

## **Chapter 7**

# **ZONING PLAN**

### **Introduction**

This Chapter opens with a general description of a zoning plan. It is followed by a brief explanation of the relationship between this Growth Management Plan and the Township Zoning Ordinance. The districts in the Zoning Ordinance are briefly described, and the last major section of this Chapter presents a list of proposed changes to the Zoning Ordinance which are desirable to make in order for the Zoning Ordinance to more closely conform with this Plan.

### **WHAT IS A ZONING PLAN**

A “zoning plan” is another term for a “zone plan,” which is used in the Michigan planning and zoning enabling acts. Section 1(a) of the Township Planning Act, PA 168 of 1959, as amended, requires that the plan prepared under that act (as this Growth Management Plan is), serve as the basis for the zoning plan. Section 7 of the Township Zoning Act, PA 184 of 1943, as amended, requires a zoning plan be prepared as the basis for the zoning ordinance. It must be based on an inventory of conditions pertinent to zoning in the township and the purposes for which zoning may be adopted (as described in Section 3 of the Township Zoning Act). The zoning plan identifies the zoning districts and their purposes, as well as the basic standards proposed to control the height, area, bulk, location, and use of buildings and premises in the Township. These matters are regulated by the specific terms in the Zoning Ordinance.

### **RELATIONSHIP TO THE GROWTH MANAGEMENT PLAN**

This Growth Management Plan sets forth the vision, goals, objectives, and policies for growth and development in the Township for approximately the next twenty years. It includes a specific strategy for managing growth and change in land uses and infrastructure in the Township over this period, and will be periodically reviewed and updated at least once each five years. This chapter presenting the Zoning Plan, along with the rest of the relevant parts of this Growth Management Plan, are intended to guide the implementation of and future changes to the Township Zoning Ordinance.

## DISTRICTS & DIMENSIONAL STANDARDS

Following are six general categories within which the twenty-three zoning districts in the Superior Charter Township Zoning Ordinance are organized. The general purposes of each of these categories are also indicated. The specific purposes of each district are listed in the specific district provisions of the Zoning Ordinance. The Section references indicate where detailed ordinance language for each district is located within the Zoning Ordinance.

### **Rural Districts**

The following zoning districts are considered “rural districts”:

- Section 4.05 Recreation-Conservation District (R-C)
- Section 4.06 Primary Agriculture District (A-1)
- Section 4.07 Secondary Agriculture District (A-2)

The basic purposes of these districts focus on conservation of lands with sensitive environmental characteristics like forest land, wetland, and other wildlife habitat, and renewable-resource lands like farmland. A limited range of agricultural and low density single family residential uses are permitted from one dwelling unit per 5 acres, to one dwelling unit per 2 acres. Most of the land in these districts is served by gravel roads and there are no plans to pave these roads. The land zoned within these districts generally conforms with the area designated as “agricultural lands, conservation or rural residential” or “rural residential” on Map 6-4, Future Land Use.

### **Rural Residential Districts**

The following zoning districts are considered “rural residential districts”:

- Section 4.08 Single-Family Residential District (R-1)
- Section 4.09 Single-Family Residential District (R-2)

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

### **Urban Residential Districts**

The following zoning districts are considered “urban residential districts”:

- Section 4.10 Single-Family Residential District (R-3)
- Section 4.11 Single-Family Residential District (R-4)
- Section 4.12 Two-Family Residential District (R-5)
- Section 4.13 Mobile Home Park Residential District (R-6)
- Section 4.14 Multiple-Family Residential District (R-7)
- Section 4.15 Multiple-Family Residential District (R-8)

The principal purpose of these districts is to provide for a range of residential dwelling types at urban densities within individual zones tailored for that specific use. Densities range from one dwelling unit per one-half acre to eight dwelling units per acre. The bulk of land zoned into one of these districts is located in the area south of Geddes Road where there is public sewer and water to support development at these densities. There are some historic small lot subdivisions in the Hamlet of Dixboro that are also in these districts.

