

## ORDINANCE NO. 43-B

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), 6.0 (General Provisions), 10.0 (Supplementary Development Provisions), and 19.0 (Definitions) of the Freedom Township Zoning Ordinance No. 43 to clarify the residential density, floor area ratio, and ground floor coverage standards that apply to submerged lands; remove the privacy screen requirements for permitted yard encroachments; update the fence standards that apply to waterfront lots; revise the location requirements for fences in all zoning districts; reduce the required open space setback area from lakes, rivers, streams, and similar watercourses; and adjust the riparian access standards to better match the width of existing platted waterfront lots.

### FREEDOM TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

#### SECTION 1.

Article 3.0 (Dimensional Standards), Section 3.101 (Table of Dimensional Standards by District), is hereby deleted in its entirety and replaced with the following:

#### Section 3. 101 Table of Dimensional Standards by District.

Standards		Districts								Additional Provisions	
		AR	R-2	R-6	LK	C-1	C-2	I-1	PSP		
<b>Maximum Building Height</b> (feet)	Feet	35	35	25	35	35	35	45	35	Section 3.201	
	Stories	2.5	2.5	2.0	2.5	2.0	2.0	2.0	2.0		
<b>Lot Standards</b> (per unit)	<b>Minimum Width</b> (feet)	300	150	500	100	100	150	150	100	Section 3.202	
	<b>Minimum Area</b> (acres or square-feet)	10.0 acres	3.0 acres	22,000 sq.ft.	10,000 sq.ft.	10,000 sq.ft.	1.0 acre	1.0 acre	10,000 sq.ft.		
<b>Yard / Setback Standards</b> (feet)	<b>Front Yard</b>	<b>Minimum</b>	50	50	50	20	35	35	50	35	Section 3.203
		<b>Maximum</b>				35					
	<b>Side Yard</b>	<b>Minimum, Each Side</b>	30	10	30	10	10	10	20	10	Section 3.204
	<b>Minimum Rear Yard</b>	50	35	50	35	35	35	35	35		
<b>Minimum Separation Between Principal Buildings</b> (feet)			20	10		20	20	20			
<b>Maximum Floor Area Ratio (FAR)</b>		0.10	0.10		0.60	0.60	0.60	0.60	0.60	Section 3.202	
<b>Maximum Ground Floor Coverage (GFC)</b>		10%	10%	30%	30%	30%	30%	30%	30%	Section 3.202	
<b>Minimum Gross Floor Area of a Principal Detached Dwelling</b> (square-feet)		1,000	1,000	1,000	1,000						
<b>Maximum Net Dwelling Unit Density</b> (units per acre)		1.0	1.0	6.0						Section 3.202	

## **SECTION 2.**

Article 3.0 (Dimensional Standards), Section 3.202 (Lot and Dwelling Unit Density Standards) is hereby retitled as "Lot and Density Standards," and subsection "B" (Residential Density Calculations) is hereby deleted in its entirety and replaced with the following:

### **Section 3.202 Lot and Density Standards.**

The following standards and exceptions to the lot and density provisions set forth in this Article shall apply to all lots in the Township, as follows:

#### **B. Residential Density Calculations.**

The following shall be excluded from the total acreage used in calculating the net density of dwelling units in a Rural Residential or Residential zoning district or any special district that includes Residential Uses:

1. Existing rights-of-way and easements;
2. Rights-of-way and easements of proposed public and private roads serving the development;
3. Steep slopes, as defined in Section 19.03 (Definitions);
4. Floodplains, wetlands, and submerged lands below the ordinary high water mark elevation of any lake, river, stream or similar watercourse.

## **SECTION 3.**

Article 3.0 (Dimensional Standards), Section 3.202 (Lot and Dwelling Unit Density Standards) is hereby amended to add subsection "E" (Floor Area Ratio and Ground Floor Coverage Calculations) as follows:

### **Section 3.202 Lot and Density Standards.**

The following standards and exceptions to the lot and density provisions set forth in this Article shall apply to all lots in the Township, as follows:

#### **E. Floor Area Ratio and Ground Floor Coverage Calculations.**

Submerged lands below the ordinary high water mark elevation of any lake, river, stream or similar watercourse shall be excluded from the total acreage used in calculating the allowable floor area ratio (FAR) and ground floor coverage (GFC) for structures in any zoning district.

