

**SUPERIOR CHARTER TOWNSHIP PLANNING COMMISSION  
SUPERIOR TOWNSHIP HALL  
3040 N. PROSPECT, SUPERIOR TOWNSHIP, MI 48198  
AGENDA  
MARCH 26, 2025 - 7:00 PM**

1. CALL TO ORDER
2. ROLL CALL
3. DETERMINATION OF QUORUM
4. ADOPTION OF AGENDA
5. APPROVAL OF MINUTES
  - A. Approval of the February 26, 2024, Regular Meeting Minutes
6. CITIZEN PARTICIPATION
7. CORRESPONDENCE
8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS
9. REPORTS
  - A. Building Department Report
  - B. Zoning Administrator Report
10. OLD BUSINESS
11. NEW BUSINESS
12. POLICY DISCUSSION
  - A. Zoning Ordinance Rewrite
13. ADJOURNMENT

Thomas Brennan III, Commission Secretary

Diane Mulville-Friel, Planning & Zoning Administrator  
3040 N. Prospect, Ypsilanti, MI 48198 734-482-6099

# SUPERIOR CHARTER TOWNSHIP

## Planning Commission

### Regular Meeting Minutes - DRAFT

February 26, 2025, 7:00 PM

Township Hall - 3040 North Prospect

Superior Township, MI 48198

#### 1. CALL TO ORDER

Chairman Gardner called the regular meeting to order at 7:00 p.m.

#### 2. ROLL CALL

**Present:** Jay Gardner, Chair  
Dr. Robert Steele, Vice Chair  
Thomas Brennan, Secretary  
Patrick McGill  
Brenda McKinney, Board Representative  
Nahid Sanii-Yahyai  
Curt Wolf

**Absent:** None

**Also Present:** Planning Consultants – Benjamine Carlisle and Diane Mulville-Friel, Carlisle Wortman  
Engineering Consultants - Claire Martin, OHM

#### 3. DETERMINATION OF QUORUM

A quorum was present.

#### 4. ADOPTION OF AGENDA

MOTION by Brennan, supported by Sanii-Yahyai, to adopt the February 26, 2025, agenda as presented

Motion passed unanimously by voice vote.

#### 5. APPROVAL OF MEETING MINUTES

##### A. **January 22, 2025 - Regular Meeting Minutes**

Sanii-Yahyai requested a correction to the minutes as follows:

##### **6. Citizen Participation**

Chair Gardner opened the Citizen Participation portion of the meeting. Superior Township Board of Trustee, Dana Greene Jr., was present and ~~he introduce~~ introduced himself to the Planning Commission as a new Trustee. No other citizens wished public comment.

MOTION by Brennan, supported by Sanii-Yahyai, to adopt the January 22, 2025, meeting minutes as amended.

Motion passed unanimously by voice vote.

## **6. CITIZEN PARTICIPATION**

Chair Gardner opened the Citizen Participation portion of the meeting and asked if anyone wanted to speak on an issue not related to the DTE public hearing case. No other citizens offered public comment.

## **7. CORRESPONDANCE**

Ms. Mulville-Friel provided the Commission correspondance from Bitia Lahann and Joerg Lahann (attached).

**MOTION** by Brennan supported by McKinney, to receive the correspondence.

Motion passed unanimously by voice vote.

## **8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS**

### **A. STPC #25-02 Conditional Use Permit/Preliminary Site Plan - DTE Electric Grenada Electric Substation Expansion**

Chair Gardner announced the item as a public hearing and explained how the hearing would proceed: (1) Representative from DTE would provide initial comment and summarize proposal; (2) Township Planner and Engineer would provide overview of their review memos; (3) Commissioner's would offer comments and ask questions; (4) Public would be afforded opportunity to comment; and (5) Commission would make a motion regarding the requested action.

Terry Spryszak, PMO - Corporate Permit Specialist, DTE Energy introduced the Grenada Substation Expansion Project team members who were in attendance:

- Thomas E Teasdale, Senior Program Manager - Distribution Operations, DTE Energy
- Molly A Luempert-Coy, Regional Manager - DTE Energ
- D. J. Burns - Project Engineer - Motor City Electric Utilities Co.
- Gregory Eskola, Engineering Manager, Black and Veatch
- Zachary Wiacek, Site Civil Engineer, Black & Veatch

Molly Luempert provided an overview of the need for DTE to expand the substation to increase capacity and reliability. DTE is making substantial investments in upgrading existing infrastructure such as the Grenada Substation. Improvements to this substation will allow DTE to accelerate its transition to smart grid technology so that power could be restored more quickly when outages occurred. The improvements would also reduce the overall number of outages. She also explained that the noise associated with the substation would not exceed 68 decibels at the substation and that noise would dissipate with distance.

Terry Spryszak provided specifics on improvements proposed with the Grenada Substation Expansion project. He explained that although this is a largely un-manned facility, it is DTE's policy to establish restrooms at substations for the convenience of personnel who will be maintaining the facility and servicing it during outages. The restroom necessitates installation of a well and septic system.

Chair Gardner called for the Township Planner and Engineers reports. Ben Carlisle, summarized the main items of concern outlined in the CWA memo (i.e., noise, lighting, emission, safety and general environmental impacts, and whether the restroom and large septic field were necessary because it requires many more existing trees to be removed and hinders planting of landscape buffers along the northwest corner of the site).

Mr. Spryszak reiterated that during outages, personnel may need to be onsite for extended periods of time and it is DTE's policy to have an onsite restroom facility for "human dignity reasons". Gregory Eskola, Black and Veatch, commented on the size of the septic field and that the Washtenaw County Health Department (WCHD) dictated the size. A portable toilet facilities with a pump out is not a viable solution as there are security issues with persons coming and going from the site and unsecured structures may be a hazard during a storm event.

Carlisle asked about the site lighting and Eskola explained that security lights would be mounted to the restroom and control house buildings and would only be on when staff were servicing the site.

Commissioner Nahid Sani-Yahyai asked for more clarity on the question of safety. Carlisle opined that DTE was more concerned about people getting inside the substation fence where high voltage equipment was housed.

Commissioner Steele asked for clarification as to why a new Conditional Use Permit was required. Carlisle confirmed that it was required because the existing facility is proposed to be expanded beyond what was initially approved to be constructed in 1990.

Chair Gardner asked for clarification on the height of the equipment and the tree mitigation plan. Zachary Wiacek of Black & Veatch, confirmed that the height of the lightning mast was ~70 feet, the height of other onsite equipment ranged from 12-16 ft, and the security fence would be 8 feet in height. Chair Gardner asked about the feasibility of installing more buffers and planting more and taller trees. Wiacek explained that the trees proposed for planting would all be fast growing and be 6-8 feet in height. Gardner brought up another facility in Superior owned by DTE where 12 foot high evergreens had been planted and that they created an solid screen for the other facility. He asked DTE to consider much taller trees to be planted initially to provide an immediate buffer. Gardner recommended more trees to be planted at the Grenada Substation rather than paying into the Township's tree fund which developers are required to pay in lieu of planting replacement trees onsite. Gardner also recommended a landscape maintenance plan.

Township Engineer, Claire Martin summarized some of the outside agency approvals that were required as outlined in the OHM memo. She stated that OHM had minor comments. Martin asked applicant whether they had met with the Washtenaw County Road Commission (WCRC) about the driveway approach and the DTE member explained that they have had preliminary discussions with WCRC and the approach looked feasible.

Chair Gardner then called for public comment. The following eight (8) citizens were in attendance and provided public comment:

- 1) Ray Franzen
- 2) Paul Guttman
- 3) Lori Franzen
- 4) Claudia Doyle
- 5) Mary Guttman
- 6) Tom Kenney
- 7) Jack Goodnoe
- 8) Andrew Grant

All comments were in general opposition with the following concerns/comments voiced:

- Landscape buffers and durable landscaping installed with a diversity of tree species and mixture of understory, shrubs, grasses, and canopy trees.
- Stormwater run-off due to increased impervious surface.
- Whether the expansion would actually increase capacity and directly benefit Superior Township residents by reducing outages.
- Proximity of substation to sensitive natural areas (i.e., Botanical Garden and Flemming Creek).
- Visual impact of industrial scale substation to residential areas and the Village of Dixboro.
- Potential health effects of electromagnetic radiation from transformers and other equipment.
- Transmission structures constructed outside of the fenced areas.
- Changes to local aesthetics and viewsheds.
- Noise constant humming or buzzing noise may be audible several hundred feet from the substation.
- Potential light pollution.
- Reduction in property values for adjacent owners.
- Tree maintenance and vegetation management now and in the future.
- A curved entrance drive needed to help with screening.
- Concern that the Dixboro Design Review Board would not be provided with a formal opportunity to comment on the expansion project.

After public comment, Chair Gardner called for a motion to close the public hearing.

**MOTION** by Brennan supported by Sanii-Yahyai, to close the public hearing.

Motion passed unanimously by voice vote.

Chair Gardner asked for discussion amongst the Commission.

Gardner reiterated the importance of planting trees on site to buffer and that preliminary plans submitted did not adequately address this need. There was more exchange between the Commission and the DTE team regarding the landscaping.

Brennan stated that he understood the need for a restroom on site. Carlisle stated that the Township would be willing to meet with the WCHD and DTE to determine whether a septic field of that size is really necessary given the intermittent use of the onsite restroom.

After Commissioner comment period, Chair Gardner called for a motion regarding action on the Conditional Use Permit/Preliminary Site Plan - DTE Electric Grenada Electric Substation Expansion. Carlisle summarized the conditions Commissioner may want to consider in a motion.

Brennan made the motion to postpone the Conditional Use Permit and Preliminary Site Plan for STPC 25-02 - DTE Electric Grenada Electric Substation Expansion to allow the applicant to address the following items:

- 1) Confirm/justify the need for expansion of the substation facility (e.g., elaborate on how much additional electrical capacity and/or stability will be brought to Superior Township and the region as a whole).
- 2) Explore alternative restroom options including elimination of septic field. Staff will reach out to County Health to coordinate conversation.
- 3) Preserve and reduce the number of existing trees removed.
- 4) Increase the size, height (at least 12 ft), and diameter of mitigation/landscaping trees required to be planted on site. Staff can work with DTE to relieve mitigation tree numbers in exchange for larger trees planted on site.
- 5) Ensure planting provides year-round screening and is comprised of diverse Michigan native species that are fast growing but durable to storm damage and that provide immediate screening to the fullest extent possible. The object of the screening should be that the surrounding fence and the 16 ft high equipment inside the fence are not visible from any of the four sides of the property at the completion of the project. Further, the object is that growth of the plantings will shield the 16 ft high equipment inside the fence within a relatively short period of time.
- 6) Provide a maintenance plan that describes the specific practices and products that will be used to implement the landscape management plan, along with a schedule of annual maintenance practices.
- 7) Provide a visual 3-D model of the facility from all four cardinal directions with landscape screening in place.
- 8) Photometric plan and description of when and how light sources will be used.
- 9) Provide an environmental impact statement (EIS) that outlines the environmental and potential health and safety risks of the proposed substation expansion.

Commissioner Steele second the motion.

**Roll Call Vote:**

Yes: Brennan, Gardner, McGill, McKinney, Sanii-Yahyai, Steele, Wolf

No: None.

Abstain: None.

The motion carried.

**9. REPORTS**

**A. Building Department Report**

Ms. Mulville-Friel provided the Commission with an overview of the status of building permits issued in January broken down by category (e.g., comm/multi-family, residential). There were 104 issued permits issued in January with an estimated construction costs of \$2,1 mil. Approximately \$35K in permit fees were collected. Fees are based on a percentage of construction costs.

**B. Zoning Administrator Report**

Ms. Mulville-Friel provided the Commission with an overview of active development projects (Prospect Pointe West, Brookwood, and Garrett’s Space), the status of recent Zoning Board of Appeals (ZBA) cases, future cases to be reviewed by the Planning Commission, and other business/news.

MOTION by Brennan supported by Wolf, to receive the reports.

Motion passed unanimously by voice vote.

**10. OLD BUSINESS**

None.

**11. NEW BUSINESS**

**12. POLICY DISCUSSION**

**A. Size of plans submitted for Commission packets: full-sized plan sheets (24 in x 36 in), Tabloid size (11 in x 17 in), and/or digital PDF**

Ms. Mulville-Friel asked the Planning Commission whether they wanted to continue receiving full-size (24 in x 36 in) copies of the site plan with their meeting agenda packets or if Tabloid size (11 in x 17 in) combined with a digital PDF would suffice. She explained that the Zoning Ordinance currently requires applicants to submit sixteen (16) full-size plan sets with every application and subsequent revision for technical review. This is an historical procedure and most reviewers as well as Planning Commissioners do not need hard copies of plan sets and prefer digital copies of the plans.

The Planning Commission as a whole agreed that 11 in x 17 in hard copies of the plans along with a digital PDF would be sufficient to include with the agenda packets going forward and that applicants should only be required to submit three (3) full size sets for the Township to have available for the public to view.

**B. Zoning Ordinance Rewrite**

Ms. Mulville-Friel reiterated that the Zoning Ordinance Rewrite Committee is comprised of three (3) Planning Commission members: Gardner, Brennan, and Sani-Yahyai. There have been two (2) ZO Rewrite Steering Committee meetings to date (December 13, 2024, and January 15, 2025). The existing Zoning Ordinance has been re-organized, and the table of table contents revised.

Proposed changes to Articles 1-4 have been reviewed by the Steering Committee. We anticipate that Articles 6 and 7 will be ready for review by the Steering Committee at the next meeting on March 26th.

At the last PC meeting, CWA was asked to provide insight into the following:

- (1) How does CWA plan to transition from the Steering Committee's review of the Zoning Ordinance rewrite to getting input from the whole Planning Commission? Ms. Mulville-Friel stated that CWA can start sending sections of the ordinance to the PC after the Steering Committee reviews and have it as a standing item on the agenda each month or CWA can wait until all articles have been reviewed and there is a complete draft available.
- (2) What is planned for receiving and incorporating public input on the Zoning Ordinance rewrite? Ms. Mulville-Friel stated that when the final draft is ready, CWA will hold a public hearing to gather input. Ben Carlisle reiterated that unlike the Master Plan which is a policy document, a Zoning Ordinance is a technical (legal) document and there is typically not much public input. The only requirement by the State Zoning Enabling Act is that one (1) public hearing be held once the draft Zoning Ordinance is written. Carlisle explained that if there are specific sections of the Zoning Ordinance that the Steering Committee would like to discuss with the Planning Commission as a whole we can bring that forward at a regular scheduled meeting. The Commissioners generally agreed with this approach.

**13. ADJOURNMENT** – *next regularly scheduled meeting on March 26, 2025*

MOTION by Brennan, supported by Sanii-Yahyai to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting was adjourned at 8:47 pm.

Meeting Minutes Respectfully submitted,

Thomas Brennan III, Planning Commission Secretary  
Diane Mulville-Friel, Recording Secretary  
3040 N. Prospect, Ypsilanti, MI 48198, 734-482-6099

Attached: Communication from Bitia Lahann and Joerg Lahann

# CORRESPONDENCE RECEIVED

*Subject: Petition to Oppose the Expansion of the Power Substation at N. Dixboro Road & Plymouth Road*

Dear Members of the Charter Township Planning Commission,

As a resident of 5052 Plymouth Road, I am writing to express my strong opposition to the proposed expansion of the power substation at N. Dixboro Road and Plymouth Road (J-10-18-261-012). This expansion, within a designated single-family residential zone (R4), raises serious concerns about its compatibility with our community's well-being and our property values.

While I understand the need for reliable power infrastructure, the location of this expansion in a residential area is highly problematic. The potential health risks associated with increased electromagnetic fields, particularly for children and vulnerable individuals, are a major concern.

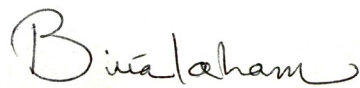
Furthermore, the expansion is projected to significantly increase noise levels, disrupting the peace of our neighborhood and impacting our quality of life. The potential for accidents and equipment malfunctions poses a safety risk, and the expanded facility's vulnerability raises security concerns.

The negative impact on property values is undeniable. The presence of an expanded power substation, with its associated equipment and power lines, will diminish the aesthetic appeal of our neighborhood and inevitably affect property values. This directly impacts our investments and the desirability of our community.

Beyond the visual and noise pollution, I am deeply concerned about the environmental impact. The expansion threatens local wildlife and ecosystems, particularly given the proximity to a nature reserve and the botanical garden.

I urge the Superior Charter Township Planning Commission to prioritize the well-being of our community and the preservation of our property values. Please deny the proposed expansion and explore alternative solutions that do not negatively impact residential areas.

Sincerely,

A handwritten signature in cursive script that reads "Bitia Lahann". The signature is written in black ink on a white background.

Bitia Lahann

5052 Plymouth Road, Dixboro

Joerg Lahann  
5052 Plymouth Road  
Dixboro, MI 48105

*To: Superior Charter Township Planning Commission*

*3040 N. Prospect*

*Ypsilanti, MI 48198*

**Subject: Petition to Oppose the Expansion of the Power Substation at the east side of N. Dixboro Road, south Plymouth Road (J-10-18-261-012)**

Dear Members of the Charter Township Planning Commission

I, the undersigned residents of 5052 Plymouth Road, am writing to express my strong opposition to the proposed expansion of the power substation located at N. Dixboro Road, south Plymouth Road (J-10-18-261-012). This expansion, situated within a single-family residential zone (R4 zoning), presents several significant concerns that negatively impact our community.

I understand the need for reliable power infrastructure. However, the location of this expansion within a residential area raises serious questions about its compatibility with the health, safety, and well-being of our families. My specific concerns include:

- **Potential Health Risks from Electromagnetic Fields (EMF):** While the long-term effects of EMF exposure are still being studied, we are concerned about the potential health risks associated with increased EMF levels from the expanded substation, particularly for children and vulnerable individuals in our community.
- **Noise Pollution:** The current substation already generates some noise. We anticipate that the expansion will significantly increase noise levels, disrupting the peace and quiet of our neighborhood and potentially impacting our quality of life.
- **Safety Concerns:** Expanding the substation increases the potential risk of accidents and equipment malfunctions, posing a potential danger to nearby residents. We are also concerned about the security of the expanded facility and its potential vulnerability.
- **Negative Impact on Property Values:** The expansion of a power substation in a residential zone can negatively impact property values, affecting our investments and the overall desirability of our neighborhood.
- **Aesthetic Degradation:** The expanded substation, with its associated equipment and power lines, will further detract from the aesthetics of our residential neighborhood, diminishing its character and visual appeal.
- **Environmental Impact:** Beyond the visual and noise pollution, we are concerned about the potential environmental impact of the expansion, including potential impacts on local wildlife and ecosystems, which abandonly live and breed in this particular area. The proximity to a nature reserve and the botanical garden further potentiates this concern.

I believe that the continued utilization, and even more so, the expansion of this outdated Grenada substation is incompatible with the character and zoning of our residential neighborhood zoned as R-4 (Single-Family Residential). I urge the *Superior Charter Township Planning Commission* to deny the proposed expansion and to explore alternative solutions that do not negatively impact residential areas.

I, the undersigned, respectfully request that you consider our concerns and reject the proposed expansion of the power substation at N. Dixboro Road, south Plymouth Road (J-10-18-261-012).

Sincerely,

A handwritten signature in black ink, appearing to read 'Joerg Lahann', with a long horizontal line extending to the right.

