)/developer(s) of the subject property. The owner(s)/developer(s) shall be responsible for reimbursing the Township for all costs associated with recording of the Development Agreement.

Section 14.04 Design Review.

The intent of this Section is to establish procedures and guidelines to ensure that the character and environmental objectives of the Growth Management 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.

A. Scope.

The scope of design review under this Section for development and building projects in the Dixboro community, as defined in the adopted Growth Management Plan, shall be in accordance with the following:

1. Such reviews shall be limited to sites which are located in a VC (Village Center) or NSC (Neighborhood Shopping Center) 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 Section 10.02C (Administrative Approval) and certificates of zoning compliance per Section 1.07 (Certificates of Zoning Compliance). 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 [amended 8/16/2010, Ord. 174-04].

B. Dixboro Design Review Board.

The Design Review Board shall have seven (7) members, appointed by the Township Supervisor, with approval by 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 1.14 (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.

C. 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 Growth Management 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.

D. 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 Growth Management 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.

Section 14.05 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 the applicant has considered and pursued 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.
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 this subsection 14.05B (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 Special District Area 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 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 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 25 feet shall be maintained from the boundary of any dedicated county drain easement not otherwise regulated by this subsection, or a minimum of 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 this subsection 14.05C (Slopes) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Special District Area 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).

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 14.05C.3., the integrity and profile of the slope shall be maintained.

D. Floodplains.

The standards of this subsection 14.05D (Floodplains) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Special District Area 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).

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 100-year floodplain of any existing watercourse or wetland.
2. It shall be the applicant's responsibility to delineate the 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 this subsection 14.05E (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 Special District Area 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 this subsection 14.05F (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 Special District Area 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 registered land surveyor, engineer or 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 100 feet.	●	●
General evaluation of the quality of woodland areas and trees on and around the site by means of a reasonable sampling, including: <ul style="list-style-type: none"> 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.	●	

<p align="center">Required Development Plan Information for Woodlands and Tree Preservation</p>	Preliminary Plan	Final Plan												
	<p>Tree inventory of all regulated trees as specified in Section 14.05F.5., in a form acceptable to the Planning Commission, as follows:</p> <ol style="list-style-type: none"> 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. 		●											
<p>Identify all regulated trees to be removed, relocated or preserved.</p>		●												
<p>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.</p>		●												
<p>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.</p>		●												
<p>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:</p> <table border="1" data-bbox="402 1577 1312 1843"> <thead> <tr> <th>Common Name</th> <th>Species</th> </tr> </thead> <tbody> <tr> <td>Common (European) and Glossy Buckthorn</td> <td><i>Rhamnaceae family</i></td> </tr> <tr> <td>Autumn Olive</td> <td><i>Elaeagnus umbellata</i></td> </tr> <tr> <td>Honeysuckle</td> <td><i>Lonicera tartarica</i></td> </tr> <tr> <td>Multiflora Rose</td> <td><i>Rosa multiflora</i></td> </tr> <tr> <td>Phragmites</td> <td><i>Phragmites australis</i></td> </tr> </tbody> </table>	Common Name	Species	Common (European) and Glossy Buckthorn	<i>Rhamnaceae family</i>	Autumn Olive	<i>Elaeagnus umbellata</i>	Honeysuckle	<i>Lonicera tartarica</i>	Multiflora Rose	<i>Rosa multiflora</i>	Phragmites	<i>Phragmites australis</i>		●
Common Name	Species													
Common (European) and Glossy Buckthorn	<i>Rhamnaceae family</i>													
Autumn Olive	<i>Elaeagnus umbellata</i>													
Honeysuckle	<i>Lonicera tartarica</i>													
Multiflora Rose	<i>Rosa multiflora</i>													
Phragmites	<i>Phragmites australis</i>													
<p>A plan for eradication and control of these four (4) invasive species as part of the development project.</p>		●												

Required Development Plan Information for Woodlands and Tree Preservation	Preliminary Plan	Final Plan
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.	●	●
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.		●
Such other information and detail as may be required to demonstrate compliance with the requirements of this Section.		●

[amended 2/21/2017, Ord. 174-19]

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 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	<i>Tilia americana</i>	18 inches	54 inches
Beech	<i>Fagus grandifolia</i>	18 inches	45 inches
Buckeye, Ohio	<i>Aesculus glabra</i>	18 inches	
Catalpa	<i>Catalpa</i> spp.	18 inches	45 inches
Cherry, Black	<i>Prunus serotina</i>	18 inches	54 inches
Elm, American	<i>Ulmus americana</i>	18 inches	50 inches
Fir	<i>Abies</i> spp.	18 inches	
Fir, Douglas	<i>Pseudotsuga menziesii</i>	18 inches	
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>	18 inches	40 inches
Pine	<i>Pinus</i> spp.	18 inches	
Sycamore or London Plane	<i>Platanus</i> spp.	18 inches	54 inches
Spruce	<i>Picea</i> spp.	18 inches	

Common Name	Species	Landmark Tree D.B.H.	Sovereign Tree D.B.H.
Tulip-tree	<i>Liriodendron tulipifera</i>	18 inches	54 inches
Walnut, Black	<i>Juglans nigra</i>	18 inches	54 inches
Hickory, various	<i>Carya spp.</i>	16 inches	35 inches
Maple	<i>Acer spp.</i>	16 inches	48 inches
Oak	<i>Quercus spp.</i>	16 inches	48 inches
Birch	<i>Betula spp.</i>	12 inches	36 inches
Cherry	<i>Prunus spp.</i>	12 inches	36 inches
American Chestnut	<i>Castanea dentata</i>	Six (6) inches	18 inches
Butternut	<i>Juglans cinerea</i>	Six (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
<p>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:</p>			
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)		
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	Replacement Trees
<p>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:</p> <ol style="list-style-type: none"> 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. <p>The Planning Commission shall consider preserved woodlands outside of the development site as part of determining whether the development plans conform to this requirement.</p>	●	
<p>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:</p> <ol style="list-style-type: none"> 1. Dying and diseased trees. 2. Any invasive woody shrub species listed in Section 14.05F.3. 3. Any of the following species of trees: Box Elder (<i>acer negundo</i>), Silver Maple (<i>acer saccharinum</i>), Cottonwood (<i>populus deltoids</i>), and Red Cedar (<i>juniperus virginiana</i>). 	●	●
<p>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.</p>	●	●
<p>Regulated tree removal shall be limited to any of the following:</p> <ol style="list-style-type: none"> 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. 2. 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. 3. 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. <p>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.</p>	●	

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
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 removal 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 14.10H (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 Section 14.10B (General Plant Material Standards) and Section 14.10C (Standards for Size and Variety of Plant Materials). Such trees shall be: 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 14.10I (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.	●	●
Prior to the issuance of the first building permit, the developer shall post a performance guarantee with the Township [per Section 1.12C (Performance Guarantee)] 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.	●	●
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.	●	●

Installation and Maintenance Requirements	Existing Trees	Replacement 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 50 feet apart and tying ribbon, plastic tape, or other brightly visible materials at least 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.	●	
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.

- a. The official Township Woodland Map is on file at the Township offices, and all notations, references, and information shown thereon shall be as much a part of this Section as if fully described herein.
 - b. If, because of problems with scale or detail, there is any ambiguity as to whether a particular area is a part of a woodland, that determination shall be made by or through the direction of the Planning Commission.
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 1.12B (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 [amended 6/16/2014, Ord. 174-15].

Section 14.06 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 sewerage and water supply systems:
 - a. All dwelling units in the Urban Residential Districts.
 - b. All buildings in the Medical Services (MS) Special District.
 - c. All buildings in the Business Districts, Planned Manufacturing (PM) Special 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) Special 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 200 feet wide within which dense evergreen screening shall be placed in accordance with Section 14.10D (Methods of Screening) to screen the installation from view.

Section 14.07 Wind Energy Conversion Systems.

