

ORDINANCE NO. 43 - _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF FREEDOM TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

Pursuant to the authority vested in it by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, Freedom Township, Washtenaw County, Michigan ordains the following amendments to articles 3.0 (Dimensional Standards), 4.0 (Land Use Table), 5.0 (Use Standards), 6.0 (General Provisions), 10.0 (Supplemental Development Provisions), 15.0 (Site Plan Review), and 19.0 (Definitions) of the Freedom Township Zoning Ordinance No. 43 for the purposes of revising the dimensional standards and inserting new and updated requirements for principal dwellings, accessory structures, and building grades on waterfront lots; clarifying provisions for required waterfront setbacks; adding requirements for administrative site plan approvals for new construction and additions of 300 square-feet or more on waterfront lots; and inserting new and updated definitions, by authority of Public Act 110 of 2006, as amended.

FREEDOM TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

PART A.

[Section 3.101 (Table of Dimensional Standards by District) is hereby amended to amend the maximum building height standards for the Lake (LK) zoning district to 31 feet and 2.0 stories, as follows:]

Section 3.101 Table of Dimensional Standards by District.

Standards		Districts	Additional Provisions
		LK	
Maximum Building Height (feet)	Feet	31-35	Section 3.201
	Stories	2.0-2.5	
Lot Standards (per unit)	Minimum Width (feet)	100	Section 3.202
	Minimum Area (acres or square-feet)	10,000 sq.ft.	
Yard / Setback Standards (feet)	Front Yard	Minimum 20	Section 3.203 Section 3.204
	Side Yard	Minimum, Each Side 10	
	Minimum Rear Yard 35		
Minimum Separation Between Principal Buildings (feet)			
Maximum Floor Area Ratio (FAR)		0.60	Section 3.202
Maximum Ground Floor Coverage (GFC)		30%	Section 3.202
Minimum Gross Floor Area of a Principal Detached Dwelling (square-feet)		1,000	
Maximum Net Dwelling Unit Density (units per acre)			Section 3.202

PART B.

[Section 6.15 (Building Grades) is hereby deleted and replaced in its entirety with a new Section entitled "Grade" as follows:]

Section 6.15 ~~Building~~ Grades.

The following minimum standards shall apply to grade alterations on land in the Township:

A. In All Zoning Districts.

1. All buildings Buildings shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.
2. Yards shall be graded to prevent ponding of surface water, and to not increase the natural flow or runoff of surface water on to adjacent lots or road rights-of-way.
3. The applicant shall provide documentation to the Township to show that proposed grade changes will not impact existing drainage patterns in the area or cause ponding of surface water on adjacent lots or road rights-of-way.

B. Additional Standards for Waterfront Lots in the Lake (LK) District.

1. Grade alterations shall not exceed one (1) foot above or below the existing grade of the lot, unless more extensive grading is determined necessary by the Township Engineer to correct a pre-existing nuisance or unsafe condition.
2. Determinations related to building height and number of stories shall be based on the existing grade prior to construction or alteration.
3. Use of retaining walls, cutting or filling to alter grade or impact the finished grade measurement shall be prohibited.

PART C.

[Subsection "B." of Section 10.04 (Natural Resources Protection) is hereby amended to add a provision for Township Engineer review and acceptance of ordinary high water mark determinations on a waterfront lot, as follows:]

Section 10.04 Natural Resources Protection.

B. Watercourses and Wetlands.

No person shall alter, obstruct, fill or otherwise vary the shoreline, area, course, water level or flow, vegetation or natural conditions of any lake, river, stream or other watercourse, wetland or drainage way, except in conformance with this Ordinance and the requirements of outside agencies with jurisdiction.

1. The following setbacks from wetlands and watercourses shall apply:
 - a. A minimum 50-foot open space setback shall be maintained from the ordinary high water mark of any lake, river, stream or other watercourse, provided that development shall be prohibited in the 100-year floodplain.

- (1) Fences on waterfront lots shall be allowed within this setback in accordance with Section 6.09 (Fences and Walls).
 - (2) The ordinary high water mark elevation on or adjacent to the waterfront lot shall be determined by an engineer or land surveyor registered or licensed in the State of Michigan and depicted on a certified survey or site plan bearing the individual's professional seal, which shall be subject to review and acceptance by the Township Engineer.
 - b. A minimum 25-foot open space setback shall be maintained from the edge of any wetland, as defined in Section 19.03 (Definitions).
 - c. A minimum 25-foot open space setback shall be maintained from the boundary of any county drain easement, or a minimum of 50 feet from the centerline of any county drain without a dedicated easement.
2. Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained. [As Amended 9/13/2016, Ord. No. 43-B]

PART D.

[Subsections "A.3." and "C." of Section 15.02 (Site Plan Approval Required) are hereby amended to add a requirement for administrative site plan approval for new construction or an addition of 300 square-feet or more to an existing principal building on a waterfront lot in the Lake District, as follows:]

Section 15.02 Site Plan Approval Required.

