

Chapter 7 ZONING PLAN

Introduction

Zoning is the division of a community into districts for the purpose of regulating the use of land and buildings, their height and bulk, the proportion of the lot that may be covered by them, and the density of development. Zoning is enacted under the police power of the State for the purpose of promoting health, safety and general welfare and has long been supported constitutionally by the U.S. Supreme Court and the Michigan courts.

The Township Zoning Ordinance is one of the most important tools available to implement the policies of the Superior Charter Township Master Plan related to the use and development of land. The purpose of zoning is to assist in orderly development and growth. It is also used to protect property values and investments. Because of the impact it can have on the use of land and related services, local zoning regulations must be built upon the foundation of a Master Plan and “zoning plan.”

The Michigan Zoning Enabling Act requires a zoning plan be prepared as the basis for the zoning ordinance. It must be based on an inventory of conditions pertinent to zoning in the township and the purposes for which zoning may be adopted. The zoning plan identifies the zoning districts and their purposes, as well as the basic standards proposed to control the height, area, bulk, location, and use of buildings and premises in the Township.

These matters are regulated by the specific terms in the Zoning Ordinance.

RELATIONSHIP TO THE MASTER PLAN

This Master Plan sets forth the goals, objectives, and policies for future growth and development in the Township. It includes specific strategies for managing growth and change in land uses and infrastructure in the Township, and will be periodically reviewed and updated at least once each five (5) years.

This Chapter is the Zoning Plan, which, along with the rest of the relevant parts of this Plan, is intended to guide the implementation of and future changes to the Township Zoning Ordinance.

ZONING DISTRICTS

Table 7-1 lists the nineteen (19) proposed zoning districts in the Township Zoning Ordinance:

Table 7-1 – 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

Following are descriptions and general purposes of the six (6) general categories within which the 19 zoning districts in the Superior Charter Township Zoning Ordinance are organized. The specific purposes of each district are described in Article 2 (Zoning Districts) of the Zoning Ordinance:

Rural Districts

The principal purpose of the Rural District designation is to focus on conservation of lands with sensitive environmental characteristics like woodland, wetland, wildlife habitat, and farmland. A range of agricultural uses and agricultural support services are permitted, along with a limited range of very low-density single-family residential uses. Gravel roads serve most of the land in these districts, and there are no plans to pave these roads. The land zoned within these districts generally conforms to the area designated as “agricultural lands, conservation or rural residential” or “rural residential” on Map 6-4, Future Land Use.

Rural Residential Districts

The principal purpose of the Rural Residential District designation is to accommodate the large demand for land suited for large-lot single-family use served by septic systems and private wells. Most of this land was formerly farmed, and some of it still is in agriculture, which is a permitted use. Dwellings are permitted on individual lots ranging in density from one dwelling unit per two (2) acres to one (1) dwelling unit per acre. The land zoned within these districts generally conforms to the area designated as “agricultural lands, conservation or rural residential” or “rural residential” on Map 6-4, Future Land Use.

Urban Residential Districts

The principal purpose of the Urban Residential District designation is to provide for a range of residential dwelling types at urban densities within individual zones tailored for that specific use. Densities range from two (2) to eight (8) dwelling units per acre. The bulk of land zoned into one of these districts is located in the designated Urban Service Area south of Geddes Road, but there are some historic small lot subdivisions in the Hamlet of Dixboro that are also in these districts.

Business Districts

The principal purpose of the Business District designation is to provide opportunities for regulated commercial or office activities primarily serving a local market. There are few properties zoned into these zoning classifications and they are widely scattered throughout the Township. Most represent locations where commercial activity has been in place for many decades.

Other Districts

The principal purpose of the Other Districts designation is to include all zoning districts that do not fall under one of the other “Types of Districts” in Table 7-1.

Special Districts

The following zoning districts are designation as “special districts” in the Zoning Ordinance:

- 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)

These six (6) special districts use the planned unit development (PUD) authority authorized by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). This option provides considerable flexibility to the land developer to provide opportunities for development designs that respect both the natural environment and efficiency in the provision of infrastructure and public facilities, and provide the Township with flexibility to ensure mitigation of negative impacts on adjoining properties.