### **Business Districts**

The following zoning districts are considered “business districts”:

- Section 4.16 Local Commercial District (C-1)
- Section 4.17 General Commercial District (C-2)
- Section 4.18 Highway Service Commercial District (C-3)
- Section 4.19 Office District (O-1)

The basic purpose of these districts is to provide opportunities for regulated commercial or office activities primarily serving a local market. Minimum lot sizes range from one-quarter acre to one acre in size. There are few properties zoned into these zoning classifications and they are widely scattered throughout the Township. Most represent locations where commercial activity has been in place for many decades.

### **Industrial Districts**

The following zoning districts are considered “industrial districts”:

- Section 4.20 Research and Industry District (I-1)
- Section 4.21 Light Industry District (I-2)

The basic purpose of the industrial districts is to provide suitable locations for high tech and light industrial development adjacent to high volume roads and served by public water and sewer. Minimum lot sizes are one acre.

### **Special Districts**

The following zoning districts are considered “special districts”:

- Section 4.22 Planned Community District (PC)
- Section 4.23 Medical Services District (MS)
- Section 4.24 Planned Manufacturing District (PM)
- Section 4.25 Village Center (VC)
- Section 4.26 Village Office (VO)
- Section 4.27 Neighborhood Shopping Center District (NSC)

These six special districts use the planned unit development (PUD) authority under Section 16c of the Township Zoning Act. PUDs provide considerable flexibility to the land developer to provide opportunities for development designs that respect both the natural environment and efficiency in the provision of infrastructure and public facilities, and provide the Township with flexibility to ensure mitigation of negative impacts on adjoining properties. A wide range of densities and lot sizes are provided, depending on the district and specific ordinance provisions. Most new land development in the Township is encouraged to use one of these special districts because of the design flexibility provided to the developer and the opportunity for the Township to help fashion a design that is compatible with adjoining properties.

**Dimensional Standards**

Table 7-1 lists the existing and proposed changes (in *italics*) to dimensional standards for permitted land uses in each district of the Zoning Ordinance.

**Table 7-1  
Superior Charter Township Zoning District Regulations**

|   | Minimum Lot Area  | Minimum Lot Width | Minimum Yards<br>Ft.<br>Side<br>Rear | Maximum Building Height | Maximum Ground Floor Coverage | Maximum Floor Area Ratio |
|---|---|-------------------|--------------------------------------|-------------------------|-------------------------------|--------------------------|
| <b>RC<br/>Recreation-Conservation</b>                                 | 5 acres   | 225 ft            | 60 ft<br>30/60<br>50 ft              | 2.5 stories or 35 ft    | 5%                            | 0.05                     |
| <b>A-1<br/>Primary Agriculture</b>                                    | 5 acres   | 225 ft            | 75 ft<br>30/60<br>50 ft              | 3 stories or 40 ft      | 5%                            | 0.05                     |
| <b>A-2<br/>Secondary Agriculture</b>                                  | 2 acres   | 225 ft            | 75<br>30/60<br>50                    | 3 stories or 40 ft      | 5%                            | 0.05                     |
| <b>R-1<br/>Single-Family Residential</b>                              | 2 acres   | 200 ft            | 60<br>20/60<br>50                    | 2.5 stories or 35 ft    | 10%                           | 0.10                     |
| <b>R-2<br/>Single-Family Residential</b>                              | 1 acre  | 150 ft            | 50<br>15/50<br>50                    | 2.5 stories or 35 ft    | 15%                           | 0.15                     |
| <b>R-3<br/>Single-Family Residential</b>                              | ½ acre  | 100 ft            | 35<br>10/25<br>50                    | 2.5 stories or 35 ft    | 15%                           | 0.20                     |
| <b>R-4<br/>Single-Family Residential</b>                              | 7,200 s.f.;<br><i>with max density 4 DUs/acre</i>                 | 60 ft             | 25<br>6/16<br>35                     | 2.5 stories or 35 ft    | 25%                           | 0.35                     |
| <b>R-5<br/>Two-Family Residential (with public water &amp; sewer)</b> | 13,200 s.f.;<br><i>with max density 3 DUs/acre</i>                | 110 ft            | 25<br>5/15<br>35                     | 35 ft                   | 25%                           | 0.25                     |
| <b>R-5<br/>Two-Family Residential (with septic &amp; well)</b>        | 2 acres   | 200 ft            | 50<br>15/30<br>50                    | 2.5 stories or 35 ft    | 15%                           | 0.15                     |
| <b>R-6<br/>Mobile Home Park Residential</b>                           | 20 acres  | None              | See Section 4.13.(F)(2)              | 2.5 stories or 35 ft    | none                          | none                     |
| <b>R-7<br/>Multiple-Family Residential</b>                            | ½ acre;<br>5,445 sq ft per DU; <i>with max density 6 DUs/acre</i> | 125 ft            | 35<br>15/35<br>35                    | 2.5 stories or 35 ft    | 20%                           | 0.30                     |
| <b>R-8<br/>Multiple-Family Residential</b>                            | 1 acre;<br>3,630 sq ft per DU; <i>with max density 8 DU/acre</i>  | 150 ft            | 50<br>20/50<br>50                    | 2.5 stories or 35 ft    | 25%                           | 0.35                     |