This Section is intended to permit the effective and efficient use of wind energy conversion systems (WECS) in a manner that protects the public health, safety, and welfare of neighboring property owners and the residents of the Township. The siting, design, location, and installation regulations of this Section have been determined to be the minimum necessary to meet the intent and purposes of this Section and Ordinance. In no case shall the establishment of this Section guarantee wind rights or establish access to the wind. Wind energy conversion systems (WECS) in the Township shall be subject to the following:

A. Agricultural WECS Approval.

Agricultural WECS shall be permitted accessory to a permitted farm or agricultural operation on a lot of record in the Rural Districts, subject to Zoning Inspector approval in accordance with Section 1.07 (Certificate of Zoning Compliance) and the following:

1. The parcel where the agricultural WECS is proposed to be located shall have a minimum lot area of two (2) acres. The number of permitted agricultural WECS per parcel shall be subject to the following:

Minimum Lot Area	Maximum Number of Permitted WECS
2.0 to 40.0 acres	one (1)
Over 40.0 acres	two (2)

2. Agricultural WECS under this subsection shall not exceed a maximum height of 75 feet, measured from the base of the structure to the highest reach of its blade.
3. All agricultural WECS projects shall be set back from lot boundaries, road rights-of-way, and principal building(s) a minimum distance equal to one hundred fifty percent (150%) of the height of the structure.
4. All agricultural WECS project towers or poles shall be protected by anti-climbing devices; such as fences with locking portals at least six feet high; anti-climbing devices 12 feet from base of pole; or anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.
5. The agricultural WECS shall not cause interference with microwave transmissions, residential television reception or radio reception.
6. All agricultural WECS projects shall adhere to all applicable electrical codes and standards, shall remove fuel sources (such as vegetation) from the immediate vicinity of electrical gear and connections, and shall utilize twistable cables on turbines.
7. The noise level measured at the property line of the property on which the agricultural WECS project has been installed shall not exceed 55 decibels.

8. Agricultural WECS shall be painted a neutral color that minimizes off-site visibility, provided that historical-style agricultural WECS not exceeding 50 feet in height with a fan containing more than twelve (12) blades and not exceeding ten (10) feet in diameter shall be exempted from this requirement.
9. Upon determination by the Zoning Inspector that an application to install agricultural WECS on more than one (1) parcel under common ownership or control meets the "commercial WECS" definition per Section 17.03 (Definitions), the commercial WECS standards and approval process shall apply.

B. Other WECS Approval.

All agricultural WECS exceeding 75 feet in height, all private WECS, and all commercial WECS shall require Conditional Use Permit approval in accordance with Article 11.0 (Conditional Uses) and the standards of this Section. The following additional information shall be submitted with any application for WECS approval:

1. Documentation of any potential interference that the proposed WECS may cause with microwave transmissions, residential television reception or radio reception.
2. Documentation of compliance with applicable federal and state regulations for the installation.
3. A plan for the long-term, continuous maintenance of the facility, including who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
4. Elevation drawings of the proposed WECS and any associated facilities. The drawings shall identify the type, design, materials, and height for the proposed WECS and associated facilities; and the name and location of the WECS manufacturer, if applicable.
5. Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating:
 - a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;
 - b. That the facility is designed in accordance with applicable dead load and wind pressure standards; and
 - c. That the facility is designed to conform to the State Construction Code and all other applicable building, electrical, and fire codes.

C. Permitted Locations.

Wind energy conversion systems shall only be permitted on parcels with a minimum lot area of two (2) acres in the Rural Districts and the PSP (Public/Semi-Public Uses) District.

D. General WECS Standards.

The following standards shall apply to private and commercial WECS in the Township:

1. **Design safety certification.** A Professional Engineer registered in the State of Michigan shall certify the safety of the design of all private and commercial WECS towers. The standard for certification shall be included with the permit application.
2. **Controls and brakes.** All private and commercial WECS projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer shall 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.
3. **Electrical components.** All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.
4. **Compliance with Township ordinances.** All private and commercial WECS projects shall be in compliance with all requirements of this Section and Ordinance, and other applicable Township ordinances.
5. **Setbacks.** All private and commercial WECS projects shall be set back from lot boundaries, road rights-of-way, and principal building(s) a minimum distance equal to one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade.
6. **Height.** Private WECS projects shall conform to the maximum height standards of the zoning district. Commercial WECS projects shall be exempt from the height requirements of this Ordinance, subject to the provisions of Article 11.0 (Conditional Uses), and compliance with Federal Aviation Administration (FAA) regulations.
7. **Installation certification.** The Professional Engineer shall certify that the construction and installation of the private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.
8. **Climb prevention.** All private and commercial WECS project towers or poles shall be protected by anti-climbing devices; such as fences with locking portals at least six feet high; anti-climbing devices 12 feet from base of pole; or anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.
9. **Interference.** The private or commercial WECS shall not cause interference with microwave transmissions, wireless communications, residential television reception, or radio reception.

10. **Fire risk.** All private and commercial WECS projects shall adhere to all applicable electrical codes and standards, shall remove fuel sources (such as vegetation) from the immediate vicinity of electrical gear and connections, and shall utilize twistable cables on turbines.
11. **Waste.** All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
12. **Noise levels.** The noise level measured at the property line of the property on which the private or commercial WECS project has been installed shall not exceed 55 decibels.
13. **Liability insurance.** The owner or operator of the private or commercial WECS project shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of Conditional Use Permit approval. For a private WECS projects accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.

E. Additional Standards for Commercial WECS Projects.

The following additional standards shall apply to all commercial wind energy conversion systems in the Township:

1. **Color.** Towers and blades shall be painted a neutral color that minimizes off-site visibility, or as otherwise required by law.
2. **Compliance with FAA.** It shall be the responsibility of the person in charge of the commercial WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.
3. **Warnings.** A visible warning sign of high voltage may be required by the Township to be placed at the base of all commercial WECS projects. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.
4. **Annual inspection.** Every commercial WECS project shall be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to the Zoning Inspector and considered a part of the continuing Conditional Use Permit approval.

5. **Compliance with additional regulations.** It shall be the responsibility of the person in charge of the commercial WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation.
6. **Migratory birds.** The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS project may present to migratory birds. The study as part of the special use permit shall provide assurances that the WECS project does not negatively impact the path of migratory birds.
7. **Decommissioning plan and escrow.** Commercial WECS projects shall include a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within 180 calendar days of the end of project life or facility abandonment.

The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township that:

- a. The financial resources for decommissioning shall be in the form of a performance guarantee in accordance with the requirements of Section 1.08C (Performance Guarantees).
- b. The Township shall have access to the performance guarantee for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within 180 calendar days of the end of project life or facility abandonment.
- c. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- d. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

Section 14.08 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:

1. **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.
 - a. In no instance shall any refuse be visible above required screening.
 - b. 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.
2. **Outdoor trash storage area screening.** Outdoor trash storage areas shall be screened and secured in accordance with the following:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Such storage area shall be located and arranged as to minimize visibility from adjacent road rights-of-way.

Section 14.09 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 10.0 (Site Plan Review), condominium site plan approval per Article 12.0 (Condominium Regulations), Special District Area Plan approval per Article 7.0 (Special District Regulations), or Zoning Inspector approval per Section 1.07 (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 3.203F (Landscape Strip).
2. A minimum six (6) inch roof overhang shall be provided at all dwellings eaves and gables.

C. Non-Residential Building Exteriors.

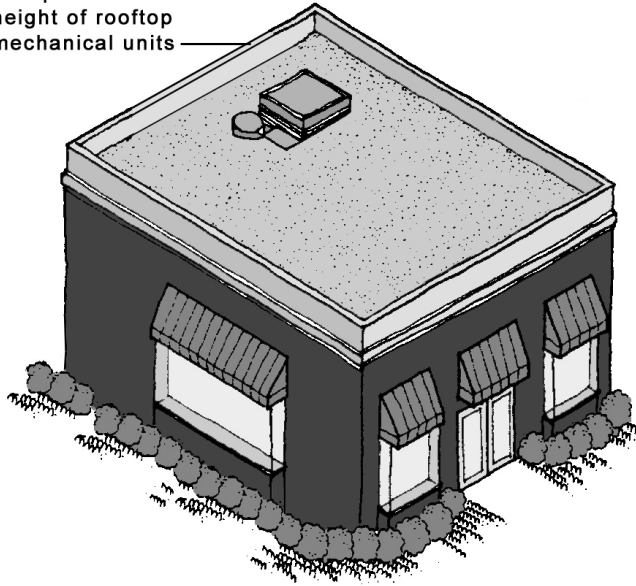
The quality of non-residential building design, placement, and composition is essential to provide a comfortable, human-scale environment in the Township, and maintain the

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 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 facade 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

Parapet wall exceeds
height of rooftop
mechanical units



Roof Design



Facade Variation

Section 14.10 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 purposes 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 Section 10.0 (Site Plan Review), condominium site plan approval per Article 12.0 (Condominium Regulations), or Special District Area Plan approval per Article 7.0 (Special District Regulations). 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 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 3.208 (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 National Standards Institute, Inc.
 - b. All plant material shall be true to name in conformance to the current edition of "Standardized Plant Names" established by the American Joint Committee on Horticultural Nomenclature, 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 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 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 6 feet overall height
Shrubs	30 inches in height or 24 inches in spread

D. Methods 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, subject to Planning Commission approval:

1. **Greenbelt buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration):
 - a. Greenbelts shall have a minimum width of ten (10) feet, and may be interrupted only to provide for pedestrian or vehicular access.
 - b. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers.
 - c. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per 15 linear feet of greenbelt length. The Planning Commission may require additional plantings to achieve the screening objectives of this Section.
 - d. Such required plant materials may be placed at uniform intervals, at random or in groupings.
 - e. The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.

