

**CITY OF DEXTER
PLANNING COMMISSION
REGULAR MEETING
MONDAY, JULY 6, 2015**

I. CALL TO ORDER AND ROLL CALL:

The meeting was called to order at 7:00 PM by Planning Commission Chairman Kowalski at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan with roll call.

Matt Kowalski
Jack Donaldson
James Smith

Thomas Phillips
Alison Heatley - ab
Scott Stewart

Jim Carty
Marni Schmid
Tom Stoner

Also present: Michelle Aniol, Community Development Manager; Carol Jones, Interim City Clerk; Donna Fisher and Julie Knight, City Council Members; Laura Kreps, Carlisle Wortman Associates; Patrick Droze, Orchard, Hiltz & McCliment; residents and media.

II. APPROVAL OF THE MINUTES

1. Regular Meeting – June 1, 2015

Motion Smith; support Schmid to approve the minutes of the Regular Meeting of June 1, 2015 as presented.

Unanimous voice vote approval with Commissioner Heatley absent.

III. APPROVAL OF THE AGENDA

Motion Smith; support Donaldson to approve the agenda with the addition of one email communication item and additional information from Dr. Brent Kolb regarding the Dan Hoey/Lexington property site plan.

Unanimous voice vote approval with Commissioner Heatley absent.

IV. PUBLIC HEARINGS

None

V. PRE-ARRANGED PARTICIPATION

Ted Tear – 8090 Huron Street, Dexter

Mr. Tear spoke about the Zoning Ordinance Revision and its cost. He spoke about the review by Carlisle Wortman on the Strawberry Alarm Clock property discouraging this use in the neighborhood on Broad Street. He asked the Planning Commissioners how they could approve such a development based on the Carlisle Wortman consultant's recommendations.

VI. REPORTS

A. Chairman Report – Matt Kowalski

None

B. Planning Commissioners and Council Ex-Officio Reports

The Art Selection Committee will meet tomorrow. Commissioner Schmid reported on the June 7 meeting when they reviewed the artist's submissions for art in the community.

C. Community Development Office Reports – Michelle Aniol

Ms. Aniol provided her report in the packet. In addition she provided the following updates:

- Request for Qualifications – three proposals were received by July 1. The DDA will hold their next meeting on July 23 to look at these submittals. On July 16 representatives from the City have been invited to Kalamazoo to attend a session where they will be interviewing a developer much like Dexter will be doing.
- Request for Proposal – Four proposals were received by June 30 for the Retail Market Study.
- On June 28, there will be a tutorial for the Target Market Analysis at 2:45 PM at the Dexter District Library.
- The Michigan Department of Natural Resources (MDNR) Natural Resources Trust Fund (NRTF) Board will visit Mill Creek Park on August 18 from 2-3 PM. All are invited to come and welcome them and this will give an excellent opportunity to talk about Phase 2 of the park.

VII. CITIZENS WISHING TO ADDRESS THE COMMISSION

None

VIII. OLD BUSINESS

- A. **SPR #2015-01. Strawberry Alarm Clock Café with Accessory Apartment, 3441 Broad Street. Applicant: Craig Borum, AIA-** Continue discussion and possible action regarding combined site plan review of a proposed two-story mixed-use development, consisting of a café on the first floor and one apartment on the second floor, for property located on the north side of Broad Street, between Third and Fourth Streets.

Ms. Aniol gave the background of the development and that the Planning Commission recommended Special Land Use approval to City Council on June 1, 2015. . The changes suggested to the developer at the June meeting were reviewed.

Business owner, Jack Savas spoke on property values, impact of cafes on residential areas and the benefits to homeowners and the community.

Craig Borum of PLY Architecture spoke about the parking issue and on street parking. He also highlighted the changes to the plan from the previous Planning Commission meeting in June.

Motion Phillips; support Carty based on the information provided at the July 6, 2015 Planning Commission meeting and pursuant to Section 21.04, sub-section E6 Planning Commission Action, the Planning Commission recommends that the City Council approve the revised Combined Site Plan cited herein for the Strawberry Alarm Clock Café at 3441 Broad Street, subject to the following conditions:

1. All mechanical equipment shall be screened from view of the street and adjacent residential use(s), and shall be located in the rear or side yard;
2. Deviation of the parking requirements to allow a total of 7 off-street parking spaces;
3. Information related to delivery vehicle-type, timing, etc to ensure site circulation will not be impacted during hours of operation must be provided; and
4. Special Land Use approval.

Discussion comments:

Commend the owner and architect for listening and improving the west elevation and designing something that will fit into the area.

Was present in both the pre-planning meetings and a lot of discussion took place. The applicant has been open to suggestions and adapting to the requirements.

Also approve that adapting of the plans to the Planning Commission requirements. Carol, I'm not sure how to address this.

Appreciate all the work on the design. Do have questions regarding the landscaping, especially around the outdoor seating area (Staff addressed this question).

Ayes: Phillips, Carty, Donaldson, Schmid, Stewart, Stoner and Kowalski.

Nays: Smith

Absent: Heatley

Motion carries 7 to 1

IX. NEW BUSINESS

- A. SPR 2015-03, Professional Office Building, Dan Hoey Road** – Preliminary site plan review of a proposed professional office building on vacant property on the south side of Dan Hoey Road, west of Lexington Drive. Discussion and possible action.

Laura Kreps of Carlisle Wortman gave an overview of the preliminary site plan review.

Ms. Aniol gave updates on the right-of-way, parking requirements, and parking lot lighting.

Patrick Droze of Orchard, Hiltz and McCliment addressed the storm water management and treatment; long term plans of the site, and the circulation distance of the drive aisle.

Steve Brouwer of AR Brouwer spoke on Dr. Kolb's behalf regarding keeping the 30 foot wide drive aisle and the plan will include a bicycle rack.

Motion Phillips; support Carty based on the information provided at the July 6, 2015 Planning Commission meeting and pursuant to Section 21.04, sub-section D5, Planning Commission Action, the Planning Commission recommends that the City Council approves the Preliminary Site Plan for the professional office building at the southwest corner of the intersection of Dan Hoey Road and Lexington Drive, subject to the following conditions:

1. Allow 6 additional parking spaces and a 30 foot drive aisle;
2. Lighting for the parking area to be determined by working with staff;
3. Recommendations cited in CWA review letter dated, June 17, 2015;
4. Recommendations cited in the OHM review letter dated, June 18, 2015;
5. Recommendations cited in the DAFD review letter dated, June 6, 2015; and
6. Recommendation in staff's memo dated, July 2, 2015

Ayes: Phillips, Carty, Donaldson, Schmid, Stewart, Stoner, Smith and Kowalski.

Nays: None

Absent: Heatley

Motion carries 8 to 0

X. PROPOSED BUSINESS FOR NEXT AGENDA – AUGUST 3, 2015**A. Worksession at 6:15 PM**

1. Master Plan Amendment
2. Zoning Ordinance Update – meeting to review and prioritize potential Zoning Ordinance amendments

B. Regular Meeting

1. Final site plan review of SPR #2015-03, Professional Office Building on Dan Hoey Road

XI. CITIZENS WISHING TO ADDRESS THE COMMISSION

Ted Tear of 8090 Huron Street, Dexter gave the following comments about the Strawberry Alarm Clock proposal – what is the landscape plan, buildings and businesses in residential areas in Ann Arbor are grandfathered, what about parking spaces for the outside seating patrons, and why are you (Planning Commission) voting for this when the paid consultant did not approve the plan.

Gloria Shore of 8090 Huron Street, Dexter inquired about the location of the bicycle rack.

XII. ADJOURNMENT

Motion Smith; support Phillips to adjourn at 9:15 PM.

Unanimous voice vote approval with Commissioner Heatley absent.

XIII. COMMUNICATIONS

- Email from business owner, Tom May dated, June 9, 2015
- Letter and petition from William and Marina Edwards date, June 2, 2015

Respectfully submitted,

Carol J. Jones
Interim Clerk, City of Dexter

Approved for Filing: _____

Memorandum

To: Chairman Kowalski and Planning Commissioners
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: Report for July 6, 2015 Planning Commission Meeting

Date: July 2, 2015

City Council Decision

On Monday, July 27, 2015 City Council unanimously approved the Special Land Use application for a café at 3441 Broad Street. Then, in a 5-2 vote, Council approved the combined site plan for the Strawberry Alarm Clock Café at 3441 Broad Street.

Miscellaneous Updates

- The Arts, Cultural and Heritage Committee commissioned the Chelsea River Gallery to advertise for the "Dexter Art Gardens" temporary art display. The art gardens display involves the placement of four large sculptures of a representational and natural theme in and around Dexter. These sculptures will be on display for one year (August 2015-August 2016) and must be for sale. The winning artist receives a stipend.

The Art Selection Committee reviewed the submissions, selected four works of art and identified locations around Dexter where the art would be placed, as follows:

1. "Steel in Bloom", Dexter District Library
2. "Flight on the Plains", Mill Creek Park Plaza Circle at Main & Jeffords
3. "Balancing Act", Mill Creek Park
4. "Mountain Goat", LaFontaine

The "Call for Artists" and the winning submissions are included with this memo.

- REMINDER: The Michigan Department of Natural Resources (MDNR) Natural Resources Trust Fund (NRTF) Board will be traveling to Dexter on Tuesday, August 18, 2015, between 2:00 & 3:00 pm. Dexter is the last stop on a tour of communities that have received Trust Fund grants for recreation amenities. The Board will visit Mill Creek Park, and tour the pathway from downtown to the link with the HCMA trail. Dexter's Mill Creek Park is an excellent example of the convergence of a pedestrian/bicycle path, a water trail and rural/urban environments within a quintessential Michigan downtown. City administration and staff have been asked to coordinate a "warm welcome" that's uniquely Dexter. All elected and appointed officials are encouraged to welcome the Trust Fund Board.
- A Target Market Analysis (TMA) Tutorial was held on Tuesday, July 28, 2015 at 2:45 pm at the Dexter District Library. The TMA Tutorial was a 1 ½-hour session presented by Sharon Woods. Ms. Woods firm, Landuse USA has been hired to conduct the TMA Analysis. Ms. Woods explained her approach and methodology for the TMA. She also shared preliminary findings regarding potential for attached housing types in downtown Dexter, Chelsea, Saline and Ypsilanti. Over 30 people from Dexter, Chelsea, Saline and Ypsilanti attended the presentation.

Prior to the Tutorial, Ms. Woods conducted a driving tour of the city. Mr. Carson arranged for a WAVE bus to transport Ms. Woods, staff, City Manager, Courtney Nicholls, Councilman Jim Smith and resident John Hansen. The tour started in the downtown and traveled throughout the city. The tour focused on the following three (3) questions:

1. Attached Urban Housing

What are the existing choices among attached housing units in Dexter, such as stacked flats or lofts above street-front retail, row houses, townhouses, condominiums, and adaptive reuse of historic buildings, as well as any conventional apartment buildings?

2. Reinvestment Projects

What are Dexter's "biggest and best" redevelopment and reinvestment projects; either recently completed, underway, or proposed. Include any significant projects that are just waiting for the right developer or investor. These can be residential, retail, or mixed-use projects.

3. Placemaking

What makes your community particularly unique? During the tour, we pointed out success stories that relate to Placemaking, such as Mill Creek Park, and the downtown streetscape improvements, to name a couple.

- Northern United Brewing Company (NUBC) submitted an Application for Interior Remodeling to install a production kitchen, display kitchen and food tasting room, to be known as NULL 2, at its facility at 2319 Bishop Cr E. NULL stands for Northern United Liquid Libations. The area of the food tasting room is 4,331.25 sq. ft., or 6% of NUBC's 68,000 sq. ft. facility. The area of the existing tasting room, known as NULL Tap Room, is 5,820 sq. ft., which is 9% of NUBC's entire facility. Together, the total area of the existing (beverage) tasting room and the proposed food tasting room would be 10,151.25 sq. ft., or 15% of the NUBC facility.

