



# DEXTER TOWNSHIP

## PLANNING COMMISSION

6880 DEXTER-PINCKNEY ROAD

DEXTER, MI 48130

TELEPHONE: 734-426-3767

FAX: 734-426-3833

[WWW.DEXTERTOWNSHIPMI.GOV](http://WWW.DEXTERTOWNSHIPMI.GOV)

## PLANNING COMMISSION MEETING AGENDA

February 25, 2025

6:00 PM

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1. **Call to Order**
2. **Pledge of Allegiance**
3. **Conflict of Interest Review** (*Possible conflicts with agenda items*)
4. **Approval of Agenda**
5. **Public Comment** (*Comment on items that are not on the agenda. The Board will entertain public comments on agenda items as they come up for discussion.*)
6. **Public Hearings**
  - A. Public hearing to amend Section 17.03 and Table 17.1 to remove the maximum density requirement for the keeping of animals on parcels with 10 or more acres of land, and to add maximum animals per acre and maximum number of animals on less than 10 acres.
7. **Action Items**
  - A. *Recommendation to Township Board on proposed Zoning Ordinance amendments to Section 17.03 and Table 17.1 to remove the maximum density requirement for the keeping of animals on parcels larger than 10 acres, and to add maximums per acre for parcels of less than 10 acres. -P.3*
8. **Discussion Items**
  - A. *Amendment to Required Wetland Setback -P. 10*
  - B. *Amendments Regarding Nonconforming Contiguous Lots -P. 22*
  - C. *Updating Planning Commission Bylaws -P. 29*
9. **Approval of Planning Commission Minutes: January 28, 2025 -P. 41**
10. **Correspondence -P. 44**

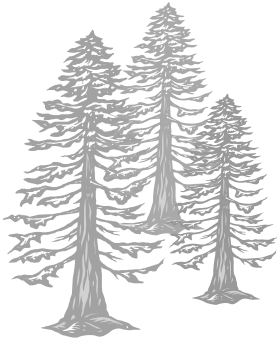
**11. Township Board of Trustees Update**

**12. Concerns of Planning Commission Members, Director of Planning & Zoning,  
Township Supervisor, & Recording Secretary**

**13. Public Comment (*non-agenda items*)**

**14. Future Agenda Items**

**15. Adjournment**



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*"A Community For All Seasons"*

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## MEMORANDUM

**To:** Dexter Planning Commission

**From:** Michael Boettcher, AICP, Zoning Administrator

**Subject:** Proposed Zoning Ordinance amendments for the keeping of animals

**Date:** February 18, 2025

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Per Planning Commission request, staff drafted the attached language to update and clarify regulations for the keeping of animals in the Zoning Ordinance. Article 17, Section 17.03(E) currently regulates the keeping of animals, with a table that regulates the number of animals by type of animal, minimum lot size for a single animal, number of animals per acreage, and maximum number of animals. It has been perceived as confusing, however. And without some limits, nuisances could develop.

Recommended changes: A) Allow animals to be kept on parcels of ten (10) acres or more as long as they are in compliance with Michigan's Generally Accepted Agricultural and Management Practices (GAAMPs) as adopted by the Michigan Department of Agriculture and Rural Development, and B) Regulate the keeping of animals based on parcel size and animal type for parcels under ten (10) acres. Michigan State Extension's "Sample Zoning for Agriculture-Like and Urban Agriculture" was used in developing these draft amendments.

The decision criteria for a zoning text amendment, per Zoning Ordinance Section 30.05(B) are:

- **Master Plan:** The zoning text amendment shall be compatible with the goals, policies, and future land use map of the Master Plan.
- **State and Federal Law:** The zoning text amendment shall be consistent with state and federal law.

Based on those standards, staff also prepared the motions on the following page for the Planning Commission's consideration. Please note that per Section 30.05(C), at least four (4) members of the Planning Commission must vote in the affirmative for a favorable recommendation.

**Motion #1**

Based on the information provided by staff and during the public hearing held on February 25, 2025, the Planning Commission makes a favorable recommendation of the proposed text amendments for Section 17.03 of the Zoning Ordinance, specifically (PICK ONE: text amendment attached, text amendment drafted by the Planning Commission after the public hearing), to the Township Board for the following reasons (select all that apply):

1. The zoning text amendment is compatible with the goals and policies of the Master Plan.
2. The zoning text amendment is consistent with state and federal law.