2. **Hedgerow.** The purpose of this method is to visually screen parking lots, adjacent uses, and road rights-of-way. 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):
 - a. 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.
- b. Maintained plant height at maturity shall be adequate for the intended screening function.
 - c. 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.
 - d. 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.
3. **Fence.** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. 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):
- a. 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.
 - b. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.
4. **Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. 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):
- a. Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio).
 - b. 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.
 - c. 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.

- d. The berm shall be designed and graded to blend with existing topography, and sodded, hydro-seeded or planted with appropriate groundcovers.
 - e. The Planning Commission may require greenbelt buffer plantings on the berm in accordance with the requirements of this Section.
 - f. 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.
5. **Evergreen screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Section. 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 15 feet apart in at least two (2) staggered rows (see illustration).

6. **Masonry wall.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration):
- a. 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.
 - b. Walls shall be solid in character, and capped with a stone or concrete cap.
 - c. 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.

E. Parking Lot Landscaping and Perimeter Screening.

Parking lot landscaping and perimeter screening shall be arranged to improve the safety of pedestrian 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 14.10D (Methods of Screening).

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, and as otherwise required by this Ordinance or the Planning Commission to break up large expanses of pavement and guide traffic flow. 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 180 square feet.
 - b. A minimum of two (2) deciduous shade or ornamental trees 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.

F. 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 14.10D (Methods of Screening).

G. 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. A perimeter greenbelt buffer shall be provided in accordance with this Section and the following:
 - a. 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.
 - b. 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.

H. 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 below:

Species	Common Name
<i>Acer negundo</i>	Box Elder
<i>Ulmus x</i>	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
<i>Aesculus x</i>	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Populus x</i>	Poplar varieties
<i>Elaeagnus x</i>	Olive varieties
<i>Salix x</i>	Willow varieties; except in appropriate wetland ecosystems
<i>Catalpa x</i>	Catalpa varieties; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Ginkgo biloba</i>	Ginkgo (female); male trees are acceptable
<i>Robinia pseudoacacia</i>	Black locust
<i>Morus alba</i>	Mulberry (white)
<i>Acer saccharinum</i>	Silver Maple
<i>Juglans nigra</i>	Black Walnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Fraxinus x</i>	Ash varieties

I. 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 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 1.08C (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.

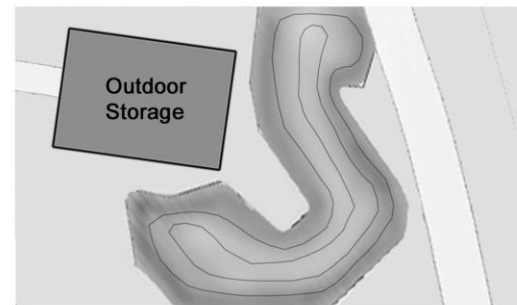
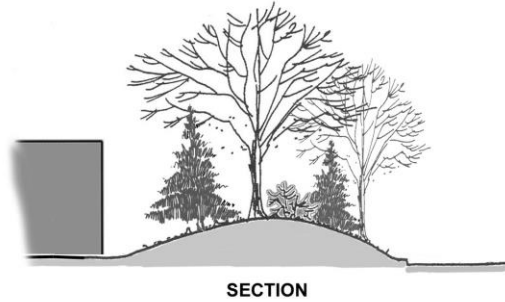
The Planning Commission shall have the authority to approve alternative designs or plant materials, and to determine how the standards of this Section apply to existing conditions and redevelopment sites in accordance with the following:

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 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.

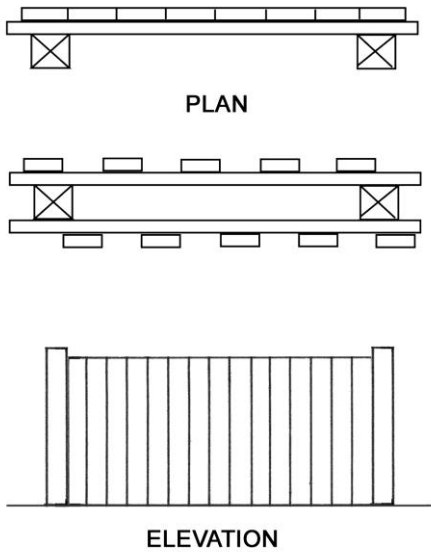
ILLUSTRATIONS



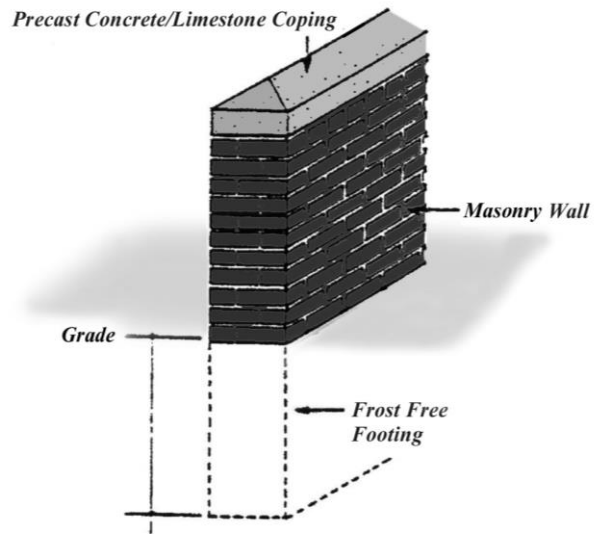
Hedgerow



Berm

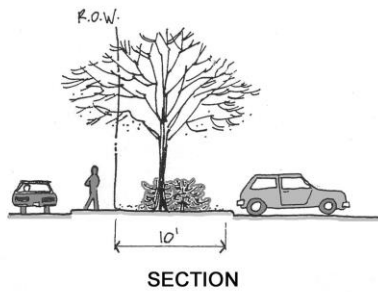
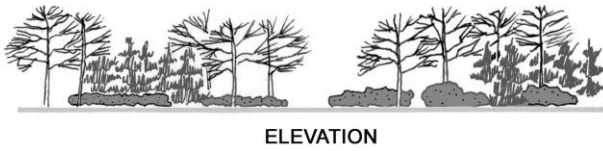
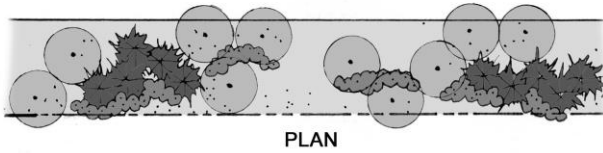


Fence

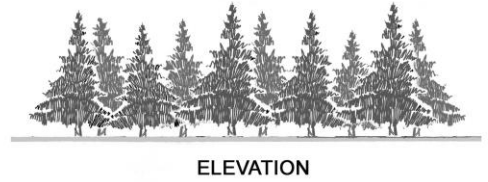
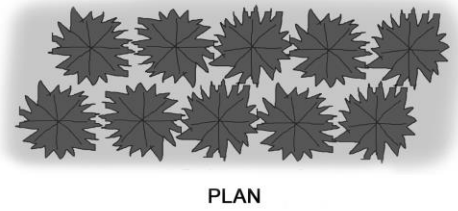


Screen Wall

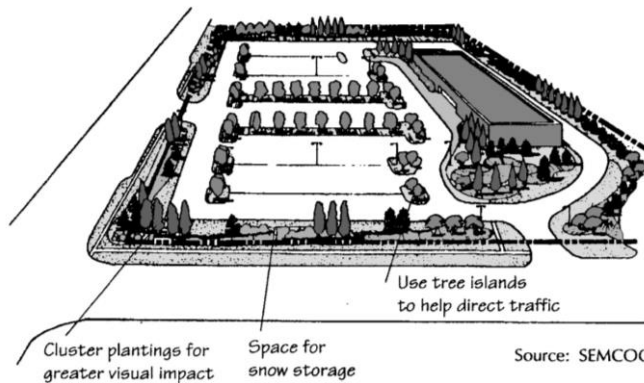
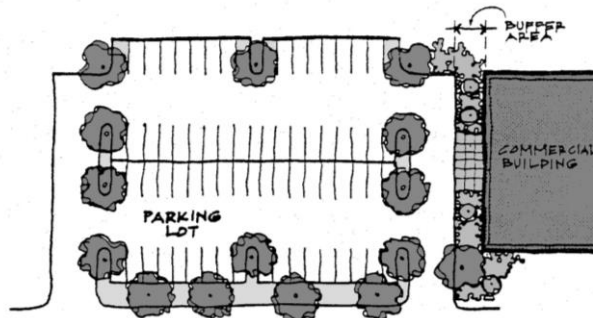
ILLUSTRATIONS



Greenbelt Buffer



Evergreen Screen



Landscaping Within Parking Lots

Section 14.11 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.

