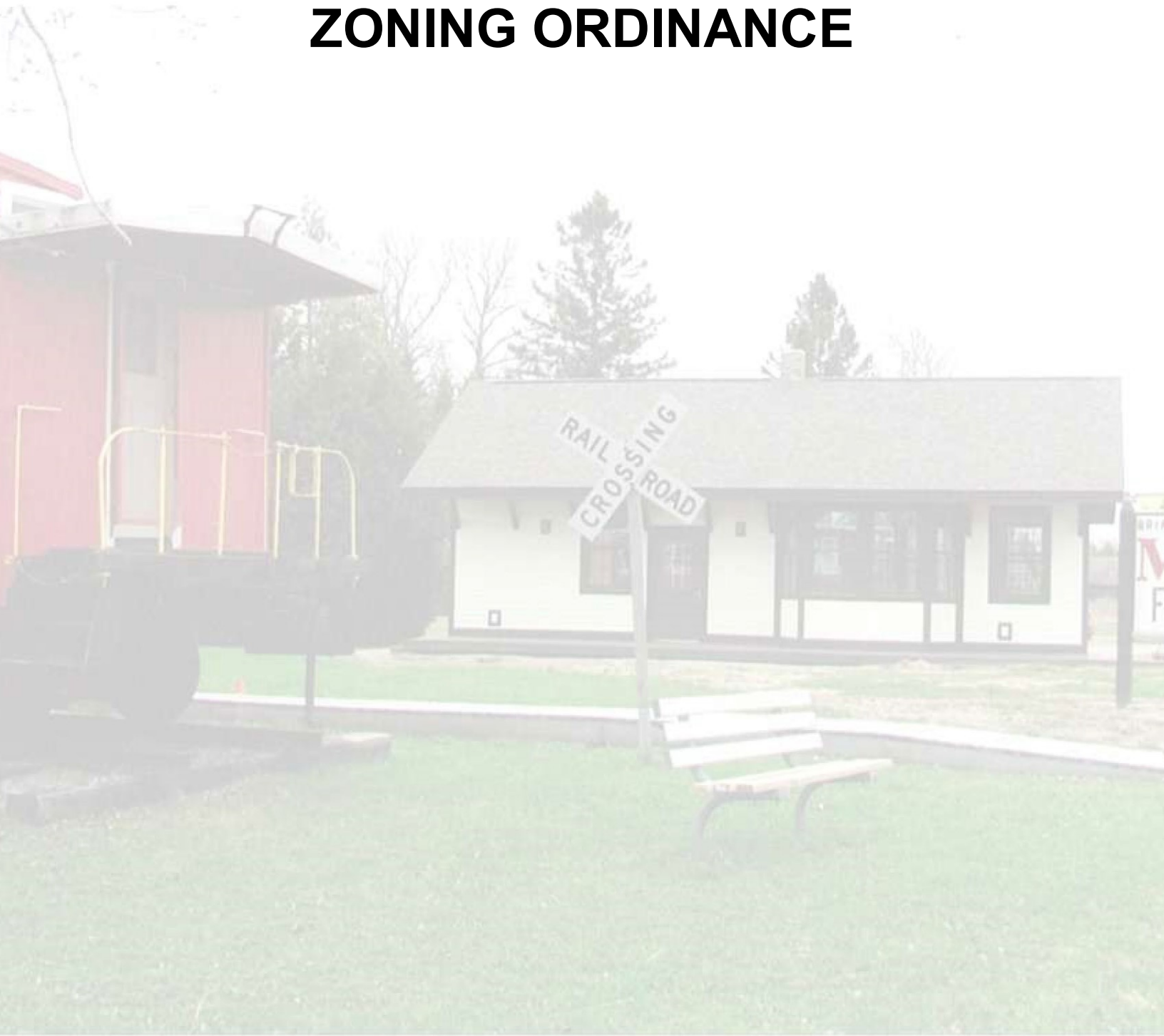


# **SUPERIOR TOWNSHIP ZONING ORDINANCE**



**AUGUST 3, 2022**



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# **Superior Township Zoning Ordinance**



## **ARTICLE 1 - TITLE, PURPOSE AND LEGAL CLAUSE**

### **SECTION 1.01 - TITLE**

This Ordinance shall be known, and may be cited, as "The Zoning Ordinance of Superior Township."

### **SECTION 1.02 - REPEAL OF ORDINANCE**

The Superior Township Zoning Ordinance adopted in 1976, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

### **SECTION 1.03 - PURPOSES**

An ORDINANCE to establish zoning districts and regulations governing the development and use of land within the Superior Township in accordance with the provisions of the MICHIGAN ZONING ENABLING ACT, Act 110 of 2006

This Ordinance has been established for the purpose of:

- Promoting and protecting the public health, safety, and general welfare.
- Protecting the character and stability of the agricultural, recreational, residential, commercial and industrial areas within Superior Township and promoting the orderly and beneficial development of such areas.
- Providing adequate light, air, privacy and convenience of access to property.
- Regulating the intensity of the use of land and lot areas and determining the areas of open spaces surrounding building and structures necessary to provide adequate light and air and to protect the public health.
- Providing for the needs of the agriculture, recreation, residence, commerce, industry and future growth.
- Promoting healthful surroundings for family life in residential and rural areas.
- Fixing reasonable standards to which buildings and structures shall conform.
- Prohibiting uses, buildings or structures which are incompatible with the character of development or uses, buildings or structures permitted within specified zoning districts.

# Superior Township Zoning Ordinance



- Preventing such additions to, or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisance and hazards in the interest of the public health, safety, general welfare.
- Promoting the wise use of the land in the public interest so far as is possible and appropriate in each zoning district by regulating the use and the bulk of the buildings in relation to the land surrounding them.
- Conserving the value of the land, buildings, and structures throughout the Township.
- Providing for the completion, restoration, reconstruction of non-conforming structures/uses.
- Promote the protection of ground water resources.
- Creating a Board of Appeals and defining the power and duties thereof.
- Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
- Providing for the payment of fees for zoning compliance permits; and
- Providing penalties for the violation of this Ordinance.

## SECTION 1.04 - VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

## SECTION 1.05 - CONTINUATION OF PROSECUTION FOLLOWING REPEAL

The passage of this Ordinance does not affect the right of the Township of Superior to prosecute any violation of the previous Zoning Ordinance if the violation occurred while the previous Zoning Ordinance was in effect.



# **Superior Township Zoning Ordinance**



## **SECTION 1.06 - CONFLICT WITH OTHER LAWS**

1. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, 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 an ordinance adopted under any other law, the provision which is more restrictive, or which imposes a higher standard of requirement shall govern.
2. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

## **SECTION 1.07 - EFFECTIVE DATE**

This Ordinance adopted by the Township Board of Superior Township, Chippewa County, Michigan, at a meeting held on July 26, 2022. This Ordinance shall be effective seven (7) days following publication of a Notice of Adoption in a newspaper of general circulation within the Township. Any future changes will be published in the Addendum section of this ordinance, ARTICLE 19—ADDENDUM.

# Superior Township Zoning Ordinance



## ARTICLE 2 - DEFINITIONS

### SECTION 2.01 - PURPOSE

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; words used in the singular number include the plural number. The word "shall" is always mandatory and not merely permissive. The "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual, or any other legal entity. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or "occupied". Words referring to the male gender (i.e., "he" or "him") also refer to the female gender.

### SECTION 2.02 - DEFINITIONS

**ABANDONMENT:** The use and maintenance of an unmaintained property has ceased, and the property has been vacant for 12 months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for a legally permissible use.

**ACCESSORY BUILDING:** A subordinate building detached from but located on the same lot as a principal building.

**ACCESSORY STRUCTURE:** An accessory structure is a structure detached from but located on the same lot as the principal building. Accessory structures include garages, decks, fences and sheds.

**ACCESSORY USE:** A use that (1) is subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; (3) is located on the same lot as the principal use.

**AGRICULTURE:** The use of land for agricultural purposes, including, but not limited to farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for storing products. The term shall include incidental retail sales by the producer of products raised on the farm.

**AIRPORT:** Any area of land or water designated, set aside, used or intended for use, for the landing and take-off of aircraft, and any areas designated, set aside, used or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

# Superior Township Zoning Ordinance



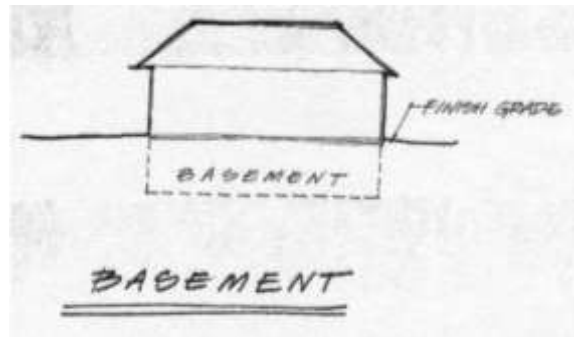
**ANIMAL SERVICE ESTABLISHMENTS:** Animal service establishments are any establishment providing services to animals. Examples of these establishments include, but not limited to, animal hospitals, shelters, commercial kennels and veterinary services.

**APARTMENT:** One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

**APPLICANT:** The party applying for permits or other approval required by this Ordinance.

**APPLICATION:** The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the applicable department, board, or commission to the township for development review, approval, of permitting purposes.

**BASEMENT:** That portion of a building below the first or ground floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation.



**BED-AND-BREAKFAST (B&B):** An establishment where the resident owner of a detached, single-family dwelling offers in exchange for compensation overnight transient lodging and breakfast.

**BLIGHT:** Unsightly condition including the accumulation of debris, litter, rubbish, or rubble; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

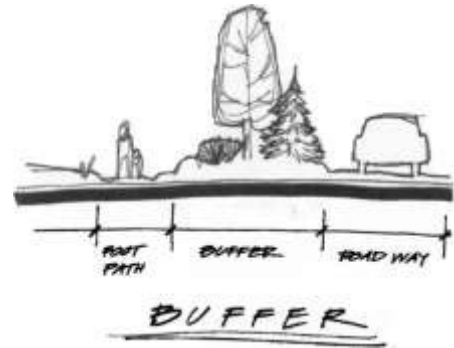
**BOARDING HOUSE:** A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may be provided, but there is one common kitchen facility.

# Superior Township Zoning Ordinance



BOILERS/UNITS, OUTSIDE WOOD BURNING, accessory structure used for heating of main dwelling and related structures; see Section 3.15 for zoning districts, permitted uses and conditions for approval.

BUFFER: An area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.



BUILDING: A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.

BUILDING PERMIT: A document issued by the County Building Department or their authorized representative, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a building, which acknowledges that such use or building complies with the provisions of the township zoning ordinance or an authorized variance therefrom. All building permits must be signed by the Township Zoning Administrator prior to being submitted to the County Building Inspector.

BUILDING, PRINCIPLE: A building in which the primary use of the lot on which the building is located is conducted.

BUILDING SITE: A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a principle building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title and having its required frontage on a street, road, highway, or waterway or accessible by legal easement.

BYLAWS: Rules adopted by a board which govern its procedures.

CAMPGROUND: Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, camping trailer, or tents for dwelling, lodging, or sleeping purposes and is held out as such to the public. Campground does not include any manufactured housing community.

CANDLEPOWER: Luminous intensity expressed in candelas. The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source or luminaire.

# Superior Township Zoning Ordinance



**CAR WASH:** The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**CERTIFICATE OF OCCUPANCY:** A document signed by the [County](#) building inspector as a condition precedent to the commencement of a use after the construction/reconstruction of a structure or building which acknowledge that such use, structure, or building complies with the provisions of this Ordinance.

**CERTIFIED SURVEY:** A survey, sketch plan, map, or other exhibit containing a written statement regarding accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared.

**CHURCH:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose such as daycare, homeless shelter, etc. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**COMMUNICATION TOWER:** A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

**CONDITIONAL USE:** A use essentially compatible with uses permitted in a zoning district, but which possesses characteristics which require individual review in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. A conditional use is permitted in a particular district only after review by the Planning Commission and issuance of a permit by the Superior Township Board, in accordance with the standards set forth in this Ordinance. A conditional use is referred to as a special land use in the zoning enabling act.

**CONSERVATION:** The management of natural resources to prevent waste, destruction, or degradation.

**CONSERVATION, AGRICULTURAL LAND:** The planting of soil nourishing plants and trees to achieve soil conservation and environmental benefits, including but not limited to soil nourishment, prevention of soil erosion, improvement of air quality and habitat restoration.

**CUT OFF PLANE:** A plane above a light source above which light from the light source does not penetrate.

# Superior Township Zoning Ordinance



**CUT OFF ANGLE:** An angle measured up from its lowest point, the vertical position directly under the light source, to the cut off plane.

**DAIRY:** An area of land on which cows and/or goats are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings, equipment, and processes.

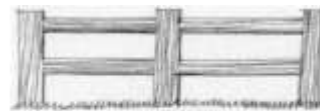
**DUPLEX:** A structure containing two dwelling units, each of which has direct access to the outside.

**DWELLING UNIT:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

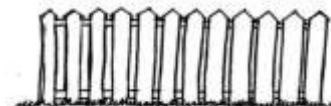
**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead communication, electrical, steam, gas, fuel or water transmission or distribution systems, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith but not including structures that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, and welfare.

**FAMILY:** A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly authorized custodial relationship; (2) two unrelated people; (3) two unrelated people and any children related to either of them; (4) not more than six people who are: (a) residents of a "Family Home: as defined in the state code and this Ordinance; or (b) "handicapped" as defined in the Fair Housing Act and this Ordinance. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of criminal offenses.

**FENCE:** An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.



**FLOODPLAIN:** A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or (2) an area subject to the unusual and rapid accumulation of runoff or surface waters from any source.



*FENCE (EXAMPLES)*

**FOREST LAND:** Land primarily devoted to forest management activities.

# Superior Township Zoning Ordinance



**FORESTRY OPERATIONS:** The use of land for the raising and harvesting of timber, pulp woods, and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the jurisdiction, which shall be considered accessory to the development of the property.

**GARAGE, PRIVATE:** A detached accessory building or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles to exceed 30 feet.

**GARAGE, PUBLIC:** A building or portion thereof, designed or used for equipping, servicing, repairing, selling, storing, or parking motor driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

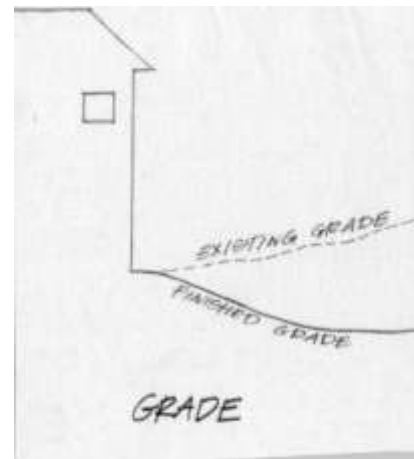
**GAS STATION:** Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental. May include the sale of propane or kerosene as accessory uses.

**GAS STATION MINIMART:** A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience store.

**GLARE:** Light directed at a viewer's eye, either from a source reflected or refracted.

**GOLF COURSE:** An area or course for playing golf, consisting of at least nine holes, except miniature golf, within which the playing area is not artificially illuminated.

**GRADE:** The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.



**GRADE EXISTING:** The vertical elevation of the ground surface prior to excavating or filling.

**GRADE FINISHED:** The final grade of the site that conforms to the approved plan.

**GROUNDWATER:** The supply of freshwater under the surface in an aquifer or soil that forms a natural reservoir.

**HOME OCCUPATION:** An occupation or profession that is accessory to a residential use and is customarily carried on in a dwelling unit or carried on by a member of the family residing in the dwelling unit or clearly incidental and secondary to the use of the dwelling unit for residential purposes.

# Superior Township Zoning Ordinance



**HOTEL:** An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars and recreational facilities.

**ILLUMINATION:** Light directed at a working surface or into a space to be illuminated.

**INDUSTRY:** The manufacture, fabrication, processing, reduction, or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

**JUNK:** Scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal, or storage. Worn-out, cast-off, or discarded articles or materials that have been collected or stored for salvage, destruction, or conversion to some use, but not including articles or material that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new.

**KENNEL:** Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred. Any place where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

**LANDFILL:** A lot or parcel of land or part thereof used primarily for the disposal, by abandonment, dumping, burial, or any other means, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**LIGHTING, ARTIFICIAL:** Any fixed source of light emanating from a manmade device, including but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction, security lights, or LED lights.

**LIGHTING, CUT OFF TYPE:** A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut off the light at cutoff angle less than 90 degrees.

**LIGHT SHIELD:** An opaque box or other device that eliminates or greatly diminishes glare.

**LIGHT SOURCE:** A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

**LIVESTOCK:** Generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other house pets.



# Superior Township Zoning Ordinance



**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including main buildings, together with any accessory buildings, open spaces, and parking spaces required by this Ordinance and having its principal frontage upon a street or upon an officially approved place.

**LOT, CORNER:** A lot located at the intersection of two or more streets.

**LOT COVERAGE:** A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas, covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt. In the case of lumberyards, areas where lumber is stored also constitutes impervious surfaces.

**LOT DEPTH:** The horizontal distance from the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the rear most point of the lot.

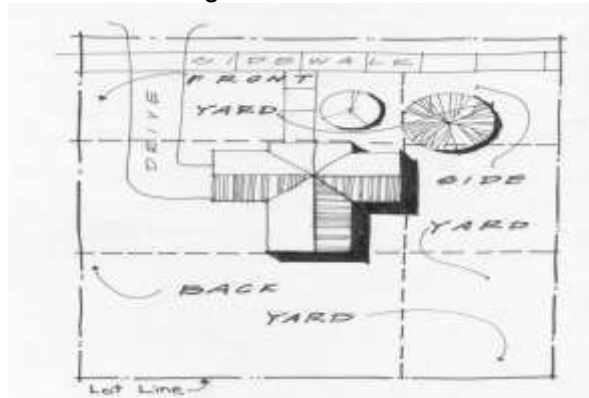
**LOT, FLAG:** A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

**LOT FRONTAGE:** The horizontal distance no less than 50 feet on an existing road right of way between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abuts a street shall be considered frontage. On curvi-linear streets, the arc between the side lot lines shall be considered the lot frontage.