At its meeting on September 8th, and in accordance with Section 3.07 the Planning Commission will determine the compatibility of the proposed food tasting room in the RD Research zoning district. If the proposed use is determined to be compatible, the Planning Commission would then determine if the proposed use should be regulated as a permitted or special land use. Establishment of conditions or development standards would then be established.

- Staff met with MEDC and Northern United Brewing Company (NUBC) last week to discuss the Michigan Department of Agriculture (MDARD) Strategic Growth Initiative Grant. As you will recall, the purpose of this initiative is to remove barriers and leverage opportunities identified by food producers, agri-business, and those in agriculture production, as critical to business development and growth. NUBC will be applying for the grant to do a pilot study of a bio-electrically enhance wastewater treatment system. The system has the potential to
 - reduce the high nutrient waste stream that is sent to public wastewater treatment facilities by breweries and other food producers;
 - produce methane gas that businesses could use in their facilities for process heating and potential electrical generation;
 - facilitate water reuse at the businesses facility;
 - reduce solids generated by breweries and food producers, compared to other conventional systems; and
 - stabilize treatment operation across daily variable flows and loads.

Across the state, breweries and food producers are having difficulty expanding their operations because small community wastewater treatment facilities cannot handle the high levels of BOD and other nutrient rich waste streams that these industries produce. If NUBC's grant is approved, and the pilot project proves effective, the benefits will be statewide. To help NUBC's grant efforts, the City is providing the following information/support to NUBC's application:

- o Letters of support (City and F&V).
 - o Summary of the measures City has taken to help address wastewater treatment issues.
 - o Articulate and quantify the potential impact the pilot could have on the City's WWTP (this information will be taken from the PowerPoint that Dan, Blair and you presented last year).
- The Beer Grotto submitted an Application for Special Land Use Approval for Outdoor Seating. This case will be considered by the Planning Commission on September 8, 2015.

DDA Updates:

- o The submittals to the Downtown Redevelopment Opportunity RFQ were reviewed by staff, and an ad-hoc committee comprised of Don Darnell and Tom Covert (from the DDA), and Jim Carson and Donna Fisher (from the Economic Development Preparedness Committee). The purpose of the RFQ was to help the city/DDA identify a development partner based on qualifications, not a concept or design plan. The review committee is recommending that all three firms be interviewed.

All three respondents appear to have experience in urban mixed-use redevelopment and the ability to secure financing. The interviews will help the City and DDA determine brownfield redevelopment experience. The interviews will also help to determine each firm's ability to conduct a design charrette.
- o Staff is reviewing the 4 proposals received for the Retail Market Study project. A report and recommendation will be provided to the DDA and City Council at their August meetings.
- o Staff, Jim Carson and Donna Fisher attended the Kalamazoo developer interviews on Thursday, July 16th. Kalamazoo received 3 responses to their RFQ. All three were scheduled to be interviewed, but one dropped out at the last minute. The interviews we witnessed were very informative. We also had an opportunity to talk with a representative from one of the firms.



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MEMORANDUM

TO: City of Dexter Planning Commission
Michelle Aniol, Community Development Manager

FROM: Doug J. Lewan, City Planner
Laura K. Kreps, City Planner

DATE: July 23, 2015

RE: DRAFT Master Plan

In response to our informational memo dated June 29, 2015, and our discussion during the Planning Commission's working session prior to the regular meeting on July 6th, we have prepared an updated draft of the Master Plan. In addition to updating all references from "Village" to "City" (including Maps), the following other modifications have been provided:

- Acknowledgements Page has been updated to reflect current City Council, Planning Commission and staff assignments.
- Table of Contents has been modified to reflect any changes in page numbering.
- Page 13 – A new heading entitled "Oil and Gas Drilling" has been added under City Planning Initiatives.
- Page 19 – The introductory paragraph has been modified to include protection of resources.
- Page 21 – A new bullet (last bullet) under City of Dexter Goals was added.
- Page 22 – Objective #9 under Natural Resources was added (numbering modified for inclusion).
- Page 32 – Objective #3 under Transportation was added (number modified for inclusion).
- Page 34 – Objective #9 under Community Facilities was added.
- Page 45 – Oil and gas exploration and development was added to the listing of appropriate uses in the Light Industrial Future Land Use Category.
- Page 46 – Oil and gas exploration and development was added to the listing of appropriate uses in the Light Industrial Future Land Use Category.
- Page 77 – Water Resources (bottom of page) was re-drafted to include language related to conservation and protection of water bodies as a single interconnected hydrologic system.

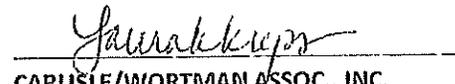
- Page 87 – Bullet #5 under Zoning Requirements modified to include natural resource reference.
- Page 88 – (First Bullet on page) Last bullet under Zoning Requirements was added.
- Page 88 – Item #7 has been added under Zoning Adjustments.
- Page 89 – Items #2-4 have been added under Zoning Adjustments.

In addition to these changes, please come to the working session prepared to discuss potential modifications to the Village Residential description and appropriate uses listed (Page 36), as well as the Baker Road Corridor (Page 42) regarding density and compatible zoning districts.

We look forward to reviewing these proposed Master Plan amendments at your August 3 Planning Commission working session.



CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, PCP, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Laura K. Kreps, AICP
Associate

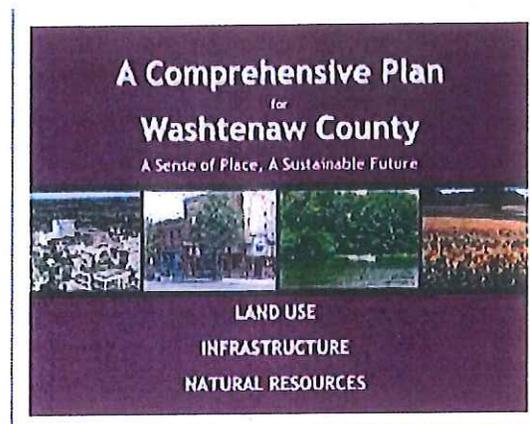
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Oil and Gas Drilling - The City of Dexter has experienced increased interest in oil and gas exploration and development, which the City will balance with other community goals for existing and planned land uses, including natural resource protection.

County Planning Initiatives

A number of planning initiatives recently took place in Washtenaw County and the City of Dexter which have relevance to the current Plan. Elements of these various plans and initiatives are incorporated throughout this document.

2004 Washtenaw County Comprehensive Plan – While the County Plan is now becoming dated, there are elements of this plan that remain relevant for the City of Dexter. The 2004 Comprehensive Plan for Washtenaw County recommends a development pattern for the City of Dexter described and illustrated below as follows:



- * Sustainable small city and village development encouraging social interaction and environmental health;
- * Reduce negative impacts and made future development more livable by changing existing land use patterns in areas surrounding villages;
- * Development within one-half (1/2) mile of existing village limits should be developed at higher densities, and a grid system of roads with sidewalks should be required to provide convenient and alternative vehicle and pedestrian access to downtown main streets;
- * Encourage infill development opportunities, particularly by encouraging urban service districts; and
- * Develop model ordinance to ensure desired character of community is retained such as architectural guidelines, landscaping, signs, lighting and parking standards.

Washtenaw Area Transportation Study (WATS)(Updated 2011) - The Washtenaw Area Transportation Study has updated a long-range transportation plan for the County. The plan includes goals and capital and operating improvement projects which involve reconstruction or resurfacing, transit improvements, intersection and widening projects, as well as non-motorized projects (see Transportation Plan (pg. 49) for additional information).

Washtenaw County Non-Motorized Plan (2006) - WATS was also involved in the Washtenaw County Non-Motorized Plan which inventoried existing County-wide, non-motorized transportation facilities, identified missing links and provided

Community Goals and Objectives

The City of Dexter is a growing community that faces the difficult challenge of accommodating increasing growth and development, and private land uses and values, while retaining its small town character, protecting natural resources, including air, water and public land. A key component of the City of Dexter Master Plan is the articulation of a vision for the City's future growth and the formulation of community goals which reflect the community desires regarding how to respond to future development.

The goals of the community attempt to balance the various interests and ensure that each development decision is consistent with the overall vision for the City. They help convey preferred development strategies and outline development policies for the City.

The goals were developed with input from residents, property and business owners, the Planning Commission, the City Council and other City officials. Public participation was sought through an on-line survey of residents. A summary of the survey findings can be found in the Appendix.

Public Participation

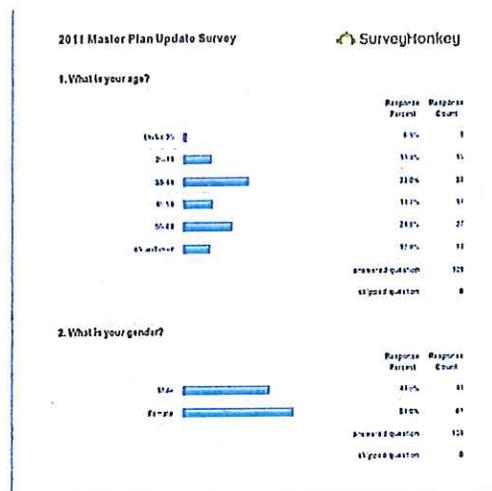
Master Plan Update Survey

In early 2011, the City of Dexter began a comprehensive survey of its residents. Surveys are an important tool in obtaining the input of participants on many important issues facing the community. This input will assist the City's elected and appointed officials in the process of preparing a Master Plan. The responses provided will help guide the City in the process of preparing land use and transportation, arts and culture, recreation and leisure activities and other City policies.

An on-line community survey was made available to residents in early 2011. A total of 162 people participated in the survey which concluded in spring 2011.

The survey included four (4) sub-topics of questions:

- (1) Demographics – Inquired about age, gender, educational attainment, household income, employment status, etc.
- (2) Strengths and Weaknesses – these questions were primarily open-ended in nature. They asked respondents what they like best/least about the City of



- * Encourage development in the Baker Road and Dexter-Ann Arbor Road corridors that is separate and distinct from the Downtown that serves the needs of Dexter's growing population.
- * Encourage common design elements, such as: architecture, streetscape, signage, and landscaping that promote continuation of the downtown theme along the Baker Road corridor.
- * Provide commercial areas that meet the needs of City residents in terms of location and services offered.
- * Promote quality, job producing economic development within the City that serves the needs of the City residents.
- * Provide a variety of safe, efficient modes of transportation to meet the needs of City residents and visitors.
- * Provide timely, efficient and quality governmental services to City residents.
- * Assure that new development, and existing residential, commercial and industrial areas, protect the City's small town character, open space, natural resources and recreational values of the City from activities and land uses related or ancillary to mineral, sand and gravel, and oil and gas exploration and development.

Natural Resources

Protect and maintain the City's natural resources, particularly the Huron River and Mill Creek areas.

Objectives:

1. Guide development to foster the responsible use of land, preserve natural features, and to make the best use of existing public services, utilities, and infrastructure.
2. Protect and enhance the Huron River and Mill Creek. Collaborate with Huron-Clinton Metropolitan Authority, Washtenaw County Water Resources, Huron Watershed Council and Washtenaw County, when possible to improve water quality.
3. Promote protection and maintenance of the City's natural landscape.
4. Protect and preserve existing trees and wooded areas within the City.



5. Promote street tree planting to help preserve the residential character and tree-lined streets of the City.
6. Promote safe management of disposal of all waste materials, both hazardous and non-hazardous, which are generated within or transported through the City through coordination with state and local agencies to ensure that contaminated sites are returned to an acceptable environmentally safe condition.
7. Reduce noise and air pollution and site lighting levels so as to minimize their impact on residential areas.
8. Continue to concentrate efforts on wellhead protection and groundwater quality to protect this vital community resource through the protection program initiated by the City.
9. Protect the water quantity and quality of the City's rivers, streams, groundwater, springs, lakes, ponds, wetlands, and creeks, particularly the Huron River and Mill Creek, as a single interconnected hydrologic system.
10. Continue to monitor and improve the City's wastewater treatment and stormwater management systems to minimize negative impacts on City residents, the Huron River and Mill Creek.
11. Utilize progressive stormwater management and erosion control techniques to ensure that development will not adversely impact natural resources and surrounding property. Incorporate Federal Phase II Stormwater Requirements and Guidelines into planning review process of the City.
12. Encourage the use of best management practices and low impact development (LID) strategies to minimize stormwater run-off.