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 10.0 (Site Plan Review), condominium site plan approval per Article 12.0 (Condominium Regulations), Special District Area Plan approval per Article 7.0 (Special District Regulations), and zoning compliance approval per Section 1.07 (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 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 (see illustration).
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. **Lamp wattage.** Lamp wattages and types shall be consistent with fixture’s style and function, as follows:
 - a. Fixtures in parking lots and high traffic areas shall use low or high-pressure sodium, metal halide or similar lamp types with a maximum lamp wattage of 250 watts per fixture up to 20 feet in height above grade. A maximum of 400 watts per fixture shall be permitted for fixtures exceeding 20 feet in height above grade.
 - b. Decorative exterior light fixtures shall be limited to lamps with a maximum wattage of 100 watts per fixture.
4. **Intensity.** The maximum intensity of light within any site shall not exceed the following standards:

Light Intensity	Maximum (footcandles)
At any point within the site	10.0
At any lot boundary or road right-of-way line	0.2

C. Standards by Type of Fixture.

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 14.11B (General Standards):

1. **Freestanding pole lighting.** The maximum height of all freestanding, pole-mounted fixtures shall be directly proportional to the fixture’s proximity to the boundary of a lot or parcel in a residential zoning district or occupied by any RURAL USES or RESIDENTIAL USES, as follows:

Fixture Location	Maximum Fixture Height
Less than 50 feet	15 feet
50 feet to 300 feet	20 feet
More than 300 feet	25 feet

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.

Exterior lighting intensity levels shall be measured on the horizontal plane at grade level within the site; and on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

E. Prohibited Lighting.

The following types of exterior light sources and activities shall be prohibited:

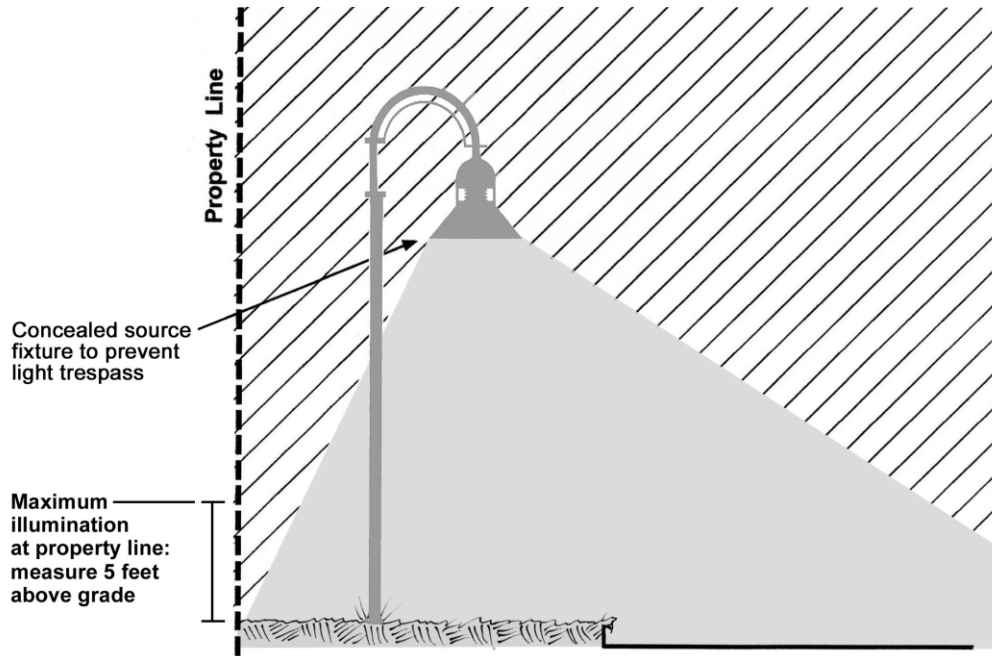
1. **Mercury vapor lighting.** The installation of mercury vapor fixtures shall be prohibited.
2. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type.

F. Alternatives and Alterations.

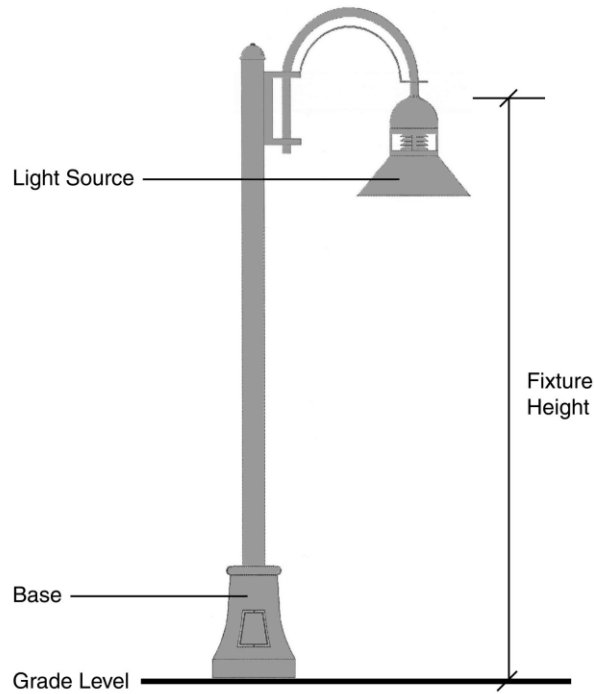
Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Section and the following:

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 14.12 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 17.03 (Definitions).

Development plans subject to this Section shall include applications for preliminary site plan or preliminary condominium site plan approval per Article 10 (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.

[amended 6/18/2018, Ord. 174-21]

**ARTICLE 15
RESERVED**

ARTICLE 16

NONCONFORMITIES

Section 16.01 Purpose.

The regulations of this Ordinance are designed to protect the public health, safety, and general welfare by regulating the future use of land through appropriate groupings of compatible and related uses. Certain existing structures, lots of record, sites, and uses 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. This Article is further established to:

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.

Section 16.02 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. 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. 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.

A. Classification of Nonconformities.

Nonconformities shall be classified in one of the following categories:

1. Nonconforming single-family detached dwellings (Section 16.05);

2. Nonconforming lots of record; (Section 16.06);
3. Nonconforming uses; (Section 16.07);
4. Nonconforming structures; (Section 16.08) [amended 8/16/2010, Ord. 174-04];
5. Nonconforming sites; (Section 16.09); and
6. Nonconforming extractive operations (Section 16.10).

B. Establishment of Nonconformities.

To be considered a nonconformity under this Ordinance, the lot, use, site or structure must have been in compliance with the zoning requirements which were lawful when it was established, but must be, except for the provisions of this Article, prohibited, regulated, or restricted by the enactment of this Ordinance or subsequent amendments thereto. Nonconformities shall be established by one (1) of the following methods:

1. The nonconformity must have been a legal nonconformity under the former zoning ordinance and continue to be designated as nonconforming under the provisions of this Ordinance or subsequent amendments thereto;
2. The nonconformity must have been a legal conformity under the former zoning ordinance and made nonconforming by the provisions of this Ordinance or subsequent amendments thereto; or
3. The nonconformity must have been created by a lawful public taking or actions pursuant to a court order having the same effect as a violation of this Ordinance.

Lots, structures, or uses which do not meet one of the above criteria and which are prohibited, regulated, or restricted by this Ordinance are unlawful, shall not be permitted to continue, and shall not be entitled to any of the relief provided in this Article.

Section 16.03 Nonconforming Use Determinations.

This Section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question. The Zoning Inspector shall be responsible for determining whether a use is conforming, nonconforming or unlawful in the zoning district where it is located. When there is a question or dispute about the status of a particular use, such determinations shall be made by the Zoning Board of Appeals, subject to the following:

A. Standards for Determining that a Use is Nonconforming.

When there is a question or dispute about the status of a particular use, the Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

1. **The use does not conform to the purpose and use regulations of the district where it is located.**
2. **The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.**
3. **Evidence from a minimum of three (3) of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Ordinance:**
 - a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 - b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
 - c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
 - d. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
 - e. Dated aerial photos from the State of Michigan, Washtenaw County or other sources accepted by the Zoning Board of Appeals.
 - f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

B. Standards for Determining that a Nonconforming Use has Ceased.

When there is a question or dispute about the status of a particular use, the Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three (3) of the following six (6) statements are true:

1. **Local, county or state government files or records show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
2. **Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the

telephone number associated with the use as disconnected or in use at another location.