**LOT LINE, FRONT:** In the case of an interior lot, a line separating the lot from a street or in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

**LOT LINE, REAR:** The lot line opposite the front lot line.

**LOT LINE, SIDE:** Any boundary of a lot that is not a front lot line, or a rear lot line.



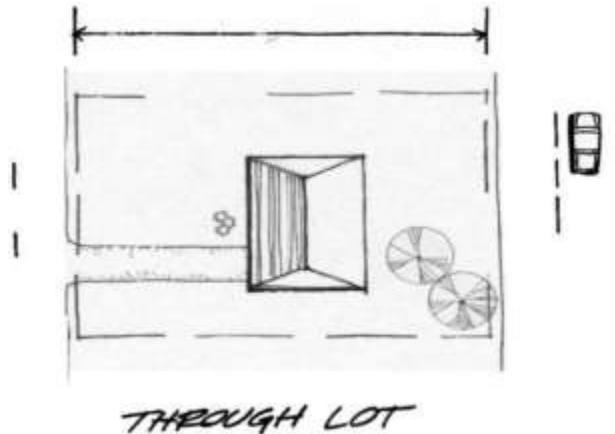
**LOT, NON-CONFORMING:** A lot lawfully existing at the effective date of this Ordinance, or any subsequent amendment thereto, which is not in conformity with all provisions of this Ordinance.

**LOTS OF RECORD:** A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the county recorder's office containing property tax records.

# Superior Township Zoning Ordinance



**LOT, THROUGH:** A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.



**LOT, WIDTH:** The horizontal distance between side lot lines measured at the required front set back.

**LUMBER YARD:** An establishment where lumber and other building materials such as brick, tile, cement, insulation, roofing materials, and the like are sold at retail. The sale of items, such as heating and plumbing supplies, electrical supplies, paint, glass hardware, and wallpaper is permitted at retail and deemed to be customarily incidental to the sale of lumber and other building materials.

**LUMINAIRE:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

**MANUFACTURED HOUSING:** A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**MASTER PLAN:** A compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social and economic development, both public and private, of the community.

**MOBILE HOME:** A transportable structure suitable for year-round single-family occupancy and having water, electrical, sewage connections like those of conventional dwellings.

# Superior Township Zoning Ordinance



**MOBILE HOME PARK:** A parcel of land under one ownership that has been planned and improved for the placement of two or more mobile homes for rental purposes or for sale for non-transient use.

**MOTEL:** A building (or group of buildings) containing living or sleeping accommodations used only for transient occupancy.

**MOTOR VEHICLE, ABANDONED:** A vehicle that does not bear a current license plate unless said vehicle is stored within a completely enclosed building or unless it is stored on a bona fide sales lot and is in a satisfactory operating condition.

**MOTOR VEHICLE, JUNK:** Any motor vehicle, trailer, or semi-trailer that is inoperable and which, by virtue of its condition, cannot be economically restored to operable condition, provided, that such vehicle, trailer or semi-trailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than 60 days.

**NON-CONFORMING BUILDING:** The lawful use of a building or structure or portion thereof, existing at the time this Ordinance or amendments thereto take effect, and which does not conform to all the height, area, and yard regulations, prescribed in the district in which it is located.

**NONCONFORMING LOT:** Any lot of record which at the time it was recorded fully complied with all applicable laws and ordinances, but which does not fully comply with the dimensional or proportional lot requirements of this Ordinance or subsequent amendment.

**NONCONFORMING STRUCTURE:** Any structure other than a sign, lawfully existing on the effective date of this Ordinance or subsequent amendment and which fails to meet the requirements of this Ordinance.

**NONCONFORMING USE:** An activity using land, buildings and/or structures for purposes which were lawfully established prior to the effective date of this Ordinance or subsequent amendment and that fails to meet the requirements of this Ordinance.

**NUISANCE:** Any situation that can be deemed dangerous to public health or safety.

**NURSERY:** Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

**NURSERY FARMS:** An operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on site or established in the ground prior to sale, and for related accessory sales and uses.

# Superior Township Zoning Ordinance



**NURSERY, RETAIL:** The retail housing of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.

**NURSING HOME:** A home licensed by the state for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**OBSTRUCTION, WATERCOURSE:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, project, excavation, channel, rectification, bridge conduit, culvert, building, wire fence, rock gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area that may impede, retard, increase, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**OCCUPANCY:** The use of land, buildings or structures. Change of occupancy is not intended to include change of tenants or proprietors.

**OFFICE:** A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

**OFFICE BUILDING:** A building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper, or candy stand.

**OFFICIAL MAP:** A map, adopted by a legislative body through a resolution or ordinance, showing existing streets and approved proposed streets, parks, and other public places.

**ORDINARY HIGH-WATER MARK:** The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation, on an inland lake which has a high level established by law, it means the high established level. Where water returns to its natural level as a result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

**ORDINANCE:** A law or regulation set forth and adopted by a governmental authority, usually a city, township or county.

**OWNER OF RECORD:** One who has complete control over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, owner means any part owner, joint owner, owner of a community or partnership interest, trust, estate, life tenant in common, or joint tenant, of the whole or part of such building or land.

# Superior Township Zoning Ordinance



**PARK:** Any public or private land available for recreational, educational, cultural, or aesthetic use.

**PARK-AND-RIDE LOT:** The temporary storage of automobiles daily for persons traveling together to and from work either through carpools, vanpools, bus pools, or mass transit.

**PARK LAND:** Land that is publicly owned or controlled for the purpose of providing parks, recreation, or open space for public use.

**PARKING LOT:** An authorized area not within a building where motor vehicles are stored for the purpose of temporary, daily, or overnight off-street parking.

**PARKING, OFF-STREET:** Space occupied by automobiles on premises other than streets.

**PERMIT, CONDITIONAL USE:** A permit issued by the township planning commission stating that the conditional use complies with the conditions and standards set forth in this Ordinance.

**PET SHOP:** A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep and poultry.

**PLANNING COMMISSION:** A group of people appointed by the Township Board that administer planning and land use regulations for the township and provide recommendations to the Township Board on a wide variety of land use and land use policy issues.

**POINT LIGHT SOURCE:** A lighting source, direct, reflected, refracted which produces glare.

**PROFESSIONAL ENGINEER:** A registered professional Engineer (RPE) in the State of Michigan.

**PUBLIC UTILITY:** A person, firm or corporation, municipal department, board or commission, duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, electricity, sewage disposal, communication, telephone, transportation, or water.

**PUBLIC PLACE:** Open space, including any park, lake, stream, stadium, athletic field, playground, school yard, street, avenue, plaza, square, bus, train or railroad depot, station, terminal, cemetery, open space adjacent thereto, or any other place commonly open to the public.

**QUARRY:** An open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

**RAILROAD CROSSING:** A place where a public road or right-of-way intersects with railroad lines or track and one crosses over the other. This term shall include the entire width of the right-of-way of the public road and the entire width of the railroad right-of-way at the place of crossing.

# Superior Township Zoning Ordinance



**RAILROAD FREIGHT DEPOT:** A rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

**RECYCLING COLLECTION CENTER:** A collection point for small recyclable items and materials, such as cans, bottles, newspapers, secondhand goods, and used motor oil. Activities of a recycling collection center area limited to sorting, compacting, and transferring.

**RECREATIONAL STRUCTURE:** A cabin, cottage, camp, hunting camp, mobile home, recreational vehicle or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency.

**RESORT:** A group or groups of buildings containing more than five units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffleboard, tennis and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities.

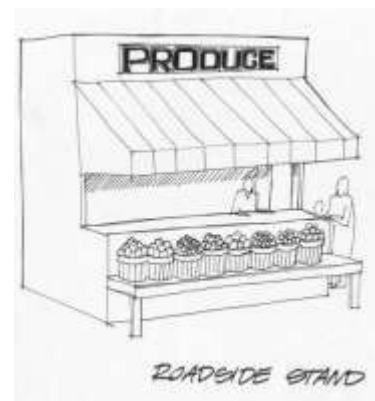
**RESTAURANT:** A structure in which the principal use is the preparation and sale of food and beverages.

**RESTAURANT, DRIVE-IN:** An establishment whose primary business is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure.

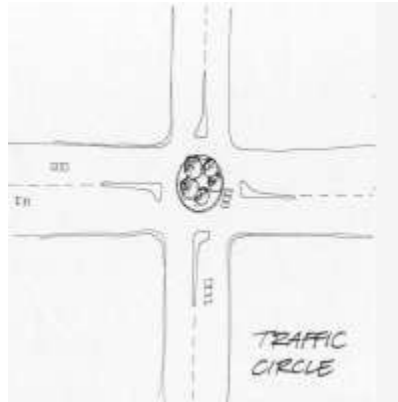
**RIGHT-OF-WAY:** The line determining the street or highway public limit or ownership. A public or private area that allows for the passage of people or goods. Right-of-Way includes passageways such as freeways, streets, roads, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

**ROADSIDE STAND:** A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located. No roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one premise.

**ROUNDBOUT/TRAFFIC CIRCLE:** A raised island that is usually landscaped and located at the intersection of two streets used to reduce traffic speeds and accidents without diverting traffic onto adjacent streets.



# Superior Township Zoning Ordinance



**SALVAGE YARD:** Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles that are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Such terms shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap or cut up the parts thereof.

**SELF-SERVICE STORAGE FACILITY:** A facility used for the storing of household and personal property with no routine commercial transactions permitted other than the rental of the storage units.

**SETBACK:** The required distance between every structure and the lot lines of the lot on which it is located.

**SETBACK, FRONT:** The minimum allowable distance from the front lot line or street side to the closest point of the structure of a building or project thereof, parking lot, or detention pond.

**SETBACK, REAR:** The shortest distance between the rear lot line and the rearmost point of any structure.

**SETBACK, SIDE:** The shortest distance between the building structure and the side lot line.

**SIGN:** Any device (including, but not limited to, letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The term "sign" shall not include any flag, badge, or insignia of any governmental unit, nor shall it include any item of merchandise normally displayed within a show window of a business.

# Superior Township Zoning Ordinance



**SIGN, ABANDONED:** Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.

**SIGN AREA:** The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

**SIGN, AWNING:** A sign incorporated into or attached to an awning.

**SIGN, FREESTANDING:** Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains, or any sign which projects more than five feet from the side of the building to which it is attached.



**SIGN HEIGHT:** The vertical distance from the upper-most point used in measuring the area of a sign to the average grade immediately below and adjoining the sign.

**SIGN, HOME OCCUPATION:** A sign containing only the name and occupation of a permitted home occupation.

**SIGN, OFF PREMISE:** A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**SIGN, PORTABLE:** A sign whose principle supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.



**SITE PLAN:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and manmade, and depending on requirements, the locations of proposed utility lines.

**SOLID WASTE FACILITY:** Establishment for the disposition of unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.



# Superior Township Zoning Ordinance



**STABLE, COMMERCIAL:** A lot that may be used for commercial riding stable open to the general public; boarding of horses not involved with current breeding or training; training involving large groups of eight or more students; polo fields or arenas used for scheduled, public, or club events; and those uses permitted on a ranch.

**STORAGE:** Storage shall include the outdoor accumulation of used material which is fully or partially salvageable and maintained for the purpose of selling, exchanging, temporary storing, dismantling, reforming or reassembling as a continuing commercial enterprise. It does not include incidental, occasional, infrequent storage by a resident of a minimal number of household items or equipment at the resident's home site.

**STRUCTURE:** Anything constructed, built up, or composed of parts joined together in some definite manner that is *permanently attached to the ground*. This may include houses, mobile homes, buildings, sheds, decks or fences.

**TAVERN:** An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises. Dancing and musical entertainment are permitted.

**TEMPORARY STRUCTURE:** An enclosure or shelter with or without sidewalls or drops, which is not permanently attached to the ground.

**TRAFFIC CALMING:** A concept fundamentally concerned with reducing the adverse impact of motor vehicles on built-up areas. Usually involves reducing vehicle speeds, providing more space for pedestrians and cyclists, and improving the local environment.

**UNDERGROUNDING:** The placement of utility lines below ground, with the removal of aboveground poles, wires and structures as applicable.

**USE, NON-CONFORMING:** A use that was valid when brought into existence, but by subsequent regulation becomes no longer conforming. This may be a structure, use, or parcel of land.

**USE, PERMITTED:** A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Ordinance.

**USE, PRIMARY OR PRINCIPLE:** The primary use of any lot.

**VACANT:** Lands or buildings that are not actively used for any purpose.

**VARIANCE:** Permission to depart from this Ordinance when, because of special circumstances applicable to the property, strict application of the provisions of this development code deprives such property of privileges enjoyed by other property in the vicinity that is under identical zoning.

# Superior Township Zoning Ordinance



**WATER SOURCE:** Includes but is not limited to lakes, rivers, creeks, streams, ponds, wetlands, riverine wetlands and wetland soils.

**WATER TABLE:** The upper limit of the portion of the soil that is completely saturated with water. The seasonal high-water table is the highest level to which the soil is saturated.

**WATERCOURSE:** Natural or once naturally flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

**WATERSHED:** A land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

**WETLAND:** Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas, subject to approval of other governmental agencies.

**WIND ENERGY CONVERSION SYSTEMS, (WECS):** A machine that converts the kinetic energy in the wind into a useable form, commonly known as a “wind turbine, wind generator or windmill,” the WECS includes all parts of the system, including, but not limited to the tower, pylon or other structure upon which any, all or some combination of are mounted. See section 6.5 for zoning districts, permitted uses and conditions for approval.

**WIRELESS COMMUNICATION FACILITIES:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings, and public, private and commercial mobile radio service facilities.

**YARD -** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

**ZONE OR ZONING DISTRICT:** Any zone as shown on the Township's zoning map for which there are uniform regulations governing the use of buildings and premises.

**ZONING ADMINISTRATOR:** Generally, the local official responsible for granting zoning permits and, following a determination by the Zoning Board, for conditional use permits and variances. Decisions of the Zoning Administrator are appealable.

**ZONING CERTIFICATE:** A document signed by a representative of the Township, as required by this Zoning Ordinance, which acknowledges that a use, structure, building, or lot either

# Superior Township Zoning Ordinance



complies with or is legally non-conforming to the provisions of this Zoning Code or is an authorized variance or modification therefrom.

**ZONING MAP, OFFICIAL:** The official map adopted with this Ordinance by Superior Township that delineates the extent of each district or zone established in the zoning ordinance.

**ZONING PERMIT:** Written approval by the Zoning Administrator that is required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any use on any lot.

## **ARTICLE 3 - GENERAL PROVISIONS**

### **SECTION 3.01 - ESTABLISHMENT OF DISTRICTS**

The Township is hereby divided into the following Zoning Districts as shown on the Official Zoning Map, which is hereby adopted and declared to be a part of this Ordinance.

- Village Center District (M-1)
- Business/Mixed Use District (M-2)
- Residential District (R-1)
- Waterfront Residential (R-2)
- Rural Residential (RR)
- Industrial (I)
- Agriculture Residential District (AR)
- Recreation/Conservation District (RC)
- Specialty Mixed-Use (S-1)

### **SECTION 3.02 - PROVISIONS FOR OFFICIAL ZONING MAP**

For the purpose of this Ordinance the Zoning Districts as provided in Section 3.01 of the Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Superior Township", a copy of which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

### **SECTION 3.03 - IDENTIFICATION OF OFFICIAL ZONING MAP**

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Superior Township", together with the effective date of this Ordinance.

### **SECTION 3.04 - CHANGES TO OFFICIAL ZONING MAP**

# **Superior Township Zoning Ordinance**



In accordance with the procedures of this Ordinance and of Act 184 of the Public Acts of 1943, as amended, when a change is made to a zoning boundary, such change shall be made by the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published, with an entry on the Official Zoning Map as follows: "On (date) by official action of the Township Board, the following changes were made on the Official Zoning Map: (brief description of change)" which entry shall be signed by the Township Supervisor and attested by the Township Clerk. No changes of any other nature shall be made unless authorized by the Planning Commission and then only by the Zoning Administrator. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

## **SECTION 3.05 - AUTHORITY OF OFFICIAL ZONING MAP**

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the only Official Zoning Map shall be in the Township Office and be open to public inspection and shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

## **SECTION 3.06 - INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map the following rules for interpretation shall apply:

- A. The boundaries of Zoning Districts are intended to follow the centerline of highways, roads, streets, alleys, easements, section lines or be parallel or perpendicular thereto, unless such district boundary lines are otherwise marked.
- B. Where district boundaries are so indicated that they approximately follow Lot of Record lines, such lines shall be construed to be boundaries.
- C. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
- D. A boundary indicated as approximately following the boundary line of a village or township shall be construed as such.
- E. A boundary indicated as following a river or stream shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs 1 through 5 above shall be so constructed.

# **Superior Township Zoning Ordinance**



- G. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstances not covered by paragraphs 1 through 6 above, the Zoning Board of Appeals shall interpret the Zoning District boundary.

## **SECTION 3.07 - APPLICATION OF REGULATIONS**

No structure shall be constructed, erected, placed or maintained and no use shall be commenced or continued within Superior Township except as specifically authorized by this Ordinance, in the Zoning District in which said structure or use is to be located. Conditional uses shall be allowed only if listed as a conditional use specifically, or by necessary implication, in the Zoning District in which the use is to be located, and only after a Conditional Use Permit has been approved by the Planning Commission, as provided in this Ordinance.

For all districts in Superior Township any request for departures from rules in this ordinance shall be considered based on decision without precedent.

## **SECTION 3.08 - SCOPE OF PROVISIONS**

Except as may otherwise be provided within this Ordinance, every building and structure erected, every use of any lot, and every enlargement of or addition to an existing use, after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building or structure shall be located. However, where a building permit for a building or structure, use of building or structure, or use of lot or parcel, has been issued in accordance with the law prior to the effective date of this Ordinance and provided that construction is begun within six (6) months of such effective date and diligently pursued to completion, said building or structure, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and further, may upon completion be occupied by the use for which originally designated, subject thereafter to the provisions of this Ordinance.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

## **SECTION 3.09 - NUMBER OF BUILDINGS ON A LOT**

# Superior Township Zoning Ordinance



Only one principle detached dwelling unit shall be located on a lot. A principle detached dwelling unit shall not be located on the same lot with any other principle building or structure, except for the Agricultural District.

## SECTION 3.10 - TEMPORARY DWELLING STRUCTURES

A. Temporary Dwelling – A mobile home, travel trailer, or garage, may be used as a temporary dwelling, by a family, during new construction, or while repairing or replacing a residence rendered uninhabitable, by a disaster such as fire, flood, or windstorm. Such temporary dwelling shall be permitted only in the Residential or Agriculture Zoning Districts. Only a mobile home, travel trailer, or garage may be used as a temporary dwelling; a tent, basement, or similar unit shall not be used as a temporary dwelling in any zoning district.

a. In no case, except for those listed in Section 3.21, shall a temporary nonresidential structure be allowed for longer than one (1) year or the length of the Building Permit, without further approval.

B. Non-Residential Temporary Structure may be permitted as follows:

A non-residential temporary structure designed as a general sales office, financial institution, construction office, or a like structure and use is permitted in commercial and mixed-use zoning districts as temporary.