## **SECTION 4.**

Article 3.0 (Dimensional Standards), Section 3.203 (Yard Standards) is hereby amended to add a new subsection "F" (Setbacks on Waterfront Lots) as follows:

### **Section 3.203 Yard Standards.**

The following additional provisions apply to the yard and setback requirements of this Article:

**F. Setbacks on Waterfront Lots.**

Where a waterfront lot includes submerged land areas or lot boundaries, the corresponding yard setback shall be measured from the ordinary high water mark elevation line of the lake, river, stream or similar watercourse.

**SECTION 5.**

Article 3.0 (Dimensional Standards), Section 3.204 (Yard Standards) is hereby deleted in its entirety and replaced with the following:

**Section 3.204 Permitted Yard Encroachments.**

Architectural features, chimneys, and other building projections and attached structures shall be considered part of the primary building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

<b>Projection</b>	<b>Yard</b>	<b>Restrictions</b>
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard.
Access drives and sidewalks	All	None
Egress window wells	All	May project up to three (3) feet into any required yard
Flagpoles	All	Flagpoles shall be set back a minimum of 20 feet from all lot boundaries and road rights-of-way
Handicapped access ramps	All	None
Hydrants, laundry drying equipment, mailboxes, trellises, gardens, and plant materials	All	None
Propane tanks	Rear, Side	Not permitted in any required front yard. No unit shall be located within ten (10) feet of an adjacent lot boundary or building.
Accessory structures	See Section 6.01 (Accessory Structures and Uses)	
Fences	See Section 6.09 (Fences and Walls)	
Swimming pools	See Section 6.10 (Swimming Pools)	
Signs	See Article 12.0 (Signs)	
Off-street parking lots	See Article 11.0 (Off-Street Parking and Loading Regulations)	

**SECTION 6.**

Article 6.0 (General Provisions), Section 6.09 (Fences and Walls), Subsection "C." (Location and Height) is hereby deleted in its entirety and replaced with the following:

## **Section 6.09 Fences and Walls.**

As used in this Section, the term "fence" shall include "wall." Fences and similar enclosures in all zoning districts shall be subject to the following:

### **C. Location and Height.**

Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

1. **Front yard.** In any zoning district, fences in any front yard area between the front building line and the road right-of-way shall not exceed four (4) feet in height and shall have at least fifty percent (50%) of their surface area open when viewed from the perpendicular.
2. **Side or rear yard.** In any zoning district, fences in a side or rear yard shall not exceed six (6) feet in height, except where otherwise permitted for specific non-residential land uses per Article 5.0 (Use Standards). See Section 6.09E (Waterfront Lots) for additional limitations that apply to fences on waterfront lots.

## **SECTION 7.**

Article 6.0 (General Provisions), Section 6.09 (Fences and Walls), Subsection "E." (Waterfront Lots) is hereby deleted in its entirety and replaced with the following:

## **Section 6.09 Fences and Walls.**

As used in this Section, the term "fence" shall include "wall." Fences and similar enclosures in all zoning districts shall be subject to the following:

### **E. Waterfront Lots.**

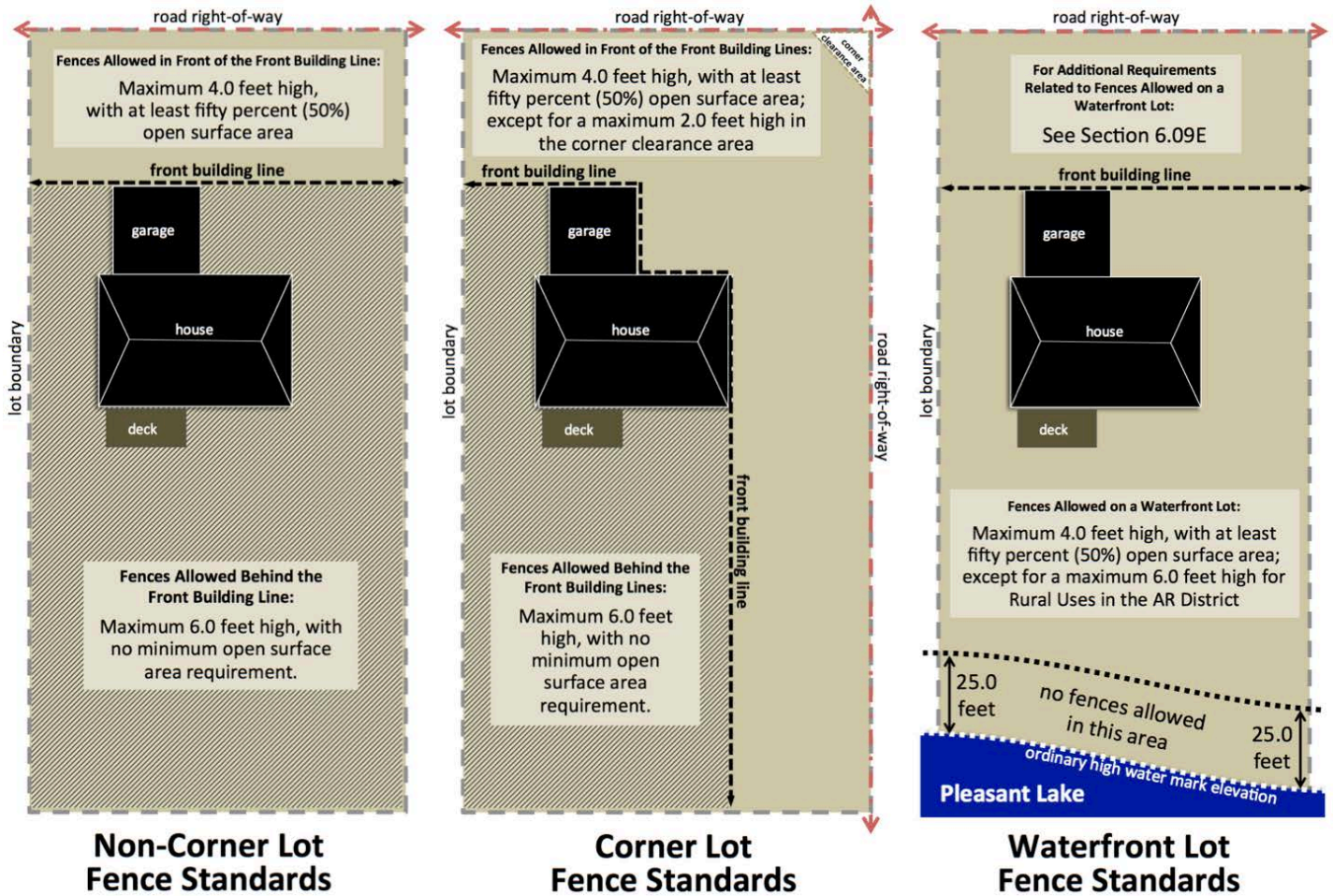
On waterfront lots, as defined in Section 19.03 (Definitions), it is the intent of this Section that the location, height, and design of fences shall not obstruct views of the water. Fences on waterfront lots shall be subject to the following additional limitations:

1. Fences shall not exceed four (4) feet in height and shall have at least fifty percent (50%) of their surface area open when viewed from the perpendicular, except for farm fences up to six (6) feet in height allowed accessory to RURAL USES on waterfront lots in the AR (Agricultural-Resource) District.
2. No fence shall be located within 25.0 feet of the ordinary high water mark elevation of Pleasant Lake.

## **SECTION 8.**

Article 6.0 (General Provisions), Section 6.09 (Fences and Walls) is hereby amended to add three (3) new illustrations of the fence standards:

## Section 6.09 Fences and Walls.



### SECTION 9.

Article 10.0 (Supplementary Development Provisions), Section 10.04 (Natural Resources Protection), subsection "B" (Watercourses and Wetlands) is hereby deleted in its entirety and replaced with the following:

#### Section 10.04 Natural Resources Protection.

This Section is intended to establish minimum regulations necessary to preserve natural resources on sites subject to development. The preservation of natural resources is essential to maintain the continued character and quality of life for current and future Township residents and visitors. Protection of the natural features of the Township will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy.