**Motion #2**

Based on the information provided by staff and during the public hearing held on February 25, 2025, the Planning Commission makes an unfavorable recommendation of the proposed text amendments for Section 17.03 of the Zoning Ordinance, specifically (PICK ONE: text amendment attached, text amendment drafted by the Planning Commission after the public hearing), to the Township Board for the following reasons (select all that apply):

1. The zoning text amendment is not compatible with the goals and policies of the Master Plan.
2. The zoning text amendment is consistent with state and federal law.

**Motion #3**

Based on the information provided by staff and during the public hearing held on January 28, 2025, the Planning Commission postpones the proposed text amendments for Section 17.03 of the Zoning Ordinance, specifically (PICK ONE: text amendment attached, text amendment drafted by the Planning Commission after the public hearing), to (INSERT DATE) for the following reasons (select all that apply):

1. The zoning text amendment application does not contain enough information necessary to conduct a review.
2. Additional information is necessary.
3. Significant changes are necessary to receive approval.

ORDINANCE NO. 43

An amendment to Ordinance No. 43 - Zoning Ordinance - Adopted Oct. 13, 2020, as amended through Nov. 19, 2024, to remove the maximum density requirement for the keeping of animals on parcels with 10 or more acres of land in Section 17.03 and Table 17.1 of the Dexter Township Zoning Ordinance.

**SECTION 17.03**

**Agricultural, Fishing, Hunting, And Recreation Use Standards**

**(A) Agricultural Operations:** Any use of land for agricultural purposes as defined in this ordinance shall be regulated as identified below.

- 1) **Parcels of 10 or More Acres:** The keeping of animals on parcels of ten (10) acres or more shall be permitted, provided such practices comply with Michigan's Generally Accepted Agricultural and Management Practices (GAAMPs) as adopted by the Michigan Department of Agriculture and Rural Development.
- 2) **Parcels Under 10 Acres:** For parcels under ten (10) acres, the keeping of animals shall comply with the GAAMPs as well as the following guidelines.

**(B) ~~(C)~~ Commercial Farm Operations:** Commercial farm operations shall meet the additional standards outlined below.

- 1) **New and Expanding:** New and expanding farm operations shall comply with Generally Accepted Agricultural and Management practices adopted by the Department of Agriculture and Rural Development and the Right to Farm Act.
- 2) **Erosion, Weeds, and Shrubs:** Any land kept as idle cropland or non-cropland areas shall be treated or maintained to prevent soil erosion by wind or water and excessive growth of noxious weeds and shrubs.
- 3) **Sod:** Any land kept for the growing, stripping, and removal of sod shall be reseeded after stripping by fall of the year in which it was stripped to prevent soil erosion by water or wind.
- 4) **Preemption:** Standards of this Section that conflict with duplicate, or contravene the Right to Farm Act and Generally Accepted Agricultural and Management Practices adopted by the Department of Agriculture shall be pre-empted to the extent mandated by the Right to Farm Act and Generally Accepted Agricultural and Management Practices adopted by the Department of Agriculture and Rural Development.

**(C) ~~(B)~~ Commercial Stables:** Commercial stables shall meet the additional standards outlined below.

- 1) **Location:** Stables shall not be located in platted subdivisions or site condominiums except where such subdivisions or condominiums are specifically designed to incorporate the keeping of horses.
- 2) **Lot Area:** The minimum lot area shall be five (5) acres for the first horse, and an additional  $\frac{3}{4}$ -acre per additional horse.
- 3) **Outdoor Areas:** Animals in outdoor areas shall be at least 50 feet from any dwelling on adjacent lots.
- 4) **Setbacks:** Stables and storage of piles of manure or feed shall be at least 100 feet from any lot line.
- 5) **Vegetative Strip:** A vegetative strip at least 50 feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any waterbody or well head. In areas with slopes of over five (5) percent, the Planning Commission may increase the setback to minimize runoff, prevent erosion, and promote quick nutrient absorption.
- 6) **Dust and Drainage:** The facility shall be constructed and maintained so that dust and drainage from the stable or yards will not create a nuisance or hazard to adjoining property or uses.
- 7) **Living Quarters:** A single dwelling unit may be located on the lot for the owner or caretaker.
- 8) **Special Events:** Special events, such as shows, exhibitions, and contests shall require a temporary zoning permit; see Section 16.33 Temporary Structures and Uses.