Joerg Lahann

(Wolfgang Pauli Collegiate Professor of Chemical Engineering)

5052 Plymouth Road, Dixboro

To: Superior Charter Township Planning Commission

From: Ray & Lori Franzen, 2460 N. Dixboro Rd, Ann Arbor, MI 48105

March 10, 2025

We are writing to express some concerns regarding an application from DTE Electric Company for a Conditional Use Permit to expand the existing Grenada Substation. The property is located on the east side of N. Dixboro Road, south of Plymouth Road (J-10-18-261-012) and is zoned R-4 (Single-Family Urban Residential). Our concerns have to do with the health, safety, and welfare of ourselves and the other residents in this residential area.

The current DTE Granada Substation has been a good neighbor and its design has fit in well with the residential area. The current plans to expand the existing DTE Granada Substation require more information about the proposal so a well-informed decision about the health, safety and welfare of local residents can be made.

. NOISE. At the Public Hearing of 26-Feb-2025 we heard about a new constant level of 65 decibels. Is this for the entire project, or only one portion of it. How far from the site can this "hum" be heard? What is the impact of a constant (24 hours a day, 7 days a week, 365 days a year) 65 decibel sound on human beings? Is there a different impact on infants, children, adults, or senior adults? What does the research say about this? How comfortable will nearby residents be sitting outside on their property in the summer time?

. STORM WATER RUN-OFF. At February's Public Hearing we heard about an underground retention basin on the south side of the property. How does this work for residents on the north and east side of the property? How likely is this retention facility to be flooded? What happens to Fleming Creek should this fail?

. LIGHTING. DTE Electric Company indicated at the public hearing on 26-Feb-2025 that lights would be on only during a power outage and only when personnel were on the property. Will there be night security lights?

. LIGHTNING ROD. A 70-foot-high lightning rod is to be constructed on the proposed expansion. Will this require additional lighting for air traffic safety? If it does, how much? What would that look like? If a lightning strike were to occur, what would be the likely impact on the local community?

. SCALE OF THE PROJECT. The current Granada Substation facility occupies less than 10% of the existing property. The proposed expansion would occupy 44% of the property which is nearly FIVE TIMES larger than the existing substation. This does not seem to account for the additional height requirement from ground level also needed for this project. How will electrical power enter and leave the property? Will this require more Electrical Poles to be erected on or off the property? How does this fit in with the current R-4 Single Family Urban Residential zoning and character of Dixboro?

. IMPACT ON PROPERTY VALUES. This could have implications for property tax collection for Washtenaw County, Superior Charter Township, Ann Arbor Public schools, Washtenaw Community College, Washtenaw Intermediate School District, Washtenaw County Police Department, Superior Township Fire Department, and Ann Arbor Public Library.

To: Members, Superior Charter Township Planning Commission and Board of Trustees  
From: Property owners adjacent to the DTE Grenada Electrical Substation  
Date: March 7, 2025  
Re: Proposed Expansion of the Grenada Substation

We are writing regarding the proposed modification of the Conditional Use Permit, which allowed the development of the DTE Grenada electrical substation located on Dixboro Road south of Plymouth Road. The proposed project (Project STPC 25-02) would allow the expansion of the existing substation. Residents of the Village of Dixboro, particularly those proximate to the existing site, have significant concerns regarding the proposed expansion, **especially as expansion of the substation was expressly prohibited by the original Conditional Use approval.**

These concerns result from questions over the potential environmental impacts from the new, larger, substation and specifically the appropriateness of the proposed expansion to this facility in a residentially zoned district. The original 1989 Conditional Use Permit for this site approved a very small, single transformer, brick wall enclosed, electrical substation on a relatively large, heavily landscaped lot. It was deemed visually and environmentally appropriate at that scale. The dramatically larger scale, and the far greater visual and environmental impact of the proposed facility raises the question of whether this new project should be located in a residential zone. It is of particular concern that the proposed project has ground floor coverage of 44% (nearly double the allowed 25% by ordinance). It is simply too large for the existing site.

The responsibility to determine whether this project is approved falls on the Township Planning Commission. In addition to the inappropriate scale and character of the proposed expansion, the information provided by the petitioner to the Township and to the public leaves many unanswered technical questions regarding the facilities' impact on the health, safety, and welfare of the community

Superior Township has qualified experts/consultants that should address the unanswered questions requiring expert investigation and testimony, including:

- What are the quantified environmental impacts and zone of influence of the acknowledged audible and continuous noise generated by these facilities?
- What are the quantified limits and potential impacts from the electromagnetic field on public health, safety, and welfare to the surrounding residences?
- Does DTE anticipate the need for further expansion of these facilities in the future?
- What additional infrastructure will be required on Dixboro and/or Plymouth Roads to facilitate the transmission of the increased supply loads?
- What are the proposed service areas for this increased capacity, and who are the true beneficiaries of this expansion?

We believe these technical questions must be addressed by the technical experts under contract with the Township. Without this information, it will not be possible for Superior Township to make an **informed decision** on this proposal.

We respectfully ask that no decision is made in the consideration of this project until the full review, investigations, and assessment of the proposed project is completed and presented to the public.

Submitted by property owners adjacent to the DTE Grenada Electrical Substation

Margaret and Jack Goodnoe  
2450 N. Dixboro Road  
Ann Arbor, MI 48105

Lorie and Ray Franzen  
2460 N. Dixboro Road  
Ann Arbor, MI 48105

Linda Atkins and Tom Kenney  
2456 N. Dixboro Road  
Ann Arbor, MI 48105

Deepa and Chandra Arya  
2458 N. Dixboro Road  
Ann Arbor, MI 48105

Rebecca Baigrie and Dave Rhoades  
2462 N. Dixboro Road  
Ann Arbor, MI 48105

Andrew Grant and Liz Allen  
5020 Plymouth Road  
Ann Arbor, MI 48105

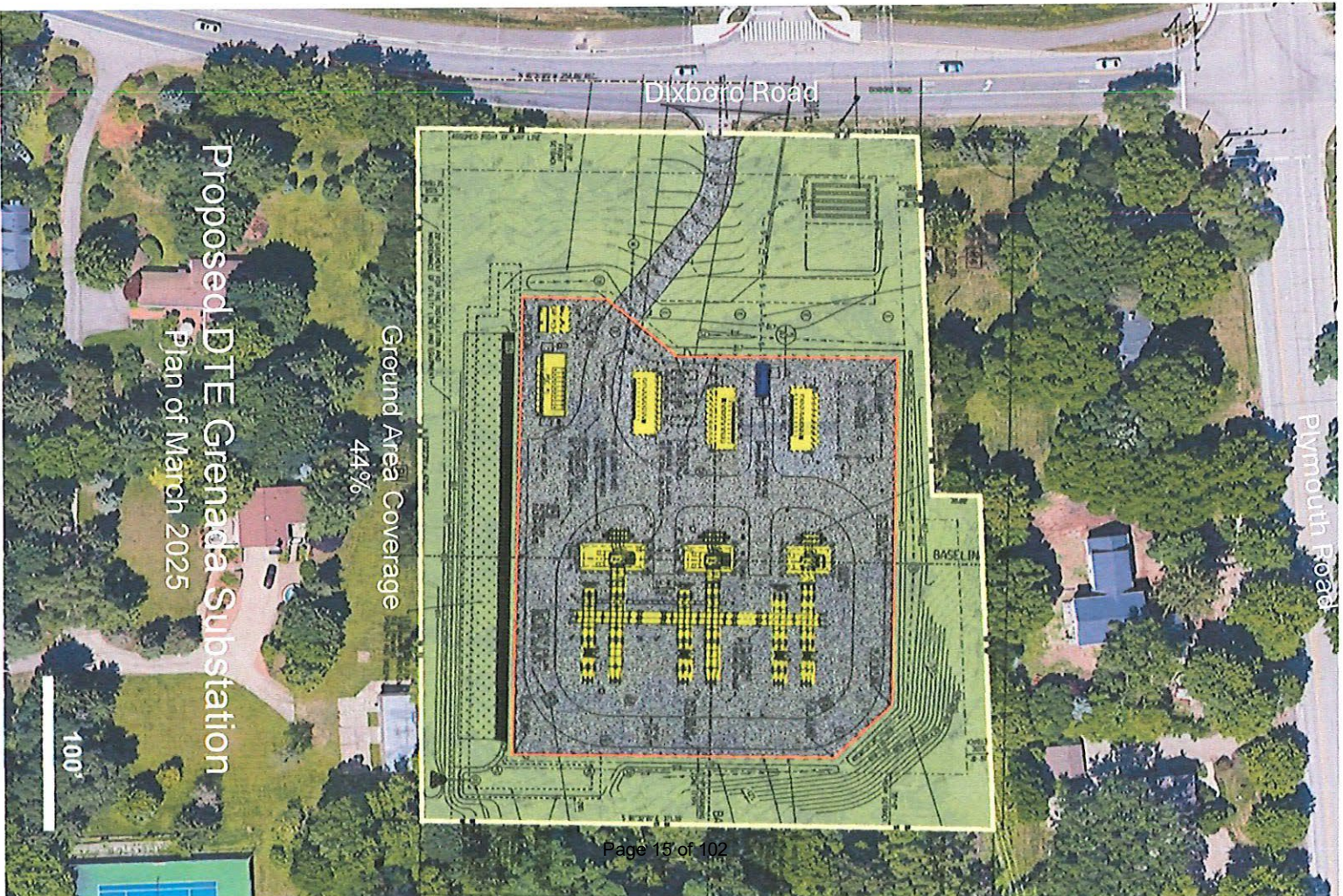
John McKeone  
5068 Plymouth Road  
Ann Arbor, MI 48105



**Existing DTE Grenada Substation**  
 Approved Conditional Use Plan of 1989

Ground Area Coverage  
 8.4%

100



**Proposed DTE Grenada Substation**  
 Plan of March 2025

Ground Area Coverage  
 44%

100

		Current DTE Substation	Proposed DTE Substation
<b>Description of Land Parcel</b>			
Parcel Size	acres	3.76	3.76
Location		East side of Dixboro Road, ~350 feet south of Plymouth Road	East side of Dixboro Road, ~350 feet south of Plymouth Road
Zoning		R4, Single Family Residential 1989 Conditional Use Permit (CUP)	????
<b>Substation and Parking Footprint</b>			
	ft2	14,000 (est)	72,431
Fraction of Parcel Occupied by Substation	%	<10%	44%
<b>Substation Caacity</b>			
	kW	DATA REQUIRED	DATA REQUIRED
<b>Power Delivered to Substation</b>			
	kW	DATA REQUIRED	DATA REQUIRED
Transmission Lines (i.e., Buried, Overhead)		DATA REQUIRED	DATA REQUIRED
Location (i.e., Dixboro Road, Plymouth Road, Easements)		DATA REQUIRED	DATA REQUIRED
Number of Lines	#	DATA REQUIRED	DATA REQUIRED
Voltage	V	DATA REQUIRED	DATA REQUIRED
<b>Power Distributed to Customers</b>			
	kW	DATA REQUIRED	DATA REQUIRED
Distribution Lines (i.e., Buried, Overhead)		DATA REQUIRED	DATA REQUIRED
Location (i.e., Dixboro Road, Plymouth Road, Easements)		DATA REQUIRED	DATA REQUIRED
Number of Lines	#	DATA REQUIRED	DATA REQUIRED
Voltage	V	DATA REQUIRED	DATA REQUIRED
Service to Homes		DATA REQUIRED	DATA REQUIRED
Within Superior Township	%or kW	DATA REQUIRED	DATA REQUIRED
Outside of Superior Township	%or kW	DATA REQUIRED	DATA REQUIRED
Service to Businesses		DATA REQUIRED	DATA REQUIRED
Within Superior Township	%or kW	DATA REQUIRED	DATA REQUIRED
Outside of Superior Township	%or kW	DATA REQUIRED	DATA REQUIRED
Service to University of Michigan	%or kW	DATA REQUIRED	DATA REQUIRED
<b>Acoustic Noise and Remediation</b>			
Level	dB		DATA REQUIRED
Frequency	Hz		DATA REQUIRED
Remediation		NONE	DATA REQUIRED
<b>Electromagnetic Radiation and Remediation</b>			
Level	dB		DATA REQUIRED
Remediation		NONE	DATA REQUIRED
<b>Restroom</b>			
Size of Septic Field	ft2	NO	YES
Water Supply		NONE	2,400
			Well on-site
<b>Water Run-Off Control</b>			
		NONE	Underground retention basin
<b>Site Maintenance</b>			
		Sporadic: tree debris litters the site and occasional remediation of damage to adjoining property from fallen trees	Site maintenance plan under development

2456 N. Dixboro Road  
Ann Arbor, MI 48105  
Phone: 734-741-8032

March 10, 2025

Superior Township Board of Trustees (by email)  
Superior Township Planning Commission (by email)  
Re: Proposed Expansion of DTE Grenada Substation on Dixboro Road

We are writing to make you aware of our concerns regarding the proposed expansion of the DTE Grenada substation on the east side of Dixboro Road, south of Plymouth Road. The existing DTE Grenada substation has been a good neighbor to the Dixboro community for over 35 years. However, the new DTE proposal to expand the Grenada substation poses serious issues. A measured and deliberative approach is required in reviewing the DTE request for a new, or amended, conditional use permit for this site. Our arguments are:

**The expanded DTE substation is approximately five times larger than the current substation that had been granted a conditional use permit in 1989.** The current DTE Grenada substation occupies less than 10% of the area of the site which falls under the dimensional standard in the Superior Township Zoning Ordinance. The proposed Grenada substation would occupy 44% (from DTE Grenada Substation Site Plan Cover Sheet) of the site (see attachment 1). The footprint of the expanded substation is 75% larger than the Superior Township Zoning Ordinance dimensional standard for the R-4 district.

**The expanded DTE Grenada substation is an industrial scale facility that is incompatible with the residential environment and character of Dixboro.** Key purposes of the Superior Township Zoning Ordinance include;

7. "Fixing flexible standards to which structures and site improvements shall conform, and to prohibiting uses or structures that are incompatible with the character of development or the uses, or structures permitted in specific districts;
8. Protecting against fire, explosion, noxious fumes, odors, heat dust, light pollution, glare, noise, vibration, radioactivity, and other nuisances and hazards;
9. Preventing the overcrowding of land and undue concentration of buildings so far as is possible, and appropriate in each zoning district ..."

When the request for the conditional use permit was granted for the current DTE substation by the Superior Township Planning Commission in 1989, changes to the original DTE plan were made to integrate the substation into the Dixboro residential environment, specifically, removing the chain link fence, curving the drive and revising the tree planting plan. Further, no future physical expansion of the transformers was to be allowed.

**The conditional use permit granted in 1989 should not be extended to the proposed expansion of the Grenada substation.** The size and character of the proposed substation are clearly industrial, which demands a comprehensive new review of the zoning and use.

**An independent, comprehensive engineering review of the DTE proposal for expanding the Grenada substation is necessary.** To date, that review has not been conducted. Additional information should be requested from DTE that would include, but not be limited to, a comparison of the current substation to the proposed larger substation in the following areas:

- Capacity of the substation
- Locations and voltages of transmission lines entering the substation
- Locations and voltages of distribution lines leaving the substation
- Description of the service area; specifically, customers within and outside of Superior Township
- Assessment of noise issues, including noise level and frequencies, and adequacy of remediation actions
- Assessment of electromagnetic radiation issues and remediation actions
- Assessment of the 70ft tall lightning rod tower, including frequency and intensity of lightning strikes, and elimination of damage to adjacent properties from a strike
- Water run off and adequacy of remediation actions
- Assessment of the septic field
- Integration of the new substation and enclosure into the Dixboro residential community
- Adequacy of the site maintenance plan

**DTE should be asked to provide Superior Township with photographs of similar facilities.**

**The material provided by DTE and developed during the engineering and zoning studies should be organized and summarized in a way that facilitates 1) identification of key issues, 2) in-depth review of the project, 3) focused discussion about the impact on Dixboro and 4) fact-based decision making (see example in attachment 2).**

We strongly urge the Superior Township Board and Planning Commission to adopt a measured and deliberative approach which would include a complete zoning review and a comprehensive engineering analysis of the DTE proposal for the expanded Grenada substation before making any decisions.