1. In no case shall a temporary non-residential structure be allowed for longer than one (1) year, without further approval.

a. Required Approval - A temporary structure shall not be occupied until a Certificate of Approval is granted by the Planning Commission.

b. Application - An application to the Planning Commission for a temporary structure is required and shall be filed with the Township Clerk.

c. Planning Commission Action - Upon determining that an application conforms to the regulations of this Ordinance, and the requirements for a Certificate of Approval, the Planning Commission shall approve the permit. The Planning Commission may attach conditions to its approval that it deems necessary to protect the public health, safety and welfare and to ensure compliance with this Ordinance.

# Superior Township Zoning Ordinance



2. The temporary structure shall be removed within 30 days of the issuance of a Certificate of Occupancy for the permanent structure, or the date of the expiration of the Temporary Structure Permit, whichever is first.

## SECTION 3.11 - CONTINUANCE OF EXISTING NONCONFORMING USES, STRUCTURES AND LOT DIMENSIONS

- A. A nonconforming use may continue in existence if it is neither enlarged or extended to occupy additional land area on the same or any other lot or parcel.
  1.
    - a. A non-conforming structure may continue in existence, if it does not after the effective date of this Ordinance, become more nonconforming.
    - b. A non-conforming structure may be replaced, rebuilt and/or repaired as long as the structure does not become more non-conforming.
  2. The provisions of this Ordinance shall not apply to prevent the use of any lot, building, or structure for any purpose prohibited by this Ordinance if such lot, building or structure was lawfully used for such purpose on the date of passing of this Ordinance, so long as it continued to be used for that purpose.
  3.
    - a. Nonconforming lot dimension may continue in existence, if they do not, after the effective date of this Ordinance, become more nonconforming.
    - b. Contiguous non-conforming lots may be combined to meet building set back requirements but can not be split at a later date.
  4. Nothing in this Ordinance shall prevent the use of any lot, building or structure for any purpose prohibited by this Ordinance provided such lot, building or structure was lawfully used for such purpose on the date of passing of this Ordinance.
  5. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance because restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
    - a. No such structure may be enlarged. It may be altered provided that such alteration does not increase the structure's nonconformity.
    - b. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- B. Abandonment of Nonconforming Use or Structure: If a property owner abandons a nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When

# Superior Township Zoning Ordinance



determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

1. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

## SECTION 3.12 - SITE DESIGN STANDARDS

The Planning Commission and Township Board, in reviewing site plans, special land uses, and other reviews, shall utilize the following standards. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements and are not intended to discourage creativity, invention and innovation.

- A. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance on neighboring developed areas.
- B. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity.
- C. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- D. Special attention shall be given to proper site surface drainage so that the removal of surface waters will not adversely affect neighboring or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas and carried away in an efficient and approved manner. Surface water in all paved areas shall be collected



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at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

- E. Electric and telephone lines shall be underground where practicable. Any utility installations remaining above ground shall be located to have a harmonious relationship to neighboring properties and the site.
- F. The size, location, lighting and materials of all signage and outdoor advertising structures or features shall not detract from the design of the proposed buildings and structures and the surrounding properties.
- G. The standards of review outlined above shall also apply to all accessory buildings, structures, freestanding signs and other site features, however, related to the major buildings and structures.

## SECTION 3.13 - OUTDOOR LIGHTING

All outdoor lighting luminaries, except for decorative residential lighting (such as porch, low-level lawn lights, special seasonal lights, like Christmas lights), and public street lighting, including but not limited to, residential pole mounted, and building mounted yard lights shall be subject to the following regulations:

- A. Lighting shall be designed and constructed in such a manner to:
  - 1. Ensure that direct or directly reflected light unless part of a street lighting or access road lighting scheme is confined to the development site.
  - 2. That all light sources and light lenses are shielded.
  - 3. That any point light sources are not directly visible from beyond the boundary of the site (no light trespass).
- B. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. That is, the light rays may not be emitted by the luminaire at angles above the above-described horizontal plane, as may be certified by photometric test. The intensity of light at any angle above a cut off of seventy-five (75) degrees shall be less than ten (10) percent of the peak candela for the luminaire.

## SECTION 3.14 - UNLISTED PROPERTY USES

When the proposed use of land or use of a structure is not specified in this Ordinance, the Zoning Board of Appeals shall have the power upon written request of the property owner or Zoning Administrator to classify the unlisted property use. In determining the proper classification of an

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unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the Township Master Plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.

## SECTION 3.15 - OUTDOOR WOOD BURNING BOILERS AND APPLIANCES

Boilers/Units, outside wood burning, are a Permitted Use.

### A. Conditions for Approval:

1. A setback of 25 feet from all rights-of-way
2. A Setback of 10 feet from any occupied buildings and all property lines.
3. The chimney of any outdoor wood burning boiler shall have a minimum height of a one-story house, or 12 feet from ground level. Any outdoor wood burning boiler located a minimum of 200 feet from all the lot lines of the parcel that the unit is located on will be exempt from the chimney height regulations.
4. No fuel other than natural wood without additives, wood pellets, without additives and agricultural seeds in their natural state may be burned.
5. Unit shall not be in the front yard.
6. A grant of Zoning Compliance Permit constitutes an agreement between the landowner and Superior Township, that the Zoning Administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with above conditions.

## SECTION 3.16 - SMALL OR INDIVIDUAL WIND ENERGY CONVERSION SYSTEMS (WECS) CONDITIONS FOR APPROVAL IN SPECIFIED DISTRICTS WITHIN SUPERIOR TOWNSHIP

- A. The proposed Small WECS will not block, interfere or otherwise impair a scenic vista, corridor or the view of a neighboring residential structure.
- B. The primary purpose Small WECS will be to provide power for the principal use of the property whereon said WECS is to be located and shall not be the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale

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of excess power generated from time to time from a WECS designed to meet the energy needs of the principal use.

- C. The WECS and its location on said properties shall limit any noise where said WECS is located. The additional side and rear yard setbacks from the required structure zoning ordinance setbacks shall be determined by the Planning Commission and shall be based upon the height of the proposed WECS.
- D. No variance shall be granted in connection with a proposed WECS to permit a height greater than 175 feet or the placement of a WECS so close to a property line as to result in any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.
- E. The Planning Commission may add additional reasonable conditions.
- F. A grant of Zoning Compliance Permit constitutes an agreement between the landowner and Superior Township that the Zoning Administrator at any reasonable time may enter the property, for the purpose of inspection to determine compliance with above conditions.
- G. No WECS shall be erected until final site plan approval has been granted by the Planning Commission and permits issued by all government agencies involved.

The site plan, in addition to the above, shall also show:

- 1. Location of tower on-site and tower height, including blades,
- 2. Underground utility lines within a radius equal to the proposed tower height, including blades,
- 3. Dimensional drawings, installation and operation instructions,
- 4. Design date indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions,
- 5. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as established by the State of Michigan building codes,
- 6. Any other information that the Zoning Administrator or the Planning Commission deemed necessary.

## SECTION 3.17 - LARGE WIND ENERGY CONVERSION SYSTEMS (LWECS)

# Superior Township Zoning Ordinance



## A. STATEMENT OF FINDINGS:

Wind energy is an abundant, renewable, and nonpolluting energy resource. Wind energy conversion to electricity reduces dependence on nonrenewable energy resources, enhances the reliability and power quality of the power grid, reduces peak power demands, and diversifies the energy supply portfolio.

## B. PURPOSE:

To protect public health and safety, Superior Township has included Large Wind Energy Conversion System Regulations into its Zoning Ordinance to regulate and provide guidance, approval, and denial processes for requests for installation of Large Wind Energy Conversion Systems (LWECS).

## C. APPLICABILITY:

The Superior Township Large Wind Energy Conversion System regulations apply to all unincorporated lands within the boundaries of Superior Township.

## D. DEFINITIONS:

1. "Applicant" means the person or persons, or entity applying for installation of a Large Wind Energy Conversion System.
2. "Decommissioning" means removal of a Large Wind Energy Conversion System or Met or SCADA Tower due to in-operation for a continuous period of 12 months, or the Large Wind Energy System is deemed to be unsafe or out of compliance with federal, state and/or local regulations or codes.
3. "Flicker" or "Shadow Flicker" means the effect that results when the shadow cast by the rotating blade of a Large Wind Energy System moves across a fixed point.
4. "Met or SCADA (Supervisory Control and Data Acquisition) Tower" means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, wiring, or any other device, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near an existing or proposed Large Wind Energy Conversion System.
5. "Owner" means the person or persons, or entity that owns or proposes to own a Large Wind Energy System or Met or SCADA Tower and the property on which

# Superior Township Zoning Ordinance



the Large Wind Energy System or Met or SCADA Tower is or proposes to be located.

6. “Large Wind Energy Conversion System” (LWECS) means a Wind Energy System that has a capacity of more than 100 kilowatts, or a total height of 175 feet or more, or both.
7. “Nonparticipating Property” means real property on which either there is no Large Wind Energy System, or there is a Large Wind Energy System that is in a different Wind Farm System than another Large Wind Energy System.
8. “Participating Property” means real property on which a Large Wind System is located and that is in the same Wind Farm System as another Large Wind Energy System.
9. “Special Land Use Permit” means a permit for the installation of a Large Wind Energy System, as described in Article 13, Special Land Use Permits, of the Superior Township Zoning Ordinance.
10. “Total Height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
11. “Tower” means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a Met or SCADA Tower.
12. “Township” means the Township of Superior.
13. “Wind Energy Conversion System” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.
14. “Wind Generator” means the mechanical and electrical conversion components mounted on or near the Tower.
15. “Wind Farm System” means a Large Wind Energy System that includes more than one Tower.
16. “Zoning Administrator” means the Administrator appointed pursuant to Article 13 as set forth in the Superior Township Zoning Ordinance and his or her designee.

## E. STANDARDS

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The following standards shall be met before consideration by the Township of an application for a Large Wind Energy System, or a Met or SCADA Tower.

## 1. Zoning and Setbacks

A Large Wind Energy Conversion System may only be in areas in Superior Township that are zoned Agriculture or Recreation/Conservation.

A Tower must be set back:

- a. At least 1.5 times its total height from the property line of a participating property.
- b. At least 1.5 times its total height from any public road or power line right-of-way; and
- c. At least 1,000 feet from the property line of a Nonparticipating Property unless the owner of the Nonparticipating Property grants an easement for a lesser setback. The easement must be recorded with the Registrar of Deeds and may not provide a setback that is less than 1.5 times the total height of the Large Energy Wind System.

Exceptions to the above zoning and setback requirements may be requested by the Owner during the Application Process as set forth in Section 16.6 of this Ordinance. Approval or denial of exceptions shall be at the sole discretion of the Township Planning Commission and Township Board.

## 2. Spacing and Density

A Large Wind Energy System must be separated from every other Tower by a sufficient distance and not interfere with any other Tower.

## 3. Structure

A Large Wind Energy Conversion System must be a monopole construction to the extent practical. If monopole construction is not practical, a Large Wind Energy System must be of free-standing construction to the extent practical. If monopole or free-standing construction is not practical, a Large Wind Energy System must be guyed.

## 4. Height

The total height of a Large Wind Energy System must be 500 feet or less.

## 5. Noise

# Superior Township Zoning Ordinance



The noise generated by the operation of a Large Wind Energy System shall not exceed 55dB(A) at the property line closest to the Large Wind Energy Conversion System. Exceptions for neighboring property are allowed with the written consent of those property owners.

## 6. Blade Clearance

The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least seventy-five (75) feet.

## 7. Access

A Large Wind Energy System, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence.

## 8. Electrical Wires and Equipment

All electrical wires associated with a Large Wind Energy Conversion System, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground. Any electrical equipment associated with a Large Wind Energy Conversion System must be located under the sweep area of a blade assembly.

## 9. Lighting.

A Large Wind Energy System may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

## 10. Appearance, Color, and Finish.

The exterior surface of any visible components of a Large Wind Energy Conversion System must be a non-reflective, neutral color. Towers and turbines in a Wind Farm System that are located within a half-mile of each other must be of uniform design, including Tower type, color, number of blades, and direction of blade rotation.

## 11. Signs.

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No wind turbine, Tower, building or other structure associated with a Large Wind Energy Conversion System may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, Tower, building, or other structure associated with a Large Wind Energy Conversion System.

12. Code Compliance.

A Large Wind Energy System must comply with all applicable federal, state, and local construction and electrical codes. A Large Wind Energy Conversion System must comply with Federal Aviation Administration requirements, as well as State of Michigan Airport Zoning and Tall Structures Acts. The owner must provide written certification from a state licensed inspector showing that the Large Wind Energy System complies with all applicable codes before placing the Large Wind Energy Conversion System into operation.

13. Signal Interference.

The owner of a Large Wind Energy Conversion System must filter, ground, and shield the Tower, and take any other reasonable steps necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

14. Utility Interconnection.

A Large Wind Energy System that connects to the electric utility grid must comply with the State of Michigan Public Service Commission and the Federal Energy Regulatory Commission standards.

15. Environmental Impacts.

A Large Wind Energy System shall comply with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.

16. Flicker or Shadow Flicker.

The owner of a Large Wind Energy Conversion System must take such reasonable steps as are necessary to prevent, mitigate, and eliminate Shadow Flicker on any occupied structure on a Nonparticipating Property.



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## F. APPLICATION PROCESS:

Requests for Large Wind Energy Conversion Systems shall be submitted for review, approval, or denial in accordance with Article 13 (Special Land Use Permits), and in conformance with Article 14 (Site Plan Review), and Article 16 (Zoning Board of Appeals) of the Township's Zoning Ordinance, as appropriate and applicable. Requests shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition to the Township's application fee, the applicant may be required to cover legal, professional, or expert assistance costs incurred by the Township in the review, approval or denial of a request for a Large Wind Energy Conversion System. An estimate of these costs will be provided to the applicant by the Township prior to incurring the costs.

If a Special Land Use Permit (Permit) is granted, it will expire if the Large Wind Energy System is not installed and functioning within three (3) years from the date the Permit is issued.

In addition to the information required in the aforementioned section, the applicant shall provide the following in writing:

1. The applicant and landowner's name and contact information. If the applicant is a business entity, the applicant shall provide the name of the business, certificate of incorporation (if applicable), certificate of good standing, and business tax ID number.
2. Current property description (address, tax parcel numbers, legal description, and existing use and acreage of the site).
3. A survey map which clearly delineates the proposed location of the Large Energy Wind Conversion System, existing or planned access roads, boundaries of the parcel, adjacent property ownerships and existing residences, schools, churches, hospitals, libraries or other structures to a distance one-half mile.
4. A survey map which clearly delineates any federal, state, county or local parks, recognized historic or heritage sites, state-identified wetlands, inland lakes or streams, or shoreline.
5. Number, description, design, and manufacturer's specifications of each Large Wind energy System and Met or SCADA Tower, including the manufacturer, model, capacity, blade length, lighting, and total height of any Large Wind Energy Conversion System.
6. Standard drawings or blueprints that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any

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- Tower and Tower foundation, including a certification showing compliance with all applicable electrical and building codes.
7. Data pertaining to the Tower's safety and stability, including safety results from test facilities.
  8. Proposal for landscaping and screening.
  9. A completed environmental assessment, demonstrating compliance with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.
  10. A project visibility map based on an elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three (3) miles from the center of the project.
  11. Statement describing any hazardous materials that will be used on the property, and how those materials will be stored.
  12. Location of any overhead utility lines adjacent to the property.
  13. Written documentation demonstrating compliance with all requirements set forth in Section 3.16 of the Township's Large Wind Energy Conversion Regulations.
  14. Written statement that the owner will construct and operate the Large Wind Energy Conversion System, Met or SCADA Tower, or Wind Farm System in compliance with all applicable local, state and federal codes, laws, orders, regulations, and rules.
  15. Written statement that the owner will install and operate the Large Wind Energy System, Met or SCADA Tower, in compliance with manufacturer's specifications.
  16. Proof of financial assurance in form satisfactory to the Township that the applicant has the financial capacity to satisfactorily construct, install and meet all requirements set forth in this Ordinance for Large Wind Energy Conversion Systems.
  17. Written statement signed by the landowner acknowledging that the landowner is financially responsible if the Large Wind Energy Conversion System owner fails to reclaim the site as required by Section G of this Article, and that any removal and reclamation costs incurred by the Township will become a lien on the property and may be collected from the landowner in the same manner as property taxes. In

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this regard, the owner must provide a performance bond, completion bond, or other financial assurance satisfactory to the Township of at least \$20,000 for each Large Wind Energy Conversion System to guarantee the performance of the removal and reclamation requirements stated in Section G of this Article.

## G. DECOMMISSIONING

A Large Wind Energy Conversion System or Met or SCADA Tower that is out-of-service for a continuous period of 12 months or is deemed unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator may issue a Decommissioning Notice (Notice) to the owner. If, within thirty (30) days of receipt of a Notice the owner provides the Zoning Administrator with information satisfactory to the Zoning Administrator that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned or is not unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator will withdraw the Notice.

If the owner does not provide sufficient evidence that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned or is not unsafe or out-of-compliance, within 120 days of receipt of the Notice, the owner must cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower and reclamation of the site. All foundations, pads, and underground electrical wires must be reclaimed to a depth of four (4) feet below the surface of the ground. All hazardous materials must be removed and disposed of in accordance with federal and state law. If the owner fails to cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower within 120 days of the Notice, the cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

## H. ENFORCEMENT

The Zoning Administrator may enter any property for which a Special Land Use Permit (Permit) has been issued under this Ordinance to conduct an inspection to determine whether there is any violation of this Ordinance, or whether the conditions stated in the Permit have been met. The Zoning Administrator, or the Sheriff or Sheriff's designee at the request of the Zoning Administrator may issue a citation for any violation of this Ordinance. Any person who fails to comply with any provision of this Ordinance or conditions stated in the Permit shall, upon conviction, be fined not less than \$500 or more than \$1,000 for each offense, together with costs of prosecution for each violation.

## I. PRECEDENCE

Any conflicts that may exist between this Section (Section 3.16 - Large Wind Energy Conversion Systems) and any other sections of the Superior Township Zoning Ordinance, this Section shall take precedence.

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## SECTION 3.18 – PARKING REQUIREMENTS

### A. PURPOSE

This section is intended to support master plan goals for a balanced transportation system. Each property owner in every Zoning District shall provide and maintain parking areas for off-street storage of motor vehicles adequate for the use of occupants, employees, and patrons of each property subject to the provisions of this Ordinance, except as otherwise provided by this Ordinance. Parking standards are intended to minimize the detrimental effects of parking surfaces on adjacent lands, improve the visual aesthetics of parking areas, prevent excessive amounts of off-street parking, encourage appropriate development and redevelopment, enhance the compatibility of auto circulation systems with pedestrian and bicycle circulation, and provide for more beneficial stormwater management.

### B. GENERAL PARKING AND LOADING REGULATIONS

Off-street parking lots must conform with the Chippewa County Building Code.

### C. PARKING LANDSCAPE STANDARDS

Where an off-street parking lot is adjacent to a residential use or district, the parking lot must be designed and constructed with a 10-foot landscaped buffer so that vehicle lights do not shine onto adjacent property.