**(D) ~~(C)~~ Farm Labor Housing:** Seasonal farm labor housing shall meet the additional standards outlined below.

- 1) **Setbacks:** Farm labor housing shall be at least 75 feet from all lot lines and 150 feet from dwellings on adjacent properties.
- 2) **Location:** The farm labor housing shall be located on a commercial farm in an Agricultural (AG) District.
- 3) **Occupancy:** The occupants shall be employed for farm labor by the farm on which the farm labor housing is located for at least 50 percent of the days they occupy the housing.

**(E) ~~(D)~~ Roadside Stands:** Roadside stands shall meet the additional standards outlined below.

- 1) **Location:** Roadside stands shall be located in a Commercial District or on a lot controlled or owned by the operator of the roadside stand in zoning districts where commercial agriculture is a permitted use.
- 2) **Setbacks:** All roadside stands located outside of a Commercial District shall be at least 100 feet from dwellings on adjacent lots.
- 3) **Number:** There shall be a maximum one (1) roadside stand per lot.
- 4) **Driveway:** Only one (1) driveway may be established. The driveway shall be at least 24 feet wide. The driveway shall be configured to allow vehicles to turn around before re- entering the street.
- 5) **Off-street Parking:** Off-street parking may be located within the required front yard but shall not be located within the street right-of-way and shall be at least 25 feet from adjacent properties in residential districts.
- 6) **Structures:** Temporary structures used for roadside stands shall have a total maximum building coverage of 500 square feet and maximum height of ten (10) feet. Temporary structures shall be removed within fifteen (15) days of the end of use or at the termination of the permitted period of use, whichever comes first.
- 7) **Products Available:** Roadside stands shall be limited to the sale of farm produce, specialty crops such as tree fruits, nuts, berries, or similar, or foodstuff made from such produce. Products grown or produced on the lot or property owned or controlled by the operator shall account for at least half of the gross revenue of the products sold at roadside stands not located in commercial districts.
- 8) **Hours of Operation:** The hours of operation for roadside stands not located in commercial districts shall be limited to the hours between 7:00 am and 8:00 pm.
- 9) **Signs:** Signs shall only be displayed two (2) weeks before opening through the end of the seasonal occupancy of the roadside stand.

**(F) ~~(E)~~ Keeping of Animals:** The keeping of animals, other than domesticated pets and commercial agriculture, shall meet the additional standards outlined below.

- 1) **Lot Area:** The raising and keeping of animals, other than domesticated pets, is only permitted as outlined in the following table. **For parcels under 10 acres, animal density limits shall apply based on parcel size and animal type.** Lot area used for allocation of one animal may not be reused for another animal.

**Table 17.1: Keeping of Animals**

ANIMAL	MINIMUM LOT AREA FOR FIRST ANIMAL	MAXIMUM DENSITY PER ANIMAL	MAXIMUM ANIMALS PER ACRE	PERMITTED ZONING DISTRICT	MAXIMUM NUMBER OF ANIMALS ON PARCELS < 10 ACRES (a)	MAXIMUM NUMBER OF ANIMALS ON PARCELS ≥ 10 ACRES	NOTES
Chickens, turkey, <del>rabbits</del> or other fowl (b)	1 Acre	<del>0.25 Acres</del>	4 animals per acre	AG, RR, LR, RC, PL, PI	10	Per GAAMPS	Roosters and peacocks shall only be permitted in Agricultural (AG) Districts on lots with a lot area of five (5) acres or more.
Rabbits	1 Acre		4 animals per acre	AG, RR, LR, RC, PL, PI	10	Per GAAMPS	
Pygmy, <del>or</del> Nigerian, and other goats	2 Acres	<del>1 Acre</del>	1 animal per acre	AG, RR, LR, RC, PL, PI	6	Per GAAMPS	
Sheep, <del>goats</del> alpacas, llamas, or Vietnamese potbelly pics	2 Acres	<del>0.5 Acres</del>	2 animals per acre	AG, RR, RC, PL, PI	6	Per GAAMPS	
Horses, ponies, mules, burros, ostriches, or reindeer	2.5 Acres	<del>1 Acre</del>	1 animal per acre	AG, RR, RC, PL, PI	4	Per GAAMPS	
Cattle, bison, swine, or elk	10 Acres	<del>1.25 Acres (c)</del>	1 animal per acre	AG, RR, RC, PL, PI	Per GAAMPS	Per GAAMPS	