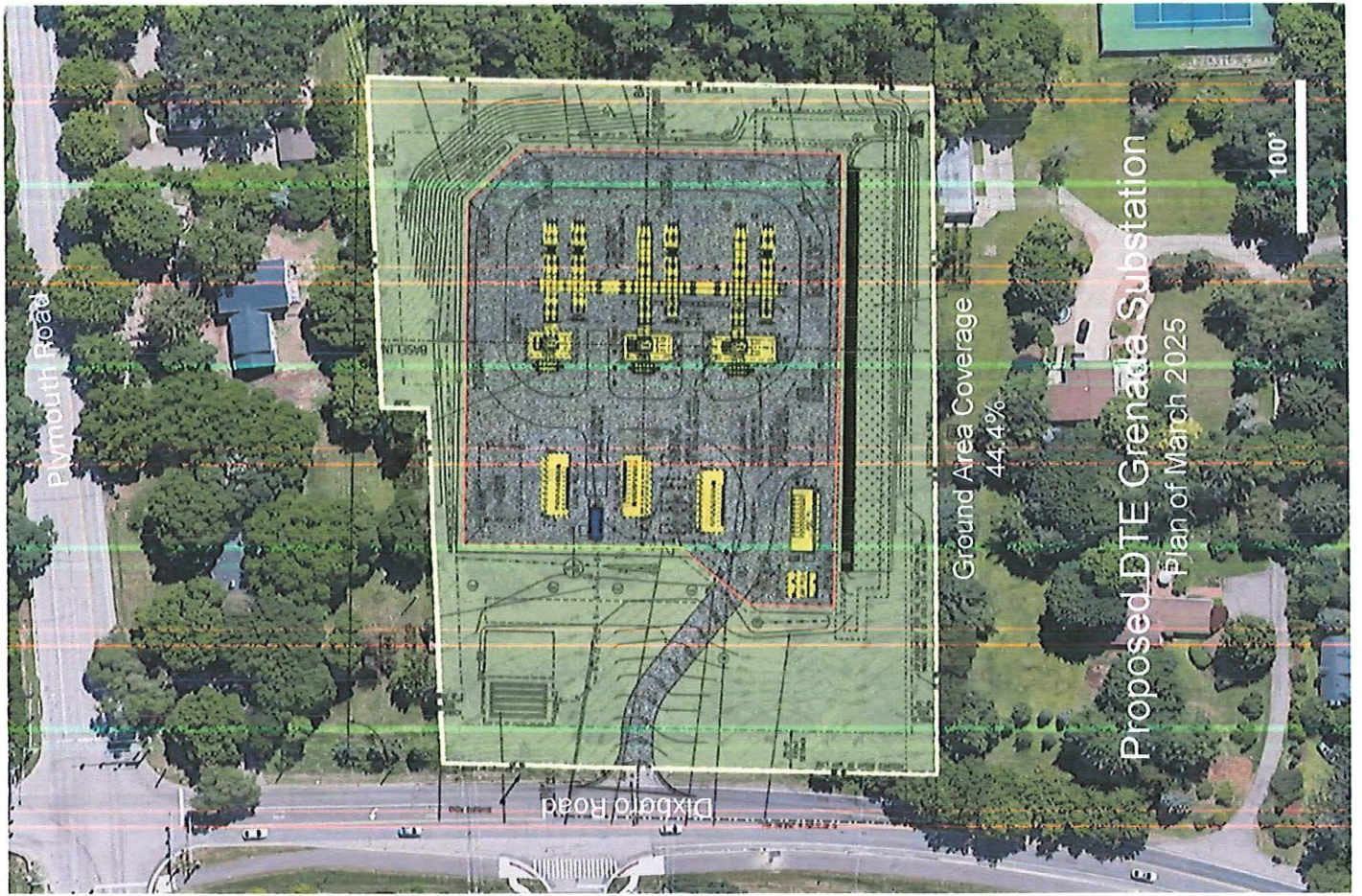
Thomas Kenney

Linda Atkins



Existing DTE Grenata Substation

Approved Conditional Use Plan of 1989



Proposed DTE Grenata Substation

Plan of March 2025

		Current DTE Substation	Proposed DTE Substation
<b>Desoipction of land Pall'cel</b>			
Parcel Size	acres	3.76	3.76
Location		East side of Dixboro Road, ~350 feet south of Plymouth Road	East side of Dixboro Road, ~350 feet south of Plymouth Road
Zoning		R4, Single Family Residential 1989 Conditional Use Perrrmit (CUP)	????
<b>Substation and Parking Footprint</b>	ft2	14,000 (est)	72,431
Fraction of Parcel Occupied by Substation	%	<10%	44%
<b>Substation Caacity</b>	kW	DATA REQUIRED	DATA REQUIRED
<b>Power Delivered to Substation</b>	kW	DATA REQUIRED	DATA REQUIRED
Transmission Lines (i.e., Buried, Overhead)		DATA REQUIRED	DATA REQUIRED
Location (i.e., Dixboro Road, Plymouth Road, Easements)		DATA REQUIRED	DATA REQUIRED
Number of Lines	#	DATA REQUIRED	DATA REQUIRED
Voltage	V	DATA REQUIRED	DATA REQUIRED
<b>Power Distributed to Customers</b>	kW	DATA REQUIRED	DATA REQUIRED
Distribution Lines (i.e., Buried, Overhead)		DATA REQUIRED	DATA REQUIRED
Location (i.e., Dixboro Road, Plymouth Road, Easements)		DATA REQUIRED	DATA REQUIRED
Number of Lines	#	DATA REQUIRED	DATA REQUIRED
Voltage	V	DATA REQUIRED	DATA REQUIRED
Service to Homes		DATA REQUIRED	DATA REQUIRED
3 Within Superior Township	%or kW	DATA REQUIRED	DATA REQUIRED
Outside of Superior Township	%or kW	DATA REQUIRED	DATA REQUIRED
Service to Businesses		DATA REQUIRED	DATA REQUIRED
Within Superior Township	%or kW	DATA REQUIRED	DATA REQUIRED
Outside of Superior Township	%or kW	DATA REQUIRED	DATA REQUIRED
<b>Service to University of Michigan</b>	%or kW	DATA REQUIRED	DATA REQUIRED
<b>Acoustic Noise and Remediation</b>			
Level	dB		DATA REQUIRED
Frequency	Hz		DATA REQUIRED
Remediation		NONE	DATA REQUIRED
<b>Electromagnetic Radiation and Remediation</b>			
Level	dB		DATA REQUIRED
Remediation		NONE	DATA REQUIRED
<b>Restroom</b>		NO	YES
Size of Septic Field	ft2	NONE	2,400
Water Supply		NONE	Well on-site
<b>Water Run-Off Control</b>		NONE	Underground retention basin
<b>Site Maintenance</b>		Sporadic: tree debris litters the site and ocassional remediation of damage to adjoining property from fallen trees	Site maintenance plan under development

# BUILDING REPORT

**SUPERIOR TOWNSHIP BUILDING DEPARTMENT**  
**MONTH-END REPORT**  
**022025**

Category	Estimated Cost	Permit Fee	Number of Permits
<b>Electrical</b>	<i>\$0.00</i>	<i>\$6,435.00</i>	<i>35</i>
<b>Mechanical</b>	<i>\$0.00</i>	<i>\$4,470.00</i>	<i>31</i>
<b>Plumbing</b>	<i>\$0.00</i>	<i>\$5,485.00</i>	<i>18</i>
<b>Res-New Building</b>	<i>\$3,292,379.00</i>	<i>\$21,400.00</i>	<i>7</i>
<b>Res-Other Building</b>	<i>\$57,378.00</i>	<i>\$528.00</i>	<i>5</i>
<b>Res-Renovations</b>	<i>\$530,854.00</i>	<i>\$3,470.00</i>	<i>5</i>
 <b>Totals</b>	 <i>\$3,880,611.00</i>	 <i>\$41,788.00</i>	 <i>101</i>

SUPERIOR TOWNSHIP BUILDING DEPARTMENT  
YEAR-TO-DATE REPORT

January 2025 To Date

Category	Estimated Cost	Permit Fee	Number of Permits
<b>Com/Multi-Family Renovations</b>	<i>\$1,972,800.00</i>	<i>\$12,823.00</i>	<i>1</i>
<b>Electrical</b>	<i>\$0.00</i>	<i>\$14,905.00</i>	<i>66</i>
<b>Mechanical</b>	<i>\$0.00</i>	<i>\$11,445.00</i>	<i>72</i>
<b>Plumbing</b>	<i>\$0.00</i>	<i>\$11,980.00</i>	<i>45</i>
<b>Res-New Building</b>	<i>\$3,292,379.00</i>	<i>\$21,400.00</i>	<i>7</i>
<b>Res-Other Building</b>	<i>\$109,906.00</i>	<i>\$923.00</i>	<i>8</i>
<b>Res-Renovations</b>	<i>\$575,854.00</i>	<i>\$3,762.00</i>	<i>6</i>
<b>Totals</b>	<b><i>\$5,950,939.00</i></b>	<b><i>\$77,238.00</i></b>	<b><i>205</i></b>

# PLANNING REPORT

## MEMO

TO: Superior Charter Township Board of Trustees

FROM: Diane Mulville-Friel, Planning & Zoning Administrator

RE: Planning & Zoning Department Report

DATE: March 19, 2025

### **PROSPECT POINTE WEST**

Prospect Pointe West is a four-phase single-family residential development project, on an ~67 acre parcel of land zoned R-4 an Urban Residential District. The development is located on the southwest corner of Geddes Road and Prospect Road, west of Hunters Creek Drive in the northeast quarter of Section 33. The applicant is proposing to develop Prospect Pointe West as a 157-unit site condominium.

The four (4) phases consist of the following number of units:

- Phase 1 – 39 units
- Phase 2 – 45 units
- Phase 3 – 26 units
- Phase 4 – 47 units

The proposed lot dimensions are 66' x 130' with a minimum lot size of 8,580 sf. The homes will range in size from 2,000 to 3,200 sf with sales prices starting in the \$400,000s. The development has private roads with sidewalks on both sides and will be serviced by public sanitary sewer which will be designed as an extension of the existing Prospect Pointe development. Public water will also be extended from the existing subdivision. Each of the phase of the development is required to go through the Final Site Plan process.

The Final Site Plan for Prospect Pointe West Phase 1 (STPC #22-03) was approved by action of the Superior Township Planning Commission on April 26, 2023, and includes 39 single family lots. Building permits for individual homes are being issued and construction has commenced.

The Final Site Plan for Prospect Pointe West Phase 2 (STPC #24-01) was approved by action of the Superior Township Planning Commission on May 22, 2024, and includes 45 single family lots. The Development Agreement for Phase 2 has been recorded and a preconstruction meeting was held on September 10, 2024.

The Final Site Plan for Prospect Pointe West Phase 3 (STPC #25-01) was received by the Township in December 2024. Planning, Engineering, and Fire review memos were sent to the applicant on February 18, 2025. The applicant needs to satisfactorily address reviewer comments prior to being presented to the Planning Commission for consideration.

## **BROOKWOOD**

Brookwood is a Master Planned Community on an ~84 acre parcel of land zoned Planned Community (PC) a Special District. The development is located on the east side of Leforge Road approximately 700 feet north of Clark Road in the southwest corner of Section 33. The applicant is proposing to develop Brookwood with 318 dwelling units divided into three (3) residential dwelling product types (i.e., stacked flats, duplex units, four-plex units, and attached townhomes).

The development is designed for renters and owners plus a section dedicated for people over 55 years of age. Stacked flats and duplexes are anticipated to rent from \$1.50 - \$2.50 per square foot. The townhomes will be for sale and priced per unit according to the market. The development will also include a clubhouse, amenity areas, paved parking areas, landscape improvement, and a continuous sidewalk network along private drives throughout the development and walking paths that connect amenities with various areas of the development. Existing public water and sanitary sewer mains will be extended to serve the development.

The Brookwood Superior Area Plan Amendment was approved at second reading by the Township Board on May 20, 2024.

The Brookwood Superior Preliminary Site Plan (STPC #23-05) was approved by action of the Superior Township Planning Commission on May 22, 2024, with the following conditions:

- 1) Address all items in the Township Engineers May 9, 2024, review.
- 2) Provide additional details on Natural Feature Plan including how the 25% slopes will be protected, and their integrity remain intact.
- 3) Provide a more detailed landscape plan that meets all landscape, screening, and woodland preservation requirements.
- 4) Provide lighting and photometric plan.
- 5) Provide a detailed narrative of the architectural concept for the site including materials details.

The applicant submitted a Final Site Plan (rev. November 18, 2024). All review memos (Planning, Engineering, and Fire) were forwarded to the applicant on or before January 30, 2025. The applicant needs to satisfactorily address reviewer comments prior to being presented to the Planning Commission for consideration. The Brookwood team has not submitted revised plans to date. Engineering and Planning review comments were substantive and may require some time to address.

## **GARRETT'S SPACE**

Garrett's Space is proposed to be a residential center where young adults suffering from depression and anxiety are treated. The facility will include both in-patient and daily services, with a non-medical and non-institutional focus. Garrett's Space is proposed on seven (7) parcels that will be combined into one lot totaling approximately 76.0 acres. The property has historically been used as a single-family residence with

an address of 3900 Dixboro Road and is in Section 7 of the Township. The site includes significant natural resources including woodlands, steep slopes, a creek, floodplain, and wetlands.

The applicant proposes the following improvements:

- 1) Convert the existing home on the site to administrative offices
- 2) Construct a 10,100 square foot building to house 15 to 20 residents
- 3) Construct a 2,100 square foot building for recreational and therapy activities
- 4) Construction of a parking lot
- 5) Landscaping improvements
- 6) Create walking paths and lookouts through the site's natural features.
- 7) Expanding the sites well and septic system
- 8) Construct two (2) stormwater detention ponds

The applicant proposes a phased development:

- Phase 1: Use of the existing house for administrative offices and day programming. This phase does not include any overnight guests.
- Phase 2: Construction of the residential structure and creativity studio with parking areas, and utility and landscaping improvements. This phase includes expanded day programming and overnight residents.
- Phase 3: Additional ancillary elements, including the barn for gardening and therapeutic animals, and outdoor recreation and gathering spaces, will be constructed as funding allows.

Previous Township approvals are as follows:

- Property was rezoned from A-2 to Planned Community (PC) Special District via an Area Plan petition approved by the Township Board on July 17, 2023.
- The applicant recorded a Zoning and Land Use Agreement dated October 16, 2023, that limits uses, the number of residents and the number of employees.
- A Preliminary Site Plan (STPC 23-03) was approved by the Planning Commission with conditions on January 24, 2024.
- A Final Site Plan (STPC 23-03) was approved by the Planning Commission on September 25, 2024, with the following conditions:
  - 1) Obtain all outside agency approvals permits outlined in Township Engineer's memo dated 9/19/24.
  - 2) Combine existing seven (7) parcels into one parcel prior to receiving certificate of occupancy.
  - 3) Record conservation protection prior to certificate of occupancy.
- A Development Agreement was approved by the Township Board on October 21, 2024.

To date, the applicant has completed Final Site Plan conditions #1, #2, and #3:

- 1) OHM reviewed the Engineering Plans submittal (dated 12/20/24) and had no exceptions to the proposed development moving forward as shown on the plans as submitted.
- 2) The seven (7) parcels have been combined into one and a new parcel assigned (J -10-07-200-021). Furthermore, the Township Assessor has changed the zoning of this new parcel to PC.
- 3) Resolution No. 2025-13 to approve Garrett's Space Conservation Deed Restriction Agreement between Garrett's Space and the Township was approved by the Board of Trustees on March 17, 2025.

Building permits have been submitted and a preconstruction meeting was held on March 18, 2025. Preliminary site work has commenced. The approved Development Agreement requires the conservation area protection to be recorded prior to Certificate of Occupancy (CO) for the main residential structure to be newly constructed (Phase 2). A CO may be issued for the Phase 1 portion of the project if all building and fire codes and requirements are met for the change of use.

### **THE MEADOWS AT HAWTHORNE MILLS**

The Meadows at Hawthorne Mills is a 215 unit single-family residential site condominium located on 71 acres of land located south of Geddes Road and east of Leforge Rd. The site includes private roads that provide two (2) access points to Geddes Road and has two (2) connection points with the adjacent Prospect Pointe West Development. In addition, there is a road stub for future development to the south. The proposed development will be served with public utilities. A sewer will connect from Leforge Road and the Prospect Pointe Development and water will be looped throughout the development from Geddes Road. Stormwater management will be handled with four (4) proposed detention ponds located throughout the development.

The entire development received preliminary site plan approval on October 28, 2020. There are five (5) phases of development, and each phase required final site plan approval.

The final site plan for Phase 1 was approved by the Planning Commission with conditions on November 15, 2023. Phase 1 includes a total of 40 lots/units as well as construction of the roads and infrastructure items to directly serve those units, extension of a sanitary sewer from LeForge Road across the neighboring property to the west needed to service Phase 1, and mass grading of the entire site.

The final site plan for Phase 1 of the Meadows at Hawthorne Mill was set to expire and the applicant petitioned the Planning Commission to grant a one-year extension. On January 22, 2025, the Planning Commission granted an extension of the approved final site plan with the following conditions:

1. Provide a cost estimate for required woodland mitigation to be paid into Superior tree fund. Once a fund number is agreed upon with the Township, the applicant shall pay the amount to the Township.
2. All future homebuilders will be required to submit floor plans and elevations for review and approval by the Planning Commission.
3. Secure all required Washtenaw County Road Commission (WCRC) permits and right-of-way dedications to facilitate improvements at the intersection of Prospect and Geddes Rd as well as turn lane improvements for the private connection on Geddes Road.
4. Complete a Development Agreement and present to the Board of Trustees for approval prior to Phase 1 moving to the pre-construction phase of the development.

The Phase 1 final site plan extension will expire on November 15, 2025, unless conditions under Zoning Ordinance Section 10.08.C are met.

The applicant for the Meadows at Hawthorn Mills (Louis J. Eyde Family, LLC) is selling the property to Pulte Homes. Jared Kime of Atwell is working with Pulte to prepare necessary submissions including an amendment to the Phase 1 Final Site Plan. An application to amend the final site plan was received on March 13, 2025, and is under review. A summary of the changes proposed are as follows:

1. Phase 1 FSP revision
  - a. Minor revisions to lot grading for Pulte standards
  - b. Landscape revision and phasing of the tree impacts/mitigation calculations
  - c. Reduction of mass grading to only phase 1 and the sanitary corridor going through future phases
  - d. Would also include the necessary building elevations for PC review
2. Overall Engineering Plan update
  - a. Raised road grades on south half of site to improve earthwork balance
  - b. Associated lot grading revisions throughout site
  - c. Some storm sewer modifications due to the lot changes in future phase areas
  - d. Updated water main profiles due to new road elevations in future phase areas
  - e. Overall landscape plan update with tree impacts/mitigation calculations

The Planning Commission has authority to determine whether a requested change is major or minor, in accordance with this Section 10.12. It is anticipated that the Planning Commission will be asked to act on the amended final site plan submittal at their regular scheduled meeting on April 23, 2025.

Other outstanding items to be addressed by Pulte include:

1. Development Agreement – BOT approval
2. Intersection ROW dedication – BOT approval

## **ZONING BOARD OF APPEALS**

The following three (3) cases were reviewed at a ZBA meeting on February 27, 2025:

- 1) **ZBA #24-03 - 7486 Plymouth-Ann Arbor Road** - Motion by Member Smith, supported by Member Gilbreath to approve a variance from Section 3.101 (Dimensional Standards) to allow for an attached accessory structure to be constructed in the front yard setback for property located at 7486 Plymouth Road (ZBA #24-03). The motion carried.
- 2) **ZBA #24-02 - 5766 Geddes Road** - Motion by Member Smith, supported by Member Greene to postpone a decision on whether to uphold or reverse the appeal of an administrative decision filed by the Schuster's. The appeal (ZBA #24-03) was related to the Superior Township Zoning Administrator's decision to approve a Certificate of Zoning Compliance application dated November 18, 2023. The ZBA's decision to postpone was conditioned that the applicant obtain clarifications from the Washtenaw County Circuit Court that the Court's Order applied to approval of a Certificate of Zoning Compliance as well as a "building permit, a variance, or other zoning relief" as stated in the "Order to Enforce Final Judgement" signed by Hon. Timothy P. Connors, Circuit Court Judge on November 30, 2023. The motion carried.
- 3) **ZBA #24-04 - 5766 Geddes Road** – Request ZBA interpretation of zoning ordinance text and appeal the Township Zoning Administrator's decision to deny a boundary adjustment request for 5766 Geddes Road. Motion by Member Gilbreath, supported by Member Greene to reverse the administrative decision and approve the appeal filed by the Schuster's (ZBA 24-04), on the basis that the Superior Township Zoning Administrator's denial of the Certificate of Zoning Compliance application dated September 12, 2024, was based on an erroneous interpretation of the Zoning Ordinance. The motion carried.

The following application is scheduled to be reviewed by the ZBA on April 9, 2025:

- 1) **ZBA #25-01 - 3420 Deward** - Variance from Section 3.101 (Dimensional Standards) to allow a proposed single family dwelling addition to encroach into the required 50 ft rear yard setback.

Per bylaws, the ZBA consists of seven (7) regular and two (2) alternates members appointed by the Township Board. One (1) of the members must be a member of the Township Planning Commission and one member may be a member of the Township Board. The remaining members must reside in the unincorporated areas of the Township and represent the population distribution and various interests present. Current ZBA members include:

- Thomas Brennan, (Chair & PC Member)
- Rachel Smith
- Dana Greene (BOT)
- Tanya Markos-Vanno

- Meghan Winslow
- Jack Gilbreath
- Vacant

One (1) ZBA position remains vacant, and the Township is accepting applications.

The Township now has regular scheduled ZBA meetings the 2nd Wednesday of the month; if there are no agenda items, the meeting are cancelled.

**PLANNING COMMISSION**

The next Planning Commission meeting is scheduled for April 23, 2025. No Public Hearing agenda items are scheduled or anticipated.

Final site plans submitted for Brookwood (STPC 23-05) and Prospect Pointe West Phase 3 (STPC 25-01) are the new petitions submitted for the Planning Commission to consider at a future meeting. It is anticipated that these items will be reviewed at the April or May Planning Commission meeting. An amendment to the final site plan for Phase 1 of the Meadows at Hawthorne Mill is anticipated to be considered at the April Planning Commission Meeting. Conditional Use Permit/Preliminary Site Plan - DTE Grenada Substation Expansion (STPC #25-02) is anticipated to be resubmitted and considered at the May Planning Commission Meeting.