## SECTION 3.19 – LANDSCAPE, SCREENING AND FENCE REGULATIONS

### A. CLEAR VISION AREAS

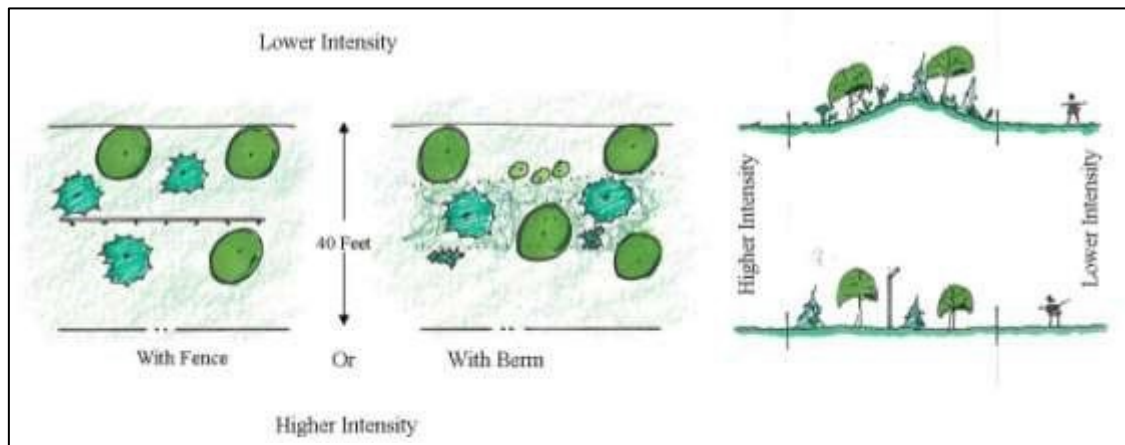
In order to preserve sight distance, an unobstructed view shall be maintained within the triangular areas illustrated in the definitions and described below:

1. Where the speed limit is less than thirty (30) miles per hour, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring twenty-five (25') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.

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2. Where the speed limit is thirty (30) miles per hour or more, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring fifty (50') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.
3. At the intersection of a driveway and a street: Two sides of the triangle defined by measuring ten (10') feet in length along the edge of the driveway and along the street right-of-way line and the third side being a diagonal line connecting the first two. Both sides of the driveway shall be protected.
4. No shrubs, ground covers, boulders, berms, fences, or other material constituting visual obstructions will impede clear vision in a vertical area between 30 inches and 96 inches above the grade of the lower roadway or driveway adjacent to the triangular areas.



**Figure 5-2: Buffer**

## B. BUFFER STRIP

1. Buffer strips are generally located along the outer perimeter of a lot extending to the parcel boundary line. They shall not extend into a road or dedicated street right-of-way. A buffer strip consists of a landscaped strip and shall meet the following:
  - a. Twelve (12) trees per one hundred (100) lineal feet, six (6) of which must be evergreen trees.
  - b. Native seeding or ground cover on the ground plane.

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- c. Fence between six (6) feet tall and twelve (12) feet tall or a berm may be required at the discretion of the approval body.
- 2. Recommended Plant Types:

Number of specimens indicated for buffer plantings are minimum quantity and approved species. Species recommended are native and especially appropriate where limited maintenance and cultivation are expected. These recommendations are not meant to exclude cultivars and species generally available from the nursery trade. Species known to be invasive should be avoided. Alternative species shall be as approved by the Zoning Administrator.

- a. Shade Trees:

The following types of shade trees are recommended (cal. Stands for caliper):

Sugar Maple, *Acer saccharum*, 1½" cal.  
Red Maple, *Acer rubrum*, 1½" cal.  
White birch, *Betula papyrifera*, 1½" cal.  
Ironwood, *Ostrya virginiana*, 1" cal.  
Little Leaf Linden, *Tilia cordata*, 1½" cal.  
Linden, *Tilia Americana*, 1½" cal.  
River Birch, *Betula nigra*, 1" cal.  
Red Oak, *Quercus rubra*, 1½" cal.  
Pin Oak, *Quercus palustris*, 1½" cal.  
Small Tooth Aspen, *Populus tremuloides*, 1½" cal.  
(no more than 10% of total # of shade trees)  
Large Tooth Aspen, *Populus grandidentata*, 1½" cal.  
(no more than 10% of total # of shade trees)  
Northern Hackberry, *Celtis occidentalis*, 1½" cal.

- b. Evergreen Trees:

The following types of evergreen trees are recommended:

Red Pine, *Pinus resinosa*, 6" tall  
White Pine, *Pinus strobus*, 6" tall  
White Spruce, *Picea glauca*, 6" tall

- c. Evergreen Shrubs:

The following types of evergreen shrubs are recommended:

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Common Juniper, *Juniperus communis*, 18" spread.  
Canada Yew, *Taxus canadensis*, 12" spread.

d. Deciduous Shrubs:

The following types of deciduous shrubs are recommended:

Witch Hazel, *Hamamelis virginiana*, 18" tall  
Nannyberry, *Viburnum lentago*, 2" tall  
American Hazelnut, *Corylus americana*, 2" tall  
Shrubby Cinquefoil, *Potentilla fruticosa*, 18" tall  
Snowberry, *Symphoricarpos albus*, 1 gal. pot  
Smooth Arrow-wood, *Viburnum dentatum*, 18" tall

e. Understory Trees:

The following types of understory trees are recommended:

Balsam Fir, *Abies balsamea*, 4" tall  
White Cedar, *Thuja occidentalis*, 4" tall  
Serviceberry, *Amelanchier arborea*, 3" tall  
Mountain Ash, *Sorbus americana*, 3" tall Choke  
Cherry, *Prunus virginiana*, 3" tall  
Smooth Sumac, *Rhus glabra*, 2" tall  
Staghorn Sumac, *Rhus typhina*, 2" tall  
Alternate-leaved Dogwood, *Cornus alternifolia*, 3" tall

f. Ground Cover:

The following types of ground cover are recommended:

Sweet Fern, *Comptonia peregrina*, 1 gal. pot Bush  
Honeysuckle, *Diervilla lonicera*, 18" tall  
New Jersey Tea, *Ceanothus americanus*, 4" pot  
Thimbleberry, *Rubus parviflorus*, 1 gal. pot  
Wild Red Raspberry, *Rubus strigosus*, 1 gal. pot  
Solomon-Seal, *Polygonatum biflorum*, 2" pot  
False Solomon's Seal, *Smilacina racemosa*, 2" pot

g. Native Seed Rate/Mix:

Apply seed at the rate of 10 pounds of „pure live seed" per acre. Seed mix to include 50% grass and 50% forbs. Include two or more of the following grasses: side oats grama, little bluestem, prairie dropseed. Include at least

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fifteen of the following forbs (Note: not more than 10% of any particular species of forb in the mix) lavender hyssop, nodding pink onion, blue aster, smooth aster, New Jersey tea, Canada milk vetch, lance leaf coreopsis, white prairie clover, purple prairie clover, shooting star, purple coneflower, prairie blazing star, wild quinine, smooth penstemon, bee balm, columbine, great Solomon's seal, black eyed Susan, Ohio goldenrod, showy goldenrod, Ohio spiderwort.

## C. FENCES AND WALLS

### 1. Living Fence:

Shrubs and trees planted for the purpose of creating a living fence shall be planted so that the trunk or main stem of the plant is no closer than three feet (3') from any property line. A living fence is not limited to the height requirements of other fences and no building permit is needed.

### 2. Constructed Fence:

a. Placement: Fences may be erected along property lines (except living fences as noted above) or within yards, irrespective of the setback requirements of this Ordinance.

#### b. Fence Approval:

- i. Fences or walls over six (6) feet in height require a building permit. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet except as noted below.
- ii. No site plan review is required for a fence which conforms to Ordinance standards.
- iii. The Zoning Administrator may require the removal, reconstruction or repair of any fence, living fence, wall or screen not in good condition. The removal reconstruction or repair can be a condition of any application for approval under this Ordinance.

#### c. Fence Standards:

- i. Fences in M-1, M-2, R-1, R-2, RR, and S-1 districts shall not contain barbed wire or chain link fences with sharp wire edges exposed, except as otherwise stated below.
- ii. No fence, wall, planting, or structure shall, within the clear vision area be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley, or driveway.
- iii. In M-1, M-2, R-1, R-2, RR, and S-1 districts, fences located in the front yard or between the front lot line and the building line shall not exceed four (4) feet in height, measured along the average



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grade of an unbroken run. Except in a clear vision area, fences in the front yard may be solid for not more than three (3) feet in height.

- iv. In M-1, M-2, R-1, R-2, RR, and S-1 districts, fences located in a required side yard or rear yard shall not exceed six (6) feet in height (except as stated below) measured along the average grade of an unbroken run. Fences in the rear and side yards may be solid and may extend from the side lot line to the side of the principal structure but shall not occupy the portion of the front yard in front of the principal structure unless in compliance with (3) above.
  - v. In all districts, a security fence surrounding a public utility, police, or correctional facility may extend to eight feet (8") in height and may contain barbed wire or chain link fences with sharp wire edges and be located within a required side yard, rear yard, or front yard. The barbed wire cannot exceed eighteen (18) inches in height and must be located on top of and may be in addition to the eight (8) foot height fence. The barbed wire shall slant inwards toward the property or be straight up. Security fences with barbed wire in any other location or surrounding any other use require approval by the Planning Commission.
  - vi. vi. No fence shall be constructed or maintained which is charged or connected with an electrical current.
  - vii. vii. To allow for snow storage adjacent to alleys, all fences hereafter erected adjacent to an alley shall be set back a minimum of 3 feet from the property line.
  - viii. viii. Decorative or ornamental sides of fences or walls shall face the adjoining properties (face the outside).
- d. Exceptions to Screening and Fencing Standards:
- i. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
  - ii. Any fence, landscape screen, wall, or hedge which does not conform to this Ordinance and which legally exists at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair, unless otherwise regulated by this Ordinance.

## SECTION 3.20 – THE KEEPING AND HUSBANDRY OF ANIMALS

- A. The following regulations apply to the keeping or husbandry of animals as part of agricultural operations or stables. The regulations specified in this section shall not apply to ordinary household pets or kennels.

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## B. Minimum enclosure area per animal:

1. Horses, ponies, mules, donkeys, cows, or other similar animals:
  - a. 100,000 square feet if animals are pastured.
  - b. 4,000 square feet if animals are fed and not required to graze or forage.
  - c. If animals are kept inside a building, one stall shall be provided for each animal: a tied down stall shall be a minimum size of four (4) feet by eight (8) feet; a box stall shall be a minimum size of ten (10) feet by ten (10) feet.
2. Goats, sheep, pigs or other similar animals:
  - a. 50,000 square feet if animals are pastured.
  - b. 2,000 square feet if animals are fed and not required to graze or forage.
3. Turkeys, geese, ducks, or other similar animals:
  - a. 2,500 square feet if animals are pastured.
  - b. 100 square feet if animals are fed and not required to graze or forage.
4. Poultry, fowl, rabbits, or other similar animals:
  - a. 900 square feet if animals are pastured.
  - b. 36 square feet if animals are fed and not required to graze or forage.
  - c. 9 square feet if animals are kept exclusively indoor.

## C. The following minimum setbacks shall be provided:

1. To minimize odor and to avoid nuisance problems, stables and piles of manure, which are a part of or incidental to agricultural operations, or stables shall be located at least fifty (50) feet from any street right-of-way line or lot line and at least five hundred (500) feet from any existing residential dwelling unit not located on the premises.

NOTE: If small animals such as poultry, fowl and rabbits are kept exclusively indoors the minimum distance from an existing residential dwelling unit not located on the premises shall be two hundred fifty (250) feet.

The minimum setback from existing residential dwelling units not located on the premises may be reduced providing the owners of all existing properties within the minimum distance of the proposed site grant written permission to the applicant. This written permission shall reference the Deed Legal Description of all signatories, be prepared by the applicant or his representative, be recorded in the Chippewa County Register of Deeds Office upon receiving zoning approval and shall run with the land regardless of transfer of ownership unless otherwise specified in the Special Land Use Permit.

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2. Manure shall be piled, stored, removed and/or applied to land in accordance with the Chippewa County Health Department regulations; however, manure shall not be applied to any land that is closer than one hundred (100) feet to a residential lot line.
- D. A one hundred (100) foot wide area of vegetative cover, exclusive of pasture area, shall be maintained between any corral, unvegetated exercise area, manure pile, manure application area, and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
- E. In areas with a slope of five (5) percent or less: corrals, unvegetated exercise areas, and manure piles shall be a minimum of one hundred and fifty (150) feet from a well and two hundred (200) feet from any surface water, unless the location of the surface water is upgrade or there is adequate diking to comply with the Chippewa County Health Department standards.
- F. Corrals, unvegetated exercise areas, manure piles, and manure application areas are prohibited on lands with slopes greater than five (5) percent, in areas designated as ten (10) year floodplains, in any waterways, and on soils classified as very poorly drained by the USDA Natural Resources Conservation Service or any pertinent Soil Survey.

## SECTION 3.21 – RECREATIONAL VEHICLE USE

- A. A recreational vehicle may be used as a permanent seasonal residence in the Waterfront Residential, Recreation/Conservation, Rural Residential and Agriculture Residential districts provided that the following conditions are met:
  1. Improvements to the site include a gravel or concrete pad for the vehicle.
  2. Where public sewage facilities are not available, each property shall have a septic tank and drain field or other approved waste disposal system or a sewage disposal plan on file with the Township.

## ARTICLE 4 - VILLAGE CENTER DISTRICT

### SECTION 4.01 - PURPOSE

The Village Center District is established to accommodate a broad variety of retail, office, and residential uses. It is important that new development be integrated with the historic pattern of the village center area. The first floors of buildings are primarily for retail. Internal linkage between stores is encouraged. The upper stories of buildings are generally to be occupied by

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offices, services and residences. Dominant visual features of the village center area should be maintained and enhanced. By establishing the Village Center District, the Township will guide development to:

- Promote and encourage the use of land for business, commercial, office and high-density residential uses.
- Promote a sensitive and creative continuity of design approach to the Village Center District subject to the concurrence and approval of the Zoning Board.
- Allow a mix of uses to facilitate a healthy and diverse village core.
- Create a vibrant, attractive, lively, multi-faceted hub of community activity.
- It is the intent of this district to create streets that encourage pedestrian activity.

## SECTION 4.02 - PRINCIPLE PERMITTED USES

The following examples of permitted uses are allowed in the Village Center District unless otherwise provided for in this Article:

- A. All principle permitted uses in the Residential District.
- B. Bed & Breakfast (B&B)
- C. Hotels and Motels
- D. Stores and shops for the conducting of retail business.
- E. Office, offices and showroom e.g., plumber, electrician, architect or similar trade.
- F. Personal services, e.g., dentist, doctor, lawyer, accountant, beauty and barber shop, or similar trade.
- G. Banks.
- H. Restaurants.
- I. Bars, taverns, cocktail lounges.
- J. Public and government buildings and offices.
- K. Hardware retail store.

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- L. Antique store.
- M. Veterinary Clinic.
- N. Pet Shop.
- O. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely with enclosed buildings.

## SECTION 4.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this Ordinance:

- A. Gasoline and oil service stations including gasoline station/ convenience store - Lighting shall be of the "Cut Off Type". No lighting shall trespass on neighboring property or create glare on public streets. A 5-foot landscaped buffer strip must be maintained, to include front, side and rear of lot. In addition to a buffer strip if a gasoline and oil service station including gasoline station/convenience store is constructed on a lot that adjoins a residential district or use, a noise barrier shall be installed, such as a 5-foot decorative masonry wall.
- B. Essential Services Buildings - Lighting shall be of the "Cut Off Type". No lighting shall trespass on neighboring property or create glare on public streets. A 10-foot landscaped buffer strip must be maintained, to include front, side and rear of lot. In addition to a buffer strip if an Essential Services Building is constructed on a lot that adjoins a residential district or use, a noise barrier shall be installed, such as a 5-foot decorative masonry wall.
- C. Apartments - High density residential in the Village Center District shall fit harmoniously with existing area.

## SECTION 4.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Village Center District.

- A. LOT AREA – The minimum lot area in the Village Center District varies by use:
  - 1. Single-Family Residential – Five thousand (5,000) square feet
  - 2. Duplexes – Six thousand (6,000) square feet

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- B. LOT WIDTH - The minimum width in the Village Center District is fifty (50) feet.
- C. YARD SETBACKS
  - 1. Front Yard – The front yard setback in the Village Center District varies by use:  
Single-Family Residential and Duplexes – Twenty-five (25) feet
  - 2. Side Yard - A 10 foot minimum side yard width shall be required for single family residential lots except where adjoining a street or highway in which case the Front Yard requirements will apply.
  - 3. Rear Yard - A Fifteen (15) foot minimum rear yard depth shall be required for single family residential lots.
- D. MAXIMUM STRUCTURE HEIGHT – The maximum height for any residential structure in the Village Center District is thirty-five (35) feet measured from original grade to highest point of structure.
- E. FLOOR AREA OF DWELLING – No dwellings shall be erected or altered which provides less than 600 square feet of floor area at the first-floor level, exclusive of any garage areas or areas in any accessory building.

## SECTION 4.05 - SITE PLAN APPROVAL

A building permit shall not be issued for construction of a project until a site plan therefore has been approved according to the procedures and specifications in Article 14. All new structures and uses, except single family structures and uses, require site plan review.

## SECTION 4.06 - PUBLIC WATER AND SEWAGE FACILITIES

All development in the Village Center District is required to be connected to public water and sewage facilities. Following the approval of this ordinance all new public utilities must be underground or below the surface.

## ARTICLE 5 - BUSINESS/MIXED USE DISTRICT

### SECTION 5.01 - PURPOSE

The Business/ Mixed Use District is established for which the primary use of the land is for commercial, office, light industrial, and high-density residential uses. The Business/Mixed Use District is created to foster development and redevelopment at the intersection of M-28 and M221 and at the intersection of M-221 and Lakeshore Drive. By establishing the Business/Mixed Use District, the Township will guide development to:

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- Promote and encourage the use of land for business, commercial, office, light industrial, and high-density residential uses.
- Promote a sensitive and creative design approach to the Village of Brimley.
- Allow a mix of uses to facilitate a healthy and diverse village core.
- Create a vibrant, attractive, lively, multi-faceted hub of community activity.
- Encourage an innovative business approach to development.

## SECTION 5.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Business/Mixed Use District, unless otherwise provided for in this Article:

- A. All principle permitted uses in the Residential District.
- B. Hotels and Motels
- C. Stores and shops for the conducting of retail business.
- D. Office, offices and showroom e.g., plumber, electrician, architect or similar trade.
- E. Personal services, e.g., dentist, doctor, lawyer, accountant or similar trade.
- F. Banks
- G. Restaurants, catering establishments and drive in / thru restaurants.
- H. Gasoline and oil service stations
- I. Public and Government buildings and offices.
- J. Hardware retail store
- K. Antique Shops
- L. Veterinary clinic
- M. Recreation Facilities e.g., tennis courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges.