~~a) Not applicable: The maximum number of animals does not apply to lots greater than ten (10) acres in Agricultural (AG) and Rural Residential (RR) Districts.~~

~~b) Roosters and Peacocks: Roosters and peacocks shall only be permitted in Agricultural (AG) Districts on lots with a lot area of five (5) acres or more.~~

~~c) By way of example, a 10-acre parcel in RR would be permitted a maximum of 8 cattle.~~

Text to be added is in red font: **example**  
 Text to be deleted is in strikethrough font: ~~example~~

- 2) **Manure Piles:** Manure piles shall be stored, removed, and/or applied to the soil in accordance with the Generally Accepted Agricultural and Management Practices adopted by the Department of Agriculture.
- 3) **Setbacks:** The following shall be at least 50 feet from all lot lines unless otherwise specified:
  - a) Buildings: Buildings housing animals;
  - b) Manure, Odor, and Dust: Storage of manure or other odor or dust-producing materials or use; and
  - c) Bare Ground: Soil areas unable to support or hold a vegetative cover due to an outdoor animal confinement area.
  - d) For parcels in the Lakes Residential district, the setback for items b) and c) above shall be 100 feet.
- 4) **Chicken Coops:** Chicken coops shall be at least fifteen (15) feet from lot lines and at least 25 feet from dwellings on adjacent lots. This may not be adjusted through administrative adjustment.
- 5) **Fencing:** Grazing areas shall be adequately fenced or secured to keep animals from leaving the area.
- 6) **Sanitary Conditions:** Pens and shelters shall be maintained in a sanitary condition.
- 7) **Household Pets:** The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any district, provided such activities do not constitute a commercial kennel.
- 8) **Wild Animals:** Wild animals shall not be kept permanently or temporarily in any district within the Township.
- 9) **In Subdivisions:** Keeping of animals shall be prohibited in platted subdivisions or site condominium developments except where the bylaws or master deed specifically permit the keeping of animals as described in this ordinance.

# Existing Wetland Setback Language



## SECTION 23.05

## Grading and Clearing

Grading and clearing shall meet the following standards in order to protect soil resources, adjacent properties, streets, and waterbodies and to provide for adequate drainage of surface water.

- (A) **Flow Restrictions:** All structures shall be constructed at an elevation that provides for the final grade adjacent to the structure to slope away from the structure, draining stormwater away to a natural or established drainage course in a manner that avoids increased flow onto adjacent properties or streets, the erosion or filling of a ditch, the blockage of a public watercourse, or the creation of standing water over any sewage drainage field.
- (B) **Construction Drainage:** Adjacent properties shall not be burdened with additional drainage from a property on which construction is taking place.
- (C) **Yard Slopes:** All required yards shall be maintained at a slope to cause the flow of surface water to existing drainage systems without causing any ponding or flooding upon adjacent lands resulting from any change in elevation. This shall not prevent the grading of a yard into landscaped depressions or terraced areas where adequate and safe means for the disposal of surface waters are installed and maintained.
- (D) **Elevation Changes:** Yards shall be graded to meet the existing grades along lot lines and allow surface water drainage without encroachment onto adjacent properties, except for runoff that follows existing drainage patterns. The grade along lot lines may be adjusted with the written, notarized consent of all affected property owners, with a copy provided to the Township.
- (E) **Clearing of a Site:** Stripping and removal of topsoil from a site shall be prohibited before the completion of all necessary mitigation measures to prevent erosion and sedimentation.
- (F) **Performance Guarantee:** The Township may require a developer, contractor, or property owner to deposit a performance guarantee to cover the anticipated cost of final grading, as outlined in Section 31.05 Performance Guarantee.
- (G) **Certificate of Zoning Compliance:** The final grading shall be completed before issuance of a certificate of zoning compliance, as outlined in Section 25.07 Certificate of Zoning Compliance Process.

## SECTION 23.06

## Wetlands

The following are intended to protect wetlands and ensure they continue to benefit Township residents and the environment.

- (A) **Identification:**
  - 1) The wetland map for Washtenaw County, as prepared by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or its successor using information from the National Wetland Inventory, land cover, and soils shall be used as a guideline for wetland identification.
  - 2) Wetland inventory maps are off-site generated and only tell that wetlands may be on the property. They are NOT intended to define specific wetland locations or wetland boundaries for Regulatory purposes
- (B) **Delineation:** If there is disagreement over the extent of wetlands, an applicant may submit a wetland delineation prepared by professional engineer, land surveyor, or landscape architect licensed in Michigan. The delineation shall be at the applicant's expense.