Besides these agenda items, the Zoning Ordinance Rewrite Steering Committee (appointed by the Township Board on October 21, 2024) will be convening. Three (3) Planning Commissioners (Jay Gardner, Thomas Brennan, and Nahid Sanii-Yahyai) were identified to serve on this Steering Committee; to date, steering committee meetings have been held on December 18, 2024 and January 15, 2025.

Per bylaws, the Planning Commission shall consist of seven (7) members serving for three (3) year terms with eligibility for re-appointment. One member of the Township Board shall be appointed to the Planning Commission as an ex officio member and Township Board Representative, with full voting rights. The current Planning Commission is comprised of following members:

- Jay Gardner, Chair (Term expires 2/28/2026)
- Robert Steele, Vice Chair (Term expires 2/28/2028)
- Thomas Brennan, Secretary (Term expires 2/28/2027)
- Patrick McGill (Term expires 2/28/2027)
- Brenda McKinney– Board Rep. (Term expires 11/7/2028)
- Nahid Sanii-Yahyai (Term expires 2/28/2026)
- Curt Wolf (Term expires 1/01/2028)

## **OTHER BUSINESS/NEWS**

- 1) Diane Muville-Friel of Carlisle Wortman Associates (CWA), continues to serve as the Township Planning and Zoning Administrator as approved by the Board of Trustees at their meeting on May 20, 2024. Over the last ten (10) months, she has reviewed approximately 213 Certificates of Zoning Compliance and bur permits and responded to 320+ phone calls and email inquiries from the general public. She also manages and attends the ZBA and Planning Commission meetings and responds to Board of Trustee inquiries.
  
- 2) Carlisle Wortman Associates staff also serve in the role as the Township Planner and review and manage projects that are paid from escrows including applicant inquiries and project coordination.

ZONING ORDINANCE REWRITE

**TO:** Superior Township Zoning Ordinance Rewrite Steering Committee  
**FROM:** Benjamin Carlisle, Planning Consultant  
**DATE:** March 19, 2025  
**RE:** Third Zoning Ordinance Rewrite Committee Meeting – Articles 6 & 7

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## **BACKGROUND**

To date, the Zoning Ordinance Rewrite Steering Committee and CWA staff have convened to review the following draft Articles:

ARTICLE 1: TITLE, PURPOSE AND LEGAL CLAUSES  
ARTICLE 2: DEFINITIONS  
ARTICLE 3: ADMINISTRATION AND ENFORCEMENT  
ARTICLE 4: ZONING DISTRICT REGULATIONS

Articles 6 and 7 have been reworked and a draft of these articles is the focus of this month's review. Because the Planning Commission meeting agenda for March is light, it was decided that Articles 6 and 7 would be presented to the Commission as a whole for discussion.

During the previous Steering Committee meetings, we discussed how much of the current language in the Zoning Ordinance was appropriate and that only minor changes to wording were required to improve clarity and logic and to modernize it to current day standards were necessary. The most significant change would involve reorganizing the chapters, sections, and subsections to assist the general public and applicants as well as Township staff and the Planning Commission who administer these regulations and standards.

The revised table of table of contents is as follows:

ARTICLE 1: TITLE, PURPOSE AND LEGAL CLAUSES  
ARTICLE 2: DEFINITIONS  
ARTICLE 3: ADMINISTRATION AND ENFORCEMENT  
ARTICLE 4: ZONING DISTRICT REGULATIONS  
ARTICLE 5: SPECIAL DISTRICT REGULATIONS  
ARTICLE 6: DEVELOPMENT OPTIONS

- ARTICLE 7: GENERAL PROVISIONS
- ARTICLE 8: SITE PLAN REVIEW
- ARTICLE 9: CONDITIONAL USE REVIEW
- ARTICLE 10: SPECIFIC USE STANDARDS
- ARTICLE 11: ACCESS, PARKING, AND LOADING REQUIREMENTS
- ARTICLE 12: SITE DESIGN STANDARDS
- ARTICLE 13: ENVIRONMENTAL STANDARDS
- ARTICLE 14: SIGN REGULATIONS
- ARTICLE 15: NONCONFORMITIES
- ARTICLE 16: ZONING BOARD OF APPEALS
- ARTICLE 17: AMENDMENT PROCEDURE

**ZONING TEXT AMENDMENTS**

Listed below are details of Articles 6 and 7 including purpose, outline, and substantive changes from the existing Zoning Ordinance:

**Article 6: Development Options**

*Purpose:* The purpose of this Article is to provide standards, regulations, and procedures applicable to various land development options that are authorized by this Ordinance.

Section 6.01	Purpose
Section 6.02	Condominium Regulations
Section 6.03	Open Space Preservation Residential Development (OSPRD)
Section 6.04	Dixboro Design Review

*Substantive Changes:*

- 1) Content derived from current Zoning Ordinance Article 12.
- 2) Replaced all references to “Growth Management Plan” with “Master Plan”.
- 3) Renumbered current numbering system to follow a straight chronological order that reflects organizational hierarchy.
- 4) Section 6.01 (Purpose), added to clarify intent of the Article
- 5) Section 6.01.B (Scope) - Added statement, “All residential and non-residential condominium projects shall comply with the standards of the Zoning District in which located”.
- 6) Former Section 12.03 (Types of Permitted Condominium Units) - Deleted section.
- 7) Section 6.01.C.3 (Site Condominium Developments) - Deleted sentence, “Principal buildings or detached dwellings on proposed condominium lots may be shown on the site plans but shall not be required for site condominium development approval.”

- 8) Former Section 12.09 (Density Regulations) - Moved to new Section 6.01.H.2.b-f (Condominium Unit or Site Condominium Lot).
- 9) Section 6.01.H.2 (Condominium Unit or Site Condominium Lot) - Added statement, "The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located."
- 10) Section 6.01.H.2.a - Added new provision, "For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located."
- 11) Section 6.01.H.2.g. - Deleted statement, "Lots abutting a mid-block cross access pedestrian way or other right-of-way shall be treated as corner lots".
- 12) Section 6.01.H.6 (Trees) - Verbiage under this section was determined to be unnecessary and changed to refer to section under Article 12 that pertains to Screening and Land Use Buffers.
- 13) Section 6.01.H.7 (Reservation of Public Use Areas) - We are presenting this section to Legal for review.
- 14) Section 6.01.H.8 (Exterior Lighting) - Verbiage under this section was determined to be unnecessary and changed to refer to section under Article 12 that pertains to Exterior Lighting.
- 15) Section 6.01.H.9 (Stormwater Management Facilities) - We are presenting this section to the Township's Engineer for comment.
- 16) Section 6.01.H.10 (Potable Water and Sanitary Sewage or Septic Facilities) - Verbiage under this section was determined to be unnecessary and changed to refer to section under Article 13 that pertains to Water Supply and Sanitary Sewerage Facilities.
- 17) Former Section (12.11 Manufactured Housing Park Condominium) - Moved to new Section 10.204 (Manufactured Housing Parks).
- 18) Former Section 14.01 (Open Space Preservation Residential Development) – Moved to new Section 6.03 (Open Space Preservation Residential Development - OSPRD) and added "A. Purpose" with new intention statements added (items 1-9).
- 19) Former Section 14.01.A (Qualifying Conditions) – Moved to new Section 6.03.B (Qualifying Conditions) and content unchanged but restructured section for clarity.
- 20) Former Section 14.01.B (Development Plan) – Moved to new Section 6.03.C (Development Plan) and content unchanged.
- 21) Former Section 14.01.C (Density Calculations) – Moved to new Section 6.03.D (Density Calculations) and content unchanged.
- 22) Former Section 14.01.D (Clustering) – Moved to new Section 6.03.E (Clustering) and content unchanged.

- 23) Section 6.03.F (Density Bonus) – new section that encourages the use of the OSPRD, if all standards set forth in 6.03.G are met, the underlying density established by 6.03.E may be increased by up to 20% at the discretion of the Planning Commission. Density bonuses shall be based upon a demonstration by the applicant of at least one of the following items listed under 1-3.
- 24) Former Section 14.01.E (Standards for Open Space) – Moved to new Section 6.03.G (Standards for Open Space). Added item #7, “The open space shall be connected with existing or potential open space and/or adjacent public land where feasible and item #9, “Where a development under this section is proposed in phases, the Township may require that all land to be dedicated as open space shall be included in the first phase of the development”.
- 25) Former Section 14.01.F (Conservation Standards) – Moved to new Section 6.03.H (Conservation Standards) and content unchanged.
- 26) Section 6.03.H (Design Standards) - new section that encourages design standards that promote preservation of natural features and avoidance of environmentally sensitive areas on sites with OSPRD.
- 27) Former Section 14.04 (Design Review) – Moved to new Section 6.04 and changed to “Dixboro Design Review” and content unchanged.

**Article 7: General Provisions**

*Purpose:* The regulations in this Article shall apply in all zoning districts unless specifically provided for elsewhere in this Ordinance.

Section 7.01	Purpose
Section 7.02	Fence Regulations
Section 7.03	Accessory Structures and Uses
Section 7.04	Temporary Structures
Section 7.05	Temporary Outdoor Sales
Section 7.06	Transient and Amusement Enterprises
Section 7.07	Vehicle Repair in Residential Zoning Districts
Section 7.08	Access Through Yards
Section 7.09	Voting Place
Section 7.10	Essential Services
Section 7.11	Corner Clearance Zones
Section 7.12	Access to Streets

*Substantive Changes:*

- 1) Content derived from current Zoning Ordinance Article 6 (General Provisions).
- 2) Replaced all references to “Growth Management Plan” with “Master Plan”.

- 3) Renumbered current numbering system to follow a straight chronological order that reflects organizational hierarchy.
- 4) Section 7.01 (Purpose), added to clarify intent of the Article.
- 5) Section 7.02.A.2.a. - Added statement, "Fencing used for security purposes shall not be permitted in any front yard, and any part of a yard forward of the rear wall of the principal building nearest to the road right-of-way".
- 6) Section 7.02.A.2.c. – Added provision (4), "All electronically charged fences shall be signed" and (5), "Electronic and barb wired fences may not exceed 10-feet in height".
- 7) Section 7.02.A.3. – Removed provision for "Security fences".
- 8) Section 7.02.B.3.a. – Added provision for non-residential fences that, "Fences in front yard or second front yard are prohibited unless approved by the Planning Commission".
- 9) Moved former Section 6.02 (Swimming Pools) to new Section 7.03.B (Accessory Structures and Uses)
- 10) Section 7.03.A. – Added the following provisions for Accessory Structures and Uses in Rural, Rural Residential and Urban Residential District.
  2. No accessory structure shall be used prior to the principal structure or use, except as a construction facility for the principal building.
  3. Accessory structures and uses shall be supplemental or subordinate to the principal building on a parcel of land, and shall be on the same parcel of land as the principal building or use they serve.
  4. Accessory structures shall not be located within dedicated easements or rights-of-ways.
- 11) Section 7.03.A. – Removed provision that, "In any Business District, any accessory use or structure not attached to the principal building shall comply with all area, placement, and height regulations of the district in which it is located."
- 12) Moved former Section 6.02 (Swimming Pools) to new Section 7.03.B (Outdoor swimming pools, spas, and hot tubs)
- 13) Moved former Section 5.201 (Accessory Dwellings) to new Section 7.03.C (Accessory Dwellings) and expanded provisions. NOTE the subsections under this heading need to be renumbered.
- 14) Moved former Section 5.301 (Accessory Office, Service and Community Uses) to new Section 7.03.D (Accessory Office, Service and Community Uses)
- 15) Moved former Section 5.401 (Accessory Commercial Uses) to new Section 7.03.E (Accessory Commercial Uses).
- 16) Streamlined headings under Section 7.04 (Temporary Structures).

- 17) Section 7.04.B (Temporary Dwellings) - Added provision 2.a. that, "A camper, travel trailer, motor home., recreational vehicle, cabin, tent, basement, garage or similar unit shall not be used as a temporary dwelling in any zoning district".
- 18) Section 7.04.C (Temporary Construction Structures) – Added provisions 1, 2, and 3 as they pertain to nonresidential temporary structures.
- 19) Moved former Section 5.412 (Temporary Outdoor Sales) to new Section 7.05 (Temporary Outdoor Sales) and expanded on provision #1 that, "An outdoor sales area and parking shall not occupy or obstruct the use of any fire lane, roadway, drive aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this chapter". Also, provision #4 requires merchandise to be removed one (1) day after termination of event.
- 20) Moved former Section 6.05 (Transient and Amusement Enterprises) to new Section 7.06 (Transient and Amusement Enterprises) – no change to verbiage.
- 21) Moved former Section 6.06 (Vehicle Repair in Residential Zoning Districts) to new Section 7.07 (Vehicle Repair in Residential Zoning Districts) – no change to verbiage.
- 22) Deleted former Section 6.07 (Completion of Construction).
- 23) Moved former Section 6.08 (Access Through Yards) to new Section 7.08 (Access Through Yards) and deleted provision that, "Any walk, terrace or other pavement serving a like function and not in excess of eighteen (18") inches above grade shall be permitted in any required yard and not be considered to be a structure".
- 24) Deleted former Section 6.09 (Property Maintenance) – More appropriate for General Ordinance, not Zoning Ordinance.
- 25) Deleted former Section 6.10 (Property Between the Lot Line and Road) – More appropriate for General Ordinance, not Zoning Ordinance.
- 26) Moved former Section 6.11 (Voting Place) to new Section 7.09 (Voting Place) – no change to verbiage.
- 27) Moved former Section 6.12 (Essential Services) to new Section 7.10 (Essential Services) – no change to verbiage.
- 28) Moved former Section 6.13 (Performance Standards) to new Article 13 (Environmental Standards).
- 29) Moved former Section 3.208 (Corner Clearance Zones) to new Section 7.11 (Corner Clearance Zones) – no change to verbiage.
- 30) Moved former Section 3.207 (Access to Streets) to new Section 7.12 (Access to Streets) – no change to verbiage.
- 31) Section 3.207 (Access to Streets) – Added provision 1.b, "No building permits or land division permits shall be issued for any lot or parcel until access, as required under this section, has been constructed and approved. The Zoning Administrator shall have the authority to approve the provision of required access."

32) Section 3.207 (Access to Streets) – Added provision 2 (Road Construction).

**SUMMARY**

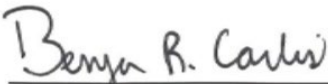
Attached are articles 6 and 7 with proposed changes in an underline/strikethrough format as follows:

- Deleted text shown in strikethrough
- Inserted text shown in underline

Section references throughout the Ordinance as well as a careful review of numbering and organizational hierarchy will be undertaken once a complete draft of all Articles are complete. Text shown in [brackets] is optional text including additional limitations recommended by staff that needs further consideration.

We look forward to meeting with you.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC  
Benjamin R. Carlisle, AICP, LEED AP  
President



CARLISLE/WORTMAN ASSOC., INC.  
Diane Mulville-Friel, AICP  
Senior Associate

Attachment: Articles 6 & 7

## ARTICLE 6: DEVELOPMENT OPTIONS

**ARTICLE ~~126~~**  
**CONDOMINIUM REGULATIONS DEVELOPMENT**  
**OPTIONS**

**Section 6.01 Purpose.**

The purpose of this Article is to provide standards, regulations, and procedures applicable to various land development options that are authorized by this Ordinance.

**Section 6.02 Condominium Regulations**

**~~12.01-A~~ Purpose.**

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act. Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act, condominium subdivision plans shall be regulated by this Ordinance as site condominiums and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's site development standards. It is the intent of this Article to ensure that:

- 1- Single-family detached residential subdivision developments implemented under the provision of the Condominium Act shall be consistent with subdivision plats established in accordance with the Township's subdivision regulations.
- 2- Review of condominium subdivision plans shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a conventional subdivision plat.
- 3- Condominium subdivisions are developed in compliance with all applicable standards of this Ordinance and design standards equivalent to those found in the Township's subdivision regulations.

~~12.02-B.~~ **Scope.**

The standards set forth in this Article shall be considered minimum requirements. All residential and non-residential condominium projects shall comply with the standards of the Zoning District in which located. Where the adopted ~~Growth Management Plan~~ Master Plan or other provisions of this Ordinance or other applicable state laws or Township ordinances require higher standards, such higher standards shall apply.

~~Section 12.03~~ **Types of Permitted Condominium Units. [this is unnecessary]**

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

- ~~1.— **Single family detached units.** In the case of a condominium project in which the condominium units are intended for detached single family residential purposes (site condominium), the condominium unit shall be considered a lot under this Ordinance.~~
- ~~2.— **Attached residential or multiple family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance for multiple family dwellings.~~
- ~~3.— **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district and type of land use.~~

~~Section 12.04C.~~ **Condominium Site Plan Requirements.**

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of preliminary and final condominium site plans by the Planning Commission. Pursuant to authority granted by Section 141 of the Condominium Act, review and approval of site plans for all condominium developments shall be subject to the procedures and standards of Article 8.07 (Site Plan Review), and the following:

**A1. Preliminary Condominium Site Plan Requirements.**

A preliminary condominium site plan shall be filed for approval at the time the notice of proposed action is filed with the Township per Section 71 of the Condominium Act. The preliminary site plan shall include all information required for preliminary site plans per Section 8.07 (Required Site Plan Information).

**B2. Final Condominium Site Plan Requirements.**

The final condominium site plan shall include all information required for final site plans per Section 8.07 (Required Site Plan Information), and all information required by the Condominium Act.

**C3. Site Condominium Developments.**

In the case of a site condominium development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots, building envelopes, and required yards shall be shown on the preliminary and final site plans. ~~Principal buildings or detached dwellings on proposed condominium lots may be shown on the site plans but shall not be required for site condominium development approval.~~

**~~Section 12.05D.~~ Changes to an Approved Condominium.**

Amendments or revisions to any condominium document or the approved final condominium site plan (Exhibit B, as required by the Condominium Act) shall be subject to review and approval in accordance with Section 8.12 (Site Plan Amendment and Revision). In the event that the condominium development is located in a Special District, such changes shall be subject to Section 8.12 (Site Plan Amendment and Revision).

**~~Section 12.06E.~~ Effect of Condominium Site Plan Approval.**

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance; authorizes the property owner(s)/developer(s) to submit plans for detailed engineering review; and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s). Execution of the Development Agreement and engineering approval authorizes issuance of building permits, provided all other requirements have been met.

1. No site work or construction shall begin prior to engineering approval, required preconstruction meeting(s) and the execution and recording of the Development Agreement.
2. If a building, structure, or use to be placed on a condominium lot requires site plan approval per Section 6.02C (Site Plan Approval Required), a site plan for that building, structure, or use shall be approved in accordance with Article 8.0 (Site Plan Review) before a building permit or Certificate of Zoning Compliance may be issued.

**~~Section 12.07F.~~ Condominium Site Plan Expiration.**

Expiration of preliminary and final condominium site plans shall be subject to the provisions of Section 8.08 (Expiration of Site Plan Approval). In the event that the

condominium development is located in a Special District, expirations of approval shall be subject to Section ~~8.08~~ (Expiration of Approval).

**~~Section 12.08G. Rescinding Approval of a Condominium Site Plan.~~**

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section ~~8.13~~ (Rescinding Site Plan Approval). In the event that the condominium development is located in a Special District, such action shall be subject to Section ~~8.13~~ (Rescinding Special District Approval).