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- N. Car wash
- O. Light industrial establishments within a building or structure for the repair, alteration, finishing, assembling, fabrication, or storage of goods, provided there is not any obnoxious or offensive odors, fumes, dust, smoke, wastewater, noise or vibration associated with the manufacturing process. There shall also be no outdoor storage on the site.

## SECTION 5.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this Ordinance:

- A. Self-Storage Facilities
  - 1. The individual storage area or enclosures shall not exceed 400 square feet.
  - 2. The units are to be leased to individuals, businesses or organizations for the self-service storage of property.
  - 3. Exterior lighting shall be of the "Cut Off Type".
  - 4. No lighting shall trespass on neighboring property or create glare on public streets.
- B. Wholesale stores, storage facilities, warehouses, distributing plants, and freezer and lockers.
- C. Salesrooms, including outdoor sales space for recreation vehicles, including boats, snowmobiles, travel trailers and campers.
  - 1. Lighting shall be of the "Cut Off Type".
  - 2. No lighting shall trespass on neighboring property or create glare on public streets.
- D. Waste transfer station - The site shall be kept clean and orderly. All refuse shall be kept in covered containers. The handling of animal carcasses, oils, hazardous materials, flammable substances, and other similar materials shall not be permitted. Lighting shall be of the "Cut Off Type". No lighting shall trespass on neighboring property or create glare on public streets.
- E. Radio, telecommunications, television towers and stations.
- F. Laboratories



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1. There is not any obnoxious or offensive odors, fumes, dust, smoke, waster, noise or vibration associated with the laboratory.
- G. Park and Ride Lot. A 15 foot landscaped buffer must be maintained, to include front, sides and rear of lot.
- H. Small WECS must meet the requirements of Section 3.16 and must have Planning Commission approval.
- I. Any other use deemed compatible, consistent and of the same character as those listed for conditional approval.

## SECTION 5.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Business/Mixed Use District.

- A. LOT AREA - Every lot occupied hereafter shall contain an area of not less than 15,000 square feet, if connected to public water and sewer, and 5 acres if not connected to public utilities.
- B. LOT WIDTH - The minimum width for parcels in the Business Mixed Use District shall be 300 feet with direct access to M-28 or 150 feet for parcels with indirect/shared access. The minimum lot width for parcels that are not adjacent to M-28 is 150 feet.
- C. YARD SETBACKS
  1. Front Yard - A 25 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
  2. Side Yard - A 10 foot minimum side yard width shall be required, except where adjoining a street or highway in which case the Front Yard requirements will apply.
  3. Rear Yard - A 20 foot minimum rear yard depth shall be required.
- D. MAXIMUM STRUCTURE HEIGHT – The maximum height for any structure in the Business Mixed Use District is thirty (35) feet measured from original grade to highest point of structure.
- E. FLOOR AREA OF DWELLING – No dwellings shall be erected or altered which provides less than 600 square feet of floor area at the first-floor level, exclusive of any garage areas or areas in any accessory building.

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## **SECTION 5.05 - SITE PLAN APPROVAL**

A building permit shall not be issued for construction of a project until a site plan therefore has been approved according to the procedure and specifications in Article 14. All new structures and uses, except single family structures and uses, in the Business Mixed-Use District require site plan review.

## **ARTICLE 6 – SPECIALTY MIXED-USE DISTRICT**

### **SECTION 6.01 – PURPOSE**

The Specialty Mixed-Use district combines commercial and residential uses and services for families or tourists utilizing the Township resort areas. Uses may include residential, entertainment, recreation, convenience goods, restaurants, lodging, small gift shops, outdoor equipment dealers, rentals and personal services. Uses will be appropriately buffered to preserve the natural scenic landscape.

### **SECTION 6.02 – PRINCIPLE PERMITTED USES**

The following permitted uses are allowed in the Specialty Mixed-use District, unless otherwise provided in this Article:

- A. All principle permitted uses in the Residential District.
- B. Bed & Breakfast (B&B)
- C. Hotels and Motels
- D. Stores and shops for the conducting of retail business.
- E. Personal services, e.g., dentist, doctor, lawyer, accountant or similar trade.
- F. Banks.
- G. Restaurants.
- H. Bars, taverns, cocktail lounges.

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- I. Public and government buildings and offices.
- J. Hardware retail store.
- K. Antique store.
- L. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely with enclosed buildings.

## SECTION 6.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this Ordinance:

- A. Gasoline and oil service stations including gasoline station/convenience store.
  - 1. Lighting shall be of the "Cut Off Type".
  - 2. No lighting shall trespass on neighboring property or create glare on public streets.
  - 3. A 5 feet landscaped buffer strip must be maintained, to include front, side and rear of lot.
  - 4. In addition to a buffer strip if a gasoline and oil service station including gasoline station/convenience store is constructed on a lot that adjoins a residential district or use, a noise barrier shall be installed, such as a 5-foot decorative masonry wall.
- B. Essential Services Buildings:
  - 1. Lighting shall be of the "Cut Off Type".
  - 2. No lighting shall trespass on neighboring property or create glare on public streets.
  - 3. A 10 feet landscaped buffer strip must be maintained, to include front, side and rear of lot.
  - 4. In addition to a buffer strip if an Essential Services Building is constructed on a lot that adjoins a residential district or use, a noise barrier shall be installed, such as a 5-foot decorative masonry wall.
- C. Apartments:

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1. High density residential in the Specialty Mixed-Use District shall fit harmoniously with existing area.

## D. Community Gardens

1. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
2. Site users shall use new soil.
3. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to perform the coordinating role for the management of the community gardens; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the Township.
4. The site is designed and maintained so that water and fertilizer will not drain onto adjacent property.
5. There shall be no retail sales, except for produce grown on the site.
6. No building or structures shall be permitted on the site except sheds for storage of tools; greenhouses that consist of buildings made of glass, plastic, or fiberglass in which plants are cultivated or used for educational purposes; chicken coops; benches; bike racks; raised/accessible planting beds; compost or waste bins; picnic tables; seasonal farm stands; fences; garden art; rain barrel systems; and children's play areas. The combined area of all buildings or structures shall not exceed 15 percent of the garden site lot areas.
7. The urban garden use shall be maintained, including necessary watering, pruning, pest control, and removal of dead or diseased plant material.
8. Beekeeping is allowed as accessory to the urban garden use, limited to two hives per parcel. Hives must be in the rear third of the lot with a five foot setback from side and rear lot lines. Hives must be screened so that the bees must surmount a six foot barrier, which may be vegetative, before leaving the property.

## E. Animal Service Establishments:

1. Odors or similar objectionable characteristics such as waste incident thereto shall not be discernible beyond the boundaries of the lot or premises.

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2. The kennel facility shall have waste disposal systems adequate to handle all animal waste generated by the facility at its maximum capacity. Outdoor storage of waste in a covered container that is removed weekly is permitted.
3. The kennel facility shall be designed, constructed, operated, and maintained in such a manner as to always provide humane, clean, dry, and sanitary conditions for each animal, in accordance with applicable state laws and regulations.
4. A fully enclosed kennel facility without any outside animal runs shall be located at least 50 feet from all boundary lines of any residential uses or districts.
5. Animal service facilities or kennels with outdoor (not fully enclosed) facilities must be in conformance with the following additional requirements:
  - a. Must be located at least 100 feet from all boundary lines of any residential uses (other than the owner) or districts.
  - b. Outside animal runs and/or outside dog exercise areas shall be sufficiently monitored such that any dog(s) engaging in repetitive barking shall be promptly brought inside.
  - c. A cyclone fence eight (8) feet in height shall be installed.

## SECTION 6.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Specialty Mixed Use District.

- A. LOT AREA – The minimum lot area in the Specialty Mixed-Use District varies by use:
  1. Single-Family Residential – Five thousand (5,000) square feet
  2. Duplexes – Eight thousand (8,000) square feet
  3. Multi-Family Residential – Ten thousand (10,000) square feet
  4. Non-Residential or Mixed-Use – Five thousand (5,000) square feet
  5. Without public sewer/water – Two (2) Acres
- B. LOT WIDTH - The minimum width in the Specialty Mixed-Use District varies by use:
  1. Single-Family Residential – Fifty (50) feet
  2. Duplexes – Seventy-five (75) feet

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3. Multi-Family Residential – Seventy-five (75) feet
4. Non-Residential or Mixed-Use – Fifty (50) feet
5. Without public sewer/water – One hundred and twenty-five (125) feet

## C. YARD SETBACKS

1. Front Yard - A 25 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
2. Side Yard - A 10 foot minimum side yard width shall be required, except where adjoining a street or highway in which case the Front Yard requirements will apply.
3. Rear Yard - A 10 foot minimum rear yard depth shall be required.

## D. MAXIMUM STRUCTURE HEIGHT – The maximum height for any structure in the Specialty Mixed Use District is forty (40) feet measured from original grade to highest point of structure.

## E. FLOOR AREA OF DWELLINGS – No dwellings shall be erected or altered which provides less than 600 square feet of floor area at the first-floor level, exclusive of any garage areas or areas in any accessory building.

## SECTION 6.05 - SITE PLAN APPROVAL

A building permit shall not be issued for construction of a project until a site plan therefore has been approved according to the procedure and specifications in Article 14. All new structures, except single family structures, in the Specialty Mixed-Use District require site plan review.

## SECTION 6.06 - PUBLIC WATER AND SEWAGE FACILITIES

All development in the Specialty Mixed-Use District is required to be connected to public water and sewage facilities.

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## ARTICLE 7 – INDUSTRIAL DISTRICT

### SECTION 7.01 – PURPOSE

The Industrial district includes industrial service and manufacturing firms or other compatible or similar businesses which engage in intense scale or volume of activity and may store materials or vehicles outdoors. These areas are characterized by the presence of heavy machinery, building materials, and raw materials for processing and storage, and utilization of chemicals and intense processes.

### SECTION 7.02 – PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Industrial district:

- A. All principle permitted uses in the Business Mixed-Use District
- B. Manufacturing Establishments
- C. Laboratories
- D. Warehousing and Wholesaling Trade Establishments
- E. Essential Services
- F. Forest Management, including tree planting/harvesting and sawmills.
- G. Medium Industrial Establishments, including fuel oil distributors, solid fuel yards, and general building contractors.
- H. Hemp processing shall be restricted to the district zoned **Industrial**. (refer to Addendum)

### SECTION 7.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this Ordinance:

- A. Solid Waste Transfer Station
  - 1. All stored material located upon the premises shall be stockpiled in an orderly and neat appearing manner or shall be contained within an enclosed storage building.
  - 2. All outdoor storage of material hereunder and any processing thereof, shall be fully screened from adjoining property and public highways by a solid fence not less than 10 feet in height constructed and maintained in an attractive manner of

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uniform design and shall not be permitted to deteriorate, rust or remain in any damaged condition for a period longer than 30 days. Entrance and exit gates shall be of similar solid material and of equal height to the fence. Such gates shall remain closed except for the time necessary for entrance or exit.

3. No burning of debris or surplus material shall be allowed on the premises except upon the prior approval of the fire chief of the district in which the premises is located and under such chief's supervision and control. Such prior approval shall only be in written form from the fire chief.
4. No stockpiling of material on the premises shall exceed the height of the perimeter fence.
5. Where the material located upon the premises for subsequent sale, dismantling, reforming or reassembling for sale or exchange consists of machinery, automobiles, trailers, mobile homes, or items of a similar nature or parts thereof, all fluids therein contained shall be drained from the item to be stored into impervious containers prior to being located upon the premises to avoid any contamination of the soil or ground water. Such fluids shall be deposited in authorized hazardous waste sites off the premises. Written records of such disposition shall be maintained by the owner or operator and available upon request from the Township for verification of the proper disposition of such fluids. In addition, the owner or operator shall maintain automobile and other vehicle title records as well as bills of sale of all other machinery, equipment and metals acquired for storage, salvage or recycling and produce the same to the Township upon request of the Township to assist the Township in verifying compliance with the Ordinance.
6. The storage site shall be equipped with a permanent office building for the transaction of business with suppliers and customers of the business and shall be readily available for such purposes through appropriate communication for such transactions. The building shall be constructed of standard construction materials and in a manner conforming with the State Construction Code.
7. Any processing, crushing, dismantling or repair operations shall only be conducted between the hours of 8 a.m. and 5 p.m., Monday through Friday, exclusive of any such days which consists of a recognized holiday.
8. No salvageable, recyclable, repairable material or parts thereof shall be located outside the required fenced area which outside area shall be maintained in a neat and attractive manner.
9. None of the foregoing storage operations shall be located 1,000 feet from any existing residence, school, park, playground or recreation area nor less than 500



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feet from any abutting public or private road or watercourse and must abut a state highway or county primary all-weather road.

10. License:

a. Annual License:

No storage and recycling operation shall be commenced or continued until it has received an annual license for such operation from the Township Board of Superior Township. Such licenses shall be for 12month period subject to annual renewal by the Township Board upon a showing of compliance with all the regulations of the Ordinance during the prior 12-month period. Any issued license shall be subject to revocation by the Township Board for failure to comply with the regulations contained in the within Ordinance and failure to correct any noncompliance within 30 days' notice from the Township of the lack of such compliance. The licensee shall have the right to object to the Notice of Non-Compliance, in writing filed with the Township Clerk within 15 days of the mailing date of such notice. Upon receipt of such notice the Clerk shall schedule a hearing on the objections before the Township Board at its next regular meeting held not sooner than 15 days after such receipt. The licensee shall be given mailed notice of such hearing and be permitted to appear and present reasons for his objection. The Board's decision on the objection shall be issued within 30 days of the hearing and shall be final.

b. Application for License:

Application for a license shall be submitted to the Township Board and contain the following information:

- Name, age, mailing address.
- Legal description of the proposed site of the business and street address, if any.
- Description of the proposed business.
- Addresses of the applicant for the past five years.
- Occupations of the applicant for the past five years
- Size and acreage or dimensions of the site
- Size and description of the office building to be located thereon.
- Description of any existing structures on the site
- Requested hours of operation and days of the week to be operating.
- Size and number of signs to be erected.
- Location and size of lighting
- Proposed drainage and utilities to be located on the site.
- Number of employees anticipated.
- Previous experience in the proposed business

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c. Exhibits:

In addition to a Site Plan approved by the Zoning Administrator, following the standards in Article 14, two or more written letters of recommendation must be submitted with the application. The recommendation letters shall be from unrelated individuals concerning the ability of the applicant to properly conduct the proposed business in compliance with all applicable laws and ordinances.

d. Township Procedure:

The application, required supporting documents, and the required fee shall be filed with the Township Clerk who shall review the application for compliance with the Ordinance. If the Clerk finds the same to be in substantial compliance, the Clerk shall submit the same to the Township Board for initial consideration at its next regular scheduled Township Board meeting. If the Clerk does not find the application to be in substantial compliance, the Clerk shall return the application and supporting document to the applicant with instructions to supply all missing information for subsequent submission to the Township Board as before indicated.

Upon receipt, the Township Board shall, at its following regular Township Board meeting, review the same and determine in its opinion if the application does comply substantially with the ordinance requirements. Upon so finding, it shall schedule a final decision on the application for the next regular Township Board meeting which shall be open for public review and discussion prior to any final decision of the Township Board. If the Township Board does not find the application in substantial compliance with the ordinance requirements, it shall return the same to the applicant for correction and subsequent submission as before indicated.

Any approval by the township Board shall be conditioned upon completion by the applicant of all required construction and improvements of the site required by the Ordinance as interpreted by the Township Board. No license shall be issued until all such construction and improvements have been fully and accurately completed.

e. Fees:

The fees for the Township Board hearing on the license application, operation and investigation of the ability of the applicant to conduct the proposed operation and to comply with the regulations required under this Ordinance shall be \$1,000 which shall be escrowed with the Township Treasurer to cover all expenses of the Township in processing the application. Any surplus above the actual costs of the Township shall be returned to the applicant following the Board's final decision on the

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application. If the initial deposit is insufficient to cover the costs incurred by the Township, the applicant will be required to submit the additional sums as billed by the Township before the license is effective. Thereafter, the annual renewal license fee shall be \$25 providing no evidence exists of any failure to comply with this Ordinance during the preceding 12-month period. If evidence of violations exist which have not been corrected within the period allotted for such corrections, the license shall be revoked, the business terminated, and all material of the business stored on the site removed.

- B. Small WECS on lots of 5 acres or more, including conditions of approval.
- C. Sexually Oriented Businesses
  - 6. No person shall reside in or on, or permit a person to reside in or on, a building or property occupied by a sexually oriented business.
  - 7. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel in a residential or mixed-use zone.
  - 8. No sexually oriented business shall be established on a parcel within one thousand (1,000) feet of any of the following, as measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the use as follows:
    - a. Dwelling unit
    - b. Any residential lot lines.
    - c. Any residential zoning district.
    - d. Any residential planned unit development
    - e. Licensed residential care facility
    - f. Licensed foster family group home
    - g. Nursing home
    - h. School
    - i. Childcare organization
    - j. Place of worship
    - k. Public park
    - l. Public library
    - m. Other sexually oriented business
  - 9. The proposed use shall conform with all regulations of the zoning district in which it is located unless those regulations conflict with these standards, in which case these standards shall control.

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10. Any sign or signs proposed for the sexually oriented business (whether on-site or off-site, including but not limited to billboards) shall not include photographs, silhouettes, drawings or pictorial representations of any type, or include animated or flashing illumination, and otherwise shall conform with the requirements of this Ordinance.
11. Entrance signs to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting from the business, and using lettering no less than two (2) inches in height that say:
  - a. "Persons under the age of 18 are not permitted to enter the premises.
  - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission".
12. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed to be visible from the nearest adjoining roadway or a neighboring property.
13. Hours of operation shall be limited to 10:00 a.m. to 11:00 p.m., Monday through Saturday.
14. Any booth, room or cubicle available in any sexually oriented business, except an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:
  - a. Be handicap accessible to the extent required by the Americans with Disabilities Act
  - b. Be unobstructed by any door, lock or other entrance and exit control device.
  - c. Have at least one side totally opened to a public lighted aisle so that there is always an unobstructed view from the adjoining aisle.
  - d. Be illuminated by a light bulb of wattage of no less than 25 watts.
  - e. Have no holes or opening in any side or rear walls not dedicated for use by a utility, or a heating, air conditioning or ventilation system.

D. The Keeping or Husbandry of Animals:

Shall meet the standards in Section 3.20 of this Ordinance.