- (C) **Setbacks:** All buildings shall be at least ten (10) feet from wetlands in all districts. Driveways and boardwalks may be located closer if a wetland permit has been issued by the EGLE or its successor

SECTION 23.07

## Soil Erosion and Sedimentation Control

The following soil erosion and sedimentation control standards shall be met, in addition to other standards enforced by the Soil Erosion Control Officer, in order to protect property, streets, waterbodies, and wetlands.

- (A) **Off-site Sedimentation:** All development and earth changes shall be conducted in a manner to prevent erosion and the discharge of sedimentation from the site.
- (B) **Disturbed Area Duration:** All development and earth changes shall be designed, constructed, and completed so that the exposed area of any disturbed land is limited to the shortest possible period.
- (C) **Waterbodies and Wetlands:** Appropriate measures shall be taken to prevent erosion and sedimentation into waterbodies and wetlands.
- (D) **Soil Erosion and Sedimentation Control Standards:** All development and earth changes shall comply with the soil erosion and sedimentation control standards enforced by the Soil Erosion Control Officer.

SECTION 23.08

## Water Quality and Quantity

The following standards are intended to protect existing waterbodies and wetlands from negative impacts of polluted or excessive stormwater.

- (A) **Existing Features:** Existing waterbodies shall be protected from damaging modifications and adverse changes in stormwater runoff quality associated with development or improvements.
- (B) **Special Significance:** Waterbodies and wetlands of special significance, including, but not limited to, forested wetlands, fens, wetlands associated with watercourses, and watercourses with intact native plant ecosystems shall be protected from development and the effects of development.
- (C) **Stormwater:** Stormwater discharge into existing waterbodies and wetlands shall not modify the existing water levels or flow rate.
- (D) **Direct Discharge:** Direct discharge of untreated stormwater into a waterbody or wetland shall be prohibited. Stormwater may only be discharged into a waterbody or wetland if it has been designed for that and will be pretreated by a sedimentation trap, sump, or basin to remove sediments and other pollutants. The sediment trap shall be constructed and stabilized before additional site grading may take place. Stormwater collected by residential gutters may discharge up to three (3) feet into a required yard setback, not including the waterbody setback.
- (E) **Construction:** Stormwater treatment facilities shall be installed as soon as possible during construction.
- (F) **Impacts:** Any proposed impacts to waterbodies or wetlands shall be permitted by and adhere to applicable regulations of the Department of Environment, Great Lakes, and Energy or Water Resources Commissioner.

## Suggested Wetland Setback Language

See section "E" on  
page 3

**Article XI                    Ann Arbor Township - Approved August 17, 1998**  
**Section 11. 26 Natural Feature Setback**

**A. Intent and Purpose**

It is the intent of this section to require a minimum setback from natural features, and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the Zoning Enabling Act.

It is the purpose of this section to establish and preserve minimum setback from natural features in order to recognize and protect the special interrelationship and interdependency between the natural feature and the setback area. Components of the interrelationship which this section is intended to protect include: (1) the spatial relationship; (2) interdependency in terms of physical location, plant species, animal species and encouragement of diversity and richness of plant and animal species; (3) overland and subsurface hydrology; (4) water table; (5) water quality; (6) prevention of erosion or sediment deposition.

**B. Regulation**

A natural feature setback shall be maintained in relation to all areas defined in this ordinance as being a "natural feature," unless and to the extent, it is determined to be in the public interest not to maintain such setback, in accordance with the standards set forth in this section.

**C. Definitions**

**NATURAL FEATURE** shall mean, for the purposes of establishing setback standards in this Ordinances, a protected wetland, watercourse or steep slope as defined below.

**PROTECTED WETLANDS** shall mean any of the following:

1. All wetlands subject to regulation by the MDEQ including:
  - (a) Wetlands, regardless of size, which are contiguous to any lake, stream, river, or pond whether partially or entirely contained within the project site.
  - (b) Wetlands, regardless of size, which are partially or entirely within five

hundred (500') feet of the ordinary high water mark of any lake, stream, river or pond unless it is determined by the MDEQ that there is no surface water or groundwater connection between the wetland and the water body.