**~~Section 12.09 Density Regulations.~~**

**~~Incorporate w/Design and Development Standards under new Section 6.01.H.a-f~~**

~~For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, as specified in Article \_\_\_\_\_ (Dimensional Standards). The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located.~~

- ~~1. In the case of a site condominium containing single family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except as permitted in a Special District.~~
- ~~2. Required setbacks for individual condominium units or buildings shall be measured from the perimeter of the condominium lot or road right of way to the nearest part of the structure or building envelope.~~
- ~~3. Where detached units are not located on individual lots ("zero lot line condominium dwellings"), the following standards shall apply:
  - ~~a. The maximum residential dwelling unit density for a site condominium development consisting of all or part of zero lot line condominium dwellings shall conform to the standards of Article \_\_\_\_\_ (Dimensional Standards) for the zoning district.~~
  - ~~b. Required yards shall be measured from:
    - ~~(1) The building envelope boundaries to abutting road rights of way;~~~~~~

- ~~(2) Required perimeter setback lines from parcel boundaries;~~
- ~~(3) Required setback lines from wetlands and watercourses; and~~
- ~~(4) The near edge of drainage easements, general common elements, dedicated open space areas, and similar site elements.~~

~~In no case shall required yard setback areas for such dwellings overlap or encroach into areas reserved for such site elements.~~

- ~~4. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.~~
- ~~5. Residential condominium developments shall conform to the dwelling unit density standards for the zoning district, as specified in Article \_\_\_\_\_ (Dimensional Standards).~~
- ~~6. A condominium is eligible to be developed in accordance with Section \_\_\_\_\_ (Open Space Preservation Residential Development).~~

**Section 12.10H. Design and Development Standards.**

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

**A1. Use Standards.**

Uses within a condominium project shall be regulated by standards of the zoning district set forth in Article 4 where the project is located.

**B2. Condominium Unit or Site Condominium Lot.**

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Township's subdivision regulations. Such units or lots shall be located within a zoning district that permits the proposed use. Such units or lots shall conform to the requirements of this Ordinance for the zoning district, except for permitted outlots provided for an indicated and approved purpose. The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located.

a. For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located.

b. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a

condominium lot with any other principal structure or use, except as permitted in a Special District.

c. Required setbacks for individual condominium units or buildings shall be measured from the perimeter of the condominium lot or road right-of-way to the nearest part of the structure or building envelope.

d. Where detached units are not located on individual lots ("zero lot line condominium dwellings"), the following standards shall apply:

1) The maximum residential dwelling unit density for a site condominium development consisting of all or part of zero lot line condominium dwellings shall conform to the standards of Article \_\_\_\_\_ (Dimensional Standards) for the zoning district.

2) Required yards shall be measured from:

a) The building envelope boundaries to abutting road rights-of-way;

b) Required perimeter setback lines from parcel boundaries;

c) Required setback lines from wetlands and watercourses; and

d) The near edge of drainage easements, general common elements, dedicated open space areas, and similar site elements.

In no case shall required yard setback areas for such dwellings overlap or encroach into areas reserved for such site elements.

e. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.

a-f. A condominium is eligible to be developed in accordance with Section 6.03 (Open Space Preservation Residential Development).

~~1- g. Corner lots shall have extra width to permit appropriate building setback. Lots abutting a mid-block cross-access pedestrian way or other right-of-way shall be treated as corner lots.~~

~~2- h. Residential lots shall not open or face directly onto lots occupied or intended to be occupied by OFFICE, SERVICE AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES. Residential lots shall not open or face directly onto freeway rights-of-way, primary roads, or collector streets as defined by the master transportation plans of the Township, or county or~~

state road authorities. In such situations, residential lots shall be laid out in one of the following ways:

- a. 1) Lots may back onto the above features, and corner lots may abut such features. Such lots shall be separated therefrom by a minimum fifty (50) foot wide transition strip with screen plantings along the abutting property line(s). The transition strip shall not be part of the residential lot but shall be part of the common area for the condominium development. The required transition strip shall be part located outside of any road rights-of-way and utility easements.
  - b. 2) Lots may face onto a marginal access street.
  - c. 3) Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets.
  - d. 4) Lots may be grouped around a cul-de-sac or loop street that opens onto a primary road or collector street.
- 3- i. Lot frontage. All lots shall abut, by their full frontage, on a public or private street. Lots extending through a block are prohibited except where they back directly onto freeway rights-of-way, primary roads, or collector streets as defined by the master transportation plans of the Township, or county or state road authorities.
- 4- j. Lot lines. Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. The Planning Commission may approve lots that deviate from these requirements, upon determination that such deviations would result in better arrangement of lots.
- 5- k. Lots to be buildable. The lot arrangement shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. The size, shape, and location of each lot shall have the following characteristics:
- a. 1) A suitable site for placing a house-building without excessive grading.
  - b. 2) A usable area for outdoor living and other outdoor activities.
  - c. 3) Adequate surface drainage away from the house site and outdoor living areas.

- d. 4) Reasonable driveway grades.
  - e. 5) Minimal general site grading with retention of significant trees and other vegetation.
  - f. 6) Minimal use of acute angles and odd, non-geometric shapes as part of the lot.
- 6- 1. **Non-residential lots.** Lots intended for uses other than residential shall be identified on the plan and shall be specifically designed for such uses in accordance with the provisions of this Ordinance.

**3. Roads and Streets.**

The proposed development shall provide logical extensions of existing or planned roads and streets in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Street and block layout and design shall be subject to the following standards:

- 1-a. **Layout.** Road and street layout shall conform to the adopted Growth Management Master Plan and the following:
- a-1) Public and private streets in a condominium development shall be developed to the standards of the Washtenaw County Road Commission (WCRC). Limited deviations from specific standards may be authorized for private streets only as part of a Special District condominium development per Article 5 (Special District Regulations).
  - b-2) The arrangement of streets in the development shall provide for the extension of an interconnected system of local and collector streets with adjacent developments where such extension is not precluded by topographic or other existing conditions.
  - (1) a) The layout shall also provide for proper projection of streets into adjoining properties not yet developed.
  - (2) b) The Planning Commission may require additional street connections to adjacent parcels above minimum applicable requirements, upon determination that such connections will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
  - e-3) The Planning Commission may require new collector streets or road extensions within or through a condominium development in accordance with the policies of the master

transportation plans of the Township; or upon determination that such roads or streets will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.

~~d.4)~~ Local streets shall be laid out so as to discourage their use by through traffic. This may be accomplished through the use of "T" or roundabout intersections, traffic calming devices, or similar design elements.

~~e.5)~~ Streets shall be arranged in proper relation to topography so as to result in usable lots; safe streets and sidewalks; and reasonable street, driveway, and sidewalk grades.

~~f.6)~~ All street construction shall be centered in the road right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or Washtenaw County Road Commission (WCRC) approves an exception.

~~1-~~ b. Rights-of-way. Dedicated road rights-of-way shall be provided by the developer where necessary for new streets within the development, for changes to existing road rights-of-way mandated by the Township, or county or state road authorities with jurisdiction, and for the purposes of locating, installing, maintaining, and replacing of public utilities. Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the final condominium site plan.

~~2-~~ c. Drainage. All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for condominium developments in Rural Residential Districts with a net dwelling density of less than one (1) unit per acre.

~~3-~~ d. Special treatment along primary roadways. When a development abuts or contains a primary roadway, as defined in the master transportation plans of the Township, or county or state road authorities, the Planning Commission may require marginal access streets, a minimum fifty (50) foot wide transition strip with screen plantings, or such other treatment as determined necessary for protection of residential properties, separation of through and local traffic, and preservation of the traffic-carrying capacity of the primary roadway(s).

~~4-~~ e. Marginal access streets. Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the WCRC and shall be responsible for improving said streets according to County Road Commission standards. A landscaped median strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent road.

- 5- **f. Other required streets.** Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one (1) or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- 6- **g. Street names.** Street names shall be reviewed and accepted by the Township Assessor and outside agencies with jurisdiction. Streets shall have names, not merely numbers or letters. Streets shall not change direction by more than ninety (90) degrees without a change in street name.
- 7- **h. Blocks.** Blocks generally shall be not less than three hundred-thirty (330) feet or more than one thousand three hundred-twenty (1,320) feet in length as measured from the centerlines of streets, subject to the following:
  - 1) No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary.
  - 2) For blocks exceeding six hundred-sixty (660) feet in length, a cross-access pedestrian way easement shall be provided through the block for the crossing of underground utilities and pedestrian traffic. A paved pedestrian path or sidewalk shall be provided within the easement.
  - 3) Blocks intended for non-residential uses shall be especially designed for such purposes and in accordance with Zoning Ordinance provisions. In such cases, the above dimensions do not apply.

**D4. Access.**

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

- ~~1-a.~~ **Driveways.** Driveways and curb cuts shall conform to standards of the County Road Commission and the standards of all Township ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.
- ~~2-b.~~ **Reserve strips.** Privately held reserve strips controlling access to streets shall be prohibited.
- ~~3-c.~~ **Non-motorized transportation facilities.** Sidewalks, pedestrian pathways, and other non-motorized transportation facilities shall be developed and placed in compliance with Michigan Department of Transportation (MDOT) and Township engineering standards, and the following:

Effective Date: August 14, 2008

**Article 6**  
**Development Options**

- ~~a.1)~~ Road rights-of-way shall be sufficient to provide for sidewalks on both sides of all internal public and private streets within a condominium development.
- ~~b.2)~~ Sidewalks shall be required along the entire length of all public road rights-of-way abutting the condominium development
- ~~c.3)~~ Sidewalks shall be required on both sides of all internal public and private streets within a condominium development, except developments in Rural Residential Districts with a net dwelling density of less than one (1) unit per acre, which may be excepted partially or entirely, according to the ~~discretion~~ determination of the Planning Commission.
- ~~d.4)~~ Streets within a condominium development leading directly to a school shall have sidewalks on both sides of the street.
- ~~e.5)~~ Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable. Existing and proposed sidewalks within and along the perimeter of condominium developments shall be connected to existing public sidewalks on abutting parcels, and across road rights- of-way by crosswalks and barrier-free access ramps.
- ~~f.6)~~ A pedestrian way shall be treated as an easement. Pedestrian ways and other non-motorized transportation facilities, other than sidewalks within road rights-of-way, shall be located within a minimum twenty (20) foot wide access easement.

**E5. Natural Features.**

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

**F6. Trees.**

Trees shall be provided ~~in the margins of both sides of all streets in a condominium development and shall be placed at the minimum rate of two (2) per single family residential lot or at a maximum distance apart of sixty (60) feet. The Planning Commission may also require the installation of trees according to the same distances in pedestrian ways in accordance with the standards set forth in Section \_\_\_ (Landscaping requirements).~~

- ~~1. These requirements may be relaxed by the Planning Commission if existing trees within the right of way or easement, or trees growing adjacent to the right of way or easement, satisfy the intent of this Ordinance.~~

~~2. Trees to be installed in the street margins or pedestrian ways shall be of a large deciduous type and shall conform to the standards of Section      (Screening and Land Use Buffers). The Planning Commission may permit substitution of deciduous ornamental trees for some or all of the required street trees.~~

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

**G7. Reservation of Public Use Areas.** ~~{Note – this section needs legal review}~~

Where a proposed park, playground, open space, public school, library, or other public use area shown in the adopted ~~Growth Management Plan~~ Master Plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the final site plan for the development.

~~a. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication.~~

~~b. Such areas, if not dedicated, shall be reserved by the owner(s)/developer(s) for future purchase by the Township or other appropriate public agency.~~

~~a. 1) The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission.~~

~~b. 2) The reservation shall be valid for a period of five hundred forty-five (545) calendar days from the date of Planning Commission approval of the final condominium site plan; or such longer period as might be agreed to in writing by the owner(s)/developer(s) as part of a Development Agreement.~~

~~(+) a) Unless during such period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the owner(s)/developer(s) at the end of the period.~~

~~(2) b) The reservation shall freeze the price per acre of the reserved area for such period at the average value per acre on the date when the plan was first filed with the Clerk.~~

~~(3) c) The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the owner(s)/developer(s).~~

**H8. Exterior Lighting.**

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

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

**I9. Stormwater Management Facilities.**

Developments shall provide for management of stormwater run-off from the developed site. New or expanded facilities shall be located so as to best conform to the layout of existing facilities. Drainage improvements shall conform to the Township's engineering standards and Washtenaw County Drain Commissioner (WCDC) requirements. ~~[Note – not sure that rest of this is necessary]~~

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

shall be designed to emulate a naturally formed or free form depression, and to minimize the need for perimeter fencing.

**310. Potable Water and Sanitary Sewage or Septic Facilities.**

Each condominium unit shall be connected to approved potable water supply and sanitary sewage treatment and disposal systems in accordance with the requirements of Section \_\_\_\_ (Water Supply and Sanitary Sewerage Facilities). ~~and the following:~~  
[Note – all of this is unnecessary]

- ~~1. **Water supply facilities.** Water supply facilities shall be designed and located according to the applicable standards of the Township and any outside agencies with jurisdiction.~~
  - ~~a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.~~
  - ~~b. On-site services and private water systems shall be designed according to applicable standards of the Washtenaw County Environmental Health Division (WCEHD) and the Township.~~
- ~~2. **Sanitary sewage facilities.** Where publicly owned and operated sanitary sewage facilities are available, sewers shall be installed to serve each lot. All sanitary sewer facilities shall be designed and constructed in accordance with the applicable standards of the Township and any outside agencies with jurisdiction.~~
  - ~~a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.~~
  - ~~b. Each lot in a development served by publicly owned and operated sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.~~
  - ~~c. If sanitary sewage facilities are not available, minimum lot sizes shall conform to requirements of the WCEHD, and individual, on-site septic systems shall be subject to WCEHD approval. In no case shall the minimum lot size be less than that required by the zoning district for the subject parcel(s).~~
  - ~~d. The use of private community wastewater systems (PCWS), as defined in Section \_\_\_\_\_ (Definitions), shall be prohibited in condominium developments, except where approved by the Township as part of a Planned Community (PC) Special District.~~

**K1.1. Gas, Wire, and Cable Utilities.**

All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development.

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- ~~1.a.~~ Overhead lines may be permitted upon approval of the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and/or character of the development, and only where such overhead lines are brought to the perimeter of the development.
- ~~2.b.~~ This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface-mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, streetlights, and street light poles.
- ~~3.c.~~ All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review and approval before filing for final approval of the plan.
- ~~4.d.~~ Utilities placed in road rights-of-way shall not conflict with other underground lines.

**11.2. Utility Easements.**

The developer shall dedicate all necessary utility easements to the Township or other agency or entity with jurisdiction for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and removing pipelines, mains, conduits, and other installations of a similar character; for the purpose of providing public utilities, including the conveyance of sewage and water, across, through, and under the property subject to said easement; and for excavating and refilling ditches and trenches necessary for the location of said structures.

1. All underground public utility installations that traverse publicly owned property shall be protected by dedicated easements approved by the public utility.
2. Such easements shall be so located as not to interfere with the use of any lot or other part of the development.
3. The size of and restriction pertaining to such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines.

**~~Section 12.11 Manufactured Housing Park Condominium.~~**

[\[Note – standards to be incorporated with manufactured housing section\]](#)

~~Where a manufactured housing park development falls within the definition of manufactured housing park condominium project in the Condominium Act, said development shall be~~

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~~developed in accordance with the Condominium Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the following:~~

- ~~1. All streets and driveways in the development shall conform to the standards set forth in Section \_\_\_\_\_ (Roads and Streets). Direct vehicular access shall be prohibited from a residential lot to a collector street. Such access shall be provided by local residential streets within the development.~~
- ~~2. Collector street dimensions shall conform to WCRC specifications.~~
- ~~3. Each lot shall abut and have direct access to a public or private street.~~
- ~~4. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.~~
- ~~5. Sidewalks and pedestrian ways shall be provided in accordance with Section \_\_\_\_ (Access), except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.~~
- ~~6. All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this Ordinance and all other applicable Township ordinances and regulations.~~
- ~~7. Fuel oil and gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the development and to dwelling sites shall be underground and so designed as to conform to the State Construction Code and any other applicable codes and ordinances.~~
- ~~8. When a master satellite, wireless Internet or similar centralized antenna is provided, all lines extended to individual lots shall be underground. Such master antennae shall be so placed as not to be a nuisance to development, residents or surrounding areas, and shall comply with the provisions of Section (Wireless Communication Facilities).~~

**Section 12.12I. Non-Residential Condominium.**

Condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, RESEARCH, AND LABORATORY USES shall conform to the provisions of this Ordinance, except for the following modifications provided in this subsection:

1. **Streets.** All streets in a non-residential condominium development shall be paved and shall be designed and constructed to adequately handle truck traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks, and parking areas,

so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

2. **Driveways.** Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the development. Driveways from parking and loading areas shall intersect streets at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.
3. **Blocks.** The block size standards of this Section shall not apply to non-residential condominium developments. Blocks shall be designed to meet the requirements of fire protection, snow removal, other service and emergency vehicles, and the specific needs of the uses that will occupy the development.
4. **Lots.** Lots shall have access from internal streets within the development, or from marginal access streets. Such lots shall not open directly onto primary roads or collector streets.
5. **Sidewalks.** Sidewalks and pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.
6. **Transition strips.** Transition strips shall be provided along the perimeter of a non-residential condominium development as required by this Ordinance. The Planning Commission may require provision of a fence, wall, or screen, if it determines such is necessary to protect the adjacent areas from litter, trespass, and other nuisances.
7. ~~**Expansion.** Any intended or contemplated future expansion of the development should be shown on the preliminary and final site plans.~~

### ~~Section 12.13J~~ Special District Condominium Developments.

Developments in a Special District may be granted certain approved deviations from this Article in accordance with Section \_\_\_\_ (Regulatory Flexibility). Such deviations are intended to accommodate the site planning, engineering, and other requirements of large, comprehensive developments with associated uses, where it can be clearly demonstrated that good cause for such deviation(s) exists.

Such deviations may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards of this Article.

**Section 12-14K. Relocation and Subdivision of Lot Boundaries.**

The relocation of boundaries, subdivision of a condominium lot, and any other change in the dimensions of a condominium unit or site condominium lot, if permitted in the condominium documents, shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of Article (Dimensional Standards), and shall be subject to review as an amended condominium site plan per Article \_\_\_\_ (Site Plan Review).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of Article \_\_ (Dimensional Standards) or shall be placed into common areas within the project. These requirements shall be made a part of the condominium bylaws and shall be recorded as part of the master deed.