3. **Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
4. **Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
5. **Dated aerial photos from State of Michigan, Washtenaw County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use has ceased.**
6. **Other relevant information shows that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

Section 16.04 Unlawful Uses.

Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this Ordinance.

Section 16.05 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 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 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 [amended 8/16/2010, Ord. 174-04].

Section 16.06 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 16.07 Nonconforming Uses.

Single-family detached dwellings that are a nonconforming use in the zoning district shall be subject to the standards of Section 16.05 (Nonconforming Single-Family Detached Dwellings). All other nonconforming uses 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 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 16.07D (Expansion or Substitution).
3. Substitution of a nonconforming use for another nonconforming use on the same site shall be subject to Section 16.07D (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 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 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 Planning Commission 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 per the standards of Section 16.03 (Nonconforming Use Determinations).
 - g. Where required by the Planning Commission or by Section 10.02 (Site Plan Approval Required), detailed site plans shall be submitted for review per Article 10.0 (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 1.14 (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 9.0 (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 Section 16.09 (Nonconforming Sites).
 - 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 16.08 Nonconforming Structures.

Single-family detached dwellings that are a nonconforming structure in the zoning district shall be subject to the standards of Section 16.05 (Nonconforming Single-Family Detached Dwellings). All other nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions [amended 8/16/2010, Ord. 174-04]:

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 16.08F (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 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 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 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 Planning Commission 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 10.02 (Site Plan Approval Required), detailed site plans and building elevations shall be submitted for review per Article 10.0 (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 1.14 (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 16.09 Nonconforming Sites.

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
2. The proposed site improvements shall resolve public safety deficiencies and pedestrian/vehicle conflicts, and improve emergency access.
3. The proposed site improvements shall include at least three (3) of the following, in accordance with applicable Ordinance standards and as accepted by the Planning Commission:
 - a. Preservation of natural resources or historical site features.
 - b. Pedestrian access improvements.
 - c. Vehicular access and circulation improvements.
 - d. Building design or exterior facade improvements.
 - e. Off-street parking or loading improvements.
 - f. Landscaping improvements.
 - g. Screening and buffering improvements.
 - h. Exterior lighting improvements.
 - i. Drainage and stormwater management improvements.
 - j. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
4. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
5. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

Section 16.10 Nonconforming Extractive Operations.

An extractive operation legally existing at the effective date of adoption or amendment of this Ordinance shall be a nonconforming use, and may continue subject to the following:

A. Standards for Extension of Nonconforming Extractive Operations.

Extraction may be extended within the lot based upon the lot boundaries of record at the time this Ordinance was adopted or amended, subject to the following:

1. Such extensions shall not cross a public road.
2. All extensions to be commenced following the effective date of adoption or amendment of this Ordinance shall first comply with all provisions of this Section and Section 5.603 (Extractive and Earth Removal Operations).
3. Any extensions of operations shall not exceed the depth of extraction of the portion existing at the effective date of adoption or amendment of this Ordinance, unless extraction to a greater depth is approved by the Township as part of site plan approval.
4. Plans for the future extension of operations and restoration of the site shall be filed with the Township Planning Commission within one (1) calendar year of the effective date of adoption or amendment of this Ordinance. Failure to file such plans within the one (1) calendar year period shall be grounds for the Township Board to refuse any extensions for the site following the one (1) calendar year period. Failure to file may also be grounds for determining intent to abandon extractive operations for the remainder of the site.

B. Cessation of a Nonconforming Extractive Operation.

If a nonconforming extractive operation ceases for any reason for a period of 365 calendar days, the extractive operation shall thereafter conform to all regulations of this Ordinance and the zoning district where it is located.

C. Standards for Equipment Upgrades.

The equipment and processes of a nonconforming extractive operation may be upgraded periodically to maintain the operation in a modern condition, and to meet contemporary pollution control standards. Such changes shall be permitted, even if they will result in an increase of production, subject to the following:

1. The changes in equipment and processes shall not have the effect of changing the nature or character of the operation into a use prohibited in the zoning district where it is located.
2. The noise, dust, odors, and other objectionable attributes of the operation shall not be increased beyond the levels existing at the effective date of adoption or amendment of this Ordinance.
3. The owner of the extractive operation shall notify the Township Zoning Inspector in writing prior to the installation of each change, and building permits for any structure shall be obtained prior to construction.

Section 16.11 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 16.12 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.

ARTICLE 17 DEFINITIONS

Section 17.01 Purpose.

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

Section 17.02 Rules of Construction.

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

1. 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.
2. The particular shall control the general.
3. 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.
4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive as determined by the Planning Commission.
5. All measurements shall be to the nearest integer, unless otherwise specified herein.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
7. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
8. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
9. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
10. 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.
11. 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:

- a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 - d. "And/or" indicates that either the conjunctive or the disjunctive may apply, as appropriate in the circumstances.
12. Words or phrases in headings shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
 13. Where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
 14. 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 17.03 Definitions.

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

1. **Access Drive.** A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.
2. **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.
3. **Access, Reasonable.** A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.
4. **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.

5. **Adult Foster Care Facility.** A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Michigan Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the State of Michigan. The following four (4) types of adult foster care facilities are provided for by these rules: [amended 2/21/2017, Ord. 174-19]
 - a. **Adult Foster Care Family Home.** Residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
 - b. **Adult Foster Care Small Group Home.** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the house.
 - c. **Adult Foster Care Large Group Home.** Residence for 13 to 20 adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
 - d. **Adult Foster Care Congregate Facility.** Residence for more than 20 adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.

6. **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 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 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 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 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 of 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.
- 7. **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 or his or her household or hired employees. See also "**Farm.**"
- 8. **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.
- 9. **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.
10. **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 an 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.
11. **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)
12. **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)
13. **Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.
14. **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.
15. **Awning.** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.
16. **Balcony.** An exterior floor projecting from and supported by a structure without additional independent supports.
17. **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).
18. **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.
19. **Bedroom.** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.
20. **Berm.** See "**Landscaping.**"
- 20a. **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 [amended 12/16/2013, Ord. 174-14].

21. **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).
22. **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.
23. **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.
24. **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).
25. **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.

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) [amended 12/16/2013, Ord. 174-13].

26. **Building Inspector.** The person or persons designated by the Township to administer and enforce the State Construction Code.
- 26.5 **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**") [amended 8/16/2010, Ord. 174-04]
27. **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.
28. **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.
29. **Carport.** A partially open accessory structure and shelter for housing of vehicles. Such structure shall comply with all yard requirements applicable to private garages.
30. **Cemetery.** Land used for the burial of the dead, including columbiums and mausoleums.
31. **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.**"
32. **Church, Temple, Place of Worship or Religious Institution.** A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.
33. **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.**"
34. **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.

35. **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.
36. **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 than 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.
37. **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 unit development.
38. **Common Open Space.** An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common.

39. **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.
40. **Conditional Use.** See "**Use, Conditional.**"
41. **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.
42. **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.
 43. **Corner Clearance Zone or Area.** A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.
 44. **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.
 45. **Curb Cut.** The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.
 46. **Day Care Center.** A non-residential facility, as licensed by the State of Michigan, receiving one (1) or more adults or preschool or school age children for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian. This includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This shall not include a facility or program operated by a religious organization where children are cared for while their parents or guardians attend associated religious services. This facility is also described as a childcare center, day nursery, nursery school, parent cooperative preschool or drop-in center.
 - a. **Adult Day Care Facility.** A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
 - b. **Family Child Day Care Home.** A private residential dwelling, as licensed by the State of Michigan, in which up to six (6) minor children are received

for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the resident family by blood, marriage or adoption.

- c. **Group Child Day Care Home.** A private residential dwelling, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the resident family by blood, marriage or adoption.
47. **Dedicated Open Space.** Open land that is permanently set aside by the owner for protection in a generally undeveloped state.
48. **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
49. **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.
50. **Density.** The number of dwelling units per net acre of land.
51. **Detention basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
52. **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.**"
53. **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.
54. **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.
55. **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.
56. **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.**"
- 56a. **Dixboro Design Review Board.** The advisory committee established by Section 14.04 (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. [amended 6/18/2018, Ord. 174-21]
57. **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.

58. **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.
59. **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.
60. **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.
61. **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 within a principal building occupied by a permitted use in the district, 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.
- 62. **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.
- 63. **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.
- 64. **Elderly Housing.** See "**Senior Housing.**"
- 65. **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.

66. **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.
67. **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.
68. **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.
69. **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 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.
70. **Exception.** An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.
71. **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.
72. **Facade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.
73. **Family.** One (1) or more persons related by blood, bonds of marriage, or legal adoption, plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of three (3) or fewer individuals living together in one (1) dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are preparing meals as a single nonprofit housekeeping unit. This definition shall not include any society, club,

fraternity, sorority, association, lodge, coterie, or group of transitory or seasonal nature or for a limited duration of a school term or terms or other similar determinable period.