Recreation / Open Space

Provide various passive and active recreational opportunities for all residents of the City including programs and activities offered by the City and other agencies.

Objectives:

1. Meet present and future community needs for parks, greenways, trails and recreation by planning and developing a system of parks, greenways, open space and recreation facilities and encouraging the preservation of green space and the development of new parks and/or recreation assets when opportunities arise.

Transportation

Provide a variety of safe, efficient modes of transportation to meet the needs of City residents and visitors.

Objectives:

1. Maintain a transportation network that maximizes the capacity of existing roads while maintaining roadways and facilitating safe and efficient movement of vehicles and pedestrians throughout the Village.
2. Continue to evaluate and resolve issues with Village “through traffic” constraints by coordinating and cooperating with the County Road Commission.
3. Evaluate the impact of traffic generated by existing development and new or expanded land uses, including extractive uses, and work toward improvements, compatibility with other existing and planned uses, and safety concurrent with new development and uses.
4. Continue to implement access management standards for new development in order to improve the function and appearance of local streets, streetscapes and alleys; providing adequate rights-of-ways and appropriate improvements for traffic volume.
5. Encourage new streets to be designed in an interconnecting network with flexibility within the neo-traditional residential pattern, similar to the existing street network.
6. Coordinate transportation improvements with the County Road Commission and state agencies, including participation in Washtenaw Area Transportation Study (WATS).
7. Provide a variety of transportation choices including public transit and non-motorized transportation, and areas for bike parking.
8. Expand upon existing connections to create a City-wide, non-motorized network to provide opportunities for pedestrian activity such as walking, jogging and bicycling.

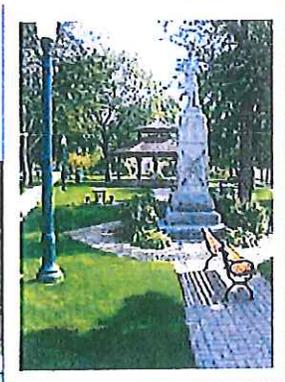
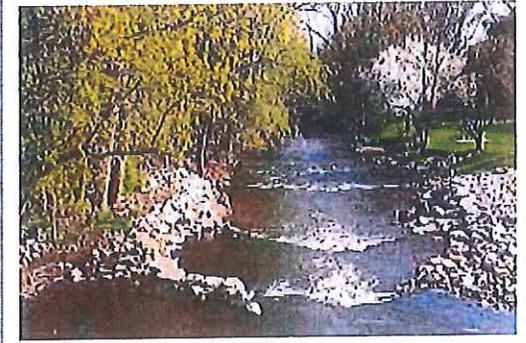


Community Facilities + Services

Provide timely, efficient and quality governmental services to City residents.

Objectives:

1. Provide and maintain open space, parks and recreation facilities to meet the needs of Village residents as formulated in the Parks and Recreation Master Plan.
2. Work with adjacent municipalities and Washtenaw County to provide area residents with high quality community services and facilities.
3. Provide adequate level of services regarding police, fire and safety services.
4. Provide adequate and affordable sewer and water service for Village residents.
5. Provide a public restroom facility in the Downtown area.
6. Provide adequate storm and seasonal services to Village residents.
7. Initiate stormwater upgrades as necessary and investigate whether a stormwater utility would be cost-effective for the Village.
8. Work with adjacent communities, Washtenaw County Water Resources Department, and the Huron River Water Shed Council to protect the area watershed.
9. Evaluate impact of new development and new and expanded land uses on community services and facilities, such as police, fire, and parks, and work to ensure there are adequate regulatory tools and resources available to support new development and uses while protecting existing and planned uses and environmental quality, in particular where uses involve a higher risk of release, discharge, or spill of hazardous substances, pollutants, or similar substances.



Light Industrial

Intent: The Future Land Use Map establishes only one (1) area for Light Industrial use. This designation is intended to allow the continued operation of the current industrial uses.

Description: The Light Industrial area is located along Huron River Drive in the northeast corner of the City.

Relationship to Physical and Natural Features: Direct access to this area is provided via Huron River Drive. Municipal sewer and water are also available within this area.

Appropriate Uses: Desirable land uses and elements of the Light Industrial category are:

- * Light manufacturing, assembly, packaging, and testing facilities that provide:
 - o Abundant landscaping
 - o Screening of services and loading areas
 - o Landscape buffering to protect adjacent residential uses
- * Oil and gas exploration and development, and similar extractive activities, to the extent the activities and uses are: sufficiently setback from incompatible uses, such as residential, office, commercial, recreation/conservation, and environmentally sensitive areas and natural resources; and the ancillary activities and uses generating potential nuisance effects such as traffic, lights, vibration, and noise will not be incompatible with surrounding existing or planned uses.



Land intensive industrial uses should not be permitted within the City limits due to the associated off-site impacts that have the potential to significantly detract from the quality of life in the City's residential neighborhoods.

Compatible Zoning Districts: The I-1, Light Industrial zoning district is compatible to the Light Industrial future land use classification.

Research/Development

Intent: The Research/Development land use classification provides for a diverse range of wholesale, parts assembly, high-tech industry, research facilities, laboratories and light fabrication operations.

Description: The Future Land Use Map designates two (2) areas for Research/Development use. The Dexter Business and Research Park is located south of Dan Hoey Road and is a subdivided industrial park targeted toward research and development activities. A second Research/Development area is located between Second Street and the Railroad. In this area, the Research/Development designation is intended to allow the continued operation of its current uses.

Relationship to Physical and Natural Features: Utilities are available throughout the Dexter Business and Research Park development area, and soils are generally good for building construction. A woodlands buffer exists to the south of the industrial park providing screening from uses within Scio Township.

The area between Second Street and the railroad has access via Second Street with proximity to rail available to the rear. Municipal sewer and water are also available within this area. Additional screening of the existing facility is appropriate due to its proximity to an established single-family neighborhood.

Appropriate Uses: Desirable land uses and elements of the Research/Development category are:

- * Wholesale, parts assembly, high-tech industry and light fabrication operations that provide:
 - o Well-designed circulation systems
 - o Supportive facilities such as utilities
 - o Abundant landscaping, screening of services and loading areas
 - o Landscape buffering to protect adjacent residential uses.
- * Oil and gas exploration and development, and similar extractive activities, to the extent the activities and uses are: sufficiently setback from incompatible uses, such as residential, office, commercial, recreation/conservation, and environmentally sensitive areas and natural resources; and the ancillary activities and uses generating potential nuisance effects such as traffic, lights, vibration, and noise will not be incompatible with surrounding existing or planned uses.

Compatible Zoning Districts: The RD, Research and Development, zoning district is compatible to the Research/Development future land use designation.

Public/Semi-Public

Intent: The Future Land Use Map designates uses such as existing and planned municipal buildings and facilities, parks, churches, cemeteries, public schools, and other uses providing public or semi-public services within this category. The Master Plan also designates areas for additional neighborhood parks in the City to assist in meeting the recreational needs associated with future population increases and the

2010, a Tree Replacement Account was set up with a significant contribution from the United Methodist Retirement Community for tree removal that occurred as part of the Cedars of Dexter site development. When considering land to be annexed, saving existing natural features and protecting habitats should be a priority.

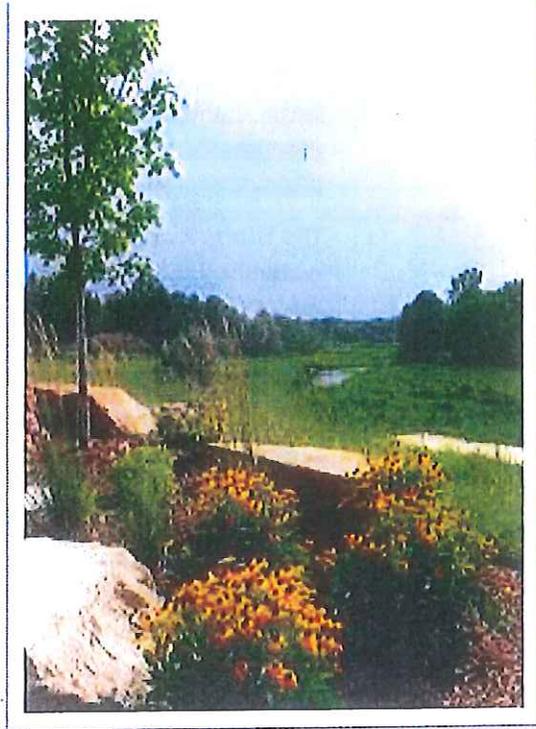
The Village's northeastern border along the Huron River remains the most naturally preserved. This section of town is within the Village's Public Park Zone, as can be seen in the City zoning map. The Public Park Zone has the greatest potential for becoming a link to the Washtenaw Counties regional greenway system due to its location adjacent to the Huron River and the abundant natural resources and recreation opportunities available.

The Mill Creek within the City provides residents with considerable access to natural resources. The Mill Creek, just west of downtown, was re-established in 2008 following the removal of the dam built by Henry Ford in 1932. In 2011-12 the City will begin the process of reclaiming the former dam impoundment into the Mill Creek Park with assistance from several grants, general funds and Washtenaw County Parks. Stream restoration efforts, habitat enhancement, boardwalks, fishing and observation decks, boat launches, an amphitheater and stone seating areas will be constructed within Mill Creek Park. Washtenaw County Parks and Huron Clinton Metropolitan Authority (HCMA) will also complete a portion of the Border-to-Border Trail north of the City by the fall of 2012. A subdivision connector to the Westridge Subdivision will also be completed in 2011. The combined trails north and east of the City will compile over fifteen (15) miles of non-motorized pathways around the Village's borders. The Mill Creek Park and the newly accessible areas will remain a place for wildlife to subsist and for residents and visitors to enjoy.

The City of Dexter is within the scenic and natural open areas of the Middle Huron River Watershed, which consists of plans to further develop the existing natural areas within the City to enhance the small town feel. The Village's goal is also to provide wildlife habitat and recreation opportunities for City residents and guarantee that the resources that exist today continue to be preserved into the future.

Water Resources

The Huron River and its largest tributary, the Mill Creek, encircle the City of Dexter. The Huron River constitutes primarily the northern border of the Village, with some minor exceptions. The Mill Creek is the west border of the Village, although a site condominium project (Westridge of Dexter) was also annexed beyond the Mill Creek. It is essential to the health of these water bodies to conserve and protect



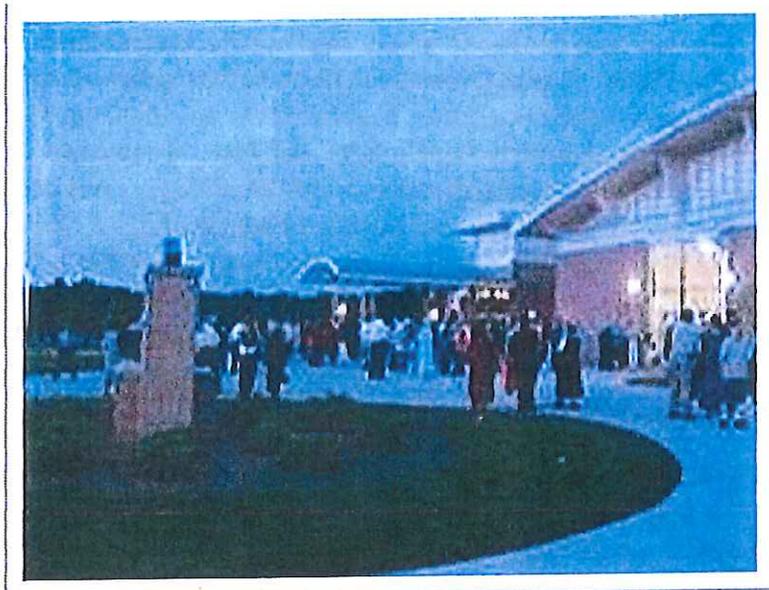
water quality and quantity and to regulate in a manner that recognizes that groundwater, springs, creeks, streams, lakes, ponds, and wetlands are a single interconnected hydrologic system.