**Section 12-15L. Monuments.**

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

1. The Township Engineer may grant a delay in the setting of monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Treasurer cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by the Township Engineer.
2. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.
3. If the developer defaults, the Township Board may promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

**Section 12-16M. Construction in a General Common Element.**

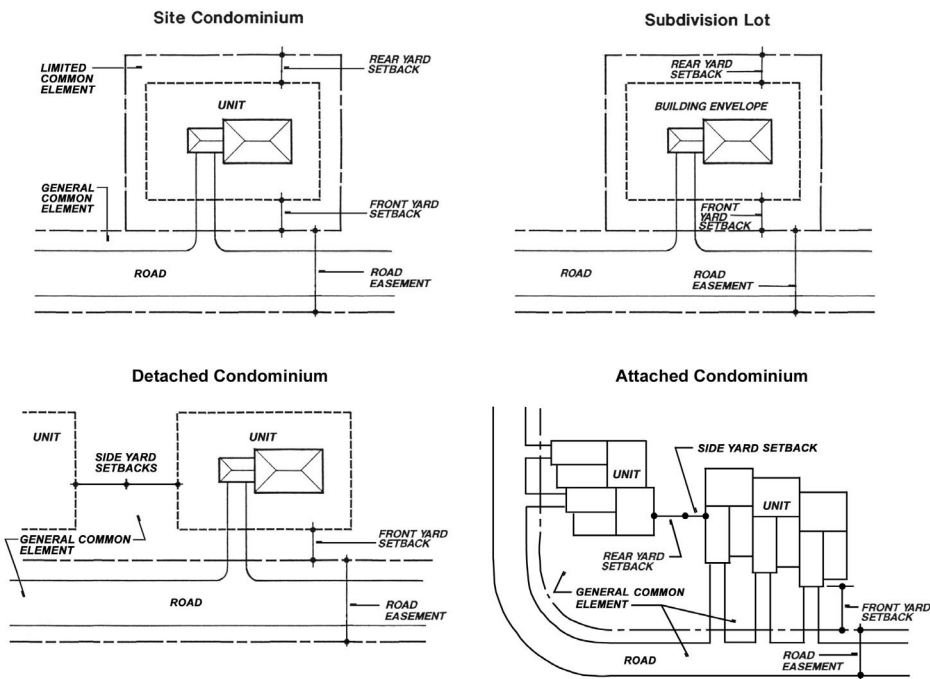
Any application for a Building Permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

**~~Section 12.17N.~~ Recording of Condominium Documents.**

The owner(s)/developer(s) shall record all condominium documents and exhibits with the Washtenaw County Register of Deeds office in a manner and format acceptable to the County.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Township Clerk:
  - a. Two (2) copies of the recorded Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act;
  - b. The "as built" plans, sealed by a licensed professional engineer, landscape architect or similar certified professional, in digital and hardcopy formats acceptable to the Township Engineer; and
2. The Zoning Inspector may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Inspector to do so.
3. A final Certificate of Occupancy for any building in an approved condominium development shall not be issued until the Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act, have been recorded with the Washtenaw County Register of Deeds and the recorded document filed with the Township Clerk.

## ILLUSTRATIONS



## Condominium Terminology

**Section ~~14.016.03~~ 14.016.03 **Open Space Preservation Residential Development (OSPRD):****

**A. Purpose. ~~[MOVED FROM EXISTING SECTION 14.01]~~**

This Section establishes provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act. The purpose of this development option is to preserve agricultural lands, natural resources, and open space in the Township by providing an alternative method for residential development. The intent of this Section is to allow the same number of home sites to be developed per Article \_\_\_\_\_ (Dimensional Standards), but clustered on no more than fifty percent (50%) of the total buildable area of the subject parcel(s). The remaining unused land would exist perpetually in an undeveloped state by means of a conservation easement or similar legal means that runs with the land.

The regulations in this section are also intended to accomplish the following nonexclusive list of purposes.

1. Preserve natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmentally sensitive areas.
2. Achieve a higher quality of residential development than could otherwise be achieved under conventional zoning.
3. Permit development that is consistent with the Township's adopted Master Plan and any other applicable adopted plans.
4. Preserve natural vegetation to the extent feasible.
5. Preserve open space.
6. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical, efficient, and environmentally friendly manner to reduce capital costs of development.
7. Limit soil erosion potential by reducing the amount of clearing and grading needed for development.
8. Encourage a less sprawling form of development, thus preserving open space as undeveloped land.
9. Allow for design innovation to provide flexibility for land development where the normal development approach would otherwise be unnecessarily restrictive or contrary to other Township goals.

**Commented [DM1]:** New intention statements added (items 1-9).

**A-B. Qualifying Conditions. [MOVED FROM EXISTING SECTION 14.01.A]**

A parcel of land, which parcel shall be the parent lot for the purposes of this section, is eligible if all the following requirements are met.

1. The parent lot is zoned AG, R-1A, R-1B, R-2, R-3, or Planned Community (PC) Special District
  2. The parent lot has an area of at least three acres of contiguous land, not divided by a road.
  3. The parent lot is under single ownership control such that a single person or entity has proprietary responsibility for completing and maintaining the development. An applicant applying for an OSPRD under this section shall provide documentation of such ownership or control in the form of agreements, contracts, deeds, or other such evidence as is acceptable to the approving authority to assure that the applicant has sufficient ownership interest in the parcel to bind the land and assure that the development will be completed in its entirety as approved and that the land will continue to be in compliance and maintained in accordance with the final site plan, preliminary plat as finally approved, and the approved maintenance plan under this section.
  4. A OSPRD development shall maintain a minimum of 50% of the gross area of the site as dedicated open space held in common ownership
- ~~1-5.~~ The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by these provisions would also depend upon such an extension.
- ~~2-6.~~ The development option provided pursuant to this Section has not previously been exercised with respect to the subject property, and the subject land not subject to any pre-existing, permanent land conservation encumbrance.
- ~~3-7.~~ Natural resources, open space, or agricultural lands exist on the site that would be preserved through use of this development option.

**B. C. Development Plan. [MOVED FROM EXISTING SECTION 14.01.B]**

A development plan under this Section shall be subject to Township review and approval by one of the following means:

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1. **Site plan review.** Where the lot division is by metes and bounds, a development plan under this Section shall be submitted to the Planning Commission for review in accordance with [Article 8.0](#) (Site Plan Review). Land divisions shall not be approved by the Township until all site plan approval requirements have been satisfied.
2. **Subdivision plat.** Where a development plan under this Section is a subdivision plat, it shall be submitted in accordance with the approval process provided in the Township's subdivision regulations and the standards of this Ordinance.
3. **Site condominium.** When a development plan under this Section is a condominium subdivision (site condominium), it shall be submitted in accordance with the approval process provided in Article \_\_\_\_ (Condominium Regulations).

**C. D. Density Calculations. [MOVED FROM EXISTING SECTION 14.01.C]**

The maximum permitted density in an Open Space Preservation Residential Development shall be determined as follows:

1. The maximum permitted net residential density shall not be greater than that normally permitted within the zoning district. The maximum density shall be the maximum number of lots permitted by the approved parallel design plan as outlined within this Section. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots that can be developed on the subject parcel(s).
2. A parallel design plan shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all state, county, and Township regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated by federal, state, county or local agencies.
3. It must be determined by the Planning Commission that this parallel design plan is able to be physically constructed and meet all current regulations, should the Open Space Preservation Residential Development be denied or not constructed. If there are questions regarding water, septic, wetlands or floodplains, the Planning Commission may request the applicant to obtain approval from the proper regulatory authority. If the Planning Commission determines, through these responses, that the number of lots proposed is unfeasible, the parallel design plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage.
4. The Planning Commission may also waive the submission of a parallel design plan if the Planning Commission determines that the number of housing units proposed for the Open Space Preservation Residential Development is well below what would be feasible for the site. Such a waiver shall be requested by the applicant in writing and shall be recorded as part of the motion for approval in the meeting minutes.

**D. E. Clustering. [MOVED FROM EXISTING SECTION 14.01.D]**

Dwelling units shall be grouped so that dedicated open space within a development equals a minimum of fifty percent (50%) the total buildable area of the subject parcel(s). Where such clustering would require deviations from the minimum required yard setbacks, lot area, and lot width; and maximum permitted ground floor coverage (GFC) and floor area ratio (FAR) otherwise required in the zoning district, the following standards shall apply:

1. Planning Commission determination that the deviation is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.
2. Planning Commission determination that all lots created under this option contain adequate lot area and width to provide for development of a principal dwelling and customary accessory structures without need for a variance.
3. Clustering of the dwelling units shall occur in a manner that preserves the basic amenities and qualities normally associated with single-family living (including privacy, personal open space, and adequate natural lighting and ventilation), while still allowing for innovative site layout and open space areas.

**F. Density Bonus.** To encourage the use of the OSPDORD, if all standards set forth in 6.03.G are met, the underlying density established by 6.03.E may be increased by up to 20% at the discretion of the Planning Commission. Density bonuses shall be based upon a demonstration by the applicant of at least one of the following:

**Commented [DM2]:** New density bonus and needs to be discussed with PC.

1. Preservation of significant natural features. Preservation of significant natural features contained on the site, as long as it is in the best interest of the Township to preserve the natural features that might be negatively impacted by conventional residential development. The determination of whether the site has significant natural features shall be made by the Planning Commission, after review of a natural features analysis, prepared by the applicant, that inventories these features; or
2. Provision of recreation facilities. If the site lacks significant natural features, it can qualify with the provision of usable recreation facilities to which residents and nonresidents of the development shall have reasonable access. Such recreation facilities include areas such as nonmotorized mobility improvements, neighborhood park, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities that provide a feature of community-wide significance and enhance residential development; or
3. Preservation of agricultural land; preservation of existing agricultural land. The determination of whether the site has significant agricultural features shall be made by the Planning Commission after review of a site plan, prepared by the applicant, which inventories these features.

**E. G. Standards for Open Space. [MOVED FROM EXISTING SECTION 14.01.E]**

At least fifty percent (50%) of the total buildable area of the subject parcel(s) shall remain perpetually in an undeveloped state by means of a conservation easement or similar legal instrument that runs with the land, as approved by the Township. Such open space preservation area(s) shall conform to the following standards:

1. Dedicated open space shall be located to preserve significant natural features and to connect open spaces throughout the development with adjacent open space.
2. Open space along the exterior public roads shall have a minimum depth of two hundred (200) feet, as measured from the right-of-way line, either landscaped with natural vegetation or preserved in a natural wooded condition. The Planning Commission may approve a minimum open space depth of one hundred (100) feet along the exterior public roads where the reduction would result in saving significant natural vegetation on the rear of the site. The open space along exterior public roads may be landscaped or left natural; existing tree preservation is preferred, and planted vegetation shall be native to the area.

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3. Use of preserved open space shall be limited to RURAL USES, outdoor recreation, hunting (where permitted), recreational trails, parks and playgrounds, and similar uses, as approved by the Planning Commission.
4. At the landowner's option, all or part of the open space may be dedicated to the use of the public or transferred to public ownership. The Planning Commission shall be prohibited from requiring such a dedication as part of an approval under this Section. Any proposed transfer of open space ownership to public ownership shall be subject to approval of the receiving jurisdiction.
5. If the land to be developed under this option contains a river, stream, pond or other body of water, the Planning Commission may require a portion of the open space to abut the body of water.
6. All structures shall be located outside of the land area designated as preserved open space. Only those structures or improvements that are consistent with the approved development plan and the terms of the conservation easement shall be permitted within the designated open space area.
7. The open space shall be connected with existing or potential open space and/or adjacent public land where feasible.

- ~~7.8.~~ The following areas shall not be considered in the calculation for open space:
- a. Areas within road and other rights-of-way, and utility, drainage or similar public easements.
  - b. Areas occupied by permitted non-residential uses, golf courses, parking lots, stormwater detention or retention basins, private community wastewater systems (PCWS), and similar facilities.
  - c. Required yard setback areas for individual lots.

- ~~9.~~ Where a development under this section is proposed in phases, the Township may require that all land to be dedicated as open space shall be included in the first phase of the development.

**F. H. Conservation Standards. [MOVED FROM EXISTING SECTION 14.01.F]**

The applicant shall provide a copy of the conservation easement or similar legal instrument that would run with the land and have the legal effect of preserving in perpetuity in an undeveloped state the open space required by this Section. The legal instrument shall be subject to the following minimum requirements:

1. **Guarantee of Preservation.** The conservation easement or similar legal instrument the conservation easement or similar legal instrument shall guarantee that all dedicated open space will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided the land uses continue as approved under this Section and Ordinance.
2. **Irrevocable conveyance.** At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization, condominium association, governmental institution, or other governmental or legal entity qualified and able to receive and hold conservation easements in accordance with applicable federal and state laws.
3. **Permitted uses and development.** The instrument shall specify the allowable use(s) of the open space.
4. **Development plan.** The instrument shall require that the open space be maintained in perpetuity in an undeveloped state, without structures or other improvements, except as shown on the approved development plan. The development plan shall be attached to the recorded instrument as an exhibit.
5. **Maintenance plan.** The instrument shall include a detailed maintenance plan that provides standards and a schedule for required maintenance of the open space by the parties who have an ownership interest in the open space; and shall and allows for maintenance to be undertaken by the Township or the easement holder in the event that the open space is inadequately maintained or determined to be a public nuisance, with the assessment of costs upon the property owners.

After Township approval, the applicant shall record the conservation easement or similar legal instrument with the Washtenaw County Register of Deeds office and shall provide proof of recording and two (2) copies of the recorded documents to the Township Clerk.

**H. Design Standards.**

1. The OSPDORD shall be designed to promote preservation of natural features. Lots or site condominium units, roads, stormwater management facilities, and other improvements shall be designed and situated to minimize alteration of or intrusion into the natural environment.
2. Lots or site condominium units shall be located on soils that are most suitable for drainfields.
3. Dwelling units shall be located away from environmentally sensitive areas. They shall not be located in areas most suitable for open space. Dwelling units shall be located as far as possible from agricultural areas.

Commented [DM3]: Where does this originate from in existing code?

4. Placement of wells, septic tanks, and drainfields shall comply with all requirements of Washtenaw County.
5. Each lot or site condominium unit shall have access to and frontage on an approved street.
6. Pedestrian access shall be provided within a development between lots or site condominium units and nonagricultural open space, between open space areas, and to appropriate on- and off-site uses.
7. The Planning Commission may require that structures of historic, cultural, or architectural significance on the site of an OSP ~~DORD~~ be retained, if suitable for rehabilitation. Adaptive reuse for a permitted use may be permitted.

**Section ~~14.046.04~~ Dixboro Design Review. [MOVED FROM EXISTING SECTION 14.04]**

**Commented [DM4]:** Should this section be moved to Article 1 similar to PC and ZBA responsibilities?

**A. Purpose.**

The intent of this Section is to establish procedures and guidelines to ensure that the character and environmental objectives of the ~~Growth Management Plan~~ Master Plan for the Dixboro community will be achieved. This Section is intended to:

1. Establish a Dixboro Design Review Board to provide advisory recommendations to the Planning Commission;
2. Provide procedures and standards for advising residents, property owners, builders, architects, developers, and other interested parties in improving the quality of design of buildings and sites as part of redevelopment, expansion, and new construction projects in the Dixboro community; and
3. Encourage a harmonious blending of contemporary design and construction with Dixboro's existing structures and environmental character.

This Section is not intended to stifle creativity in design or construction, or to require replication of past building styles.

**AB. Scope.**

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

1. Such reviews shall be limited to sites which are located in a VC (Village Center) or NSC (Neighborhood Shopping Center) zoning district within the Dixboro community, or that abut any of the following road rights-of-way:
  - a. Plymouth Road between Old Ford Road/Tanglewood Drive and Dixboro Road;

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- b. Church Street;
  - c. Short Street;
  - d. Cherry Hill Road south from Plymouth Road to Fleming Creek; and
  - e. Dixboro Road south from Church Street to the Ann Arbor Charter Township boundary.
2. The Dixboro Design Review Board shall have responsibility for reviewing and making advisory recommendations to the Planning Commission on minor or preliminary site plan, preliminary condominium site plan, conditional use permit, and special district area plan applications, prior to Planning Commission action, consistent with this Section and the adopted Design Guidelines for the Historic Village of Dixboro.
  3. The Dixboro Design Review Board shall also have responsibility for reviewing and making advisory recommendations to the Zoning Inspector on applications for approval of new single-family dwellings, consistent with this Section and the adopted Design Guidelines for the Historic Village of Dixboro.
  4. The Zoning Inspector shall have responsibility for reviewing applications for administrative site plan approval per Section \_\_\_ (Administrative Approval) and certificates of zoning compliance per Section \_\_\_\_\_ (Certificates of Zoning Compliance). The Zoning Inspector shall make available relevant section(s) of the adopted Design Guidelines for the Historic Village of Dixboro to the applicant and shall make recommendations on the application to encourage consistency with these guidelines.
  5. Any person may meet with the Dixboro Design Review Board during a regularly scheduled meeting without charge to seek input from the Board regarding a proposed development or building project in the Dixboro community. The fee for a special Board meeting shall be as provided for in the Township's adopted fee schedule [amended 8/16/2010, Ord. 174-04].

**BC. Dixboro Design Review Board.**

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

1. Each member shall have a demonstrated interest in the design and environmental character of neighborhoods. The Board shall have in its membership one (1) Planning Commission member, one (1) Township Board member, one (1) architect registered in the State of Michigan, and one (1) person with expertise in real estate, building finance, or a related profession.
2. An employee or contractor of the Township Board shall not serve as a member of the Dixboro Design Review Board.
3. The term of office of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or

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Township Board, whose terms shall be limited to the time they are members of those bodies.

4. All vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed.
5. The Design Review Board shall elect officers for one (1) year terms. Officers shall consist of a Chair, Vice-Chair, and Secretary. An elected officer of the Township shall not serve as Chair.
6. The Design Review Board shall adopt rules for the conduct of its meetings. The rules shall be approved by the Township Board.
7. A member shall abstain from voting on any question in which he or she has a conflict of interest. Failure of a member to abstain in such cases shall constitute malfeasance of office.
8. A member may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section \_\_\_ (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the motion or resolution, if any, regarding removal from office, and the roll call vote of the Township Board.
9. A quorum shall consist of a majority of all members of the Design Review Board. All advisory recommendations shall be made by majority vote of the members present and voting at any meeting where a quorum exists.
10. Design Review Board meetings shall be open to the public, with proper notice given for each meeting. The Design Review Board shall keep minutes of each meeting, with all findings, recommendations, and votes recorded in the minutes. The vote, absence or abstention of each member shall be recorded into the minutes of the meeting. All minutes shall be filed in the Township Clerk's office.

**ED. Design Review Board Responsibilities.**

The Dixboro Design Review Board shall have the following advisory responsibilities under this Section:

1. The Design Review Board shall meet on request from an applicant for design review. Review of applications for design review shall be subject to the following procedural requirements:
  - a. The applicant shall file with the Township Clerk a completed application form, ten (10) copies of all drawings on standard letter, legal, or tabloid size paper, five (5) sets of scaled architectural drawings, and all other information required by this Section for design review. At the time of application for design review, the applicant shall deposit required review fees and escrow deposits with the Township Treasurer. The Clerk shall promptly transmit copies of the application to the Design Review Board. Each application for design review shall contain the following information:

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- (1) All information required for the associated application for approval under this Ordinance or other Township ordinances.
  - (2) Complete, scaled architectural elevations of proposed construction and relating existing structures.
  - (3) Two (2) section profiles through the site, showing proposed improvements and existing improvements that will remain.
  - (4) Type, color, and texture of primary exterior materials, including samples.
  - (5) Location, size, height, lighting, and materials for proposed signs, with elevation drawings.
  - (6) Location, height, type of light fixtures, method of shielding, and intensity of lighting.
  - (7) Existing and proposed landscaping.
  - (8) Photographs showing the site, existing buildings, and adjacent buildings and features necessary to explain the proposed project.
- b. The Design Review Board shall hold a public meeting on each proposal, review the proposal in terms of the purpose of the zoning district in which the property is located and the standards of this Section, and make written findings and recommendations to the Planning Commission.
  - c. The Design Review Board may hold more than one (1) meeting for the purpose of making recommendations, provided that any recommendation to the Planning Commission shall be made within 65 calendar days following receipt of the request for design review by the Township Clerk.
  - d. The Design Review Board's recommendation shall consist of a written copy of its findings and subsequent resolution. The Planning Commission shall, in reviewing a development or use approval application for a site in the Dixboro community under this Ordinance or other Township ordinances, consider any findings and advisory recommendations of the Design Review Board made in accordance with this Section.
2. The Design Review Board may assist residents, property owners, builders, architects, developers, and other interested parties in determining design features that are appropriate for the Dixboro community in accordance with the adopted ~~Growth Management~~ Master Plan policies.
  3. The Design Review Board may advise the Township Board and Planning Commission of appropriate guidelines and standards to carry out the objectives of this Section.
  4. The Design Review Board may advise the Township Board and Planning Commission of design and environmental policies appropriate for the Dixboro community.