74. **Family.** Means either of the following:
- a. A domestic family, that is, one 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 additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
 - b. 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.
75. **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.
- 75a **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 [amended 8/16/2010, Ord. 174-04].
76. **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.

77. **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.
78. **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 [amended 4/1/2011, Ord. 174-05].
79. **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.
80. **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.
- 80a. **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. [amended 6/18/2018, Ord. 174-21]
- 80b. **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. [amended 6/18/2018, Ord. 174-21]
81. **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 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.
82. **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.
83. **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 [amended 12/16/2013, Ord. 174-13].
84. **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 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.
85. **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 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.
86. **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.
87. **Garage.** An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.
88. **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.
89. **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.

90. **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 200 yards. Par-3, eighteen-hole golf courses typically occupy 50 to 60 acres.
91. **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.
92. **Greenbelt.** See "Landscaping."
93. **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.
94. **Groundwater.** Water stored in, and slowly filtering through, geologic formations.
95. **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.
96. **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.
97. **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).
98. **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).
- 98a. **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; or other large scale or more intensive indoor recreational facilities [amended 12/16/2013, Ord. 174-13].
99. **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.
100. **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.
101. **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.
102. **Hotel or Inn.** One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.

103. **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.
104. **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.
105. **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.
106. **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.
107. **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. [also see Ord. No. 63 (Dog Control)]
- 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 [amended 5/21/2012, Ord. 174-07].
108. **Laboratory.** A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.
109. **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).
110. **Landmark Tree.** All trees that have a diameter at breast height (D.B.H.) of 24 inches or greater, and trees otherwise designated and regulated as landmark trees by this Ordinance.

111. **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 tree that has foliage that is shed at the end of the growing season.
 - (2) **Evergreen Tree.** A variety of tree 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.

112. **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.**"
113. **Lighting.** The following definitions are related to lighting:
- a. **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.
- b. **Floodlight.** A fixture or lamp designed to direct light over a broad area.
- c. **Footcandle.** Lumination 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.
- d. **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.
- e. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- f. **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.
 - g. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
 - h. **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.).
 - i. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
 - j. **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 lux is one lumen per square meter.
 - k. **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.
114. **Livestock.** See "Farming."
115. **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.
116. **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 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.

117. **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.

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

119. **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 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.

120. **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.
121. **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.
122. **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).
123. **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 therefore, 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 139.2301 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.
124. **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.
125. **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.
- 125b. **Master Plan.** See “**Growth Management Plan.**” [amended 6/18/2018, Ord. 174-21]

126. **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.

127. **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).
128. **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.
129. **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.
130. **Mixed Use.** A structure or project containing residential and nonresidential uses.
131. **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."
132. **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.
133. **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.
134. **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 rust-proofing; or similar servicing or repairs that do not normally require any significant disassembly.
135. **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.

136. **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.
137. **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 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.

138. **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.

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

140. **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.

141. **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 Business**" and "**Landscaping/Maintenance Operations.**"
142. **Obscene Material.** As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].
143. **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."
144. **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.
145. **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.
146. **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 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.
147. **Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building. See also "**Open Air Business.**"
148. **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.
149. **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 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.
150. **Outlot.** A parcel of land designated on a site plan for future development.
151. **Parcel.** See "Lot."
152. **Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.
153. **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.
154. **Pavement Or Hard Surface.** Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.
155. **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.
156. **Permitted Use.** See "Use."
157. **Person.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.
158. **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.**"
159. **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.
160. **Plat.** A map or chart of a subdivision of land.
161. **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.
162. **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.

163. **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.
164. **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.
165. **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 drainfield and treatment system.
166. **Principal Use.** See "Use."
167. **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."
168. **Pub.** See "Brewpub" and "Tavern."
169. **Public Utility.** See "Utility."
170. **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.
171. **Quarry.** See "Extractive Operation."
172. **Recognizable and Substantial Benefit.** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.
173. **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.

174. **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 [amended 12/16/2013, Ord. 174-13].
175. **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 as a business and open for use by the public for a fee; 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. Such facilities may include spectator seating or facilities for sporting events [amended 12/16/2013, Ord. 174-13].
176. **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 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 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 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.
177. **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.
178. **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 car-hop 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.
179. **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.

180. **Retention Basin.** A pond, pool, or basin used for the long-term storage of water runoff.
181. **Rezoning.** The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.
182. **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).
183. **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.
184. **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.
185. **Road.** A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.
186. **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.

187. **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.
188. **Sanitary Sewer System.** Facilities for transportation, collection, processing, or treatment of sanitary sewage serving or intended to serve more than one 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.**"
189. **Screen.** See "**Landscaping.**"
190. **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.
191. **Senior Housing.** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 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 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
 - f. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.
192. **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.

193. **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 required to comply with required yard provisions of this Ordinance.
194. **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.
195. **Sign.** Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. 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 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) **Building Directory.** A wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
 - (3) **Nameplate.** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
 - (4) **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.
 - (5) **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.
 - (6) **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. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
 - i. **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.
 - j. **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.
 - k. **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.

- l. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
- m. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such 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.
- n. **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.
- o. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
 - (1) **Animated Copy.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per minute.
 - (2) **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy, which can be altered by manual, mechanical or electrical means without replacing the sign copy area, at intervals of once per minute or longer.
- p. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
- q. **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
- r. **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 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.

- s. **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.
 - t. **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.
196. **Site Condominium.** See "**Condominium.**"
197. **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.
198. **Slopes.** Any rise in the height of a topographic land surface over a distance of 100 feet, in which one end or side is at a higher level than another. See also "**Steep Slopes.**"
199. **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.
200. **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.
201. **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.
202. **State Licensed Residential Facility.** A structure or facility constructed for residential purposes to provide resident services and 24 hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State

of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended).

203. **Steep Slopes.** A rise of 25 feet or more over a distance of 100 feet, or any existing slope of twenty five percent (25%) or greater.
204. **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 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 than the vertical distance from the average grade to the ceiling.
205. **Story, Half.** An uppermost story lying under a sloping roof having an area of at least 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.
206. **Street.** See "**Road.**"
207. **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.
208. **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.
209. **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.
210. **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.

211. **Theater.** A building, room, or outdoor structure for the presentation of performances or motion pictures.
212. **Total Buildable Area.** An area calculated by subtracting from the gross site acreage, the areas comprised of existing and proposed right-of-ways 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.
213. **Township.** The Charter Township of Superior, Washtenaw County, Michigan.
- a. **Township Board.** The elected board of trustees for Superior Charter Township, Washtenaw County, Michigan.
214. **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.
215. **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.
- 215a. **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 14.05F (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.
- 215b. **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 [amended 6/16/2014, Ord. 174-15].
216. **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 "**Landscaping/Maintenance Operations**" and "**Nursery.**"
217. **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.

218. **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.
219. **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 insure 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.
220. **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 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.
221. **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.

- 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.
222. **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.
223. **Variance.** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.
224. **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.
225. **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).
- 225a. **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 [amended 12/16/2013, Ord. 174-14].
226. **Wall.** A screening structure of definite height and location constructed of a masonry, concrete, rock or similar material.
227. **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.**"
228. **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.
229. **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 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.
230. **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.
231. **Wetland Ordinance.** Ordinance No. 135, duly adopted by the Superior Charter Township Board, entitled "Wetland and Watercourse Protection and Restoration."
232. **Wetland, Regulated.** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) or the Township's Wetland Ordinance.
233. **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 of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
234. **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.
- 234a. **Woodland.** Land covered with woody vegetation, with concentrations of trees from 20% to 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 [amended 6/16/2014, Ord. 174-15].
235. **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 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.

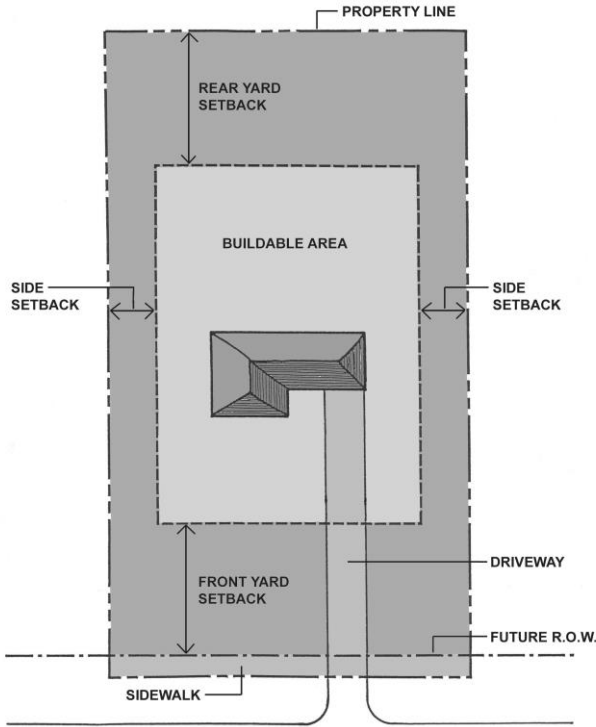
- 236. **Zoning Board of Appeals.** The board created pursuant to the provisions of this Ordinance and the Michigan Zoning Enabling Act to hear and decide appeals, variances, interpretations, and exceptions under this Ordinance.