The Huron River Watershed Council (HRWC) is staffed with experts in the fields of watershed management, river ecosystems and river habitats. The HRWC provides information on watershed management and protection and organizes community groups and volunteers for river clean-up days and other habitat monitoring and restoration projects. The HRWC is a regional organization that the City participates with and is a member of, although the HRWC has taken the lead in the conservation and education of the river and its tributaries.

The Village, as well many communities along the middle stretch of the Huron River, is under a total maximum daily load for phosphorous into the Huron River. The City is working to address this through a cooperative effort with other impacted municipalities to reduce loading.

School Facilities

Dexter Community Schools are ranked in the top twenty percent (20%) of schools within the State of Michigan. The Dexter Community School District campus size has also dramatically increased in the past decade along with the Village's population. In 1998, two (2) new schools were built, Cornerstone Elementary and Mill Creek Middle School, and in 2002 a new high school opened.



Dexter Community School facilities include: two (2) kindergarten through second grade elementary schools (Bates and Cornerstone); one (1) third and fourth grade elementary school (Wylie); one (1) fifth and sixth grade intermediate school (Creskide); one (1) seventh and eighth grade middle school (Mill Creek); and Dexter High School for grades nine through twelve. The City collaborates with the school district on many initiatives given that a majority of the school's campus is located within the City limits.

Implementation

The Master Plan is essentially a statement of goals and objectives designed to accommodate future growth and redevelopment. As stated in the introduction of this document, the Master Plan is the officially-adopted document that sets forth an agenda for the achievement of goals and policies. It helps develop a balance of orderly change in a deliberate and controlled manner that permits controlled growth. As such, it provides the basis upon which zoning and land use decisions are made.

The Plan forms the philosophical basis for the more technical and specific implementation measures. It must be recognized that development and change will occur either with or without planning, and that the Plan will have little effect upon future development unless adequate implementation programs are established. This section identifies actions and programs that will be useful if the Plan is to be followed.

A variety of programs or administrative tools are available to allow the Plan to succeed. These include:

Zoning Requirements

Zoning is the development control that has been most closely associated with planning. Originally, zoning was intended to inhibit nuisances and protect property values. However, zoning should also serve additional purposes that include:

- * To promote orderly growth in a manner consistent with land use policies and the Master Plan.
- * To promote attractiveness in the Village's physical environment by providing variation in lot sizes, architectural design guidelines and appropriate land uses.
- * To accommodate special, complex or unique uses through mechanisms such as planned unit developments, overlay districts, or special land use permits – specifically within the areas designated for mixed use in order to allow complimentary uses and design guidelines.
- * To guide development away from conflicting land uses (i.e. industrial uses adjacent to residential areas).
- * To preserve and protect existing land uses, natural resources, air, land, water, and other significant natural features in accordance with the Master Plan.
- * To promote the positive redevelopment of underutilized areas of the Village.

- * To balance the increased interest in activities and land uses related or ancillary to oil and gas exploration and development with other community goals to ensure the uses occur in a manner consistent with other existing and planned uses, and in a manner that protects the open space, natural resources, recreation, and other priorities in the City.

The Zoning Ordinance and Future Land Use map by themselves should not be considered as the major long range planning policy of the Village. Rather, the Master Plan should be regarded as a statement of planning policy, and zoning should be used to assist in implementing that policy.

Zoning Adjustments

Certain areas of the City have been designated for a land use classification in the Master Plan which conflicts with either existing zoning or existing land uses. These designations were developed in order to guide the desired development of these areas. Certain areas may benefit from a Village-initiated rezoning in order to provide more consistency. Additionally, other areas may continue with an existing zoning designation that, although currently conflicting with the Future Land Use designation, may be rezoned in the future once the existing use terminates or conditions change. It is at this future time the land use recommendations will provide guidance as to the proper zoning. The City Planning Commission should further study and make decisions with regard to which areas warrant Village-initiated rezoning. The following should be considered for Village-initiated rezoning:

1. Encourage new residential developments to provide contiguous internal recreational amenities.
2. Modify the CBD zoning district to ensure redevelopment, increased viability, adequate parking, walkability and the reuse of the upper floors of the existing structures.
3. Create a tree preservation ordinance.
4. Create a Huron River, Mill Creek overlay zone to ensure natural feature preservation.
5. Evaluate the adequacy of the noise, air and light standards of the Zoning Ordinance.
6. Create provisions requiring bike parking for government, commercial and educational institutions.
7. Evaluate likely potential effects of mineral, sand and gravel, and oil and gas exploration and development, on the public health, safety, and welfare; and review existing zoning and other police power ordinances to ensure they balance the need for those uses with their effects on other existing and planned uses in a manner that furthers and protects community goals and priorities, including land use, land preservation and

the protection of natural resources and water quantity and quality, transportation, and safety and community facilities and services.

Adopt land development regulations that provide standards and regulations specific to various elements within the Village:

1. Develop Stormwater Management Regulations that comply with Phase II and encourage use of Best Management Practices.
2. Adopt regulations that recognize the connection of groundwater and surface water, and include limitations that protect, and prevent pollution, impairment or diminishment of, the quantity and quality of available water resources, including aquifers, springs, rivers, creeks, ponds, and wetlands, for existing and future water needs for residential recreation, commercial, industrial, and for protection and preservation of water bodies and their natural resources and uses.
3. Review City Ordinances to ensure the City is sufficiently reviewing and collecting data and information regarding the likely effects of land uses on the public health, safety, and welfare, including the effects on the City's environmental and natural resources.
4. Review ordinances to ensure the City requires sufficient disclosure of information and permits, with sufficient conditions, to allow the fire and police to provide an emergency response adequate to protect the public health, safety, and welfare to the spill or other release of hazardous or other dangerous substances or pollutants during transport of use.
5. Create development design guidelines as a means of preserving the existing architectural character of the Village. The emphasis of the guidelines shall be placed upon major renovation projects and new construction.
6. Work to create incentives for the maintenance and rehabilitation of the existing residential structures, such as Rental Rehabilitation and Façade Rehabilitation programs through the MEDC.
7. Continue coordination with the Washtenaw County Brownfield Authority and upon identifying a site, adopt a Brownfield Redevelopment Plan.
8. Pursue a property maintenance ordinance, a component of which would recognize property owners who further the historic character of the Village.
9. Continue to coordinate a Village-wide path system that requires developers to construct a pathway and/or contribute to the system which links new residential developments to downtown, local parks and/or schools.



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MEMORANDUM

TO: City of Dexter Planning Commission
Michelle Aniol, Community Development Manager

FROM: Doug J. Lewan, City Planner
Laura K. Kreps, City Planner

DATE: July 23, 2015

RE: Oil and Gas Zoning Update

As you recall, we provided two (2) Oil and Gas Site Selection Map options for discussion at the last Planning Commission working session. During the working session, discussion occurred regarding the Natural Rivers Act, and the potential development constraints enacting a Natural Rivers Ordinance may have on developable properties within the City.

In further researching the Natural Resources and Environmental Protection Act (Act 451 of 1994) Part 305 Natural Rivers, Section 324.30507 Land Uses; Zoning; Local Ordinances; State Rule, we found it specifically excludes natural rivers designation within the limits of an incorporated municipality. Further, the Huron River Natural River Plan specifically excludes the Village (City) of Dexter.

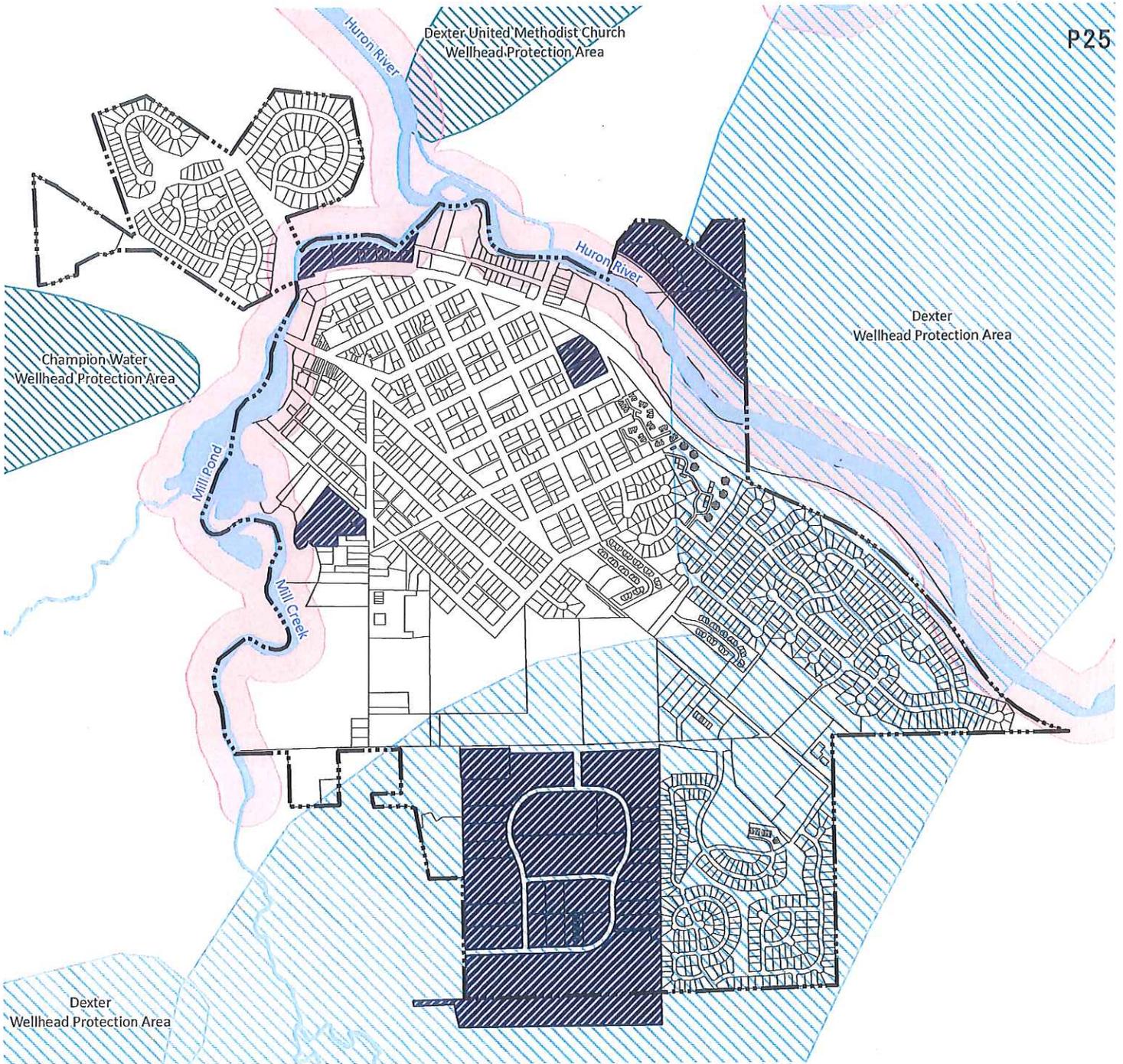
Based upon this information, the City could develop specific regulations for protection of the Huron River and Mill Creek, while not being held to the strict setback regulations for all new structures that would be required under the Natural Rivers Act.

We look forward to restarting this conversation at the August 3rd Planning Commission working session.


CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, PCP, AICP
Principal


CARLISLE/WORTMAN ASSOC., INC.
Laura K. Kreps, AICP
Associate

#241-1412

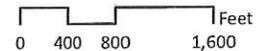


-  Parcels zoned RD or I-1
-  Open Water
-  300 foot buffer from Huron River and Mill Creek
-  Type 1 Provisional Wellhead Protection Area
-  Type 2 Provisional Wellhead Protection Area

SITE SELECTION #1

OIL & GAS ORDINANCE

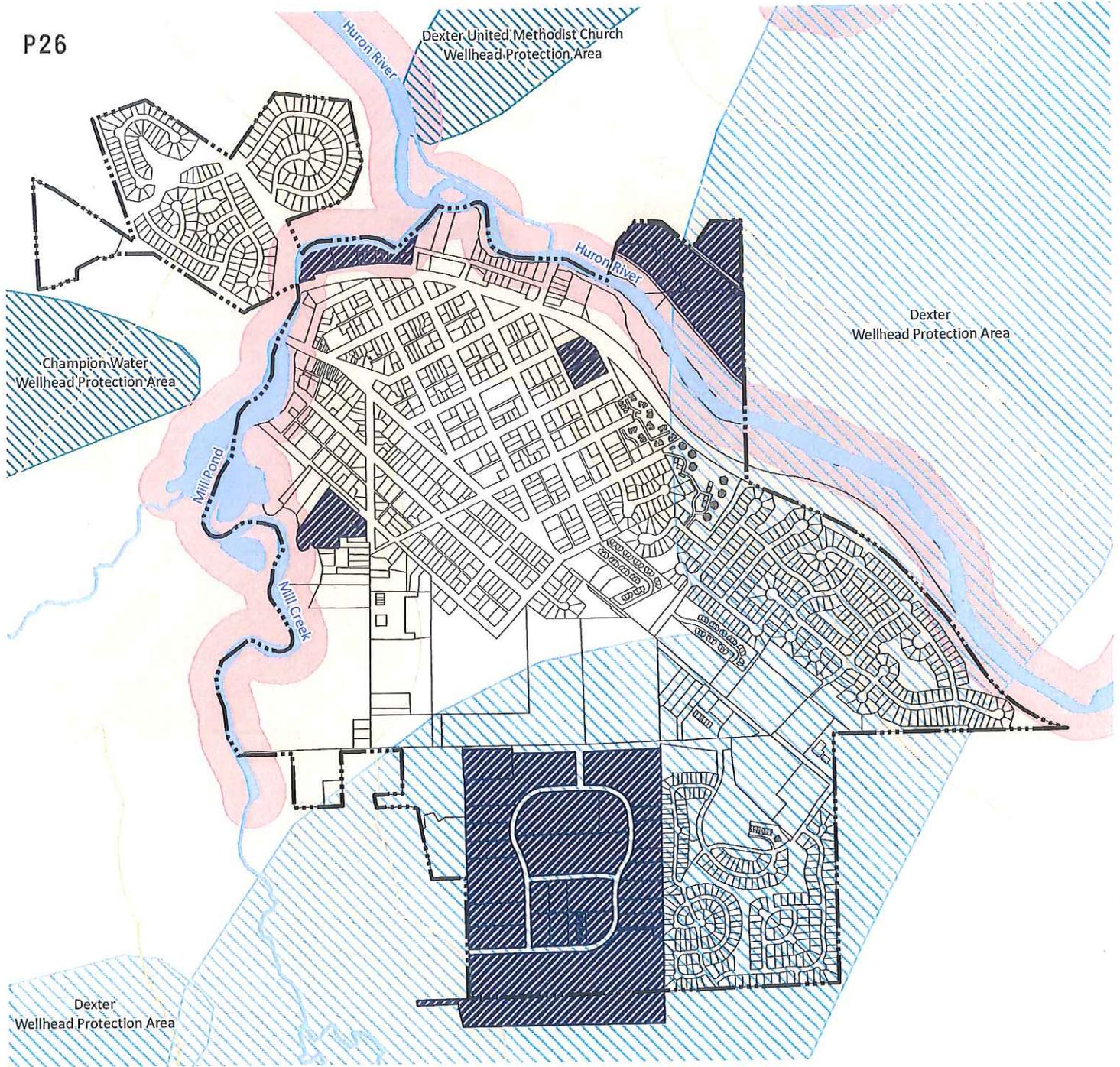
City of Dexter, Washtenaw County



Source: Washtenaw County GIS Program
Michigan GIS Open Date Portal

Carlisle/Wortman Associates
6-29-15





Parcels zoned RD or I-1



Open Water



300 foot buffer from Huron River and Mill Creek



1320 foot buffer from water



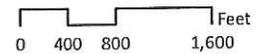
Type 1 Provisional Wellhead Protection Area



Type 2 Provisional Wellhead Protection Area

SITE SELECTION #2 OIL & GAS ORDINANCE

City of Dexter, Washtenaw County



Source: Washtenaw County GIS Program
Michigan GIS Open Date Portal

Carlisle/Wortman Associates
6-29-15



NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 305
NATURAL RIVERS

324.30501 Definitions.

Sec. 30501. As used in this part:

(a) "Free flowing" means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification.

(b) "Natural river" means a river that has been designated by the department for inclusion in the wild, scenic, and recreational rivers system.

(c) "River" means a flowing body of water or a portion or tributary of a flowing body of water, including streams, creeks, or impoundments and small lakes thereon.

(d) "System" means all of those rivers or portions of rivers designated under this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30502 Natural river; designation; purpose; long-range plans; publicity; cooperation.

Sec. 30502. The department, in the interest of the people of the state and future generations, may designate a river or portion of a river as a natural river area for the purpose of preserving and enhancing its values for water conservation, its free flowing condition, and its fish, wildlife, boating, scenic, aesthetic, floodplain, ecologic, historic, and recreational values and uses. The area shall include adjoining or related lands as appropriate to the purposes of the designation. The department shall prepare and adopt a long-range comprehensive plan for a designated natural river area that sets forth the purposes of the designation, proposed uses of lands and waters, and management measures designed to accomplish the purposes. State land within the designated area shall be administered and managed in accordance with the plan, and state management of fisheries, streams, waters, wildlife, and boating shall take cognizance of the plan. The department shall publicize and inform private and public landowners or agencies as to the plan and its purposes, so as to encourage their cooperation in the management and use of their land in a manner consistent with the plan and the purposes of the designation. The department shall cooperate with federal agencies administering any federal program concerning natural river areas, and with any watershed council established under part 311, when such cooperation furthers the interest of the state.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30503 Qualifications for designation; categories of rivers.

Sec. 30503. A river qualifying for designation as a natural river area shall possess 1 or more of the natural or outstanding existing values cited in section 30502 and shall be permanently managed for the preservation or enhancement of such values. Categories of natural rivers shall be defined and established by the department, based on the characteristics of the waters and the adjoining lands and their uses, both as existing and as proposed, including such categories as wild, scenic, and recreational. The categories shall be specified in the designation and the long-range comprehensive plan.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30504 Land acquisition; purpose; interest acquired; consent.

Sec. 30504. The department may acquire lands or interests in lands adjacent to a designated natural river for the purpose of maintaining or improving the river and its environment in conformance with the purposes of the designation and the plan. Interests that may be acquired include, but are not limited to, easements designed to provide for preservation and to limit development, without providing public access and use. Lands or interests in lands shall be acquired under this part only with the consent of the owner.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30505 Federal financial assistance programs; leases; expenditures; purposes.

Sec. 30505. (1) The department may administer federal financial assistance programs for natural river areas.

(2) The department may enter into a lease or agreement with any person or political subdivision to administer all or part of their lands in a natural river area.

(3) The department may expend funds for works designed to preserve and enhance the values and uses of a natural river area and for construction, management, maintenance, and administration of facilities in a natural river area conforming to the purposes of the designation, if the funds are appropriated by the legislature.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30506 Public hearings; notice.

Sec. 30506. Before designating a river as a natural river area, the department shall conduct public hearings in the county seat of any county in which a portion of the designated natural river area is located. Notices of the hearings shall be advertised at least twice, not less than 30 days before the hearing, in a newspaper having general circulation in each such county and in at least 1 newspaper having general circulation in the state and 1 newspaper published in the Upper Peninsula.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30507 Land uses; zoning; local ordinances; state rule.

Sec. 30507. After designation of a river or portion of a river as a natural river area and following the preparation of the long-range comprehensive plan, the department may determine that the uses of land along the river, except within the limits of an incorporated municipality, shall be controlled by zoning contributing to accomplishment of the purposes of this part and the natural river plan. County and township governments are encouraged to establish these zoning controls and additional controls as may be appropriate, including, but not limited to, building and subdivision controls. The department may provide advisory, planning, and cooperative assistance in the drafting of ordinances to establish these controls. If the local unit does not, within 1 year after notice from the department, have in full force and effect a zoning ordinance or interim zoning ordinance established under authority of the acts cited in section 30510, the department, on its own motion, may promulgate a zoning rule in accordance with section 30512. A zoning rule may also be promulgated if the department finds that an adopted or existing zoning ordinance fails to meet adequately guidelines consistent with this part as provided by the department and transmitted to the local units concerned, does not take full cognizance of the purposes and objectives of this part, or is not in accord with the purposes of designation of the river as established by the department.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30508 Zoning ordinance or rule; purpose.

Sec. 30508. A zoning ordinance adopted by a local unit of government or a zoning rule promulgated by the department shall provide for the protection of the river and its related land resources consistent with the preservation and enhancement of their values and the objectives set forth in section 30502. The ordinance or rule shall protect the interest of the people of the state as a whole. It shall take cognizance of the characteristics of the land and water concerned, surrounding development, and existing uses and provide for conservation of soil, water, stream bed and banks, floodplains, and adjoining uplands.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30509 Zoning ordinance or rule; establishment of districts; powers; distance.

Sec. 30509. The ordinance or rule shall establish zoning districts within which such uses of land as for agriculture, forestry, recreation, residence, industry, commerce, and additional uses may be encouraged, regulated, or prohibited. It may limit or prohibit the placement of structures of any class or designate their location with relation to the water's edge, to property or subdivision lines, and to flood flows and may limit

the subdivision of lands for platting purposes. It may control the location and design of highways and roads and of public utility transmission and distribution lines, except on lands or other interests in real property owned by the utility on January 1, 1971. It may prohibit or limit the cutting of trees or other vegetation, but such limits shall not apply for a distance of more than 100 feet from the river's edge. It may specifically prohibit or limit mining and drilling for oil and gas, but such limits shall not apply for a distance of more than 300 feet from the river's edge. It may contain other provisions necessary to accomplish the objectives of this part. A zoning rule promulgated by the department shall not control lands more than 400 feet from the river's edge.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30510 Local zoning ordinance; conformance with applicable law; construction.

Sec. 30510. A local unit of government, in establishing a zoning ordinance, in addition to the authority and requirements of this part, shall conform to the township zoning act, 1943 PA 184, MCL 125.271 to 125.310, or the county zoning act, 1943 PA 183, MCL 125.201 to 125.240, including, but not limited to, the variance provisions of those acts. Any conflict shall be resolved in favor of the provisions of this part. The powers granted under this part shall be liberally construed in favor of the local unit or the department exercising them, in such manner as to promote the orderly preservation or enhancement of the values of the rivers and related land resources and their use in accordance with a long-range comprehensive general plan to ensure the greatest benefit to the state as a whole.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995;—Am. 2000, Act 17, Imd. Eff. Mar. 8, 2000.

Popular name: Act 451

Popular name: NREPA

324.30511 Districts; valuation for tax purposes.

Sec. 30511. Upon adoption of a zoning ordinance or rule, certified copies of the maps showing districts shall be filed with the local tax assessing officer and the state tax commission. In establishing true cash value of property within the districts zoned, the assessing officer shall take cognizance of the effect of limits on use established by the ordinance or rule.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30512 Rules; enforcement; promulgation; variance; existing use.