**DE. Standards.**

The Design Review Board shall consider the following criteria in making findings regarding the acceptability of the exterior design of a proposed building in the Dixboro community. These criteria shall be evaluated in terms of the purpose of the zoning district where the property is located and adopted ~~Growth Management~~Master Plan policies.

1. Building height.
2. Proportion of the building's front facade; its relationship of height to width.
3. Proportion of openings in the front facade; the relationship of width to height of windows and doors.
4. The rhythm of solids and voids in the front facade.
5. The rhythm of entrance and front porch projections.
6. Relationship of exterior materials, textures, colors, and architectural details.
7. Relationship of roof shapes.
8. Building scale.
9. Directional expression of the front elevation; structural shape, placement of openings.
10. Relationship of landscaping.

## ARTICLE 7: GENERAL PROVISIONS

## ARTICLE 7 GENERAL PROVISIONS

### Section 7.01 Purpose.

The regulations in this Article shall apply in all zoning districts unless specifically provided for elsewhere in this Ordinance.

### Section ~~6.017.02~~ Fence Regulations.

All fences and similar enclosures shall conform to the following:

#### A. General Standards.

The following shall apply to fences in all zoning districts:

1. **Corner clearance.** Fences shall comply with the unobstructed sight distance standards of Section ~~7.13~~ (Corner Clearance Zones).
2. **Materials.** It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
  - a. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence subject to approval per Article ~~8.0~~ (Site Plan Review), where deemed necessary for security purposes or public safety. Fencing used for security purposes shall not be permitted in any front yard, and any part of a yard forward of the rear wall of the principal building nearest to the road right-of-way.
  - b. Barbed wire fences shall be permitted accessory to permitted public utility facilities and essential service uses in any zoning district.
  - c. Barbed wire and electrically charged fence wires shall be permitted accessory to permitted RURAL USES or on parcels where keeping of livestock is legally permitted under this Ordinance. Such fences shall be subject to the following:
    - (1) On boundary fences, the electrically charged wires shall be located on the inside face of the fence posts.
    - (2) Interior fencing, such as fencing located within the boundaries of the property and used for the purpose of protecting small livestock or fowl from predators, may utilize ~~electrically-charged~~ electrically charged wires on the outside of said fencing, provided it does not create a hazard for neighboring properties.

(3) All electrically charged fences shall be of a type and make approved by the Underwriters Laboratories.

(4) All electronically charged fences shall be signed.

~~(3)~~(5) Electronic and barb wired fences may not exceed 10-feet in height

~~3. Security fences. Fencing used for security purposes shall not be permitted in any front yard, and any part of a yard forward of the rear wall of the principal building nearest to the road right of way.~~

~~4.3. Existing fences. Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 15 (Nonconformities).~~

~~5.4. Location of fences. All fences shall be constructed entirely upon the property of the owner of the fence, unless the adjoining property owner(s) consent otherwise.~~

a. Adjoining property owners may jointly apply for a permit to erect a fence upon a common property line.

b. Applicants for fence permits are advised to obtain a property survey to determine the location of lot lines along which a fence is to be erected. In issuing a Certificate of Zoning Compliance or other fence approval under this Ordinance, the Township shall not be responsible for the location of the fence with respect to property lines.

## B. Fence Standards by Use.

Fences shall be subject to the following additional standards by zoning district or associated use:

~~1.~~ **Rural fences.** Fences accessory to permitted Farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) on lots of record not included within the boundaries of a recorded plat and having an area in excess of two (2) acres and a minimum road frontage of two hundred (200) feet shall conform to the requirements of this Section, but shall not require Township approval prior to installation.

~~2.~~ **Residential fences.** Fences in the Rural Residential and Urban Residential Districts, in Special Districts which include RESIDENTIAL USES, or that are accessory to RESIDENTIAL USES in any zoning district, shall be subject to the following:

a. **Rear and interior side yards.** Fences which are located in a rear or interior side yard shall not exceed six (6) feet in height, and shall not extend toward the front of the lot nearer than the front building wall of the house or the required minimum front yard, whichever is greater.

- b. **Front yards.** Fences located in the required front yard, or within any yard area between a road right-of-way and a front building line of the dwelling, shall not exceed three (3) feet in height except as follows:
    - (1) On corner lots, an ornamental, rail, or privacy fence, as defined in ~~Section~~ Article 2 (Definitions), shall be permitted within the area of the second front yard located between the rear lot line and the rear building line of the dwelling extended to the road right-of-way. Such fences shall not exceed six (6) feet in height.
    - (2) For RESIDENTIAL USES in any Rural Districts or Rural Residential Districts, an ornamental or rail fence, as defined in ~~Section~~ Article 2 (Definitions), shall be permitted in the required front yard, or within any yard area between a road right-of-way and a front building line of the dwelling. Such fences shall not exceed six (6) feet in height.
  - c. **Orientation.** Where one side of a fence or wall in the Urban Residential Districts has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
  - d. **Approval required.** Construction, alteration or relocation of fences exceeding ten (10) feet in length in the Rural Residential and Urban Residential Districts, or accessory to RESIDENTIAL USES, shall be subject to Zoning Inspector approval per Section ~~3.02~~ 3.02 (Certificates of Zoning Compliance). Township approval shall not be required for alteration or relocation of fences of ten (10) feet or less in length, provided that such fences shall conform to the requirements of this Section ~~[amended 4/1/2011, Ord. 174-05]~~.
3. **Non-residential fences.** Fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES in any zoning district shall be subject to the following:
- a. **Location.** Such fences may be located within any ~~required rear or side yard~~, subject to height, corner clearance zones, and other applicable regulations of this Ordinance. Fences in front yard or second front yard are prohibited unless approved by the Planning Commission.
  - b. **Height.** Such fences shall not exceed six (6) feet in height, except where otherwise provided for in Article ~~10.300~~ 10.300 (Use Standards).
  - c. **Approval required.** Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to approval of a minor site plan per Article ~~8.0~~ 8.0 (Site Plan Review).

4. **Fences on public lands and enclosing public utilities.** Fences that enclose public parks, playgrounds, and buildings; and public utility and essential service facilities shall be subject to the following:
  - a. Fences that enclose public parks, playgrounds, and public utility buildings shall be permitted in any required yard in any zoning district.
  - b. Fences that enclose public utility and essential service facilities shall not be permitted in a required side yard in the Urban Residential Districts, but may be permitted in any required yard of any other zoning district.
  - c. Such fences shall not exceed shall not exceed a maximum of eight (8) feet in height, unless the Zoning Inspector determines that a higher fence is necessary for safety reasons.
5. **Temporary construction fences.** Temporary construction fences, and fences required for protection around excavations, shall comply with the State Construction Code. Such fences shall be removed within fourteen (14) calendar days following completion of construction activity on the site. The Zoning Inspector may order the removal of temporary construction fences by a date certain where such fences have remained in place for a period exceeding 545 calendar days.
6. **Retaining walls.** Retaining walls shall be considered fences subject to the provisions of this Section if the wall extends more than 30 inches above the adjacent ground level. Fences shall be required on top of retaining walls when required by the State Construction Code.

**C. Height Measurements.**

The height of a fence shall be measured from the ground level at the lowest grade within four (4) feet of any side of a fence post, except that the height of a retaining wall, or a fence located on top of a retaining wall, shall be measured from the ground level at the higher side of the wall (see illustration).

**D. Maintenance.**

Fences shall be maintained so as not to endanger life or property. Any fence that endangers life or property through lack of repair, type, or construction, or otherwise is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Zoning Inspector shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located.

1. The notice shall describe the unsafe condition(s), shall specify the repairs or modifications required to make the fence safe, and shall require an unsafe fence or portions thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal.

2. Failure to make repairs or modifications or to remove the fence within the time limit specified in the notice shall constitute a violation of this Ordinance and shall be punishable in accordance with the provisions of Section \_\_ (Violations and Penalties).

**E. Approval Required.**

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals in accordance with this Section and Ordinance.

**Section 6.02 Swimming Pools.** [Note – Incorporated with Accessory Structures & Uses]

~~Outdoor swimming pools, spas, and hot tubs erected or maintained in the Township with a diameter exceeding twelve (12) feet, a depth exceeding two (2) feet or an area exceeding one hundred (100) square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts shall comply with the following requirements:~~

- ~~1. The pool or its fence shall not be located within any required front yard, or within any yard area between a road right of way and front building line of a dwelling.~~
- ~~2. Rear and side yard setbacks shall be a minimum of ten (10) feet between the property line and the outside wall of the pool or its enclosing fence or deck.~~
- ~~3. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.~~
- ~~4. Such pools shall not be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire. Such pools shall be located outside of any easement area.~~
- ~~5. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured in accordance with the requirements of the Michigan Residential Code.~~
- ~~6. Construction, alteration or relocation of such pools shall be subject to Zoning Inspector approval per Section \_\_\_\_\_ (Certificates of Zoning Compliance).~~

**Section 6.037.03 Accessory Structures and Uses.**

A. Accessory Structures and Uses in Rural, Rural Residential and Urban Residential District. Where a lot is devoted to a permitted principal use or an approved conditional use, accessory uses are permitted ~~if specifically listed as accessory uses in the applicable zoning district, or if substantially similar to such listed uses.~~

~~Accessory- provided such structures and~~ uses shall be secondary and incidental to the principal use(s) of the parcel. Accessory structures and uses shall be subject to the following:

1. Where the accessory structure is attached to the principal building, the accessory structure shall be subject to all regulations of the district in which it is located.
2. ~~No accessory structure shall be used prior to the principal structure or use, except as a construction facility for the principal building.~~
3. ~~Accessory structures and uses shall be supplemental or subordinate to the principal building on a parcel of land, and shall be on the same parcel of land as the principal building or use they serve.~~
4. ~~Accessory structures shall not be located within dedicated easements or rights-of-ways.~~
5. In the Rural, Rural Residential, and Urban Residential Districts, detached accessory structures shall be set back behind the rear ~~building~~ line of the principal building, and shall be set back a minimum of five (5) feet from interior side or rear property lines, except as follows:

Commented [DM1]: front or rear building line?

a. In the case of a corner lot in the Urban Residential Districts, a detached accessory structure shall be set back behind the rear building line opposite the primary front entrance to the principal building, and shall be set back behind the front building line for the second road frontage (see "Accessory Structure Location on Corner Lot" illustration).

b. In the Rural and Rural Residential Districts, accessory structures shall be set back behind the front building line of the principal building, except when all of the following conditions have been met:

- (1) The accessory structure shall be located on a lot with a minimum lot area of ten (10.0) acres;
- (2) The accessory structure shall be set back a minimum of three hundred (300) feet from all front lot boundaries and road rights-of-way, and a minimum of seventy-five (75) feet from all side lot boundaries;
- (3) The accessory structure shall be screened from all road rights-of-way and from dwellings on adjoining lots by any combination of topography, existing vegetation, fences permitted per Section ~~7.02~~ (Fence Regulations), other permitted structures, or the installation of additional landscaping elements per Section ~~12.02~~ (Methods of Screening Landscaping); and

(4) The accessory structure and any additional screening shall be subject to review and approval by the Zoning Inspector per Section ~~3.02~~ (Certificates of Zoning Compliance).

c. In the Rural and Rural Residential Districts, accessory structures shall not encroach into the minimum required side ~~or rear~~ yard.

d. Detached accessory structures in the Rural Districts larger than eight hundred thirty-two (832) square feet in floor area shall comply with the minimum required yard setback standards for the zoning district.

~~63. In any zoning district, a~~ detached accessory structure shall not exceed fifteen (15) feet in height, except as follows:

a. In the Rural Districts and R-1 (Single-Family Residential) zoning district, non-farm accessory structure height shall not exceed twenty (20) feet.

b. Structures accessory to farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from these requirements.

c. Other accessory structure height exceptions as permitted per Section ~~4.08.A~~ (Height Exceptions).

~~74. In the Rural Residential and Urban Residential Districts, not more than twenty-five percent (25%) of the area of the minimum required rear yard may be occupied by accessory structures.~~

~~In any Business District, any accessory use or structure not attached to the principal building shall comply with all area, placement, and height regulations of the district in which it is located.~~

~~85. In any zoning district, the ground floor area of all detached accessory structures except farm structures, private stables, and riding arenas shall not exceed the ground floor area of the principal building, subject to the following:~~

a. In the Rural Districts and R-1 (Single-Family Residential) zoning district, the ground floor area of such accessory structures shall not exceed one and one-half (1-1/2) times the ground floor area of the principal building, up to a maximum of four thousand (4,000) square feet.

b. In the Rural Residential and Urban Residential Districts, the floor area of a residential garage shall not exceed the habitable ~~first floor area, not including basement floor area,~~ of the principal dwelling.

a. c. In no case shall such accessory structures exceed four thousand (4,000) square feet.

~~69. In any zoning district, a detached accessory structure shall be located at least ten (10) feet from any other principal building or accessory structure.~~

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~~7. No accessory structure shall be used prior to the principal building, except as a temporary construction structure per Section 7.04 (Temporary Structures) [amended 6/18/2012, Ord. 174-10].~~

B. Outdoor swimming pools, spas, and hot tubs. Outdoor swimming pools, spas, and hot tubs erected or maintained in the Township with a diameter exceeding twelve (12) feet, a depth exceeding two (2) feet or an area exceeding one hundred (100) square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts shall comply with the following requirements:

1. The pool or its fence shall not be located within any required front yard, or within any yard area between a road right-of-way and front building line of a dwelling.
2. Rear and side yard setbacks shall be a minimum of ten (10) feet between the property line and the outside wall of the pool or its enclosing fence or deck.
3. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.
4. Such pools shall not be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire. Such pools shall be located outside of any easement area.
5. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured in accordance with the requirements of the Michigan Residential Code.
6. Construction, alteration or relocation of such pools shall be subject to Zoning Inspector approval per Section 3.02 (Certificates of Zoning Compliance). Accessory Structures and Uses in Rural, Rural Residential and Urban Residential Districts.

C. Accessory Dwelling.

A. Purpose and intent. Accessory dwelling units are dwelling units which are accessory to a principal dwelling unit located on the same lot or parcel. The intent of these regulations is to:

1. Provide older homeowners with a means to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate-income household who might otherwise have difficulty finding housing;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
4. Provide housing units for persons with disabilities; and
5. Protect stability, property values, and the residential character of a neighborhood.

B. Application of regulations. Accessory dwelling units shall be a conditional use in the Rural, Rural Residential and Urban Residential Districts.

C. Standards of approval.

1. The units shall be a separate housekeeping unit, and shall not exceed 50% of the floor area of the principal residence.
2. Only one accessory dwelling shall be permitted on each lot or parcel.
3. The owners of the principal residence shall continue to occupy the principal residence.
4. The accessory dwelling unit shall not be occupied by more than two persons meeting the definition of "family."
5. All setback and lot coverage requirements of the district shall be met.
6. A minimum of one additional off-street parking space shall be provided for the accessory dwelling.

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

- ~~1. Accessory To Office and Service Uses And Commercial Uses. The following standards shall apply to accessory dwelling units permitted in the O-1 (Office) District, and the NSC (Neighborhood Shopping Center) and VC (Village Center) Special Districts:~~
  - ~~a. The accessory dwelling unit(s) shall be located within the same building occupied or intended to be occupied by one (1) more principal OFFICE AND SERVICES USES or COMMERCIAL USES, as permitted in the zoning district.~~
  - ~~b. Accessory dwelling units shall be prohibited on the ground floor or street level of the building and shall be constructed with adequate sound and firewall separation from the principal use(s).~~
  - ~~c. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.~~
  - ~~d. Parking shall be provided for each accessory dwelling unit per Article \_\_\_\_\_ (Off-Street Parking and Loading Regulations).~~
  - ~~e. Construction of new accessory dwelling units shall be subject to site plan approval per Article \_\_\_\_\_ (Site Plan Review). The application shall include submittal of floor plans for the accessory dwelling and principal building.~~
  - ~~f. Alteration of existing, approved accessory dwelling units shall be subject to administrative approval per Section \_\_\_\_\_ (Certificates of Zoning Compliance).~~

**2. Accessory Dwelling In The Pm Special District.**

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

- ~~a. The accessory dwelling shall be located in a separate residential building on the same parcel or an abutting parcel under the same ownership as the principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted on the site.~~
- ~~b. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel, or to on-site security personnel.~~
- ~~c. Approval of a new accessory dwelling in the PM Special District shall be subject to the procedures and requirements of Article \_\_\_\_\_ (Special District Regulations). The application shall include submittal of floor plans and elevation drawings for the accessory dwelling.~~
- ~~d. Alteration of an existing, approved accessory dwelling in the PM Special District shall be subject to administrative approval per Section 3.02 (Certificates of Zoning Compliance).~~

**3. Caretaker's Residence.**

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

- ~~a. The caretaker's residence may be located within the principal building or may be a separate residential building on the same parcel as the principal use(s).~~
- ~~b. The caretaker's residence shall have separate kitchen, bath, and toilet facilities and a private entrance. If located within the principal building, the caretaker's residence shall be constructed with adequate sound and firewall separation from the principal use(s).~~
- ~~c. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel.~~
- ~~d. Construction of a caretaker's residence shall be subject to site plan approval per Article \_\_\_\_\_ (Site Plan Review). The application shall include submittal of floor plans and elevation drawings for the accessory dwelling.~~
- ~~e. Alteration of an existing, approved accessory dwelling in the PM Special District shall be subject to administrative approval per Section 3.02 (Certificates of Zoning Compliance).~~

C. \_\_\_\_\_

**D. D. ACCESSORY OFFICE, SERVICE, AND COMMUNITY USES.**

Where specific OFFICE, SERVICE, AND COMMUNITY USES are proposed accessory to another principal use in a zoning district, such uses shall be subject to the following restrictions, in addition to any other applicable use standards:

1. Such uses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building and not for the use of the general public.
2. No signs for such accessory uses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. In the Planned Community (PC), Medical Services (MS), and Planned Manufacturing (PM) Special Districts, such uses shall be located either in a building containing the principal use that will be served, or in a service center consisting of one (1) or more buildings designed with common drives, parking and loading areas, and landscaping.
4. In all other zoning districts where accessory OFFICE, SERVICE, AND COMMUNITY USES are permitted, such uses shall be located in a building containing the permitted principal use that will be served.
5. Where an accessory pharmacy, drugstore or medical supply store is located within a hospital or other principal building, the building shall have sixty-five percent (65%) or more of its usable floor area devoted to principal medical or dental uses. Not more than eight percent (8%) of the building's usable floor area shall be occupied by the pharmacy, drugstore or medical supply store.