A wide range of densities and lot sizes are provided, depending on the district and specific ordinance provisions. Most new development proposals in the Township are encouraged to use one of these special districts because of the design flexibility provided to the developer and the opportunity for the Township to help fashion a design that is compatible with adjoining properties.

DIMENSIONAL STANDARDS

Table 7-2 lists the proposed dimensional standards table for each district of the Zoning Ordinance. The supplemental regulations and standards are listed in the Zoning Ordinance.

Table 7-2 – Dimensional Standards

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
Maximum Building Height	Feet	35	40	40	35	35	35	35	35	35	35	35	35	35	35	30	35		35	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	2.5	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		250	100		150	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		3.0 acres	20,000		2.0 acres		
Yard/Setback Standards (feet)	Front Yard	Minimum	60	75	75	60	50	35	25		35	20	35	20	20		50	20		50	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%		20%	25%		20%	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	Section 3.203E	
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	

RECOMMENDED ZONING ORDINANCE CHANGES

Because this Master Plan incorporates new policies on land uses, infrastructure improvements, and other measures related to further improving quality of life in the Township, there are changes to the Zoning Ordinance that should be made to make it fully consistent with this Plan. In other words, as the principal tool for implementing this Plan, policy of the Plan should be reflected in the zoning requirements.

Following is a list of recommended changes to the regulations and standards of the Zoning Ordinance in accordance with the policies of this Master Plan. These changes should be pursued as the need or opportunity presents itself, but before the Township initiates action to implement new Plan policies. In some cases, fuller public discussion of proposed zoning amendments on any of the elements listed below will result in the need to refine some of the language in this Plan. When that occurs, this Plan should be amended before the zoning amendments are adopted.

Energy and Environment:

1. Consider adding provisions to allow siting of small-scale solar energy facilities, both roof-mounted and freestanding.
2. Add incentives for inclusion of LEED (Leadership in Energy and Environmental Design) certified buildings and facilities.

Site Design and Development:

3. Add standards to the site plan review section to ensure future residential development includes site designs that:
 - Employ low impact development techniques for stormwater management;
 - Minimize impacts on wildlife habitat and the natural links that facilitate movement of wildlife; and
 - Incorporate LEED-ND (LEED for Neighborhood Development) design solutions.
4. Add Zoning Ordinance provisions that would create incentives to encourage preservation and adaptive re-use of historic resources on sites where additional development is proposed.

5. Add access management standards to the Zoning Ordinance consistent with Washtenaw County Road Commission standards and the MDOT Access Management Guidebook.
6. Limit development on gravel roads to levels below the capacity of the road, unless the developer will contribute to paving the road and paving is otherwise warranted and in accordance with the Zoning Ordinance.
7. Add provisions requiring developments within the Urban Service Area to accommodate existing or future public bus transit service.
8. Establish standards for the design and construction of all new sidewalks and trails, and require every new development to provide sidewalks or approved trails that link to abutting properties.
9. Consider revising language to clarify that urban residential development subject to site plan review shall provide a minimum amount of dedicated active or passive recreation land and/or facilities for use by residents.

Land Use:

10. Consider amending the commercial zoning districts to allow for integration of a “mixed-use” development of commercial, office, and residential land uses where the proposed plan provides the necessary amenities to create a viable pedestrian environment while minimizing conflicts between land uses.
11. Consider expanding the accessory dwelling provisions to allow an integrated accessory dwelling unit as part of a single-family home, subject to specific conditions and limitations.
12. Require all public school buildings and facilities, as well as all other public buildings and facilities, to be subject to the Township Zoning Ordinance and site plan review if statutory or case law changes to permit such regulation.

Other:

13. Revise lot frontage requirements to permit limited use of shared driveways, and to prevent the creation of corner lots at the end of new private drives.
14. Add an exception process for the Zoning Board of Appeals to allow for location of accessory structures in front yards outside of the

Urban Service Area, where the dwelling is set far back from the road.