- 237. **Zoning District.** See “**District.**”

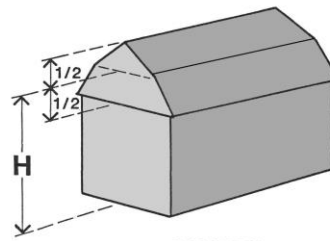
- 238. **Zoning Inspector.** The person(s) designated by the Township to administer and enforce the provisions of this Zoning Ordinance on a day-to-day basis.

- 239. **Zoning Permit.** See “**Certificate of Zoning Compliance.**”

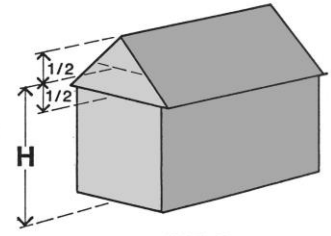
ILLUSTRATIONS



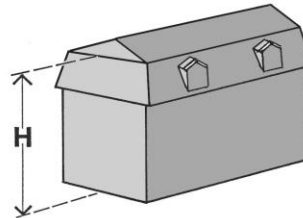
Building Envelope



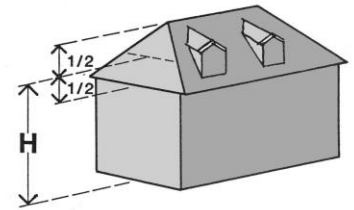
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GABLE

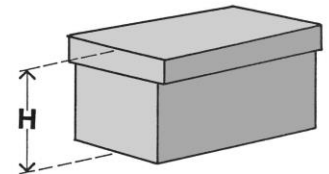


MANSARD

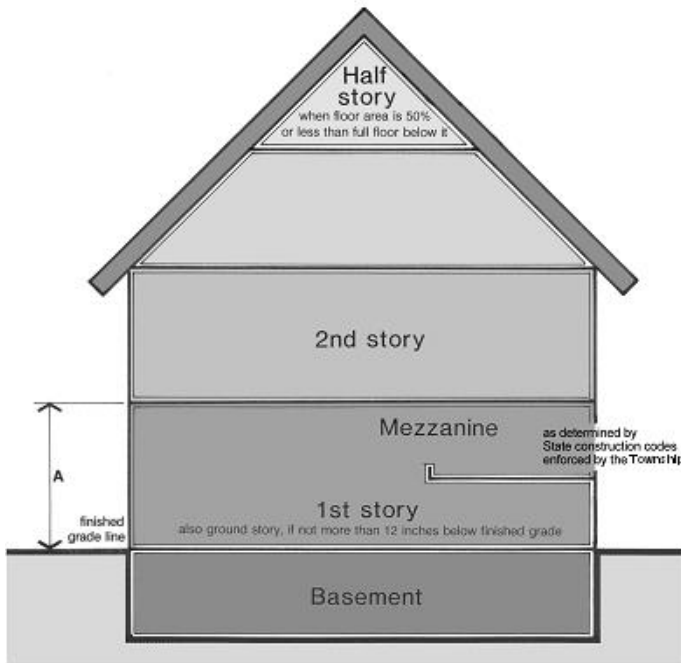


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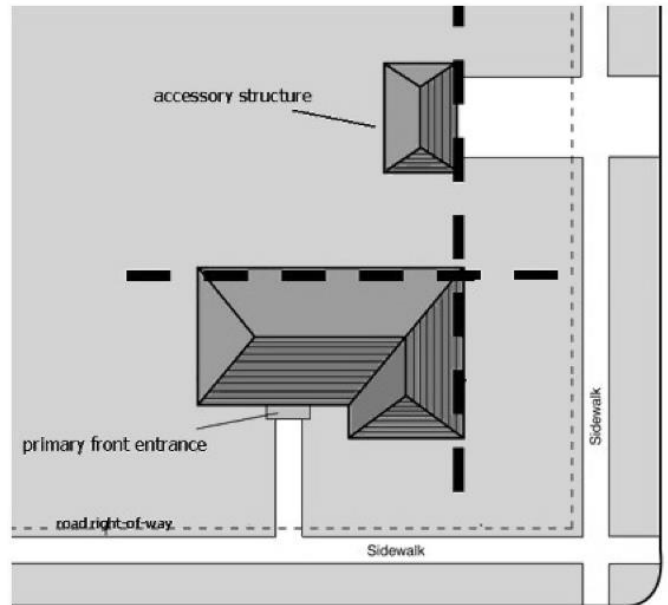
Building Height