Sec. 30512. (1) The department shall prescribe administrative procedures and rules and provide personnel as it considers necessary for the enforcement of a zoning ordinance or rule enacted in accordance with this part. A circuit court, upon petition and a showing by the department that there exists a violation of a rule properly promulgated under this part, shall issue any necessary order to the defendant to correct the violation or to restrain the defendant from further violation of the rule.

(2) The department shall promulgate a zoning rule to implement this part. The rule shall include procedures for receiving and acting upon applications from local units of government or landowners for change of boundaries or change in permitted uses in accordance with chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. An aggrieved party may seek judicial review under chapter 6 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306.

(3) A variance from a zoning rule promulgated by the department to implement this part may be applied for and granted pursuant to section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and the variance provisions of the zoning rule.

(4) The lawful use of any building or structure and of any land or premise as existing and lawful at the time of enactment of a zoning ordinance or rule or of an amendment of a zoning ordinance or rule may be continued although the use does not conform with the ordinance, rule, or amendment. The ordinance or rule shall provide for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses upon reasonable terms as set forth in the zoning ordinance or rule.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995;—Am. 2000, Act 17, Imd. Eff. Mar. 8, 2000.

Popular name: Act 451

Popular name: NREPA

324.30513 National wild and scenic river system; administration.

Sec. 30513. This part does not preclude a component of the system from becoming a part of the national wild and scenic river system under the wild and scenic rivers act, Public Law 90-542, 16 U.S.C. 1271 to 1287. The department may enter into written cooperative agreements for joint federal-state administration of rivers that may be designated under the wild and scenic rivers act.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30514 Area plans; approval; rules.

Sec. 30514. The department shall approve preliminary and final plans for site or route location, construction, or enlargement of utility transmission lines, publicly provided recreation facilities, access sites, highways, roads, bridges, or other structures and for publicly developed water management projects, within a designated natural river area, except within the limits of a city or incorporated village. The department may require any measure necessary to control damaging erosion or flow alteration during or in consequence of construction. The department shall promulgate rules concerning the approvals and requirements provided for in this section.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.30515 Construction of part.

Sec. 30515. This part does not prohibit a reasonable and lawful use of any other natural resource that benefits the general welfare of the people of this state and that is not inconsistent with the purpose of this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

PRELIMINARY NATURAL RIVER PLAN

The Huron River system is an important physical feature of the southeastern Michigan region. Its natural qualities and aesthetic features provide many forms of enjoyable outdoor recreation for the residents of this highly populated area. The study area, from Kent Lake Dam in Livingston County to the Barton Pond area in Washtenaw County, in particular has great scenic and natural qualities offering recreational opportunities for the use and enjoyment of present and future generations.

Without a positive program to protect and enhance the many values of the Huron River system from adverse use and development, the area's aesthetics and natural qualities could be lost. Because of this concern, the Huron River Planning Group, under the sponsorship of the Huron River Watershed Council and the Department of Natural Resources, has been meeting since October 1974 to study this section of the stream and to draft a plan to regulate future use and development for the protection of the natural character of this attractive stream corridor.



A. Goal

To preserve, protect and enhance the river environment in a natural state for the use and enjoyment of present and future generations.

B. Objectives

- 1) To maintain or improve water quality consistent with the designated classification of the river and adhere to the concept of non-degradation of water quality.

- 2) Discourage development or activity which damage the ecologic, aesthetic or historic values of the river and adjacent lands.
- 3) Encourage any development which may occur to be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream.
- 4) To ensure that recreational uses which occur, be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream.

C. Proposed Designation

It is recommended that the following portions of the Huron River be designated as a country-scenic river under authority of Part 305, P.A. 451 of 1994, the Natural Rivers Act (approximate mileage—mainstream 27.5 miles; tributaries 10.5 miles):

Mainstream. From Kent Lake Dam downstream to the western edge of Section 32 of Hamburg Township, excluding Strawberry, Gallagher, Loon (sometimes called Long or Little Gallagher) and the two Whitewood Lakes; and from John Flook Dam downstream to Scio-Ann Arbor township line, **excluding the incorporated village of Dexter.**

- 1) Davis Creek (also called Southeast Branch of the Huron River) – Livingston County, Green Oak Township – from the outfall of Sandy Bottom Lake to its confluence with the Huron River;
- 2) Arms Creek – Washtenaw County, Webster Township – from the confluence of the two branches in Section 10 to its confluence with the Huron River; and
- 3) Mill Creek Creek – Washtenaw County, Scio Township – from Parker Road downstream **to the incorporated village limits of Dexter.**

The Huron River Planning Group feels that the other tributaries to the Huron River in this area do not specifically qualify or warrant state recognition and protection under terms of Part 305, P.A. 451 of 1994 for the following reasons:

- 1) Many of the tributaries have been extensively channelized, rerouted, dredged, filled or otherwise altered so that they are no longer “natural” in character and many are designated agricultural drains under Act 40, P.A. 1956 and are still under the direct control of the County Drain Commission.
- 2) They do not possess the necessary outstanding fish, wildlife, boating, scenic, aesthetic, floodplain, ecologic, historic or recreational values to be of statewide significance.
- 3) Local controls can be instituted that will protect the values of these streams without formal natural river designation.
- 4) Although not formally designated, these tributaries should probably be considered as part of the natural river system for agency reviews of applications for sewage treatment plants, dredging, filling, impoundments, etc.
- 5) Natural river designation of the mainstream would have a positive affect on funding priorities for water quality projects on the tributaries, and designation of the tributaries would have little or no additional affect on these priorities.
- 6) The tributaries to the Huron River, unlike the mainstream have little public access and limited public ownership of the water frontage to handle the additional recreational use that might occur as a result of natural river designation, nor does

the State of Michigan or the Huron-Clinton Metropolitan Authority have the funds necessary to provide this additional access in the near future.

D. Natural River District

The Huron River Natural River District includes an area 400 feet wide on each side of and parallel to the designated river and its designated tributaries. This district merely establishes a definable area within which local zoning may regulate future development and use. Establishment of this district on private land in no way implies a "taking" of these lands by the state or opening them up to public use. Private lands remain private and are subject to the rights of private ownership.

E. Residential Housing

Unplatted lots and new subdivisions in the Natural River District shall accommodate the building setbacks as set forth in Section G, and shall have a minimum riverfront lot width of 150 feet. Lots or property of record that are nonconforming at the time of the effective date of these regulations because of lack of size to accommodate buildings setbacks from the water's edge shall be allowed to be built upon and variances shall be allowed for required setbacks upon such reasonable terms as set forth by the zoning board, providing that structures be so placed as to best meet the objectives of the Natural Rivers Act.

Single family dwellings are defined as a detached building designed for or occupied exclusively by one (1) family and containing housekeeping facilities, and shall be allowed within the Natural River District subject to the following requirements:

- 1) One single-family dwelling will be permitted on each lot.
- 2) Buildings and appurtenances shall conform to the minimum setback requirements as specified in Section G.

F. Industrial and Commercial Structures and Uses

- 1) New industrial uses and buildings, and expansion of existing uses and buildings will not be permitted within 400 feet of the designated river and tributaries.
- 2) In general, commercial uses and buildings; such as gas stations, motels, restaurants, retail stores, mobile home parks, etc. will not be permitted within 400 feet of the designated river and tributaries. However, a number of commercial uses requiring special exception permits may be compatible with maintaining the natural aspects of the river, such as:
 - a) Commercial crop farms or forest plantations that are landward of the native vegetation strip.
 - b) Campgrounds that are constructed, maintained and operated in accordance with State Health Department regulations (Act 17, P.A. 1970). Includes tent, travel trailer, camper and motor homes uses, buildings, cement pads, hookups, etc. in conformance with established setbacks.

- c) Sales, rental and service of recreational watercraft.
- d) Small home operated businesses such as photography studio, beauty shop, home repair, insurance or other businesses which do not alter the residential nature of the property and are in conformance with established setbacks.
- e) Small rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements.

G. Building Setbacks

On the Huron River mainstream, new buildings and appurtenances will be required to setback a minimum of 125 feet from the ordinary high watermark.* The setback may be decreased 10 feet for every 10 foot rise in bank height to a minimum of 75 feet from the ordinary high watermark. Further:

- 1) New buildings and appurtenances must be setback at least 50 feet from the top of a bluff,** and
- 2) No buildings shall take place on land that is subject to flooding.***

On designated tributaries, new buildings and appurtenances will be required to setback a minimum of 50 feet from the ordinary high water mark of the tributary provided that no building shall take place on land that is subject to flooding.

H. Building Design and Screening

- 1) Property owners are encouraged to use natural materials and natural unobtrusive colors in the construction of new or remodeling of existing buildings.
- 2) Property owners of new or existing buildings visible from the river are encouraged to screen them with native vegetation. The Department of Natural Resources area forester and Soil Conservation Service will advise on planting stock, etc., on request.

**"Ordinary high watermark" means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high-established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high watermark. (This is the definition used for administration of the Inland Lakes and Streams Act, Act 345, P.A. 1972.)

**"Bluff" means the top of a steep bank rising sharply from the water's edge.

***"Land that is subject to flooding" means that area of land adjoining the designated portions of river and tributaries which:

- 1) Will be inundated by a flood which has a one percent chance of occurring or being exceeded in any given year (intermediate regional flood), as determined by detailed hydraulic studies which are acceptable to the Michigan Water Resources Commission; or
- 2) In the absence of such detailed floodplain studies, have a history of flooding or are delineated by approximate methods such as USGS flood prone area maps or HUDs special flood hazard boundary maps.

I. Docks

Docks may be constructed not to exceed six feet in width nor more than 20 feet in length with no more than four feet of the dock extending beyond the low watermark. Docks must be constructed in accordance with the rules of Part 301, P.A. 451 of 1994. The use of "natural" materials and camouflaging is encouraged.

J. On-Site Sanitation Systems

All habitations within the Natural River District shall be provided with sanitary waste disposal facilities conforming in type to those required by health specifications of the State of Michigan and the county health department having legal jurisdiction. The facilities provided may be for either water borne waste disposal by the septic tank-absorption tile field method or for non-water borne disposal by the use of a health department approved fly proof sanitary pit privy, or other state approved sanitary system.

New septic tanks and absorption tile fields and sanitary pit privies within the Natural River District shall be located not less than 125 feet from the ordinary high-water mark nor within land that is subject to flooding, whichever distance is greater. The absorption field shall be located in a well-drained area and the bottom of said field shall be at least four feet above the known high groundwater table. No absorption field shall be closer than 50 feet from any surface or subsurface drainage system, including sump pumps discharging into the river or its tributaries.

The bottom of an earth privy shall not be less than two feet above the known high groundwater table. Where this is not feasible, a watertight vault shall be installed.

K. Signs

Only those signs necessary for (a) identification, (b) direction, (c) resource information, and (d) regulation of use, shall be placed along the designated river and tributaries. Signs for the sale of products or services shall be prohibited, except that an existing business may advertise on lands on which it is established. Signs and outdoor advertising devices within the Natural River District must be:

- 1) Related to permitted uses;
- 2) Not illuminated; and
- 3) In conformance with the following standards:

- a) For residential uses, signs may not be larger than one square foot in area posted no more than one per 100 feet or one sign posted at upstream and downstream corner of lot, however, one temporary real estate "For Sale" sign not to exceed four square feet in area shall be allowed on a parcel of land; and
- b) For commercial uses, one sign per establishment is allowed, not to exceed four square foot in area, not on nor attached to any tree or shrub; and
- c) Signs posted by public agencies must be kept to a minimum, of rustic design, no larger than 10 square feet in a area, not attached to any tree or shrub, and placed so as to best meet the objectives of the Natural Rivers Act.

(NOTE: Signs by public agencies may need to be larger only to provide for public safety (such as warning of impending dangers in the river) or for an interpretive or historic sign, which may be out of sight of the river, but still within the 400 foot Natural River District.)