E. Any other use deemed compatible, consistent and of the same character as those listed for conditional approval.

## SECTION 7.04 - REGULATIONS AND STANDARDS

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The following regulations and standards apply to all uses and structures in the Industrial District.

- A. LOT AREA – The minimum lot area in the Industrial District is 5 acres.
- B. LOT WIDTH - The minimum width in the Industrial District is 330 feet.
- C. YARD SETBACKS
  - 1. Front Yard – The minimum front yard setback is 50 feet.
  - 2. Side Yard – The minimum side yard setback is 50 feet.
  - 3. Rear Yard – The minimum rear yard setback is 50 feet.
- D. MAXIMUM STRUCTURE HEIGHT – The maximum height for any structure in the Industrial District is forty (40) feet from original grade to highest point of structure.
- E. WELL AND SEPTIC TANK REQUIREMENTS - Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.
- F. DISTANCE FROM WATER SOURCE: Industrial Zoned Operations shall be not less than 500 feet from any water source as measured from the designated perimeter entirely enclosing a proposed structure, structures or operations supporting activity on the proposed site.

## SECTION 7.05 - SITE PLAN APPROVAL

A building permit shall not be issued for construction of a project until a site plan therefore has been approved according to the procedure and specifications in Article 14. All new structures and uses in the Industrial District require site plan review.

## ARTICLE 8 - RESIDENTIAL DISTRICT

### SECTION 8.01 - PURPOSE

The Residential District is established for which the primary use of land is for residential dwellings. The intent of this district is to:

- Encourage the construction of and the continued use of the land for residential dwellings.

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- Prohibit business, commercial or industrial use of the land, and to prohibit any other use of the land which would substantially interfere with the development or continuation of residential/family dwelling in the district.
- Discourage any land use that would generate traffic on local residential streets other than normal traffic generated by the residents of the area.

## SECTION 8.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Residential District, unless otherwise provided in this Article:

- A. Single and Two Family detached dwellings.
- B. Churches and other facilities normally incidental thereto.
- C. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- D. Public, parochial or private elementary, intermediate, and/or high schools.
- E. Home occupation to give instruction in a craft or fine art within a residence.
- F. Accessory buildings, structures and use customarily incidental to the above principle uses.
- G. State licensed or approved family day care facilities in which one to six children are cared for in a private home on less than a 24-hour basis. At least 400 square feet of outdoor play area must be provided on the premises.
- H. Licensed or approved residential facility providing residential services for up to six persons under 24-hour supervision or care, or both, provided there is no other state licensed residential facility within 1,500 feet. This section shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- I. Essential services.
- J. Off street parking to service the above listed uses.

## SECTION 8.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this Ordinance:

# Superior Township Zoning Ordinance



- A. Private parks, country clubs, golf courses and golf driving ranges, when located on a parcel of 5 acres or more; any structure on the parcel shall be located at least 100 feet from a lot line from any adjacent residential property.
- B. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations.
- C. Governmental uses, when found to be necessary for the public health, safety, convenience and welfare.
- D. Home occupation:
  - 1. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto.
  - 2. Not more than two people outside the family shall be employed in the home occupation.
  - 3. There shall be no exterior display.
  - 4. No other exterior indication of the home occupation or variation from the residential character of the principal building.
  - 5. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
  - 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
  - 7. The home occupation shall not utilize more than 40 percent of the total floor area of the dwelling unit, provided that the primary use of the dwelling remains residential.
  - 8. One nine (9) square foot sign is permitted on site.
- E. State licensed or approved family day care facilities in which seven to twelve children are cared for in a private home on less than a 24-hour basis. Must meet all requirements of applicable State and Federal Laws.
- F. Parking lots for other uses than residential.
- G. Bed & Breakfast.

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## H. Community Gardens:

1. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
2. Site users shall use new soil.
3. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to perform the coordinating role for the management of the community gardens; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the Township.
4. The site is designed and maintained so that water and fertilizer will not drain onto adjacent property.
5. There shall be no retail sales, except for produce grown on the site.
6. No building or structures shall be permitted on the site except sheds for storage of tools; greenhouses that consist of buildings made of glass, plastic, or fiberglass in which plants are cultivated or which are used for educational purposes; chicken coops; benches; bike racks; raised/accessible planting beds; compost or waste bins; picnic tables; seasonal farm stands; fences; garden art; rain barrel systems; and children's play areas. The combined area of all buildings or structures shall not exceed 15 percent of the garden site lot areas.
7. The urban garden use shall be maintained, including necessary watering, pruning, pest control, and removal of dead or diseased plant material.
8. Beekeeping is allowed as accessory to the urban garden use, limited to two hives per parcel. Hives must be in the rear third of the lot with a five foot setback from side and rear lot lines. Hives must be screened so that the bees must surmount a six foot barrier, which may be vegetative, before leaving the property.

## I. Small WECS on lots of 5 acres or more, including conditions of approval.

## J. Animal Service Establishments:

1. Odors or similar objectionable characteristics such as waste incident thereto shall not be discernible beyond the boundaries of the lot or premises.



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2. The kennel facility shall have waste disposal systems adequate to handle all animal waste generated by the facility at its maximum capacity. Outdoor storage of waste in a covered container that is removed weekly is permitted.
3. The kennel facility shall be designed, constructed, operated, and maintained in such a manner as to always provide humane, clean, dry, and sanitary conditions for each animal, in accordance with applicable state laws and regulations.
4. A fully enclosed kennel facility without any outside animal runs shall be located at least 50 feet from all boundary lines of any residential uses or districts.
5. Animal services facilities or kennels with outdoor (not fully enclosed) facilities must be in conformance with the following additional requirements:
  - a. Must be located at least 100 feet from all boundary lines of any residential uses (other than the owner) or districts.
  - b. Outside animal runs and/or outside dog exercise areas shall be sufficiently monitored such that any dog(s) engaging in repetitive barking shall be promptly brought inside.
  - c. A cyclone fence eight (8) feet in height shall be installed.

## SECTION 8.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Residential District.

- A. LOT AREA - A structure may be built as long as the structure meets the required set backs and height restrictions for the district in which the structure is located.
- B. FLOOR AREA OF DWELLING - No dwellings, shall be erected or altered which provides less than 600 square feet of floor area at the first-floor level, exclusive of any garage areas or areas in any accessory building.
- C. YARD SETBACKS
  1. Front Yard - A twenty-five (25) foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
  2. Side Yard - A ten (10) foot minimum width, except where adjoining a street or highway in which case the Front Yard requirements will apply.
  3. Rear Yard - A ten (10) foot minimum rear yard depth shall be required.
- D. MAXIMUM STRUCTURE HEIGHT – The maximum height for any structure in the

# **Superior Township Zoning Ordinance**



Residential District is thirty (30) feet measured from original grade to highest point of structure.

- E. WELL AND SEPTIC TANK REQUIREMENTS - Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

## **SECTION 8.05 - SIGNS, OFF PREMISES**

Off premise signs shall be prohibited in the Residential Districts.

## **ARTICLE 9 – WATERFRONT RESIDENTIAL DISTRICT**

### **SECTION 9.01 – PURPOSE**

The Waterfront Residential District consists of various densities and diverse housing types located near the entrance of the Waishkey River to the Waishkey Bay. Homes directly on the waterfront may include accessory structures such as docks and storage sheds. Lakeshore residential development is still a valuable and rare commodity in most communities as retirees or seasonal residents seek permanent residence near water features. This kind of development has the potential to attract investment. For this reason, it is important to protect property values and natural resources in this area. It is important to respect scenic public views and to enforce standards for the protection of water and environmental quality. Public access to water resources should be encouraged and protected.

### **SECTION 9.02 – PRINCIPLE PERMITTED USES**

The following permitted uses are allowed in the Waterfront Residential District:

- A. Single and Two Family detached dwellings.
- B. Churches and other facilities normally incidental thereto.
- C. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- D. Home occupation to give instruction in a craft or fine art within a residence.
- E. Accessory buildings, structures and use customarily incidental to the above principle uses.
- F. State licensed or approved family daycare facilities in which one to six children are cared for in a private home on less than a 24-hour basis. At least 400 square feet of outdoor play area must be provided on the premises.

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## G. Essential Services

### SECTION 9.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this Ordinance:

- A. Private parks, country clubs, golf courses and golf driving ranges, when located on a parcel of 5 acres or more; any structure on the parcel shall be located at least 100 feet from a lot line from any adjacent residential property.
- B. Governmental uses, when found to be necessary for the public health, safety, convenience and welfare.
- C. Home occupation:
  - 1. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto.
  - 2. Not more than two people outside the family shall be employed in the home occupation.
  - 3. There shall be no exterior display.
  - 4. No other exterior indication of the home occupation or variation from the residential character of the principal building.
  - 5. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
  - 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
  - 7. The home occupation shall not utilize more than 40 percent of the total floor area of the dwelling unit, provided that the primary use of the dwelling remains residential.
  - 8. One nine (9) square foot sign is permitted on site.
- D. Parking lots for other uses than residential.

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- E. Bed & Breakfast.
- F. Small WECS on lots of 5 acres or more, including conditions of approval.
- G. Community Gardens
  - 1. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
  - 2. Site users shall use new soil.
  - 3. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to perform the coordinating role for the management of the community gardens; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the Township.
  - 4. The site is designed and maintained so that water and fertilizer will not drain onto adjacent property.
  - 5. There shall be no retail sales, except for produce grown on the site.
  - 6. No building or structures shall be permitted on the site except sheds for storage of tools; greenhouses that consist of buildings made of glass, plastic, or fiberglass in which plants are cultivated or which are used for educational purposes; chicken coops; benches; bike racks; raised/accessible planting beds; compost or waste bins; picnic tables; seasonal farm stands; fences; garden art; rain barrel systems; and children's play areas. The combined area of all buildings or structures shall not exceed 15 percent of the garden site lot areas.
  - 7. The urban garden use shall be maintained, including necessary watering, pruning, pest control, and removal of dead or diseased plant material.
  - 8. Beekeeping is allowed as accessory to the urban garden use, limited to two hives per parcel. Hives must be in the rear third of the lot with a five foot setback from side and rear lot lines. Hives must be screened so that the bees must surmount a six foot barrier, which may be vegetative, before leaving the property.

## SECTION 9.04 - REGULATIONS AND STANDARDS

# Superior Township Zoning Ordinance



The following regulations and standards apply to all uses and structures in the Waterfront Residential District.

- A. LOT AREA – A structure may be built as long as the structure meets the required set back and height requirements for the district in which the structure is located.
- B. FLOOR AREA OF DWELLING - No dwelling shall be erected or altered which provides less than 600 square feet of floor area at the first floor level, exclusive of any garage areas or areas in any accessory building.
- C. YARD SETBACKS
  - 1. Front Yard – Any lot bounded by both a public street and the shoreline of a river or lake shall be considered to have two front yards for the purposes of this standard. Minimum front setback in the Waterfront Residential district is 10 feet from a street, 50 feet from the shoreline. In the case of a front yard that is adjacent to the shoreline, setback is measured from the ordinary high-water mark (in the case of Lake Superior, as legally established by the United States Army Corps of Engineers).
  - 2. Side Yard - A 10 foot minimum width, except where adjoining a street or highway in which case the Front Yard requirements will apply.
  - 3. Rear Yard - A 10 foot minimum rear yard depth shall be required.
- D. MAXIMUM STRUCTURE HEIGHT – The maximum height for any structure in the Waterfront Residential District is thirty (30) feet from original grade to highest point of structure.
- E. WELL AND SEPTIC TANK REQUIREMENTS - Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

## SECTION 9.05 - SIGNS, OFF PREMISES

Off premise signs shall be prohibited in the Waterfront Residential Districts.

## ARTICLE 10 – RURAL RESIDENTIAL DISTRICT

### SECTION 10.01 – PURPOSE

# Superior Township Zoning Ordinance



The Rural Residential District includes properties with a residence (normally a permanent single-family residence but may include seasonal use) normally with septic and private well. A slightly higher residential density is envisioned for properties along County primary roads when the development is formatted as a residential conservation or cluster development, provided that at least 60% of the space is usable, undeveloped, open space and that approved waste handling systems are engineered.

## SECTION 10.02 – PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Rural Residential District:

- A. Single and Two Family detached dwellings.
- B. Camps and Cabins.
- C. Open Space/Cluster Developments.
- D. Public, parochial or private elementary, intermediate, and/or high schools.
- E. Churches and other facilities normally incidental thereto.
- F. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- G. Home occupation to give instruction in a craft or fine art within a residence.
- H. Organized Camps & Campgrounds for tents/recreational vehicles.
- I. Accessory buildings, structures and use customarily incidental to the above principle uses.
- J. State licensed or approved family day care facilities in which one to six children are cared for in a private home on less than a 24-hour basis. At least 400 square feet of outdoor play area must be provided on the premises.
- K. Essential Services
- L. Community Gardens
- M. Animal Service Establishments
- N. Kennels

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- O. Bed and Breakfast

## SECTION 10.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this Ordinance:

- A. Private parks, country clubs, golf courses and golf driving ranges, when located on a parcel of 5 acres or more; any structure on the parcel shall be located at least 100 feet from a lot line from any adjacent residential property.
- B. Governmental uses, when found to be necessary for the public health, safety, convenience and welfare.
- C. Public, parochial or private elementary, intermediate, and/or high schools
- D. Churches and other facilities normally incidental thereto
- E. Home occupation:
  - 1. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto.
  - 2. Not more than two people outside the family shall be employed in the home occupation.
  - 3. There shall be no exterior display.
  - 4. No other exterior indication of the home occupation or variation from the residential character of the principal building.
  - 5. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
  - 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
  - 7. The home occupation shall not utilize more than 40 percent of the total floor area of the dwelling unit, provided that the primary use of the dwelling remains residential.
  - 8. One nine (9) square foot sign is permitted on site.

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- H. Parking lots for uses other than residential.
- I. Small WECS on lots of 5 acres or more, including conditions of approval.
- J. Self-storage facilities
- K. Outdoor Wood Burning Boilers and Appliances
  - 1. Shall meet the conditions set forth in Section 3.15 of this Ordinance.

## SECTION 10.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Rural Residential District.

- A. LOT AREA - Every lot occupied by dwelling hereafter erected shall contain an area of not less than 5 acres.
- B. LOT WIDTH - The minimum width for lots in the Rural Residential District is 200 feet.
- C. FLOOR AREA OF DWELLING - No dwellings, shall be erected or altered which provides less than 600 square feet of floor area at the first-floor level, exclusive of any garage areas or areas in any accessory building.
- D. YARD SETBACKS
  - 1. Front Yard – A 25 foot minimum front yard depth shall be required.
  - 2. Side Yard - A 10 foot minimum width, except where adjoining a street or highway in which case the Front Yard requirements will apply.
  - 3. Rear Yard - A 10 foot minimum rear yard depth shall be required.
- E. MAXIMUM STRUCTURE HEIGHT – The maximum height for any structure in the Rural Residential District is forty (40) feet from original grade to highest point of structure.
- F. WELL AND SEPTIC TANK REQUIREMENTS - Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

## SECTION 10.05 - SIGNS, OFF PREMISES



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Off premise signs shall be prohibited in the Rural Residential Districts.

## ARTICLE 11 – AGRICULTURE DISTRICT

### SECTION 11.01 - PURPOSE

The Agricultural District is established for which the principle use of the land is for agricultural uses such as farming, forestry, dairy, and plant nurseries. The intent of this district is to:

- Promote and encourage the use of the land for agricultural operations.
- Prohibit certain commercial or industrial uses of the land that would substantially interfere with the continuation of sound agricultural uses.
- Promote the conservation of agricultural land.

### SECTION 11.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Agricultural District, unless otherwise provided in this Article:

- A. All principle permitted uses in the Residential District.
- B. Farms, farm dwellings and related structures, including roadside stands, home occupations, and portable sawmills.
- C. All hemp growing operations shall be restricted to the district zoned Agricultural. All growing operations must have visibly posted signage identifying the operations (as per the *Industrial Hemp Growing Act – Act 220 of 2020*). *Michigan State University* agricultural program, used for conducting research feasibility for growth within given parameters, must include Michigan registration numbers and/or authorization numbers (as per the *Industrial Hemp Growing Act – Act 220 of 2020*). (Refer to Addendum).
- D. Nursery Farms
- E. Private airports provided that the private airport serves no more than two (2) aircraft.
- F. Fire control structures
- G. Bed-and-Breakfast (B&B)
- H. Boarding House
- I. Cabin
- J. Outside wood burning boilers on lots of 5 acres or more, including conditions of approval.
- K. Animal Service Establishments

# Superior Township Zoning Ordinance



## SECTION 11.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this Ordinance:

### A. Animal Hospitals, Veterinary Clinics

1. No part of any building, pen, or run shall be within one hundred (100) feet of any lot or property line.
2. One sign is permitted not to exceed 18 square feet.

### B. Antique Shop

1. Any outdoor display of articles for sale shall be at least 50 feet from any property line.
2. One sign is permitted not to exceed 16 square feet.

### C. Airport - (three or more aircraft) In the agricultural district, an airport shall be permitted provided the following standards are met.

1. The proposed location and placement are in accordance with the requirements of the Federal Aviation Administration, the Aeronautic Administration of Michigan and any other rightfully involved governmental agency.
2. Any buildings, hangars, or other structures shall be at least 100 feet from any street or lot line.
3. No application shall be considered, unless it is accompanied by a site plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of owners of abutting properties; proposed layout of runways, flight patterns, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the locations and height of all buildings, structures, trees, and overhead wires falling within the airport approach zones and within 500 feet of the boundary lines of the airport; other pertinent data such as topography and grading plan, drainage, water, and sewerage, etc.

### D. Campground/Resort

A 100 foot buffer strip shall be in place as measured from any public street or lot line.

### E. Golf Course Range /Driving

# Superior Township Zoning Ordinance



1. No target hole (green) is located within 50 feet of a property line, and that no target hole (green) is located within 150 feet of a street.
2. Safety netting of an appropriate height and length will help to prevent errant golf balls from landing on adjacent roads or property.

## F. The Raising or Keeping of Fur or Hair Bearing Animals

1. There shall be a minimum of 100 feet from any portion of the operation to the nearest property line.
2. All waste disposal shall be approved by the Planning Commission.

## G. Small WECS on lots of 5 acres or more, including conditions of approval.

## H. Large WECS Installations (see Section 3.17)

## I. Home occupation:

1. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto.
2. Not more than two people outside the family shall be employed in the home occupation.
3. There shall be no exterior display.
4. No other exterior indication of the home occupation or variation from the residential character of the principal building.
5. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
7. The home occupation shall not utilize more than 40 percent of the total floor area of the dwelling unit, provided that the primary use of the dwelling remains residential.
8. One sixteen (16) square foot sign is permitted on site.