15. Revise the temporary sales and display provisions to allow for administrative approval of such uses by the Zoning Inspector.
16. Revise the sign requirements for the Medical Services (MS) District to allow for administrative approval of new, non building-mounted signage by the Zoning Inspector, where the proposed sign is in full compliance with the area, height, illumination, setback, and other applicable sign standards.

EXTENSIONS OF DEVELOPMENT APPROVAL

Development plan approval, including Special District Area Plan approval (Article 7) and preliminary/final site plan approval (Article 10), is required by the Zoning Ordinance. The purpose of the development review process is to verify that proposed developments are consistent with this Plan, and in compliance with the standards of the Zoning Ordinance and other applicable regulations. In recognition that site conditions and applicable standards can change over time, such approvals are limited to specific periods of time ranging from 365 calendar days to three (3) years (see Sections 7.107 and 10.08).

Sections 7.107 and 10.08 currently authorize the Planning Commission to grant an extension of development plan approval subject to the following:

1. **Written request by the applicant.**

2. **Showing of good cause by the applicant.** The Planning Commission shall consider the following factors in determining whether “good cause” exists to grant an extension of development plan approval:
 - The request shall not be based solely on macro-economic conditions generally affecting the state, region of the country, or the country as a whole.

 - The applicant has demonstrated that unforeseen local economic factors or economic conditions specific to the business or development have temporarily delayed the development project; and that such factors or conditions can be mitigated or resolved within the requested extension period.

 - The applicant has demonstrated that unforeseen delays in securing necessary infrastructure, road improvements, or outside agency approvals have temporarily delayed the development project; and that such delays can be resolved within the requested extension period.

 - The applicant has demonstrated that other unforeseen events, conditions, factors, or circumstances justify the extension.

- The Township’s interests are not adversely affected by the requested extension of approval.
- Documentation has been provided showing that all property taxes and required development review fees and escrow deposits associated with the project have been paid.
- Except where the Planning Commission finds that extraordinary events, conditions, factors, or circumstances warrant, an approved development plan shall not receive more than one (1) extension of approval.

3. **Confirmation that site conditions have not changed in a way that would affect the character, design or use of the site.** The Planning Commission shall consider the following factors in determining whether a change in site conditions would adversely affect an approved development plan:

- A change in the capacity of public sanitary sewer facilities, private community wastewater treatment system (PWS), or individual on-site septic system that would restrict the use or development of the site.
- A change in the capacity of public water facilities or a private well to provide potable water services that would restrict the use or development of the site.
- A change in road configuration, alignment, or access management standards that that would restrict or alter vehicular or pedestrian access to the site.
- A change in drainage patterns, extent of wetlands, or condition of other natural features on the site that would require alterations to the approved site plan to conform to the requirements of Township ordinances or state or federal environmental regulations.
- A reduction in the estimated capacity of soils, on- or off-site stormwater management facilities, or other elements of the site to support the proposed development, as determined by the Township Engineer.
- A change in the character, development or use of adjoining properties or road rights-of-way that would require

alterations to the approved site plan to comply with Zoning Ordinance requirements.

4. **Confirmation that the approved development plan remains in conformance with all applicable Zoning Ordinance provisions.**

REZONING TO IMPLEMENT THE MASTER PLAN

The land use classifications on the Future Land Use Map provide the basis for evaluating future rezoning requests. Zoning actions that are consistent with the Future Land Use Map usually receive deferential and favorable judicial review if challenged. The Master Plan should be the principal source of information in the investigation of all rezoning requests.

The Planning Commission should conduct a periodic appraisal of the Township Zoning Ordinance and Official Zoning Map with the assistance of the Township Planner. The review should ensure that environmental, land use, circulation, and all other elements of this Plan are adequately reflected in the ordinance text and map, and that no changes to the Plan or ordinance are necessary.

PHASING OF ZONING MAP CHANGES

Although Map 6-4 (Future Land Use) is not a zoning map, it will be used as a guide to future changes to the Township’s Official Zoning Map. A key to successful Plan implementation is the timing of such rezonings, as initiated by the Planning Commission or by petitioners.