#### 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. Fences on waterfront lots shall be allowed within this setback in accordance with Section 6.09 (Fences and Walls).
  - 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.

## **SECTION 10.**

Article 10.0 (Supplementary Development Provisions), Section 10.21 (Riparian Access) is hereby deleted in its entirety and replaced with the following:

### **Section 10.21 Riparian Access.**

The following restrictions are intended to limit and regulate the number of users and types of uses of lake frontage in order to preserve the qualities of the waters, minimize conflicting land uses, promote safety and help preserve the quality of recreational use of lands and waters within the Township:

1. In all districts, there shall be at least 60.0 feet of lake frontage, as measured along the ordinary high water mark of the lake, for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit utilizing or accessing the lake frontage.
2. In all zoning districts, any multiple-unit residential developments shall have not more than one (1) dock for each 60.0 feet of lake frontage as measured along the ordinary high water mark of the lake.
3. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational or entertainment facilities, instructional, non-residential or non-agricultural uses or purposes unless such use complies with the requirements of the zoning district in which it is located.
3. In addition to the above limitations, no easement, private park, common area, condominium arrangement, lake access device or lot or access property abutting or adjoining a lake shall be used to permit access to the lake for more than one

- (1) single-family home, property, dwelling unit, condominium unit, site condominium unit or apartment unit unless such additional access use is permitted as part of an approved planned unit development (PUD) Area Plan per Article 14.0 (Planned Unit Development District).
4. Not more than one (1) boat or watercraft shall be moored, docked, stored or anchored overnight for each dwelling unit regulated by this Section.
  5. No new channel or canal shall be created abutting, enlarging or tied into a lake, nor shall existing canals or channels be enlarged. Canals or channels which touch or abut a lake and were lawfully in existence as of May 12, 2009 may be cleared and dredged, so long as they are not enlarged beyond their original dimensions.
  6. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, regardless of whether access to the lake shoreline or waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, lease or similar means of ownership or occupancy. The lake access and use regulations contained in this Section shall also be fully applicable to all planned unit development and special land use projects or developments. [as amended 9/8/2015, Ord. No 43-A]

## **SECTION 11.**

Article 19.0 (Definitions), Section 19.03 (Definitions) is hereby amended to insert new definitions for "ordinary high water mark" and "waterfront lots" 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:

128. **Lot.** A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road (see "**Corner, Interior & Double Frontage Lots**" illustration).
  - a. **Corner Lot.** A lot located at the intersection of two (2) roads or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less.
  - b. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel roads.
  - c. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
  - d. **Waterfront Lot.** A lot that directly abuts the ordinary high water mark of Pleasant Lake; or a lot that indirectly abuts the ordinary high water mark of Pleasant Lake across a common area of land or general common element designated on an approved subdivision plat or condominium subdivision plan as a park, beach or lake access for common use. That

portion of a lot separated from Pleasant Lake by a road right-of-way shall not be considered a waterfront lot for purposes of this Ordinance.

e. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:

- (1) Single lot of record.
- (2) Portion of a lot of record.
- (3) Combination of lots of record, or portion(s) thereof.
- (4) Condominium lot.
- (5) Parcel or tract of land described by metes and bounds.

161a. **Ordinary High Water Mark.** The established high elevation level of a lake that has a level established by law; or the elevation line between upland and bottomland that persists through successive changes in water levels of a lake, river, stream or similar watercourse, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. This elevation is expressed in feet above sea level.

254a. **Waterfront Lot.** See "**Lot; Waterfront Lot.**"

**SECTION 12.**

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

**SECTION 13.**

Adopted by the Township Board of Trustees for Freedom Township, Washtenaw County, Michigan, at a meeting of the Township Board held on the thirteenth day of September, 2016. This ordinance shall become effective on the eighth (8th) day following publication thereof.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Dale Weidmayer, Supervisor

\_\_\_\_\_  
Valisa Bristle, Clerk



**CERTIFICATION**

The above Ordinance No. 43-B was adopted at a meeting of the Freedom Township Board of Trustees on the thirteenth day of September, 2016; 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