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## J. Quarries, Pits and Mines -

1. Explosives shall be used only between sunup and sundown. Unless otherwise determined by the Planning Commission, the land areas exposed by the operation shall not have a final cut slope steeper than three feet horizontal to one foot vertical distance.
2. All buildings, structures and equipment shall be entirely removed from the property within one year after operations cease.
3. Dikes, or other approved barriers, and drainage structures shall be provided to prevent silting of natural drainage channels or waterways in the surrounding area.
4. Where required and in accordance with an approved landscaping plan submitted to the Planning Commission, suitable plant material shall be placed and maintained to screen operations from public view.
5. There shall be no open storage of discarded machinery, trash or junk that would present an unsightly appearance.
6. Must be operated to keep dust and noise to a minimum. Access roads shall be maintained as dust-free surfaces 100 feet from the public street.
7. Must meet all applicable federal, state and other local regulations.
8. No signage shall be lighted at any time.

In addition to the preceding performance standards for Quarries, Pits and Mines, the Planning Commission requires the following information:

1. A proposed land use plan for after the completion of the project.
2. A map showing the zoning and generalized use of the land within one mile of the proposed site.
3. A USGS topographical quadrangle map, or maps, to include the proposed site and the man-made and natural features within one mile of this site.
4. Plan for protection of surrounding land, environment and wildlife from dust, noise, vibration and other undesirable effects from the operation.

## L. The Keeping or Husbandry of Animals

# **Superior Township Zoning Ordinance**



Shall meet the requirements of Section 3.20 of this Ordinance.

## **SECTION 11.04 - REGULATIONS AND STANDARDS**

The following regulations and standards apply to all uses and structures in the Agricultural District.

- A. LOT AREA - Every lot occupied by a dwelling hereafter erected shall contain an area not less than 5 (five) acres. If more than one dwelling is desired on a lot, the minimum lot area is 20 acres. (Refer to Addendum).
- B. LOT WIDTH - The minimum width for parcels in the agricultural district shall be 250 feet.
- C. FLOOR AREA OF DWELLINGS - No dwelling shall be erected or altered which provides less than 600 square feet of floor area at the first-floor level, exclusive of any garage or accessory structure.
- D. MAXIMUM NUMBER OF DWELLINGS – A lot meeting the 20 acre requirement of this district shall contain one or two dwellings maximum. (Refer to Addendum)
- E. YARD SETBACKS
  - 1. Front Yard - A 50 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
  - 2. Side Yard - A 15 foot minimum side yard width shall be required, except where adjoining a street or highway in which case the Front Yard requirements will apply.
  - 3. Rear Yard - A 50 foot minimum rear yard depth shall be required.

## **SECTION 11.05 - WELL AND SEPTIC TANK REQUIREMENTS**

Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

## **SECTION 11.06 - SIGNS, OFF PREMISES**

Off premise signs shall be prohibited in the Agricultural District.

# **ARTICLE 12 - RECREATION/CONSERVATION DISTRICT**

## **SECTION 12.01 - PURPOSE**

# Superior Township Zoning Ordinance



The Recreation/Conservation District is established for recreational uses and conservation of natural resources such as wetlands and stream and river drainage basins. The intent of the district is to:

- Preserve woodland and wetland environments, as their natural physical features are useful as water retention, surface water purification and ground water 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 recreation/conservation district.
- Promote recreational uses that are well suited and related to the goals of natural resource conservation and protection.
- Regulate the location of buildings and structures and the use of parcels and lots, in order to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, water shed areas, agricultural capabilities, public recreation areas, and the public health safety and welfare.
- Prevent erosion and promote the stabilization of soil.
- Protect property values.

## SECTION 12.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Recreation/Conservation District, unless otherwise provided in this Article:

- A. All principle uses in the Residential District.
- B. Public or private forest preserve, game refuge, park, playground, or other recreational purpose.
- C. Public and private conservation area and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- D. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be re-seeded after stripping by fall of the year in which it was stripped so to reduce the actual or potential erosion of soil.
- E. The raising or growing of plants, trees, shrubs, and nursery stock.
- F. Cabin
- G. Boarding House

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- H. Bed and Breakfast (B&B)
- I. Fire Control Structures
- J. Private airports provided that the private airport serves no more than two (2) aircraft.
- K. Outside wood burning boilers on lots of 5 acres or more, including conditions of approval.
- L. Animal Service Establishments

## SECTION 12.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this Ordinance:

- A. Campground/Resort
  - 1. A 100 foot buffer strip shall be in place as measured from any public street or lot line.
  - 2. Subject to all federal, state, and local regulations regarding waste treatment, drainage, and provisions of other facilities, such as gas and electric hook-up.
- B. Home Occupations
  - 1. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto.
  - 2. Not more than two people outside the family shall be employed in the home occupation.
  - 3. There shall be no exterior display.
  - 4. No other exterior indication of the home occupation or variation from the residential character of the principal building. No signage shall be lighted at any time.
  - 5. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.

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6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
  7. The home occupation shall not utilize more than 40 percent of the total floor area of the dwelling unit.
  8. One sixteen square foot sign is permitted on site.
- C. Sawmill
1. Saw or other machinery shall not be less than 50 feet from any property line or public street.
  2. All power saws and machinery shall be secured against tampering.
- D. Plant Nursery or Greenhouse
1. Retail sales are limited to the sale of plants and the commodities used in the direct care of plants.
- E. Golf Course
1. No target hole (green) is located within 100 feet of a property line or street. Accessory uses may include an on-site pro shop, driving range, and maintenance facilities as part of the development plan.
- F. Archery and/or Shooting Range.
1. An indoor or outdoor archery, rifle, skeet, or trap, or other similar shooting range may be permitted subject to the provisions of federal, state and local laws, and may be of either a commercial or a private nature.
  2. The use of automatic weapons shall not be permitted. The range shall be constructed in a manner as to eliminate any danger from firearms to persons or property outside the facility.
- G. Small WECS on lots of 5 acres or more, including conditions of approval.
- H. Large WECS installations (see Section 3.17)
- I. The Keeping or Husbandry of Animals



# Superior Township Zoning Ordinance



Shall meet the requirements of Section 3.20 of this Ordinance.

- J. Riding academy or stable

Shall meet the requirements of Section 3.20 of this Ordinance.

## SECTION 12.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Recreation/Conservation District.

- A. LOT AREA - Every lot occupied by a dwelling hereafter erected shall contain an area of not less than 20 acres.
- B. LOT WIDTH - The minimum width for parcels in the Recreation/Conservation District shall be 300 feet.
- C. FLOOR AREA OF DWELLINGS - No dwelling shall be erected or altered which provides less than 600 square feet of floor area at the first-floor level, exclusive of any garage or accessory structure.
- D. YARD SETBACKS
  - 1. Front Yard - A 75 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
  - 2. Side Yard - A 25 foot minimum side yard width shall be required, except where adjoining a street or highway in which case the Front Yard requirements will apply.
  - 3. Rear Yard - A 50 foot minimum rear yard depth shall be required.

## SECTION 12.05 - WELL AND SEPTIC TANK REQUIREMENTS

Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

## SECTION 12.06 -SIGNS, OFF PREMISES

Off premise signs shall be prohibited in the Recreation/Conservation District.

## ARTICLE 13 - SPECIAL LAND USES

# **Superior Township Zoning Ordinance**



## **SECTION 13.01 - PURPOSE**

The foundation and enactment of this Ordinance is based upon the division of portions of Superior Township into districts of which there are permitted specified uses which are mutually compatible. In addition to such permitted uses, however, it is recognized that there are certain other uses which it may be necessary or desirable to allow after review and meeting additional requirements. The actual or potential impact on neighboring uses or public facilities by certain uses needs to be carefully reviewed with respect to their setting for the protection of the nearby residents. Such uses, on account of their unique locational needs or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

## **SECTION 13.02 - AUTHORITY TO GRANT PERMITS**

The Superior Township Planning Commission shall have the authority to grant special use permits, subject to such conditions of design and operation, and safeguards as it may determine for all conditions uses specified in the various district provisions of this Ordinance.

## **SECTION 13.03 - DATA, EXHIBITS, AND INFORMATION REQUIRED IN AN APPLICATION**

An application for a conditional use permit shall contain the following:

- A. Applicant's name and address.
- B. Acknowledgment by the property owner of the application.
- C. Property address of proposal.
- D. Site plan of property.
- E. Brief explanation of proposal.

Any supporting exhibits and information may be presented at the public hearing.

## **SECTION 13.04 - PUBLIC HEARING**

The Planning Commission shall hold a public hearing upon any application for a conditional use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days preceding the date of said hearing.

Notice of hearing shall be sent by U.S. Mail to all persons to whom real property is assessed within 300 feet of the boundary of the property in question.

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Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is in the zoning jurisdiction.

The notice shall do all the following:

- A. Describe the nature of the request.
- B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- C. State when and where the request will be considered.
- D. Indicate when and where written comments will be received concerning the request.

## SECTION 13.05 - REQUIRED STANDARDS AND FINDINGS FOR MAKING DECISIONS

The Planning Commission shall approve, or approve with conditions, an application for a conditional use only upon a finding that the proposed conditional use complies with all the following general standards:

- A. The property subject to the application is in a zoning district in which the proposed conditional use is allowed.
- B. The proposed conditional use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
- C. The proposed conditional use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- D. The proposed conditional use will not place demands on public fire and police resources in excess of current capacity.
- E. The proposed conditional use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

# **Superior Township Zoning Ordinance**



- F. The proposed conditional use complies with all specific standards required under this Ordinance applicable to it.

## **SECTION 13.06 - ADDITIONAL DEVELOPMENT REQUIREMENTS**

No application for a conditional use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid. The standard Appeals Process is for the applicant to request and make application for the Zoning Board of Appeals (ZBA) to grant approval.

## **SECTION 13.07 - CONDITIONS**

The Planning Commission may attach reasonable conditions with the approval of a conditional use. These conditions may include those 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. Any conditions imposed, however, shall meet all the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

## **SECTION 13.08 - SITE PLAN APPROVAL OF CONDITIONAL USES**

Any approval of a conditional use shall require site plan review.

## **ARTICLE 14 - SITE PLAN REVIEW**

### **SECTION 14.01 - PURPOSE**

It is recognized by this Ordinance that there is a value to the public in establishing a safe, orderly, and beneficial development pattern; there is value in encouraging a harmonious relationship of

# **Superior Township Zoning Ordinance**



buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review and approval by the Township Planning Commission for certain buildings, structures and projects that can be expected to have a significant impact on natural resources, traffic patterns, on adjacent land usage, and on the character of future development. It is important that consultation and cooperation between the applicant and the Township Planning Commission take place in order that applicant may accomplish their objectives in the utilization of their land and the public interest is upheld.

## **SECTION 14.02 - BUILDINGS, STRUCTURES AND USES REQUIRING SITE PLAN REVIEW**

A site plan shall be submitted for review and approval to the Township Planning Commission for the following uses:

- A. An apartment building containing three (3) or more dwelling units.
- B. More than one multiple-family building on a lot, parcel or tract of land, or a combination of lots under single ownership.
- C. Mobile Home Park
- D. Subdivision consisting of four or more dwellings.
- E. Any new principle commercial, office, industrial, business, recreational or institutional structure/use.
- F. All other uses requiring site plan review and approval as required by this Ordinance.

## **SECTION 14.03 - APPLICATION PROCEDURE**

An application for site plan review shall be made to the Township Clerk along with a fee as required. The application shall, at a minimum, contain the following information:

- A. The applicants name, address, phone number and signature.
- B. The property owner's address, phone number and signature.
- C. The project address and parcel number.
- D. Project description.

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The Township Clerk, upon receipt of the application and related materials, drawings, other necessary data, and payment of required fee, shall forthwith transmit the copies to the Zoning Administrator (Constable).

Within sixty (60) days of receipt of all required information from the Zoning Administrator, a meeting of the Planning Commission shall take place in which the site plan is approved, denied or approved with conditions. Written notice shall be sent to the applicant stating the time and place of the review of the site plan by the Township Planning Commission. All meetings of the Planning Commission shall conform to the provisions of the Open Meeting Act, Act 267 of the Michigan Public Acts of 1976 as amended.

## **SECTION 14.04 - SITE PLAN CONTENT**

Site Plans submitted for review shall be drawn at a scale of 1 inch = 200 feet or greater and shall contain the following information:

- A. Date site plan was prepared.
- B. Name, address of preparer. Professional seal of preparer if available.
- C. North arrow.
- D. Legal description based upon most current survey.
- E. Direction of storm water drainage and how storm water runoff will be handled.
- F. Location of existing and proposed buildings, their intended use, the length, width and height of each building and the square footage of each building.
- G. Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet of the site.
- H. Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drain fields and utility easements.
- I. Location of all sidewalks, bike paths, and other walkways.
- J. Location and size of any walls, fences or other screening provisions.
- K. Location of all proposed landscape materials, including size and type of planting.

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- L. Location of significant trees and other important landscape features on the site.
- M. Location of all proposed accessory structures, including light poles or fixtures, flagpoles, storage sheds, transformers, dumpsters and recycle areas, signs, and existing and proposed utility poles.
- N. Proposed parking areas and access drives showing number and size of spaces and aisles and loading areas.
- O. Location and type of significant existing vegetation, water courses and water bodies including county drains and manmade surface drainage ways, and wetlands.
- P. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, hazardous materials as well as any containment structures or clear zones required by this Ordinance or any other state or federal agencies.

## SECTION 14.05 - STANDARDS

The Zoning Administrator shall review each site plan according to the standards for site plan review and any other applicable regulations of this Ordinance and present his findings to the Planning Commission. In addition, the Planning Commission is empowered to seek the review and recommendations of appropriate County, State or Federal agencies, Chippewa County Sheriff's Office, Township Fire Department, other Township officials, other professionals, consultants, or agencies, as the Planning Commission deems necessary to assist in its review in establishing a safe, orderly and beneficial development pattern.

The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance and conformance with the following general standards:

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be developed to not impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Electric, telephone and cable television lines on site shall be underground where practicable.
- C. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications that result in greatest harmony with adjacent areas.

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- D. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- E. The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located herein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.
- G. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
- H. There shall be provided a pedestrian circulation system that is insulated as completely as reasonably possible from vehicular circulation system.
- I. All loading and unloading areas and outside storage areas including areas for the storage of trash shall be screened by a vertical buffer consisting of structural and/or plant materials no less than six (6) feet in height.
- J. Exterior lighting shall be designed and constructed in such a manner to ensure that all glare and lighting is confined to the development site; that any point light sources are not directly visible from beyond the boundary of the site.
- K. All streets shall be constructed in accordance with the requirements and specifications of the Chippewa County Road Commission.
- L. Site plans shall conform to all applicable requirements of State and Federal statutes, and approval may be conditioned on the applicant receiving necessary State and Federal permits before final approval is granted.
- M. Site plans shall conform to the Township Master Plan.

## SECTION 14.06 - EXPIRATION OF SITE PLAN

The site plan approval shall expire and be invalid one hundred eighty (180) days after the date of approval unless a Building Permit has been issued. When a Building Permit has been issued,



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the site plan approval shall expire, and be invalid 2 years after the date of approval if construction has not begun on the site.

## SECTION 14.07 - REVOCATION OF SITE PLAN APPROVAL

The Planning Commission may, upon notice and hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Zoning Administrator to issue a Stop Work Order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not resume until the Planning Commission approves an amended site plan.

## SECTION 14.08 - AMENDMENT OF AN APPROVED SITE PLAN

Amendments to an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - 1. Reduction of the size of any building and/or sign.
  - 2. Movement of buildings and/or signs by no more than ten (10) feet.
  - 3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  - 4. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of any required parking.
  - 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- B. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan

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showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

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## ARTICLE 15 - SIGNS

### SECTION 15.01 - PURPOSE

This section is intended to protect the public health, safety and general welfare by permitting such signs as will not, by reason of their size, location, construction or manner of display, endanger the well-being of people, to confuse, distract or mislead traffic, or obstruct vision necessary for traffic safety. To regulate such permitted signs in such a way as to create land use patterns and uses compatible with the surrounding areas and to protect property values.

### SECTION 15.02 PROHIBITED SIGNS

The following types of signs are expressly prohibited:

- A. Roof signs.



- B. Balloon signs.



### SECTION 15.03 - SIGNS EXEMPTED

The following sign types may be exempted from the provisions of this Ordinance subject to approval by the Township Board.

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- A. Government signs.
- B. Interior window signs.
- C. Memorial signs.
- D. Murals.
- E. Political campaign signs announcing candidates seeking public political office. Political signs advocating a position on a proposal that will be voted upon at a general or special election. Political campaign signs must be removed seven (7) days after the election date.
- F. Farm identification signs six (6) square feet or less.
- G. Nameplates two square feet or less. There is no maximum square footage requirement in the Rural Residential, Agriculture Residential and the Recreation Conservation District.
- H. Flags or insignia of any nation, state, city, township, community organization or educational institution and flags of a non-commercial nature.

## SECTION 15.04 - SIGNS NOT NEEDING A PERMIT

The following signs are allowed in all zoning districts and shall not require a permit but shall be subject to all other applicable regulations of this Ordinance.

- A. Government signs.
- B. Non-commercial signs.
- C. Directional signs.
- D. Construction signs.
- E. Signs for residential yard and garage sales not to exceed two (2) weeks a calendar year.
- F. Real estate signs advertising the premise (on which the sign is located) for sale, rent, lease, if such signs are not more than six square feet in area.

## SECTION 15.05 - SIGN PERMITS AND APPLICATION

- A. A sign permit shall be required for the erection, use, construction or alteration of all signs except those exempted herein. For the purposes of this section, alteration shall mean any

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change to an existing sign including changing the copy to promote, advertise, or identify another use. Alteration shall not mean normal maintenance of a sign.

- B. An application for a sign permit shall be made to the Township Clerk for review by the Zoning Administrator along with a twenty-five dollar fee. The application shall include, at a minimum, the following:
  - 1. Name, address and telephone number of the applicant and the person, firm or agent erecting the sign.
  - 2. If the applicant is other than the property owner, the signature of the property owner concurring in submittal of said application is required.
  - 3. Address of property where sign is to be located.
  - 4. An accurate scale drawing of the property showing location of sign.
  - 5. Complete description and scale drawing of the sign, including all dimensions and the area of the sign in square feet.
- C. All signs shall be inspected by the Township Zoning Administrator for conformance with this Ordinance prior to placement on the site.
- D. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of twelve (12) months after the date of the permit being issued.

## SECTION 15.06 - DESIGN, CONSTRUCTION AND LOCATION STANDARDS

- A. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair.
- B. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- C. Signs shall be constructed to withstand all wind and vibration forces that can be normally expected to occur in the vicinity.
- D. Signs may be internally or externally illuminated. The sources of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or on adjacent property.