|  | Minimum Lot Area   | Minimum Lot Width                                 | Minimum Yards<br>Front<br>Side<br>Rear                            | Maximum Building Height                    | Maximum Ground Floor Coverage | Maximum Floor Area Ratio   |
|--|--|---|---|--|-------------------------------|----------------------------|
| <b>C-1<br/>Local<br/>Commercial</b>                          | 10,500 sq ft   | 150 ft for lots 1 acre or more; 70 ft for others  | 50<br>15<br>35  | 2.5 stories or 35 ft                       | 20%                           | 0.30                       |
| <b>C-2<br/>General<br/>Commercial</b>                        | 20,000 sq ft   | 150 ft for lots 1 acre or more; 100 ft for others | 50<br>20<br>35  | 2.5 stories or 35 ft                       | 25%                           | 0.50                       |
| <b>C-3<br/>Highway Service<br/>Commercial</b>                | 1 acre   | 150 ft  | 50<br>20<br>35  | 2 stories or 25 ft                         | 25%                           | 0.50                       |
| <b>O-1<br/>Office</b>  | 20,000 sq ft   | 150 ft for lots 1 acre or more; 100 ft for others | 50<br>10<br>35  | 2 stories or 35 ft                         | 25%                           | 0.50                       |
| <b>I-1<br/>Research and<br/>Industry</b>                     | 1 acre   | 150 ft  | 50<br>10<br>35  | 2 stories or 40 ft                         | 20%                           | 0.35                       |
| <b>I-2<br/>Light Industry</b>                                | 1 acre   | 150 ft  | 75<br>20<br>35  | 2 stories or 45 ft                         | 20%                           | 0.40                       |
| <b>PC<br/>Planned<br/>Community</b>                          | 20 acres   | None  | 50<br>20-35<br>20-35 (see Sec. 4.22(D)(4))                        | 2.5 stories or 35 ft (see Sec. 4.22(E)(9)) | Max Lot Coverage 20%          | 0.35                       |
| <b>MS<br/>Medical<br/>Services District</b>                  | 20 acres w/max density 20 DU/acre or 40 dormitory units/acre | None  | 50<br>20-35<br>20-35 (see Sec. 4.23(F)(4))                        | 2.5 stories or 35 ft                       | 25%                           | 0.50                       |
| <b>PM<br/>Planned<br/>Manufacturing</b>                      | 80 acres min area with lot min 2 acres                       | None  | 100<br>35-50<br>35-50 and 50<br>10/50<br>35 (see Sec. 4.24(G)(4)) | None, special approval over 35 ft required | 20%                           | 0.40                       |
| <b>VC<br/>Village Center</b>                                 | 1 acre   | 150 ft  | 35<br>10<br>35  | 2 stories or 30 ft                         | 10% (see Sec. 4.25(H)(3))     | 0.15 (see Sec. 4.25(H)(4)) |
| <b>VO<br/>Village Office</b>                                 | 1 acre   | 150 ft  | 35<br>10<br>35  | 2 stories or 30 ft                         | 10% (see Sec. 4.26(H)(3))     | 0.15 (see Sec. 4.26(H)(4)) |
| <b>NSC<br/>Neighborhood<br/>Shopping<br/>Center District</b> | 3 acres  | 250 ft  | 25-50 (see Sec. 4.27(H)(5))                                       | 2 stories or 30 ft                         | 20%                           | 0.20                       |
| Abbreviations  | DU = dwelling unit   | max = maximum                                     | ft. = feet  | s.f. = square feet                         | Sec = Section                 |                            |