A. Preliminary/Final Site Plan Approval.

The following development projects and uses shall require review and approval of detailed preliminary and final site plans by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

3. All RESIDENTIAL USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards). The following RESIDENTIAL USES shall be exempt from site plan approval:
 - a. One (1) single-family detached dwelling and customary accessory structures on an existing, non-waterfront ~~residential~~ lot of record.
 - b. One (1) two-family or duplex dwelling and customary accessory structures on an existing residential lot of record.
 - c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
 - d. Establishment of a home occupation not listed in Section 5.204 (Home Occupations).

C. Administrative Approval.

1. New construction or an addition of 300 square-feet or more to an existing principal building on a waterfront lot in the Lake District shall be subject to administrative site plan review and approval by the Township Planner and Zoning Administrator, in consultation with the Township Engineer and Planning Commission Chair. The Planning Commission Chair, Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval. The information requirements for a minor site plan shall apply to this project.

2. Other projects eligible for administrative approval. The following activities are eligible for administrative site plan review and approval by the Township Planner and Zoning Administrator, in consultation with the Planning Commission Chair. The Planning Commission Chair, Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval:

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

~~2.b.~~ 2.b. Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.

~~3.c.~~ 3.c. Changes to a site required to comply with State Construction Code requirements.

~~4.d.~~ 4.d. Sidewalk or pedestrian pathway construction, or barrier-free improvements.

~~5.e.~~ 5.e. Construction of fences, exterior lighting improvements, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use.

~~6.f.~~ 6.f. Construction of one (1) accessory structure with a floor area of 500 square feet or less associated with a principal land use subject to site plan approval.

~~7.g.~~ 7.g. Any parking lot or addition thereto of five (5) or fewer parking spaces.

~~8.h.~~ 8.h. Re-occupancy of an existing building that has been vacant for more than 30 calendar days, provided that no variances to the requirements of this Ordinance are required and the proposed use will be conducted within a completely enclosed building, and will not require access changes or other substantial modifications to the existing site.

PART E.

[Section 15.07 (Required Site Plan Information) is hereby amended to add items of required information for minor site plans, as follows:]

Section 15.07 Required Site Plan Information.

The following minimum information shall be included with any application for site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

Minimum Site Plan Information	Minor Site Plan	PUD Area Plan	Preliminary Site Plan	Final Site Plan
SITE PLAN DATA AND NOTES				
Percentage of lot coverage, total ground floor area, and floor area ratio.	●		●	●
BUILDING DESIGN AND ORIENTATION				
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.	●		●	●
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.	●		●	●
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.	●		●	●
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.	●			●
ACCESS AND CIRCULATION				
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.	●	●	●	●
UTILITIES, STORMWATER MANAGEMENT, AND GRADING				
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities, including the general location of all known drain tiles on the site.	●	●	●	●
Location and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site.	●		●	●
Location and arrangement of existing and proposed drain tiles on the site, including outlets and connections to adjacent land and road rights-of-way and any proposed alterations that may affect drainage patterns in the area.	●			●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels [one (1) foot contours on waterfront lots in the Lake District] , stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines within the site or at the parcel boundaries.	●			●

Minimum Site Plan Information	Minor Site Plan	PUD Area Plan	Preliminary Site Plan	Final Site Plan
Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.	● —		●	●
Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.	● —			●

PART F.

[Section 19.03 (Definitions) is hereby amended to add a new definition for “existing grade” and to update the definition of “story” as follows:]

Section 19.03 Definitions.

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

- 102. **Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
 - a. **Grade, Average.** The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a structure.
 - b. **Grade, Existing.** The elevation of the ground surface on a waterfront lot in the Lake District that is occupied by an existing principal building, prior to the start of any demolition or new construction.
 - ~~b.c.~~ **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
 - ~~c.d.~~ **Grade, Natural.** The unaltered elevation of the ground surface in its natural state, before construction begins.

- 226. **Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see “**Basic Structural Terms**” illustration).
 - a. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.

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- b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is ~~half than~~ less than sixty percent (60%) of the vertical distance from the ~~average grade basement floor~~ to the ceiling.

PART G.

All ordinances and amendments thereto that are in conflict with this Ordinance are hereby repealed.

PART H.

Adopted by the Township Board of Trustees for Freedom Township, Washtenaw County, Michigan, at a meeting of the Township Board held on the _____ day of _____, 20____. This ordinance shall become effective on the eighth (8th) day following publication thereof.

Dated: _____, 20____ _____
Larry Lindemann, Supervisor

Valisa Bristle, Clerk

CERTIFICATION

The above Ordinance No. _____ was adopted at a meeting of the Freedom Township Board of Trustees on the _____ day of _____, 20____; and published in the _____, a newspaper of general circulation in Freedom Township, Washtenaw County, Michigan on the _____ day of _____, 20____.

Valisa Bristle, Clerk
Freedom Township Clerk