(c) Wetlands which are larger than five (5) acres, whether partially or entirely contained within the project site, and which are not contiguous to any lake, stream, river, or pond.

(d) Wetlands, regardless of size, which are not contiguous to any lake, stream, river, or pond, if the MDEQ determines the protection of the wetland is essential to the preservation of the natural resources of the state from pollution, impairment or destruction.

2. All wetlands subject to regulation by the Township including:

(a) Wetlands two (2) to five (5) acres in size, whether partially or entirely contained within the site of proposed alteration, which are not contiguous to any lake stream, river or pond.

(b) Wetlands smaller than two (2) acres in size which are not contiguous to any lake, stream, river or pond and are determined to be essential to the preservation of the natural resources of the Township as provided for in Section 7.6 of the Ann Arbor Township Wetland and Watercourse Protection and Restoration Ordinance.

**STEEP SLOPE** shall mean a rise of 12 feet or more over a distance of 100 feet.

**WATERCOURSE** shall mean any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. A watercourse may or may not be serving as a drain as defined by Act 40 of the Public Acts of 1956, as amended.

**WETLAND** shall mean land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp or marsh.

**D. Authorization and Prohibition**

1. The natural feature setback shall be determined in accordance with the standards and provision in Section E, in relation to the respective types of natural features. The applicant requesting approval is responsible for determining whether natural features, as defined above, exist on the site and determining the boundaries of such natural features. This determination can be made by outside professional consultants retained by the applicant. Sources of information on natural features within Ann Arbor

Township include, but are not limited to, the Township Wetland Map, Washtenaw County Planning Commission Fragile Lands Study Maps and Washtenaw County Soil Maps. Township staff and Planning Commission will confirm these determinations during the review process.

2. The individual or body responsible for building permit or site plan approval shall determine the appropriate natural feature setbacks, in accordance with Section E below, whenever a plan is submitted to develop property or undertake an operation in, on or adjacent to a natural feature.
3. Within an established natural feature setback there shall be no: construction; deposit of any material, including structures; removal of any soils, minerals and/or vegetation; dredging, filling or land balancing; constructing or undertaking seasonal or permanent operations, except as authorized pursuant to Section F below.

#### **E. Setback Standards**

The following setbacks shall apply:

1. A twenty-five (25) foot vegetated strip setback from the boundary or edge of a protected wetland, as defined and regulated in the Township Wetland Ordinance and as shown on the Township Wetland Map.
2. A twenty-five (25) foot vegetated strip setback from the highwater mark of any watercourse.
3. A one-hundred (100) foot building and construction setback from the highwater mark of any watercourse or outside of the 100 year floodplain, whichever is greater.
4. Construction and building activity shall be outside of any area with steep slopes or highly erodable soils, as defined by Washtenaw County Soil Maps.

#### **F. Natural Features Setback Use Permit**

1. Under certain conditions defined below a natural features setback use permit may be authorized by the Township Planning Commission to allow limited construction, activity, use or operations within the natural feature setback. A natural features setback use permit is to be considered a special land use permit, in accordance with the Michigan Township Zoning Act, Section 125.286b and authorization of such construction, activity, use or operation shall not be available through a variance.
2. Application for a natural features setback use permit shall be made by filing an application form approved by the Township Board with the required information and

the required fee with the Township Clerk. The fee shall be set by resolution of the Ann Arbor Township Board. No part of such fee shall be returnable to the applicant. The Clerk shall transmit a copy of the application form and the required information to the Chairperson of the Planning Commission within three (3) days of the filing date.

3. An application for a natural features setback use permit shall contain the following information:
  - a) The applicant's name, address and telephone number.
  - b) The names and addresses of all owners of record and proof of ownership.
  - c) The applicant's interest in the property, and if the applicant is not the fee-simple owner, the owner's signed authorization for the application.
  - d) Legal description, address and tax parcel number of the property.
  - e) A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
  - f) A detailed description of the proposed use.
  - g) A site plan, meeting the requirements of a preliminary site plan, as set forth in Section 22.03, herein.
4. The Township Planning Commission shall review the application to determine if all required information has been provided. The Planning Commission shall establish a date of a public hearing on the petition after confirming that the applicant has provided all information and paid all fees required. Within 135 days of receipt of a complete application, the Township Planning Commission shall render a decision regarding the requested natural features setback use permit, based on the standards set forth below.
5. The Clerk shall give notice of a public hearing on the petition by one (1) publication in a newspaper of general circulation in Ann Arbor Township. The Clerk shall give notice of the petition and public hearing to the owner of the property in question, to all persons to whom real property within three hundred (300) feet of the premises in question is assessed and to the occupants of all structures within three hundred (300) feet. The notice shall be sent by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notices shall be given not less than five (5) days nor more than fifteen (15) days before the date of the public hearing. The notices shall:
  - a) Describe that a natural features setback use permit has been requested.
  - b) Indicate the property which is the subject of the natural features setback use permit.
  - c) State when and where the public hearing will be held.
  - d) Indicate when and where written comments will be received concerning the request.