## PROPOSED CHANGES TO THE ZONING ORDINANCE

Because this Plan incorporates new policies on land uses, infrastructure improvements, and other measures related to further improving quality of life in the Township, there are changes to the Zoning Ordinance that should be made to make it fully consistent with this Growth Management Plan. In other words, as the principal tool for implementing this Plan, each regulatory policy of the Plan must be reflected in one or more zoning requirements. Needed changes to the Zoning Ordinance are listed below. These changes should be pursued as the need or opportunity presents itself, but before the Township initiates action to implement one of the new policies in this Plan. In some cases, fuller public discussion of proposed zoning amendments on any of the below listed elements will result in the need to refine some of the language in this Plan. When that occurs, this Plan should be amended before the zoning amendments are adopted.

### **Corridor Regulations**

- Provide regulations for landscaping along those roadways designated on Map 6-2; Growth Management Strategies and described in Chapter 5, Section Infrastructure Section, Circulation Subsection, first goal, Objective I, and Policy D, as well as Objective II, policy F. This would include specifying appropriate physical characteristics for the landscaping and the required width for maintaining it.
- Provide regulations for landscaping along all other roadways in the Township.
- Establish minimum setbacks for new buildings based on the rights-of-way for roads as listed in Chapter 5, Infrastructure Section, Circulation Subsection, first goal, Objective I, and policies A, B and C.
- Add standards to provide for transitional landscaping, building design, and layout between areas of intensive use and lower density areas.
- Add access management standards to the Zoning Ordinance consistent with new Washtenaw County Road Commission standards and those of the MDOT [Access Management Guidebook](#).

### **District and Related Definition Changes**

- Define “native vegetation,” “rural character,” and “natural landscape.”
- Rename agricultural zones to A-1 and A-2 (drop “primary” and “secondary”) to better reflect the policy in this Plan.
- Revise standards in the rural districts to ensure new development is designed and located to minimize negative visual impacts as

- viewed from the roadway, and to preserve wooded areas when the land is proposed for development.
- Permit a greater mix of land uses in Special Districts within the Urban Services Area on Map 6-3 and in the Hamlet of Dixboro. These uses would be linked to character-based design standards to ensure compatibility between land uses.
  - Add a maximum density standard that supercedes the minimum lot size in the R-4, R-5, R-7, and R-8 urban residential districts for newly created lots. This would eliminate the problem created by provisions which permit 6.05 dwelling units per acre in R-4 based on a 7,200 square foot minimum, when what it is intended is not more than 4 dwelling units per acre. Table 7-1 shows the proposed maximum density for R-4, R-5, R-7, and R-8.
  - Consider adding a density increase for developments that did one or more of the following: preserved more open space by use of a PDR or TDR, preserved more open space via a cluster design, or used a superior layout and exterior design of buildings relative to the area in which it was located.
  - Change the Agricultural Districts to permit landscaping/maintenance operations as a conditional use. Explicitly permit snow plowing as a permitted use (perhaps change in definition of “landscaping business”).
  - Change list of permitted uses in nurseries to include retail sales through conditional use standards (perhaps change in definition of “nurseries”).
  - Change definition of “farm” to be consistent with state Right to Farm Act requirements.
  - Include specific value-added agricultural pursuits to list of permitted agricultural activities as conditional uses, such as hayrides, corn mazes, wineries, haunted house, and related activities as specified in the Zoning Ordinance.
  - Consider adding buffer areas between new housing and existing agricultural activities in agricultural zones.
  - Consider creating a separate district for lands protected by conservancies that only allows conservation uses.
  - Consider creating a separate district for all publicly owned lands.
  - Clarify Section 4.22 (E)(8)(C) to indicate that the twenty-foot separation distance only applies if there are no individual lots.
  - Modify Section 8.01(E)(4) to permit some parking on the driveway or pad in the front yard (as opposed to no parking in the front yard).
  - Modify Section 8.01(E)(1) to prohibit commercial vehicle parking without prohibiting SUVs and non-commercial pick-up trucks.
  - Rename Local Commercial District to Neighborhood Commercial District and indicate these land uses are also allowed in the