Also, the use of natural color wood posts is encouraged, and there should only be one sign per post.

L. Soil Erosion and Sediment Control Measures

All earth changing activities, other than normal landscaping or maintenance, undertaken within 500 feet of a lake or stream, must be conducted in accordance with the requirements of Part 91, P.A. 451 of 1994, its administrative rules and those procedures established by the local enforcing agency.

Development along the river involving earth moving shall provide for water disposal and/or protection of the soil surface during and after construction.

Practical combinations of the following will provide effective erosion control when skillfully used in planning and construction.

- 1) The development plan should be fitted to the soils and topography so as to create the least erosion potential. Local offices of the Soil Conservation Service can provide detailed information on the soil characteristics of a given site on the suitability of such soils for various uses.
- 2) Wherever feasible during construction, natural vegetation shall be retained and protected. Where adequate vegetation does not exist, temporary or permanent vegetation shall be established where possible.
- 3) Where land must be stripped of vegetation during construction, limit the exposed area to the smallest practical size at any one time.
- 4) Limit the duration of exposure to the shortest practical time.
- 5) Critical areas exposed during construction should be protected with temporary vegetation and/or mulching.
- 6) Permanent vegetation and improvements, such as roads, storm sewers and other features of development capable of carrying storm runoff in a safe manner, shall be installed as early as possible.

- 7) Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- 8) Sediment basins to remove suspended soil particles from runoff water from land undergoing development should be constructed and maintained wherever erosive conditions indicate a need to prevent sediment damage to the river.
- 9) Diversions, grassed waterways, grade stabilization structures, and similar mechanical measures required by the site shall be installed as early in the development area as possible.

The erosion control measures contained in the Washtenaw and Livingston County Soil Conservation Districts Standards and Specifications for soil erosion and sediment control should be followed for all major earth changes.

Consultation and assistance from the Washtenaw and Livingston County Soil Conservation districts and/or the Washtenaw and Livingston County Act 347 Enforcer should be utilized wherever possible.

M. Minerals

New development, exploration or production of oil, gas, salt brine, sand and gravel or other minerals except ground water are not permitted within 300 feet of the designated river or tributaries (Sec. 10, Natural Rivers Act). On new leases on state land, Natural Resources Commission policy prohibits drilling for gas or oil within $\frac{1}{4}$ mile of any major stream.

N. Utilities

Except on existing rights-of-way, new gas or oil pipelines, or electric transmission lines shall not be permitted in the Natural River District or to cross the designated river and tributaries without prior written consent of the Natural Resources Commission. Plans for these transmission lines which include crossing the river district or the river and designated tributaries must be approved by the Natural Resources Commission (Part 305, P.A. 451 of 1994). New distribution lines shall not cross the designated portions of the river or housing setback zones unless they are placed underground, or if overhead lines are less disruptive to the environment. Plans for distribution lines which are to be placed under the river shall be approved by the Department of Natural Resources and all construction shall meet the requirements under the Sedimentation Control Act and Inland Lakes and Streams Act. Local service lines to private dwellings shall originate from the landward side of the dwelling insofar as practical. Utility companies shall not be permitted to chemically treat vegetation in the rights-of-way on utility easements within the Natural River District, but other normal maintenance is permitted.

O. Agriculture

- 1) Grazing will be permitted within the natural vegetation strip unless the Surface Water Quality determines the grazing contributes to stream degradation (Part 323, P.A. 451 of 1994). In those cases, livestock will be fenced out to protect the riverbanks. Cattle crossings and watering areas shall be constructed according to

accepted methods, after the landowner has consulted with the local Soil Conservation District, Soil Conservation Service, County Extension Service, and/or the Department of Natural Resources.

- 2) Water withdrawal for irrigation will not be affected by natural river designation, but will continue to be permitted in accordance with the riparian doctrine of reasonable use.

P. Disposal of Solid Wastes

No unsightly or offensive material, including but not limited to: trash, refuse, junk cars, junk appliances, garbage or sawdust, shall be dumped or stored within sight of the river.

Q. Stream Alteration

To protect the natural character of the river and the natural flow of its waters, no damming, dredging, filling or channelization of the stream channel will be permitted in those portions of the Huron River or tributaries designated under the Natural Rivers Act unless approved by the Department of Natural Resources under authority of Part 301, P.A. 451 of 1994.

New in-channel stream improvements for fish habitat, bank stabilization or other resource management practices which might alter the natural character of the stream must be approved by the Natural Resources Commission. Any private plans for these types of projects requires a permit under Part 301, P.A. 451 of 1994. Natural materials should be used to construct stream bank stabilization projects to control erosion. They should be camouflaged and the local Conservation Officer or district fish biologist contacted to provide technical advice for such projects.

Permission shall be obtained from the property owner when removing fallen trees and log jams from the river. If there is any extensive removal of log material from the bottom, during these operations, advice should be sought from the district fish biologist.

Water withdrawal for irrigation will be permitted in accordance with the riparian doctrine of reasonable use.

R. Land Alteration

Cutting, filling for building, including appurtenances, on the floodplain and filling for buildings on the upland within 400 feet of the river's edge where the highest ground water table is within six feet of the surface shall be prohibited. Dredging or filling for the construction of fish or wildlife ponds within 500 feet of the river requires a permit under Part 91, P.A. 451 of 1994. However, no lake shall be constructed within the 400-foot Natural River District.

S. Natural Vegetation Strip on Adjacent Shorelines

Trees, shrubs and other vegetation types native to the area shall be maintained and enhanced on each side of the river to retain the river's natural values. The presence of the

natural vegetation strip is to help in stabilizing the river bank, prevent erosion, provide shading which will help maintain cool water temperatures, absorb nutrients from surface water runoff, provide screening of man made elements, enhance fisheries and wildlife habitat and maintain the aesthetic natural quality of the river.

1) Vegetation Strip

Public Land. On all publicly owned land, a one hundred (100) foot minimum restricted cutting strip shall apply on each side of the mainstream and designated tributaries.

Private Land. On all privately owned land a fifty (50) foot minimum restricted cutting strip shall apply on each side of the mainstream and designated tributaries.

Distances of the natural vegetation strip are measured from the ordinary high water mark.

- 2) Restricted Cutting and Removal of Vegetation. Restricted cutting of dead, diseased, unsafe, fallen trees and removal of noxious weeds and shrubs may take place. The selected removal of trees for commercial timber harvest, access or woodlot improvement shall be allowed upon specific approval of the Department of Natural Resources or its representative.
- 3) Agriculture. Grazing will be permitted within the natural vegetation strip unless the Surface Water Quality determines the grazing contributes to stream degradation (Part 31, P.A 451 of 1994). In those cases, livestock will be fenced out to protect the riverbanks. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the local Soil Conservation District, Soil Conservation Service, County Extension Service, and/or the Department of Natural Resources.
- 4) Selected Cutting for Visual Access. Trees and shrubs may be selectively cut for a filtered view of the river upon arrival of the Department of Natural Resources or its representative. Filtered view of the river means maintenance or establishment of woody vegetation of sufficient density to screen new developments from the river, provide for streambank stabilization and erosion control, serve as an aid to infiltration of surface runoff and provide cover to shade the water. It need not be so dense as to completely block the river view. It means no clear cutting.
- 5) Planting of Native Vegetation. Planting of native plant species is encouraged in the vegetation strip to enhance or protect the river's edge. The Department of Natural Resources or its representative may be consulted on selection of native plant species.

T. Recreation

- 1) Campgrounds and Picnic Areas. On public land, no new structures associated with a campground or picnic area, except those necessary to protect the riverbank,

will be permitted within 300 feet of the designated mainstream or tributaries. Such structures shall be designed and constructed in such a manner as to further the purposes of the Natural River Act.

2) Fishing and Hunting.

- a) Fishing and hunting will be permitted in the Natural River District in accord with current state and local laws and regulations.
- b) IT IS EMPHASIZED THAT NATURAL RIVER DESIGNATION, OR ESTABLISHMENT OF A ZONING DISTRICT ALONG THE RIVER, DOES NOT OPEN PRIVATE LANDS TO THE PUBLIC. Because of the close proximity of the river to highly populated areas, trespassing and violation of privacy will be discouraged through the joint cooperation of property owners and law enforcement officials.
- c) Fisheries and wildlife management practices, if necessary, will be done in conformance with the character of the area and objectives of the natural river designation.

3) Lakes. No lake shall be built within the 400-foot Natural River District.

4) Boating and Canoeing.

- a) Non-motorized boating and canoeing is permitted.
- b) Use of motorized watercraft will be permitted in accordance with local controls promulgated under authority of Part 801, Marine Safety, of 1994 PA 451.
- c) Rafting of more than two vessels is not permitted.

5) Use of Firearms. It is not the intent of this plan to place additional limitations on hunting, but because of the river's unique character, numerous horseshoe bends and oxbows and the possibility of property damage or injury, the strict enforcement of the state laws pertaining to the safe use of firearms on the river and on public roads and bridges in the Natural River District will be strengthened and encouraged through the cooperative efforts of property owners, liveries and law enforcement officials.

6) Litter. In view of the special status of the Huron River, its unique character and beauty and in consideration of the rights of private property owners to avoid trespass by others, the enforcement of anti-litter laws shall be strengthened and the Department of Natural Resources and the Huron-Clinton Metropolitan Authority shall initiate and be responsible for river clean-up bees and special incentive programs for clear-up, with the cooperation, coordination and assistance of local governmental units and canoe liveries.

U. Public Access

The use of non-motorized modes of transportation as a means of reaching and enjoying the Huron River is strongly encouraged. Developed trails for non-motorized traffic within the Natural River District should be planned and constructed in a manner which preserves the natural character of the district to the greatest extent possible.

New public automobile roads and highways and river crossings will not be permitted within the Natural River District. Plans for relocation, major improvement or upgrading of existing roadways must be approved by the local zoning board and the Natural Resources Commission (Part 305, P.A. 451 of 1994). Normal maintenance such as grading and erosion control are permitted subject to all provisions of Part 301 and Part 91, P.A. of 1994. However, the use of broken concrete or other unsightly material for erosion control is prohibited.

Public access sites within the Natural River District, primarily those on Department of Natural Resources and Huron-Clinton Metropolitan Authority lands, are sufficient in distribution and number, and additional new access sites are not recommended at this time. Replacement of existing sites, if necessary, shall be done in conformance with this plan.

All existing sites have some erosion problems and the appropriate agency should take steps to minimize resource damage. In addition, the following specific recommendations are made:

- The present Department of Natural Resources picnic site on the west bank of the Huron River in Section 12, T1S, R4E (downstream of the John Flook Dam) should be encouraged as a canoe access site, and improved only to the extent necessary to provide adequate canoe launching and protection of the river bank. Wooden steps, a canoe slide and erosion control measures are recommended as appropriate investments.
- Huron-Clinton Metropolitan Authority has recently developed a canoe access site and canoe camp on Rickett Road. Huron-Clinton Metropolitan Authority should study the feasibility of better signing this area to inform canoeists of this area for canoe access.

A number of de facto (undesignated, but in general use) picnic, fishing and boat launching sites exist along the river. Use at these sites is increasing to a great extent, often causing a dangerous situation and resource damage. The following are recommended:

- The Mast Road Bridge crossing in Dexter presently has an erosion problem. With the road being expanded to four lanes, both safety and erosion problems will increase. It is recommended that the bridge and roadway be posted "NO PARKING".
- Both the east and west roads of Old-23 are used for access to the river. The safety problem here is not acute as at some other areas, but the Department of Natural Resources and Huron-Clinton Metropolitan Authority, working together, should monitor this use and investigate the possibility of providing

parking areas at either the nearby commuter parking lot or on existing Huron-Clinton Metropolitan Authority land.