When considering whether a rezoning request is consistent with this Master Plan, the Planning Commission and Township Board should keep in mind that this Plan is based upon a ten (10) to twenty (20) year planning period. While the Plan may identify certain Township lands for more intensive development, the time for such development (within the planning period) may not yet have arrived. More intensive or “urban” land uses should be phased-in over a period of time consistent with infrastructure and land capacity and the policies of this Plan.

A crucial component in implementing this Plan will be seen in rezoning applications subsequent to the adoption of the Plan. In addition to the provisions of Section 18.06 (Findings of Fact Required) of the Zoning Ordinance, the Planning Commission shall consider the following in making its findings and recommendations on proposed amendments to the Official Zoning Map:

1. **Evaluation of existing zoning and development pattern.**
Review the existing zoning and set of principal permitted and conditional land uses for compatibility with Master Plan policies, the surrounding development pattern, and site characteristics.

Determine whether there are conditions or circumstances that warrant a change or reasonably prevent the site from being developed or used as zoned. Consider whether the boundaries and size of the proposed district are compatible with the surrounding area and the scale of future development on the site.

- The requested rezoning should not create an isolated or incompatible zone in the area.
- Development within the designated Urban Service Area should occur as a natural extension of existing neighborhoods.

2. **The apparent demand for the types of uses permitted in the district(s).** Consider the apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

- Consider whether there is a demonstrated market demand for more land to be classified in the requested district; and if so, whether this is the most appropriate location.
- Consider the availability of land already planned and/or zoned for the types of land uses and intensity of development possible under the proposed zoning district.
- Consider the amount of land in the Township or adjoining jurisdictions that is already prepared and/or ready for development consistent with the proposed zoning district’s intent and list of permitted land uses. For rezoning requests to Urban Residential Districts, this evaluation should include review of the number of vacant residential lots ready for residential development in the designated Urban Service Area.

3. **Availability of public services and infrastructure to serve all of the potential land uses.** Rezoning of undeveloped land to a more intensive zoning district should only take place in conjunction with the availability of public services and infrastructure to serve all of the potential land uses in the proposed district.

- Capacity of available utilities and public services to accommodate the uses permitted in the district without compromising the health, safety, and welfare of Township

residents or burdening public entities or the Township with unplanned capital improvement or operational costs.

- Capacity of the existing road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district.
- Capacity of existing police, fire, ambulance, schools, and other public services to serve all potential land uses on the site.
- Rezoning of undeveloped land outside of the designated Urban Service Area should only take place consistent with the policies of this Plan and after determination by the Township that the change in tax base or overall benefit coming to the community from potential land uses on the site would more than offset anticipated costs to the Township and other public entities for providing necessary public services.

4. **Compatibility with the surrounding area.** Evaluate the proposed district and existing zoning of surrounding properties in terms of all uses permitted and the district intent. Determine the adjacent uses and their general character. Consider the surrounding vicinity on both sides of the road and all sides of the site. Finally, determine whether development that could occur on the subject site is compatible with the surrounding character in terms of traffic, noise, scale, and types of uses in comparison to current activities in the area. Isolated and abrupt changes in land uses and densities not consistent with Master Plan objectives and policies are considered spot zoning and are not recommended planning and zoning practice.

5. **Consistency with Master Plan future land use recommendations.** Refer to Chapter 6 (Growth Management Strategies) of this Plan and determine whether the intent and all of the allowable uses within the requested zoning district are compatible with the future land use designation for the site.

- **Rezoning inconsistent with this Plan.** A rezoning inconsistent with this Master Plan should only be considered where specific findings are made that demonstrate conditions have changed significantly since the Plan was prepared, and/or new information supports a change. In

such cases, the Township may first consider an amendment to the Plan.

- **Phasing in of new development.** The future land use recommendations of this Master Plan are based upon a ten (10) to twenty (20) year timeframe. Consider whether the timing of the proposed rezoning is appropriate, given trends in the area, infrastructure capacity, and other factors.
- **Consistency with the Township’s policies on natural features.** Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site’s physical, geological, hydrological, and other environmental features. If the subject site possesses significant natural features, ensure that the types of uses and the intent of the district will enable proper preservation of these areas in accordance with Master Plan policies and Zoning Ordinance requirements.