FLAT

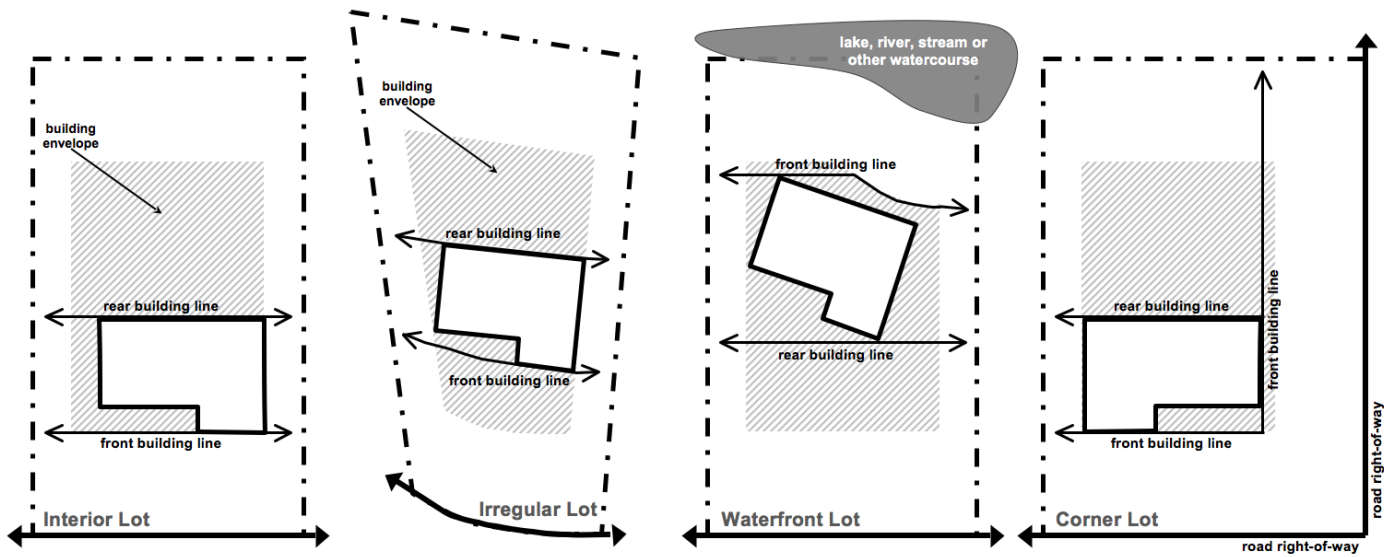


Basic Structural Terms

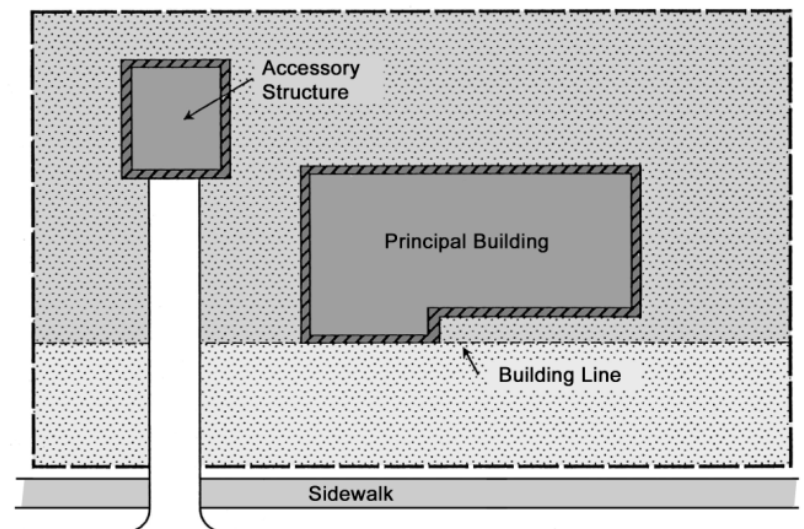


Accessory Structure Location on a Corner Lot

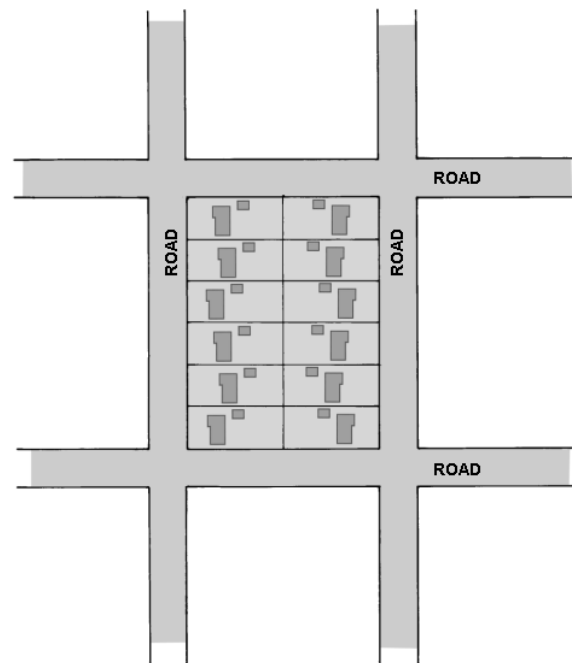
ILLUSTRATIONS



Building Lines

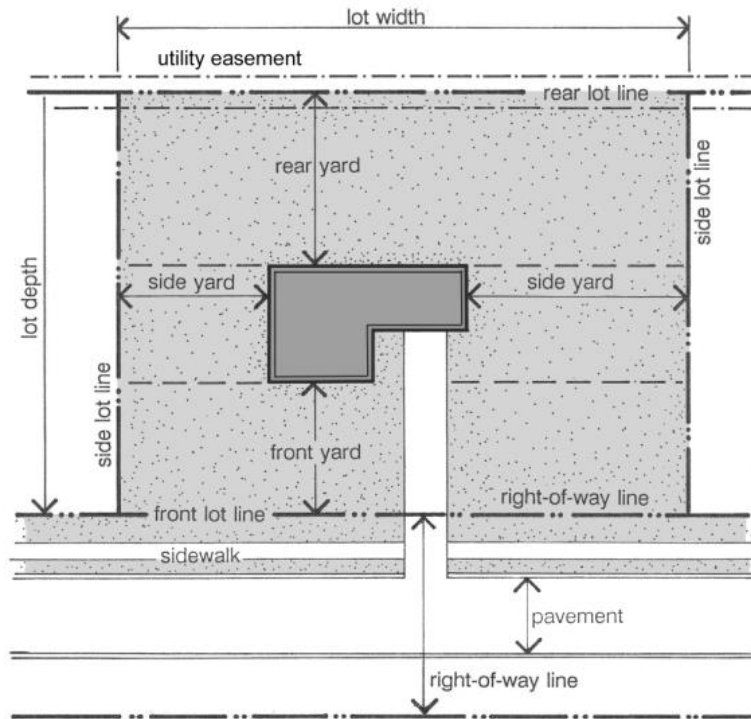


Accessory Structure

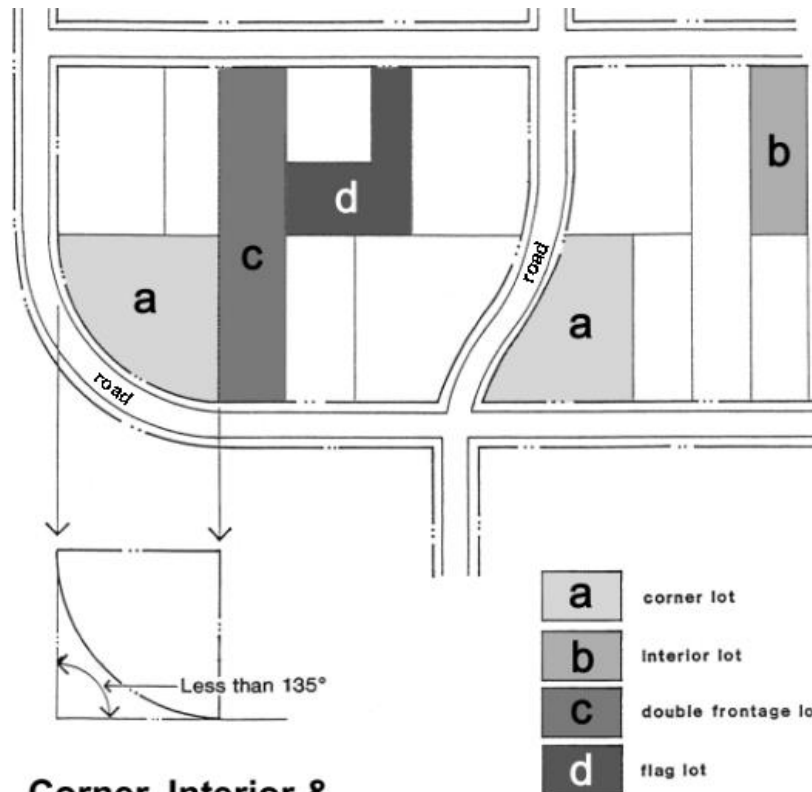


Block

ILLUSTRATIONS



Yard Terms



Corner, Interior & Double Frontage Lots

ARTICLE 18 AMENDMENTS

Section 18.01 Initiating Amendments.

The Township Board may 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 18.02 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 a 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 required fees have not been paid in full.

Section 18.03 Pre-Application Meeting.

A property owner or their agent or designee shall meet with the Township Planner and designated Township consultants 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, Growth Management 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 18.04 Amendment Procedure.

The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act and the following:

A. Filing of Petition.

A petition shall be filed with the Township Clerk. The Clerk shall transmit the petition to the Planning Commission for review and report to the Township Board.

B. Technical Review.

Prior to Planning Commission consideration, the proposed conditional 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 1.14 (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 within 180 calendar days after receipt of a complete and accurate application. The report shall include a summary of comments received at the public hearing. This time limit may be extended by agreement between the petitioner and the Planning Commission.

E. Optional County Review.

Upon completion of the Planning Commission public hearing, the proposed amendment or supplement may be submitted to the Washtenaw County Planning Advisory Board for review and recommendation to the Township Board.

F. 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 1.14 (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.

G. 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 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.

Section 18.05 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 and 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 18.06 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 a 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:

1. 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.
2. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition.
3. 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.

4. Effect of approval of the petition on the condition and/or value of property in Superior Township or in adjacent municipalities.
5. Relation of the petition to the Township's adopted Growth Management 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 18.07 Notice of Adoption.

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within 15 calendar days of such approval in a newspaper of general circulation within Superior Township. The notice of adoption shall include the following information:

1. The Article and Section of the Ordinance amendment, in the case of a text amendment;
2. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
3. The effective date of the amendment; and
4. The place and time where a copy of the Ordinance may be inspected or purchased.

Section 18.08 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.

1. If a notice of intent is filed, then within 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.
2. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:

- a. The expiration of 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.
- b. The Township Clerk finds that the petition, if filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, is inadequate.
- c. If a petition is filed within 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 18.09 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.

Section 18.10 Conditional Rezoning Prohibited.

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in Superior Charter Township. Any application for a rezoning amendment to the Official Zoning Map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.

ARTICLE 19

LEGAL STATUS PROVISIONS

Section 19.01 Adoption.

This Ordinance was adopted by the Township Board of Superior Charter Township, Washtenaw County, Michigan, following compliance with all procedures required by the Michigan Zoning Enabling Act, at its regular meeting duly held on the fourth day of August, 2008, and ordered to be given publication in the manner prescribed by law.

Section 19.02 Effective Date.

The Board of Trustees of Superior Charter Township, Washtenaw County, Michigan adopted this Ordinance at first reading on July 21, 2008, and at second and final reading on August 4, 2008. Public hearings having been held, this Ordinance is hereby declared to be effective as of the fourteenth day of August, 2008, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act. This Ordinance shall remain in full force and effect from this date forward unless repealed.

Section 19.03 Severability.

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.

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 19.04 Repeal of Previous Ordinances.

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.

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.

Section 19.05 Conflict With Other Laws.

Where any condition imposed by any provision of this Ordinance upon the use of any lot or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

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