- Both Evergreen and McCabe are narrow, gravel roads where they cross the Huron River. Vehicle parking for access has caused both a safety and erosion problem in the past. These should be posted "NO PARKING" to discourage canoe and boat launching.
- The bridges and approaching roadways at both Winan's Lake Road and M-36 are extremely narrow. The areas are well used by canoeists, fishermen and boaters, and traffic on the roads is heavy. Parked cars almost block traffic at times, and cause a dangerous situation. Because of the safety factor, these existing areas should not be used for ingress and egress of canoes to the Huron River. Alternative canoe access is available at the public access site on Rickett Road. The Department of Natural Resources and Huron-Clinton Metropolitan Authority should monitor this use in the future, to determine if a designated access site is needed in this vicinity.

The Huron River Planning Group recognizes the increase in canoe traffic and use that is occurring in the state, and particularly on the Huron River. To protect the natural values and characteristics of the designated portions of the Huron River, the group recommends the following:

- New canoe liveries operating in the designated portions of the river should be discouraged. In considering rezoning, special exception or variance requests, either within or outside of the 400 foot Natural River District, local units of government should examine closely the effects such use will have on the natural qualities of the Huron River system, the need for additional local governmental services, and the safety and enjoyment of riparian landowners and other river users.
- Department of Natural Resources and Huron-Clinton Metropolitan Authority should specify the number of canoes allowed to be rented by their respective concessioners, and this number should reflect the total use patterns on the designated sections of the river.
- The Department of Natural Resources, in cooperation with the Huron River Watershed Council, should contact the livery operators using the designated portions of the river, to outline the public access problems, and to ask them to voluntarily manage their operations to help alleviate these problems.
- The Huron River Planning Group strongly supports the concept of river use rules to control the activities and number of watercraft on the Huron River, but recognizes that statutory authority for such controls has not been formally clarified.

V. Motorized Vehicles

Operation of all motorized vehicles other than on designated public roads, will be prohibited on publicly owned lands within the Natural River District.

Prohibition of such use shall be posted. Use of ORVs on publicly owned lands contiguous to the Natural River District shall be in conformance with guidelines and

regulations of the agency administering such lands, and with the state and federal noise level standards strictly enforced. (Muffler requirement of MIC – Section 7, Act 300, P.A. 1949, etc.)

Although use of ORVs by a landowner or his guest(s) on his property cannot be prohibited, it is strongly recommended that such vehicles not be operated within the natural vegetation strip as specified in Section Q of this management plan.

W. Historical and Archaeological Sites

The identification, preservation and interpretation of historical and archaeological sites along the designated portions of the Huron River and tributaries, by public agencies and local historical societies, is strongly encouraged.

W. Wastewater Treatment Facilities

It is strongly recommended that the Water Resources Commission give top priority to upgrading wastewater treatment facilities, and eliminating any other sources of pollution on the entire Huron River.

X. Administration

1). Land Use Guidelines.

- a) Zoning by local government units shall be the chief means of protecting the Huron River and its designated tributaries as a natural river under the natural river plan.

1. Zoning shall be applied within the 400-foot Natural River District on both the designated mainstream and tributaries. Upon adoption of a local zoning ordinance, certified copies of maps and/or documents describing the Natural River District shall be filed with the local tax assessing officer and County Equalization Department. In establishing true cash value of property within the Natural River District, the assessing officer shall recognize the effect of use limits established by the ordinance (Part 305, P.A. 451 of 1994).

The Huron River Planning Group also urges local government units to adopt building setbacks, vegetation management and septic system controls for other streams under their jurisdiction not within the natural rivers designation.

Any property owner with undeveloped river frontage on the designated portions of the Huron River or its designated tributaries may sign an open space development rights easement with the state under Act 116, P.A. 1974 to obtain potential tax relief.

2. Appeals: Under certain circumstances, strict adherence to this plan may create unreasonable hardships for the frontage owner. Such cases may be appealed to the appropriate local board for a variance. Applications for a variance shall be based on a site plan.* The county health department, Soil Conservation Service, appropriate staff and field personnel of the Department of Natural Resources and other experts should be consulted to recommend to the appeals board a course of action which will have the least degrading impact on the character of the natural river. Final determination of the variance shall be made by the local appeals board.
3. Nonconforming uses: As stated in Section 13 of the Natural Rivers Part 305, P.A. 451 of 1994, "the lawful use of any building or structure and of any land or premise as existing and lawful at the time of enactment of a zoning ordinance or rule or an amendment thereof may be continued although such use does not conform with the provisions of the ordinance, rule or amendment. The ordinance or rule shall provide for the completion, restoration, extension or substitution of nonconforming uses upon such reasonable terms as may be set forth in the zoning ordinance or rule."

b) Land Acquisition

1. The state may purchase or trade lands with owner consent on the designated river and tributaries to maintain or improve the river and its environment. Efforts should be made by the Department of Natural Resources and the Huron-Clinton Metropolitan Authority to purchase lands on or trade other lands for lands along the river as key areas are identified and as funds become available (Part 305, P.A. 451 of 1994).
2. Some landowners in the Natural River District may be interested in offering scenic or other easements or inserting restrictions in their deeds which serve to protect the river environment and which coincide with their property interests. The opportunity to obtain such easements or restrictions should be pursued.

- c) State Resources. Overall responsibility for implementing and coordinating the natural river plan is assigned to the Region III Office of the Department of Natural Resources. The Natural Resources Natural Rivers Task Force will act in an advisory capacity. Enforcement of water quality standards and water use regulations will be the responsibility of the Water Resources Commission and other divisions of the Department of Natural Resources.

*"Site Plan" means a surface view showing elevations or contours of the ground, including existing earth fills; generalized vegetative cover; size, location and spatial

arrangement of all proposed and existing structures and uses on the site; location and elevations of streets, access roads, water supply and sanitary facilities.

- d) Other Public Lands. Cooperative agreements between the Director of the Department of Natural Resources and the chief administrative officer of other public agencies administering lands within the Natural River District will govern the use and management of those lands in accordance with the provisions of this plan.
- 2) Other laws and programs reinforcing natural river management objectives should be utilized to the extent necessary to protect the river in implementing the management plan for the river and tributaries (see Appendix A).
- 3) It is recommended that property owners and other citizens further protect and enhance the values of the Huron River environment by adopting the attitudes and actions described in Appendix B.

Y. Management of Areas Beyond the Natural River Zone

Land use and water resources are closely related. What happens on the lands beyond the Natural River District but within the drainage area of the river affects the river. Local units of government adjacent to the district, through their powers to influence the location, timing and nature of development, can have a positive effect on water resources.

It is recommended that local governmental units zone adjacent to the Natural River District to maintain the integrity of the Huron River and designated tributaries as a country-scenic river.

- 1) By limiting residential development to low density single-family structures or medium density cluster developments. Medium density cluster developments are recommended because it is easier to provide services and control.
- 2) By providing districts where industry which may produce noise, smoke, fumes, odors, etc., will not affect the natural characteristics of the river area.
- 3) By providing districts for commerce where heavy traffic, parking, automobile exhaust and noise will not create environmental intrusions.

Further, it is recommended that local units of government incorporate water resource protection and/or management measures into their plans, programs and decisions involving land use. Such measures are of particular importance when dealing with lands in the stream corridor as defined below.

A stream corridor essentially consists of lands contiguous to the stream, the alteration or development of which could potentially cause direct impacts on the stream and its environment. It is a composite of:

- 1) Soil types with severe limitations for development.
- 2) Vegetation along creek banks.
- 3) Wetlands.
- 4) Slopes.

5) Flood profiles when known.

Sensitive areas involving one or more of the above factors may occur within the drainage area of the river but outside of the Natural River District itself. Modification or development within such areas may adversely affect water resource benefits within the district or create problems requiring costly public investment to rectify.

It is recommended that local units of government consider such measures as regulating changes in surface water runoff from specific locations through use of the site plan review process; and protecting sensitive areas outside of the Natural River District through use of conditional use permit procedures. Local units of government should seek the assistance of, and work with, local agencies involved with water resources, such as the Huron River Watershed Council and other agencies noted below.

On private lands adjacent to and within one-quarter mile of the Natural River District, it is recommended that the local Soil Conservation Districts, local Soil Erosion and Sedimentation Control agencies, Cooperative Extension Service and the Department of Natural Resources cooperate with landowners to ensure that timber harvest, agricultural practices, housing, road building or other land use activities are compatible with the country-scenic designation of the river and with maintaining the water quality of the river.



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MEMORANDUM

TO: City of Dexter Planning Commission
Michelle Aniol, Community Development Manager

FROM: Doug J. Lewan, City Planner
Laura K. Kreps, City Planner

DATE: July 23, 2015

RE: Zoning Ordinance Assessment / Review of Staff's Comments

As outlined in our May 2015 Zoning Ordinance update proposal, the first task in the work program is evaluating the existing Zoning Ordinance as it relates to staff's review of the Ordinance (dated April 29, 2015), as well as the Master Plan. Based upon our initial review of these documents, we denote the following priorities:

STEP 1 – High Priority:

Statutory Updates
Review of District Regulations / Uses
Specific Standards for Special Land Uses
Planned Unit Development Regulations
Signs
Landscaping
Exterior Lighting

STEP 2 – Minor Revisions:

References and other minor inconsistencies noted in staff's review memo.

STEP 3 – Reorganization/ Reformatting

Full document will be reorganized and formatted for web-ready document with hyperlinking.

Additionally, the Planning Commission should consider whether a single public hearing for the entire document is preferred, or if public hearings for critical chapters is warranted in order to enact certain provisions in advance of the entire document.

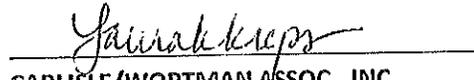
Attached you will find Article 1 formatted in InDesign. We look forward to discussing these options with you at the August 3rd Working Session prior to the regular Planning Commission meeting. Please feel free to contact us with questions prior to the meeting as well.



CARLISLE/WORTMAN ASSOC., INC.

Douglas J. Lewan, PCP, AICP

Principal



CARLISLE/WORTMAN ASSOC., INC.

Laura K. Kreps, AICP

Associate

Cc: File

**ZONING ORDINANCE
CITY OF DEXTER, MICHIGAN**

An ordinance relative to the designation, regulation and restriction of the location and use of buildings, structures and land for agricultural, residence, commerce, trade industry or other purposes; the regulation and limitation of the height, number of stories and size of buildings and other structures, hereinafter erected or altered; the regulation and determination of the size of yards and other open spaces; the regulation and limitation of the density of population; and pursuant to the aforesaid purposes, to divide the City of Dexter into Zoning Districts of such number, shape and area as may be deemed best suited to carry out the provisions of this ordinance and provide for the enforcement thereof pursuant to Act 110 of the Public Acts of 2006, as amended, known as the Michigan Zoning Enabling Act.

THE CITY OF DEXTER ORDAINS:

**ARTICLE I
ENACTING CLAUSE, TITLE, PURPOSES**

SECTION 1.01 ENACTING CLAUSE

An ordinance adopted under the authority of, and in accordance with the provisions of the Michigan Zoning Enabling Act 110 of 2006 Public Acts of Michigan, to establish comprehensive zoning regulations for the City of Dexter, Washtenaw County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.02 TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of The City of Dexter". The Zoning Map, referred to herein is entitled "Zoning Map, City of Dexter".

SECTION 1.03 PURPOSES

This ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety and general welfare;
- B. Protecting the traditional village character and stability of the residential, commercial and industrial areas, and promoting the orderly and beneficial development of such areas;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;

- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of residents, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things;
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within the specified zoning district; the general and appropriate trend and character of land, building, and population development as studied and recommended by the Planning Commission and the City of Dexter;
- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditure of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes, and odors, heat, dust, smoke, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people;
- J. Regulate the completion, restoration, reconstruction, extension or substitution of nonconforming uses.
- K. Encourage use of the land and natural resources in accordance with their character and capacity, thus preserving the sensitive and important environmental features in the City such as wetlands, rivers, topography, open space, mature vegetation and wildlife habitat. The Ordinance acknowledges the importance of these features for the long term economic climate of all uses in the City and the overall quality of life for City residents.