MORE ZONING TOOLS FOR PLAN IMPLEMENTATION

Following is a list of zoning-related tools and techniques that can be used by the Township to implement the policies of this Master Plan:

Site Plan Review

Each time the Planning Commission reviews a site plan for compliance with the Township Zoning Ordinance, another step is taken in the process of implementing the policies of this Master Plan. Development review and approval is an important implementation tool to ensure that new construction and changes to existing sites are consistent with the goals and objectives of this Plan.

Planned Community Special District

The Planned Community (PC) District involves the use of special zoning requirements and review procedures that provide design and regulatory flexibility, so as to encourage innovation in land use planning and design. PC projects should achieve a higher quality of development than might otherwise be possible. Use of the PC option for large-scale residential developments and mixed-use projects is recommended to achieve development in accordance with the goals and objectives of this Plan.

Open Space Overlay Special District

The Open Space Overlay (OSP) District is intended to identify rural lands in the Township that have been permanently conserved or protected by deed restrictions, conservation easements or other methods, and to provide an additional layer of protection for such lands in accordance with the goals and objectives of this Plan.

Other Special Districts

The Planned Manufacturing (PM), Medical Services (MS), Village Center (VC), and Neighborhood Shopping Center (NSC) Districts involves the use of special zoning requirements and review procedures that provide design and regulatory flexibility for development consistent with the desired character of specific sub-areas of the Township, in accordance with the goals and objectives of this Plan.

Performance Standards

Rather than simply regulate development on the basis of dimensional standards, some communities are establishing performance standards to regulate development based on the permissible effects or impacts of a proposed use. Performance standards should be used to supplement conventional zoning standards for the purposes of regulating noise, dust, vibration, odor, light, glare and heat, safety hazards, and environmental impacts, such as air and water pollution. The complexity of the performance standards should be based in part on the capacity of Township officials to administer and enforce the standards. Performance standards can be particularly useful in achieving environmental and resource protection goals.

Incentive Zoning

Incentive zoning allows a developer to exceed the dimensional limitations in the Zoning Ordinance if the developer agrees to fulfill conditions specified in the Ordinance. Incentive zoning should be considered to promote innovative land planning techniques identified in the Plan. For example, a possible increase in density can be used as an incentive for developments that implement rural open space zoning standards.

Overlay Zoning

Overlay zoning allows the Township to impose a new set of regulations on a special area within an existing zoning district. In an area where an overlay zoning is established, the property is placed simultaneously in the two zones, and the property may be developed only under the applicable conditions and requirements of both zones. Thus, the overlay district regulations supplement the regulations of the underlying zoning district. Overlay zoning has been used in other communities to address special conditions and features, such as historic areas, wetlands, and

other environmentally sensitive areas, without disrupting the underlying zoning plan.

Site Design Standards

Beyond the standard regulations to implement the future land use plan, the ordinances can be revised to allow for more flexibility and creativity in design. Innovative site design involves the use of special zoning standards and review procedures that provide design and regulatory flexibility, so as to encourage innovation in land use planning and design. High quality developments that help to preserve and maintain the existing agricultural character in the Township can be implemented only if the regulations and standards are adopted which promote the most innovative and creative design techniques.

Development Agreement

Although there is no explicit legislative authority for such agreements, many Michigan communities have used development agreements to achieve a mutual understanding between the developer and Township concerning the conditions under which development can occur. Development agreements are often negotiated as part of a planned development approval, allowing the community and developer to address complex issues that cannot be adequately addressed on a typical site plan. Development agreements might prove useful to achieve desired developments in the Township, especially if or when a mixed-use development is proposed.

Form-Based Zoning and Building Composition Standards

Although there is no explicit legislative authority for form-based zoning, some Michigan communities are adding building design and appearance standards to local zoning ordinances. The intent of form-based zoning and building composition standards is not to mandate certain architectural styles or materials, but rather to achieve a more uniform streetscape where adjacent buildings share common design elements, height, number of stories, and other characteristics.