General Commercial District. This change better reflects the policies on commercial uses in Chapter 5 of this Plan.

- Change name of Mobile Home Park Residential District to Manufactured Housing District.

### **Site Plan Review Standards**

- Add new site plan review standards that better protect groundwater, surface water, wetlands, woodlands, and wildlife habitat. Provide adequate links to the new natural features protection ordinance.
- Add new standards that focus on minimizing impervious surfaces.
- Ensure that when new development is proposed on land with special features recognized on a Township Greenspace Plan, that those features receive special attention and protection through the site plan review and approval process.
- Consider revising language to clarify that every residential development that is subject to site plan review must provide either open space or active or passive recreation land.
- Consider adding a set of uniform design standards that address layout, façade, and view of the development from the road for all development in rural districts so as to better preserve the rural character of those districts.
- Consider adding passive and active recreational standards for public recreation lands.
- Clarify Section 7.08(D)(1) to indicate what site work is permitted after preliminary site plan approval, and what the limits on site work are before final site plan approval.
- Modify Section 10.04(F)(1) to allow waiver of the final development agreement and preconstruction meeting for minor projects or otherwise when it is not needed.
- Consider adding a tree replacement requirement for all developments subject to site plan review.

### **Other New Regulations**

- Consider adding private road regulations in the Zoning Ordinance or a new separate ordinance that apply to all private roads whether or not in a subdivision, site condo development, or special district. Require a maintenance agreement as a condition of private road approval.
- Prohibit grubbing or tree cutting/clearing on an undeveloped site prior to approval of a permit application or site plan review.
- Require turf best management practices for water quality protection by golf courses and cemeteries.

- Establish conditional use standards for neighborhood commercial land uses when the district is outside an area served by public sewer and water.
- Add narrow street standards in Planned Community (PC) district developments if approved as public roads by the County Road Commission.
- Require every new development to provide sidewalks or approved trails that link to abutting properties and establish standards for the design and construction of all new sidewalks and trails.
- Require all public school buildings and facilities, as well as all other public buildings and facilities, to be subject to the Township Zoning Ordinance if statutory or case law changes to permit such regulation.
- Limit development on gravel roads below the capacity of the road, unless the developer will contribute to paving the road, if paving is otherwise permissible, and the traffic impact study recommends paving.
- Establish a limit on impervious surfaces tied to specific land uses in at least the R-C, A-1, A-2, R-1, and R-2 zoning districts.
- Revise lot frontage requirements to permit shared driveways and prevent the creation of corner lots at the end of new private drives.
- Add a provision allowing expert review of proposed site plans or other documents submitted by developers and paid for by developers through funds escrowed with the application, at the discretion of the Township.
- Add specific standards for every conditional use.
- Consider adding civil infraction violations as an option for enforcement of the Ordinance.
- Consider adding a provision for a Hardship Planned Community to avoid the legal problems presented by Paragon v. Novi.