**E. Accessory COMMERCIAL USES.**

Where specific COMMERCIAL USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

1. Such businesses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building or employees of the principal use(s), and not for the use of the general public.
2. No signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. In the Planned Community (PC), Medical Services (MS), and Planned Manufacturing (PM) Special Districts, such uses shall be located either in a building containing the permitted principal use that will be served, or in a service center consisting of one (1) or more buildings designed with common drives, parking and loading areas, and landscaping.

4. In all other zoning districts where accessory COMMERCIAL USES are permitted, such uses shall be located in a building containing the permitted principal use that will be served.

### **Section ~~6.047.04~~ Temporary Structures.**

Temporary dwellings, temporary construction structures, and other temporary structures in all zoning districts shall be subject to the following:

#### **A. Requirements and Procedures.**

Placement of a temporary structure on a parcel, where permitted, shall conform to the following requirements and procedures:

1. A Certificate of Zoning Compliance indicating approval of the location of the proposed temporary structure shall be obtained from the Zoning Inspector. The Zoning Inspector shall provide to the owner/occupant of a temporary structure two (2) copies of a written statement setting forth the conditions of the Certificate of Zoning Compliance, which shall be signed by the owner/occupant indicating full knowledge of such conditions. At a minimum, the following conditions shall be placed on any Certificate for a temporary structure:
  - a. The Zoning Inspector shall establish a reasonable date for removal of the temporary dwelling structure, said date not to exceed two (2) years from the date of the Certificate of Zoning Compliance.
  - b. The Certificate of Zoning Compliance shall not take effect until the Zoning Inspector has received the signed copy acknowledging compliance with the conditions from the owner or occupant. The Zoning Inspector shall provide a signed copy to the Township Clerk for the Township records.
  - c. Any approval under this Section shall not be transferable to another owner or occupant.
  - d. A temporary structure shall be connected to on-site private water supply and sewage disposal systems approved by the Washtenaw County Environmental Health Division or to publicly owned and operated water supply and sanitary sewage systems, unless the structure is used solely for storage purposes.
2. The Zoning Inspector shall notify the Township Board and Planning Commission in writing of each Certificate issued under this Section.

#### **~~B. Certificate of Occupancy.~~**

3. A Certificate of Occupancy indicating approval of the temporary structure as acceptable for human habitation shall be required, unless the structure is used solely for storage purposes. The Building Inspector shall refuse to issue the Certificate if the design or construction of the structure indicates that it is

intended to stand as a permanent building, or that it will be inimical to the public health, safety, and welfare of the occupants or surrounding residents.

**C. Extension.**

4. The time limit for use of a temporary structure may be extended upon written application to the Zoning Board of Appeals (ZBA) before the expiration of the Certificate of Zoning Compliance. The ZBA may, on showing that completion of the dwelling was delayed by physical disability of the person holding the permit or other circumstances not created by the permit holder, grant one (1) extension for a period not to exceed 180 calendar days after the Certificate's expiration date.

**DB. Temporary Dwellings.**

The following additional standards and conditions shall apply to temporary dwellings:

1. A temporary dwelling shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.
2. No cabin, garage, cellar, or basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, or moved or used in whole or in part for any dwelling purpose whatsoever for any time except as permitted in the following situations:
  - a. A manufactured home may be used as a temporary dwelling in the Rural Districts by a family constructing a new permanent dwelling on the lot. A camper, travel trailer, motor home, recreational vehicle, cabin, tent, basement, garage or similar unit shall not be used as a temporary dwelling in any zoning district.
  - b. If a dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling may be moved onto the lot and occupied by the family so displaced.
3. Upon approval of a Certificate of Zoning Compliance, the property owner(s) shall provide the Township Treasurer with a cash bond in the amount of one thousand dollars (\$1,000) to ensure removal of the temporary dwelling per this Section.
4. The temporary dwelling shall be vacated and shall be removed from the lot within fourteen (14) calendar days of the date of occupancy of the constructed, replaced, or repaired permanent dwelling, with the date of occupancy to be listed on the Certificate of Occupancy of the permanent dwelling.

**EC. Temporary Construction Structures.**

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

1. A nonresidential temporary structure designed as a general sales office or financial institution may be used exclusively for such purposes during construction of a permanent structure designed for any such purpose. Such temporary structure shall be permitted only in Business or Special Districts~~Districts~~, and only if such permanent structure and use is permitted in said zoning district. Said structure shall be removed no later than seven days after the issuance of any occupancy certificate for the permanent structure.
  
2. A nonresidential temporary structure, designed as a sales office, may be used in a residential development, including a PD, exclusively for the purpose of selling new dwelling units within said residential development. The temporary structure may be used only during the construction of a model home/sales office and shall be removed no later than seven days after the issuance of any occupancy certificate for said model homes. In no case may a temporary sales office be used for more than a one-year period. The temporary office shall be the sole occupancy of, and located entirely within the buildable area of, a single lot, shall provide the off-street parking required by Article (Insert) and shall meet all requirements of the Building Code. Unless exempted by the Building Code, the temporary structure shall be connected to public water and sanitary sewer lines, where available, in which case a connection permit shall be obtained from the Township Utilities Department. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and a septic or holding tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department. Said temporary structure may not be occupied until an occupancy certificate has been issued. A temporary sales office permitted under this subsection shall not be subject to the provisions of Subsections C through E, following.
  
- ~~(3)~~
  
3. A nonresidential temporary structure, not to exceed 12 feet by 40 feet in size, designed as a construction office, may be used in a residential development, including a PD. If the development has more than one model home, the temporary structure may be used only during the construction of the model homes and shall be removed not later than seven days after the issuance of any occupancy certificate for said model homes. In all cases the temporary construction office shall be removed when occupancy certificates have been issued for 80% of the proposed structures in the phase in which it is located. The temporary office shall be located entirely within the buildable area of a single lot, shall provide the off-street parking required by Article XII, and shall meet all requirements of the Building Code.
  
- 1.4. In the event that the construction project involves more than one (1) phase or an extended construction schedule, the Zoning Inspector may grant an extended Certificate not to exceed four (4) years.

- ~~2.5.~~ The location of temporary construction structures, including any temporary sales office or model, shall be subject to Zoning Inspector approval. Such structures shall be located outside of road rights-of-way and corner clearance zones.
- ~~3.~~ ~~The temporary construction structure shall be vacated and shall be removed from the site within fourteen (14) calendar days following completion of the final phase.~~
- ~~4.6.~~ Upon approval of a Certificate of Zoning Compliance, the property owner(s) shall provide the Township Treasurer with a cash bond in the amount of one thousand dollars (\$1,000) to ensure removal of the temporary dwelling per this Section.

**FD. Temporary Business and Industrial Buildings.**

Temporary buildings used for commercial, office, or industrial purposes subject to the following additional standards:

1. A temporary structure shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.
2. Upon approval of a Certificate of Zoning Compliance, the property owner(s) shall provide the Township Treasurer with a cash bond in the amount of five thousand dollars (\$5,000) to ensure removal of the temporary dwelling per this Section.

**Section 5.4127.05 Temporary Outdoor Sales.**

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

1. An outdoor sales area and parking shall not occupy or obstruct the use of any fire lane, roadway, drive aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this chapter. No part of such sales operation shall be located within any road right-of-way or corner clearance area.
2. Temporary outdoor sales shall not be located within a required yard setback, landscape strip or transition buffer, except as permitted within an existing parking lot or developed area of a nonconforming site with the approval of the Zoning Inspector.
3. The sales operation shall not impede or adversely affect vehicular or pedestrian traffic flow or parking maneuvers.
4. Merchandise, equipment, and materials used in or resulting from such sales shall be removed from the premises within ~~threeone (13)~~ days of termination of the sale.
5. Temporary outdoor sales shall only be accessory to a permitted use on the same lot. Only those products that are sold or are similar to the products

sold within the principal building on the same lot may be permitted to be sold or displayed outdoors.

6. The use of amplifiers, banners, and other attention gathering devices shall be prohibited.
7. Temporary outdoor sales accessory to a business operation shall not exceed a maximum of thirty (30) days per calendar year. Where multiple businesses occupy a single building or zoning lot (such as in a shopping center), such sales shall not exceed a maximum total for all businesses of sixty (60) days per calendar year.
8. To inform the Township of specific sales dates during a particular calendar year, the property or business owner shall apply for administrative approval per Section 3.02 (Certificates of Zoning Compliance).
9. The Zoning Inspector may require a cash bond of two hundred fifty dollars (\$250) to be provided to the Township prior to the start of an approved sale to guarantee site clean-up.
- 5.10. Temporary outdoor sales shall comply with all applicable requirements of this Ordinance and other Township ordinances, such as noise restrictions, exterior lighting standards, etc. [amended 4/1/2011, Ord. 174-05].

### **Section ~~6.057.06~~ Transient and Amusement Enterprises.**

Circuses, carnivals, other transient amusement enterprises, music festivals, fundraising events, temporary gatherings of people, and similar for-profit or non-profit activities shall be subject to the following:

#### **A. Acceptance of Applications by the Township Board.**

Applications for approval of such activities shall be forwarded to the Township Clerk for review and acceptance by the Township Board. Upon a finding by the Township Board that the location of such activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare, the application shall be deemed to be accepted by the Township for review. Applications not accepted by the Board shall be returned to the applicant with a written statement of the Board's reasons for rejection.

The Township Board may require posting of a performance guarantee in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining ~~land-owners~~ landowners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

#### **B. Approval of Non-Profit Activities.**

Activities operated by a permitted institutional use, public charity, or non-profit organization for the sole purpose of raising funds for that organization or its programs shall be permitted in any zoning district, subject to approval of a certificate of zoning compliance per Section 3.02 (Certificates of Zoning Compliance). A public charity or non-profit organization shall include any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1943 [26 U.S.C. 501(c)(3)], as incorporated by reference in Section 201 of the Michigan Income Tax Act (P.A. 281 of 1967, as amended).

**C. Approval of Other Activities.**

All other activities regulated by this Section may be permitted as a conditional use in any zoning district, subject to review and approval in accordance with Article 9.0 (Conditional Uses). Such activities shall further comply with the applicable standards of the Township's Outdoor Assemblies Ordinance (Ord. No. 23).

**Section ~~6-067-07~~ Vehicle Repair in Residential Zoning Districts.**

The repairing of an automobile or motor vehicle in the Rural Residential or Urban Residential Districts, or accessory to any RESIDENTIAL USES in any zoning district, shall be subject to the following: ~~[NOTE: Is this intended to be restricted to the owner of the property. It is written to allow outside vendors.]~~

1. Motor vehicle repairs and maintenance outside of a completely enclosed structure shall be limited to:
  - a. Changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil;
  - b. Replacement of spark plugs and ignition points;
  - c. Rotation of tires and checking of adequate pressure; and
  - d. Replacement of drive belts and hydraulic and coolant lines.
2. Adequate provision shall be made for the safe and proper handling and disposal of used, drained, or replaced fluids.
3. Any other motor vehicle repairs or maintenance shall be restricted to within a completely enclosed structure.
4. All repair and maintenance activities shall be limited to licensed and registered vehicles owned and operated by the lot's property owner(s) or occupant(s). Such repairs and maintenance shall be performed only at the address shown on the vehicle registration.

**Section 6.07 — Completion of Construction.**

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

- ~~B. — Where excavation, demolition, or removal is deemed to be actual construction, a building permit for the actual construction of a new structure shall be issued by the Building Inspector within three hundred sixty five (365) calendar days following the effective date of adoption or amendment of this Ordinance, or the activity shall lose its status as actual construction and shall not be entitled to the protections of this Section.~~
- ~~C. — Where a building permit has been issued within three hundred sixty five (365) calendar days of such effective date and diligently pursued to completion, the structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and may be occupied by the use for which it was originally designed, subject thereafter to the provisions of Article \_\_\_\_\_ (Nonconformities), if applicable.~~

**Section 6.087.08 Access Through Yards.**

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. ~~Any walk, terrace or other pavement serving a like function and not in excess of eighteen (18") inches above grade shall be permitted in any required yard and not be considered to be a structure.~~

**Section 6.09 — Property Maintenance.** [Note Vague language and not appropriate for Zoning Ordinance]

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

**~~Section 6.10 — Property Between the Lot Line and Road.~~**

~~[NOTE: Not appropriate for a Zoning Ordinance, should be in General Ordinance]~~

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

**Section 6.117.09 Voting Place.**

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.

**Section 6.127.10 Essential Services.**

Essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation, or Township ordinance.

**~~Section 6.13 — Performance Standards.~~ [Note – moved to Art 13.]**

~~No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.~~

**~~A. — Purpose and Scope.~~**

~~The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.~~

~~Farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from these requirements. No other structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.~~

~~Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds~~

~~that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.~~

**~~B. Noise.~~**

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

~~1. **Noise disturbance examples.** Examples of noise disturbances include, but are not limited to:~~

~~a. Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.~~

~~b. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across any residential zoning district boundary or within a noise sensitive zone as defined in Section \_\_\_\_\_ (Definitions).~~

~~c. Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across any residential zoning district boundary or within a noise sensitive zone as defined in Section \_\_\_\_\_ (Definitions). This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.~~

~~d. Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.~~

~~e. Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A weighted sound level is lower than the specific limits set forth in this Section, provided that conspicuous signs are displayed indicating the presence of the zone.~~

~~2. **Exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally accepted manner:~~

- a. ~~The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.~~
- b. ~~Snow plowing and other public works activities.~~
- c. ~~Church bells, chimes, and carillons.~~
- d. ~~Lawn care and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.~~
- e. ~~Licensed vehicles operated on a road.~~
- f. ~~Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities.~~

3. ~~**Maximum permitted sound levels by receiving zoning district.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.~~

<b>Receiving Zoning District</b>	<b>Time</b>	<b>Average Sound Level</b>
Rural Residential Districts	7:00 a.m. to 10:00 p.m.	55 dB(A)
Urban Residential Districts	10:00 p.m. to 7:00 a.m.	50 dB(A)
Non-Residential Districts	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

Notes related to table:

- a. ~~**Correction for tonal sounds.** For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial noise sensitive.~~
- b. ~~**Correction for impulsive or impact sounds.** For any source of sound that emits an atypical impulsive or impact sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial noise sensitive.~~
- c. ~~**Special Districts.** Where the receiving district is a Special District, the applicable standards of this table shall be based on the types of uses within the planned development.~~

**~~C. — Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.~~**

~~Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air.~~

~~The drifting of air borne matter beyond the lot line, including wind blown dust, particles or debris from open stockpiles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.~~

**~~D. — Odor.~~**

~~Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.~~

**~~E. — Glare and Heat.~~**

~~Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one half (1/2) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.~~

**~~F. — Sewage Wastes and Water Pollution.~~**

~~Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal, state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Washtenaw County Environmental Health Division, and the U.S. Environmental Protection Agency.~~

**~~G. — Fire and Safety Hazards.~~**

~~The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).~~

**~~H. — Gases.~~**

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction:

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

**Notes Related to Table:**

- ppm = parts per million
- µg = micrograms
- mg = milligrams
- cc = cubic centimeters

**I. ~~Electromagnetic Radiation and Radio Transmission.~~**

~~Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.~~

**J. ~~Radioactive Materials.~~**

~~Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the~~

~~lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.~~

~~**K. Procedures for Determining Compliance.**~~

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

~~1. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Inspector or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. Upon initiation of an official investigation, the Zoning Inspector or designated Township consultant shall be empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:~~

- ~~a. Plans of the existing or proposed facilities, including buildings and equipment.~~
- ~~b. A description of the existing or proposed machinery, processes, and products.~~
- ~~c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.~~
- ~~d. Measurement of the amount or rate of emissions of materials purported to be in violation.~~

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

~~If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such~~

~~other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.~~

- ~~3. **Appropriate remedies.** If, after appropriate investigation, the Zoning Inspector or designated Township consultant determines that a violation does exist, written notice of the violation shall be provided to the owners or operators of the facility deemed responsible requesting that the violation be corrected within a specified time limit.
  - ~~a. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, the Zoning Inspector or designated Township consultant shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.~~
  - ~~b. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Township shall take such action as may be warranted to correct the violation in accordance with the regulations set forth in this Section.~~
  - ~~c. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Township may grant an extension upon determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.~~
  - ~~d. **Reply requesting technical determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Township may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.~~~~
- ~~4. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to other applicable penalties under this Ordinance.~~

**Section ~~3-2087.11~~ Corner Clearance Zones. [moved to Art. 7]**

A. On a corner lot in any zoning district, no fence, wall, hedge, screen, sign, structure, or planting shall be placed in such manner as to materially impede the vision between a height of two (2) feet and six (6) feet above the existing centerline road grade within a triangular area formed by the intersection of two (2) road right-of-way lines connected by a diagonal across the interior of such lines at the following distances from the point of intersection (see "Corner Clearance Area" illustration):

<b>Table 7.10 A-1 Corner Clearance Zones</b>	
<b>Type of Road Intersection</b>	<b>Minimum Corner Clearance Distance along Rights-of-Way</b>
<u>Any intersection of two (2) primary roadways</u>	<u>50 feet</u>
<u>Any intersection of a primary roadway and a collector or local roadway</u>	<u>25 feet</u>
<u>Any intersection of a collector roadway and a collector or local roadway</u>	<u>25 feet</u>
<u>Any intersection of local roadways</u>	<u>10 feet</u>

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

C. Trees shall be permitted within a corner clearance zone, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

**Section 3-2077.12 Access to Streets.**

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved road. Access to streets shall be subject to the following:

**1. Access to Public or Private Streets**

- a. In any district, every lot created and every principal use or structure which is established after the effective date of adoption or amendment of this Ordinance shall be on a lot or parcel which abuts an approved public or private street by the entire width of the lot.
- b. No building permits or land division permits shall be issued for any lot or parcel until access, as required under this section, has been constructed and approved. The Zoning Administrator shall have the authority to approve the provision of required access.

**2. Road Construction**

- a. Such street shall have a right of way at least 66 feet wide unless a lesser width has been established and recorded prior to the effective date of this Ordinance. A driveway may not serve more than one lot or parcel unless a private road is constructed for which the design and construction have been approved per the Township Engineering Standards.
- b. All new public road construction and road improvements shall comply with the applicable Washtenaw County Road Commission or Michigan Department of Transportation standards.
- a. All new private road construction and road improvements shall comply with the applicable Township engineering standards and any other applicable Township policies.

**3. Access for Emergency Services and Parking and Loading Areas**

Every building and structure located or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for emergency purposes and fire protection vehicles, and for required off-street parking and loading areas.

**4. Access to Uses Not Permitted in Residential Districts**

No land in any Rural Residential or Urban Residential Districts shall be used for vehicular or pedestrian access to land or structures in other zoning districts used for any purpose not permitted in the residential district, except as provided in this subsection or otherwise authorized by this Ordinance. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately-owned residentially zoned land.

**Commented [DM2]:** This needs to be clarified. The Land Division

Ordinance No. 145 says a property must be accessible by a private or public road but does not say that road needs to run along the entire width of the lot.

In the past, the Township has required a private road easement to be recorded along the entire length of the parcel to meet the minimum lot width requirement.

Effective Date: **August 14, 2008**

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[access reserved for and limited to such vehicles may be authorized by the Planning Commission, subject to such conditions and safeguards as the Planning Commission deems necessary to protect the tranquility and character of the residential lands so traversed.](#)