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- E. Signs shall not be placed in, upon or over any public right-of-way, alley or other public place.
- F. A light pole, or other supporting member shall not be used for the placement of any sign unless specifically designed for such use.
- G. A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device, or constitute a nuisance.
- H. A wall sign shall not extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roofline of a building.
- I. A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

## SECTION 15.07 - SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

The following sign regulations are applicable to all zoning districts:

- A. All signs shall be stationary and shall pertain only to the business or activity conducted on the premises except for community special events signs and off premise signs (billboards).
- B. Any pole sign, including awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- C. All signs shall be maintained in good working order. This applies to the sign, any support for the sign and landscaping associated with the sign.
- D. Real estate signs are permitted in any district but shall be maintained during this time and removed within 30 days after completion of the sale or lease of the property. Vegetation around the sign must be cut regularly so the sign can be read and it does not look unsightly.

## SECTION 15.08 - NONCONFORMING SIGNS

- A. All legal permanent signs which do not conform to the size, location or zoning district requirements of this Ordinance as of the date of the adoption of this Ordinance, are hereby deemed nonconforming.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired to continue the useful life of the sign.

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- C. For the purposes of this Ordinance, a nonconforming sign may be reduced in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.

## SECTION 15.09 - ILLEGAL SIGNS

Any of the following:

- (1) a sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use
- (2) a sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises
- (3) a nonconforming sign for which the amortization period has expired
- (4) a sign that was legally erected, but which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value
- (5) a sign that is a danger to the public or is unsafe
- (6) a sign that pertains to a specific event that has not been removed within five days after the occurrence of the event.

## SECTION 15.10 - TYPES AND LOCATION OF SIGNS

### A. Village Center District

1. One sign area per building face not to exceed 32 square feet.
2. Lighting of signage shall not cause a glare to traffic or pedestrians.
3. Freestanding pole signs shall not be permitted.
4. Signs authorized by the Planning Commission through Site Plan Review or after Conditional Approval.

### B. Business/Mixed Use District

1. One sign area per building face not to exceed 48 square feet.

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2. Not more than one freestanding pole sign may be erected for any single building, structure, or shopping center regardless of the number of separate parties, or uses, contained therein. Not to exceed 105 square feet for freestanding pole sign.
3. Maximum sign height is 30 feet as measured from existing grade.
4. Off premise signs/billboards in Superior Township are permitted in the Business/Mixed Use District. Billboards are not permitted within 250 feet of a residential district. A 500-foot separation between billboards is required.

## C. Residential District

1. No off-premises signs allowed.
2. One, nine square foot (non-illuminated) sign is permitted on site for a Home Occupation.
3. Signs authorized by the Planning Commission through Site Plan Review of Permitted Uses After Conditional Approval.

## D. Agricultural District

1. No off-premises signs allowed.
2. One sign not to exceed sixteen (16) square feet is permitted on site for a Home Occupation.
3. In no case shall the height of a sign in the Agricultural District exceed six (6) feet above grade.
4. Signs authorized by the Planning Commission through Site Plan Review, or after Conditional Approval.

## E. Recreation/Conservation District

1. No off-premises signs permitted.
2. One, sixteen (16) square foot (non-illuminated) sign is permitted on site for a Home Occupation.
3. In no case shall the height of a sign in the Recreation/Conservation District exceed six (6) feet above grade.



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4. Signs authorized by the Planning Commission through Site Plan Review or Conditional Use Approval.

## **ARTICLE 16 - ZONING BOARD OF APPEALS**

### **SECTION 16.01 - MEMBERS, PER DIEM EXPENSES AND REMOVAL**

There is hereby continued a Zoning Board of Appeals for the Township of Superior, Chippewa County, Michigan. The Zoning Board of Appeals shall consist of five (5) members. The Zoning Board of Appeals shall perform its duties and exercise its powers and jurisdiction as provided by in the Township Zoning Act, Public Act 184 of 1943, as amended. The Zoning Board of Appeals shall adopt rules of procedure and shall conduct all its proceedings according thereto. Zoning Board of Appeals members shall be appointed by the Superior Township Board.

Zoning Board of Appeals members are authorized to collect per diem for meetings attended at a reasonable sum which shall be provided by the Township Board. Members of the Board of Appeals shall be replaced or discharged by the Township Board for non-performance of duty or misconduct in office upon written charges and after a public hearing.

### **SECTION 16.02 - ALTERNATES**

The Township Board shall appoint two alternate members who shall serve in the case of the following: 1) when the regular member will be unable to attend two (2) or more consecutive meetings, 2) when the regular ZBA member will be unable to attend meetings for a period of more than thirty (30) consecutive days, or 3) when the regular ZBA member has a conflict of interest on a particular case.

### **SECTION 16.03 - MEETINGS OF THE ZONING BOARD OF APPEALS**

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedures may specify. The Chairman, or in his or her absence the acting Chairman, may administer oaths and compel the attendances of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. A minimum of two regular meetings shall be held and open to the public each calendar year. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be public record.

### **SECTION 16.04 - JURISDICTION**

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Maps, and may adopt rules to govern its procedures sitting as a board of appeals. It shall hear and decide appeals from and

# Superior Township Zoning Ordinance



review any order, requirement, decision, or determination made by the Zoning Administrator. It shall hear and decide matters referred to it or upon which it is required to pass under this Ordinance.

## SECTION 16.05 - VARIANCES

A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all the following:

- A. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's economic difficulty.
- B. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
- D. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

## SECTION 16.06 - CONDITIONS OF APPROVAL

Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to ensure the 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 the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration,

# Superior Township Zoning Ordinance



residents and landowners immediately adjacent to the proposed land use or activity, and the community.

- B. Be related to the valid exercise of the police power and purposes, that are affected by the proposed use or activity.
- C. Be necessary to meet the intent, spirit, and purpose of the Zoning Ordinance.

## SECTION 16.07 - PROCEDURE

- A. An appeal for variance from any ruling of the Township Board, Zoning Enforcement Officer, Zoning Administrator, or other administrative officer administering any portion of this Ordinance may be taken by any person, partnership, corporation, or any governmental department affected or aggrieved, within 30 days of the decision by the Township Board, Zoning Enforcement Officer, Zoning Administrator, or other administrative officer administering any portion of this Ordinance.
- B. The appeal fee shall be determined by resolution of the Township Board. A fee is required and shall accompany the application at the time it is submitted to the Township.
- C. Following receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the Zoning Ordinance or a request for a variance, the Zoning Board of Appeals shall hold a public hearing, after giving the following applicable notice:
  - 1. For an appeal of an administrative decision, a notice stating the time, date and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person filing the appeal and to the Zoning Administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing.
  - 2. For a request seeking an interpretation of the Zoning Ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation no less than fifteen (15) days before the public hearing.
  - 3. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing. In addition, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be sent by first class mail

# **Superior Township Zoning Ordinance**



or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question.

- D. Upon the date of the hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served or for further consideration of the matter involved. In the case of an adjourned hearing, persons previously notified, and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides, provided however, any adjournment shall be stated at the hearing giving the date, time and place to which adjournment is made.

## **SECTION 16.08 - DECISIONS OF THE BOARD**

The Zoning Board of Appeals shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant, and Zoning Administrator. The Township Zoning Administrator shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant when the Board authorizes a permit.

In the event the Zoning Board of Appeals grants a Variance, the applicant or appellant or his or her successor in interest shall not use the property in question such that it would exceed those rights given by the Zoning Ordinance or the Variance or fail to follow any condition placed thereon by the Board. In the event the use of the property exceeds those rights given by the Zoning Ordinance or the Variance, or fails to follow the conditions placed upon the Variance, the Variance shall be repealed. The applicant or appellant or his or her successor in interest may appeal the decision of the Zoning Administrator or other official making the determination to the Zoning Board of Appeals.

## **SECTION 16.09 - STAY OF PROCEEDINGS**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after Notice of Appeal shall have been filed with him or her, that by reason of fact stated in the certificate, a stay, would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by Restraining Order which may, on due cause shown, be granted by the Zoning Board of Appeals or by Circuit Court on application, after notice to the Zoning Administrator.

## **SECTION 16.10 - TIME LIMIT FOR APPROVED VARIANCES**

Each Variance granted under the provisions of this Ordinance shall become void unless the construction, occupancy or other actions authorized by such Variance have commenced within one (1) year of the granting of such Variance.

# Superior Township Zoning Ordinance



Upon written application filed prior to the termination of the one-year time period, the Zoning Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one (1) year upon the finding of the Board that the original circumstances creating the need for the extension were largely beyond the control of the applicant.

## **ARTICLE 17 - ADMINISTRATION AND ENFORCEMENT**

### **SECTION 17.01 - ADMINISTRATION**

The Township Board shall appoint a Zoning Administrator to administer and enforce the provisions of this Ordinance. The Zoning Administrator or his/her agent shall have the authority to receive applications, inspect premises for violations, issue Zoning Compliance Permits, and institute proceedings for enforcement of this Ordinance. The Zoning Administrator or his/her designated agent is specifically authorized to issue and serve Appearance Tickets, based on reasonable cause, on any person, business or organization in violation of any of the provisions of this Ordinance.

### **SECTION 17.02 - BUILDING PERMIT REQUIRED**

It shall be unlawful for any person to commence excavation for, or construction of any building, structure, or to make structural changes in any existing building or structure or change the use of any premises, without first obtaining a Building Permit. The building permit application must first be signed by the Zoning Administrator prior to being submitted to the County for final approval. However, if a proposed new structure is 200 sq. ft. or less no building permit is required.

### **SECTION 17.03 - FEES, CHARGES AND EXPENSES**

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
1. Zoning Permits.
  2. Special Land Use Permits.
  3. Appeals to or requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  4. Classification of unlisted property uses.

# Superior Township Zoning Ordinance



5. Requests for Variances from the Zoning Board of Appeals.
6. Requests for rezoning of individual property owners. Rezoning of property initiated by the Township Board, or the Planning Commission shall not be subject to a zoning fee.
7. Site Plan Reviews.
8. Any other discretionary decisions by the Zoning Board of Appeals.

The amount of these zoning fees shall be \$250 dollars and shall cover the costs associated with conducting special or other not regularly scheduled meetings. the review of the application or appeal includes but is not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- B. If the Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Zoning Board of Appeals equal to the estimated additional costs.

## SECTION 17.04 - VIOLATIONS AND PENALTY

- A. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation, or association who creates or maintains a nuisance or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance as identified by the Zoning Administrator shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

# Superior Township Zoning Ordinance



- C. The Township Zoning Administrator is hereby designated as the authorized Township official to issue Municipal Civil Infraction Citations directing alleged violators of this Ordinance to appear in court.
- D. In addition to enforcing this Ordinance using a Municipal Civil Infraction Proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

## SECTION 17.05 – BUILDING PERMITS

### A. Issuance of Zoning Compliance Permits

No building or structure, or part thereof, shall hereafter be located, erected, constructed, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a Zoning Compliance Permit having been obtained from the Zoning Administrator for such building, structure, or land. A Zoning Compliance Application shall be filled out and submitted to the Zoning Administrator containing:

1. The actual dimensions and shape of the lot to be built upon and a complete legal description of the site.
2. The exact size and location of existing structures on the lot, if any.
3. The location and dimensions of the proposed structure or alteration.
4. The proposed and existing uses(s) of the land and buildings.

The application shall be signed by an owner of record of the property. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after such copy has been approved or disapproved and attested to same by the Zoning Administrator's signature on such copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth on the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a Zoning Compliance Permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Township Board is required in any case, as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following such action.

### B. Void of Zoning Compliance Permit

# **Superior Township Zoning Ordinance**



Any Zoning Compliance Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is completed within seven hundred thirty (730) days of the date of issuance. A Zoning Compliance Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all Ordinances in effect at the time of renewal.

## **SECTION 17.06 – COMPLIANCE WITH PERMITS, APPROVALS AND CERTIFICATES**

Building permits, approvals and certificates issued based on approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, of construction. Use, arrangement, or construction not compliant with that authorized shall be deemed a violation.

## **SECTION 17.07 - APPEAL**

- A. In the event a person, or entity, called upon to escrow monies under this Section, becomes aggrieved based upon the administration of this Section, such person, or entity, may appeal decisions made in the administration of this Section to the Zoning Board of Appeals. Request for an appeal, stating the item(s) to be reconsidered, must be submitted in writing, to the Township Clerk, within fifteen (15) days.
- B. Appeal of a Site Plan decision shall be made through the Planning and Zoning Board for review and recommendation to the Township Board. Request for the appeal, stating the item(s) to be reconsidered, must be submitted in writing to the Township Clerk within fifteen (15) days of the decision.

## **ARTICLE 18 - AMENDMENT PROCEDURE**

### **SECTION 18.01 - INITIATING AMENDMENTS AND FEES**

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provision and regulations herein established, whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fees established by the Township Board. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation to the Township Board.



# Superior Township Zoning Ordinance



## SECTION 18.02 - INFORMATION REQUIRED

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property or site, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner(s) of the site.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of the petitioner(s) and owner(s) certifying the accuracy of the required information.

## SECTION 18.03 - PUBLIC HEARING

The Planning Commission shall hold a public hearing upon any application for a map or text amendment, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days preceding the date of said hearing.

Notice of hearing shall be sent by U.S. Mail to all persons to whom real property is assessed within 300 feet of the boundary of the property in question.

Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is in the zoning jurisdiction.

The notice shall do all the following:

- (a) Describe the nature of the request.
- (b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- (c) State when and where the request will be considered.

# Superior Township Zoning Ordinance



- (d) Indicate when and where written comments will be received concerning the request.

If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required under this section 14.03 above.

If 11 or more adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required, except for the individual mailing of notices within 300 feet requirements and no individual addresses of properties are required to be listed.

## SECTION 18.04 - 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, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board.

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whereupon the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
- B. The precedent, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The ability of the Township or other governmental agencies to provide services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on the condition and/or value of property in the Township or in adjacent jurisdictions.
- E. Effect of approval of the petition on adopted development policies of Superior Township and other governmental units.

All findings of fact shall be made part of the public records of the meetings of the Planning Commission and the Township Board. A petition shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Superior Township.

# Superior Township Zoning Ordinance

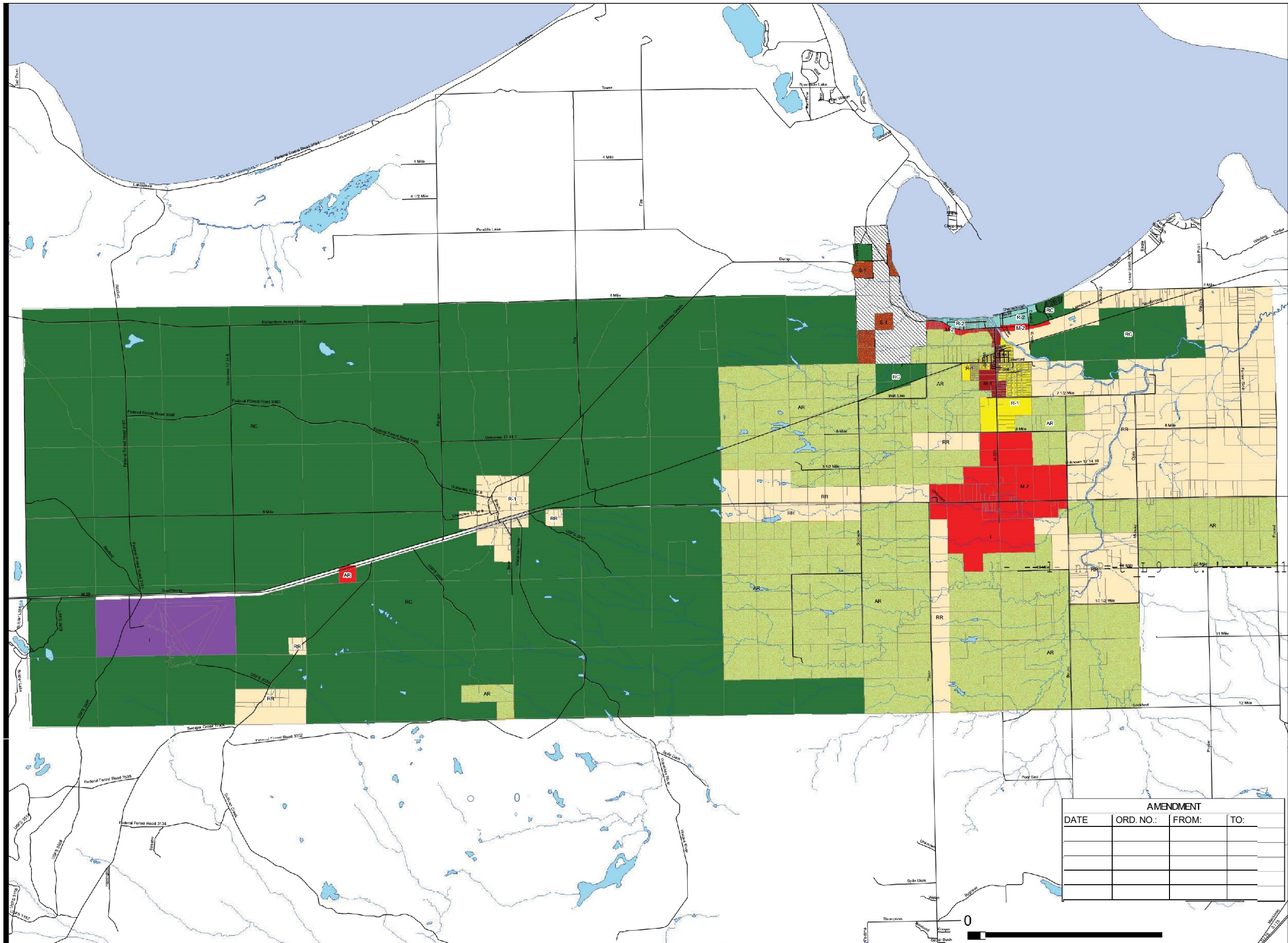


## ARTICLE 19 - ADDENDUM

### SECTION 19.01 – ADDENDUM LIST

Changes to this Ordinance will be listed in the Table in this section of the Ordinance. Text located in the body of the Ordinance will say (Refer to Addendum).

<b>TWP Board Meeting Approval</b>	<b>Effective Date</b>	<b>Section Updated</b>
May 23, 2023	May 31, 2023	Section 11.02-B, 11.04-D, 7.02,



**Legend**

- Chippewa County Roads
- D Superior Township Parcels
- U.S. Trust Land
- Rivers
- Lakes
- Agricultural (AR)
- Industrial (I)
- Village Center (M-1)
- Business/Mixed-Use (M-2)
- Residential (R-1)
- Waterfront Residential (R-2)
- Recreation/Conservation (RC)
- Rural Residential (RR)
- Specialty Mixed-Use (S-1)

This is to certify that this is the Official Zoning Map of Superior Township, Michigan.  
Adopted: \_\_\_\_\_  
Township Supervisor \_\_\_\_\_  
Township Clerk \_\_\_\_\_

AMENDMENT			
DATE	ORD. NO.:	FROM:	TO:



2.8  
Miles