6. In determining whether to grant a natural features setback use permit the Township Planning Commission shall determine if the proposed construction or operations are in the public interest. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation, taking into consideration the local, state and national concern for the protection and preservation of the natural feature in question. The following general criteria shall be applied in undertaking this determination :

- a) The relative extent of the public and private need for the proposed activity.
- b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
- c) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides.
- d) The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
- e) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health.
- f) The size and quantity of the natural feature setback being considered.
- g) The amount and quantity of the remaining natural feature setback.
- h) Proximity of the proposed construction and/or operation in relation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected.
- i) Economic value, both public and private, of the proposed construction and/or operation, and economic value, both public and private, if the proposed construction and/or operation were not permitted.
- j) The necessity for the proposed construction and/or operation.

7. Conditions of Approval:

- a) All operations permitted or approved by natural features setback use permits shall be conducted in such a manner as will cause the least possible damage and encroachment or interference within the natural feature setback and with

the natural resources and natural processes within the watercourses and wetland areas in the Township as defined in this section.

- b) The Township Planning Commission in granting authorization to conduct an activity within a natural feature setback, may:
  - i) Impose such conditions in the manner and extent of the proposed operation/development use or structure or use activity as are necessary to ensure that the intent of this Section is carried out;
  - ii) Fix a reasonable time for the undertaking and completion of all operations; and
  - iii) Require a cash bond or irrevocable letter of credit, in such form and amount as determined necessary by the Township Planning Commission to ensure compliance with the use permit.
- c) The review and approval of an application to conduct an activity within a natural feature setback may be done concurrently with the review and approval of site plans, subdivision plats, site condominiums, or Planned Unit Development. Use permits approved under this Section shall expire within twenty-four (24) months of approval of said permit by the Township Planning Commission, the date of issuance of such permit notwithstanding.
- d) Prior to commencement of work on the site and continuing throughout the duration of the project, a copy of the approved use permit which contains the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of said permit will be available for public inspection.
- e) Use permits for seasonal operations need not be renewed annually unless otherwise stated in the permit.
- f) Any change which increases the size, scope, use or hours of operation shall be considered as a new operation and shall require the filing of a new use permit application.
- g) Any temporary or permanent operation which is discontinued for two (2) years or any seasonal operation which is discontinued for two (2) seasons shall be considered terminated and the use permit automatically voided.
- h) A natural features setback use permit shall be obtained prior to the issuance of any building permits necessary for construction.

## **G. Appeal of Approval or Denial**

A decision on an application regarding a use permit application under this Section may be appealed only to the Environmental Review Board provided such appeal is received in writing by the Township Clerk within twenty-one (21) days of such decision.

#### **H. Penalties and Enforcement**

1. Any person found guilty of violating any of the provisions of this Section shall be punished as provided in Section 20.10, and may be cited for each day of violation. The Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation.
2. In addition to the provisions contained here and above, the Township Planning Commission, at a formal meeting, shall have the authority to direct the Zoning Administrator or designated person to notify the Township Supervisor that a stop work order shall be issued upon any project for development, with the concurrence of the Township Supervisor, when it is determined that a violation has occurred.

#### **I. Ordinance Conflict**

Nothing in this section shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this Ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this section shall be construed, if possible, to be consistent with relevant state regulations and statutes. If any part of this section is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such holding shall not affect the validity of the remaining portions thereof, and the remainder of the section shall remain in force. Rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this section.

#### **J. Planning Commission Authority**

Notwithstanding Section 21.02, the Planning Commission is authorized to grant special land use permits pursuant to this section based on the standards, procedures, notice and hearing provisions set forth in this section.

A wetland ordinance can be very involved!

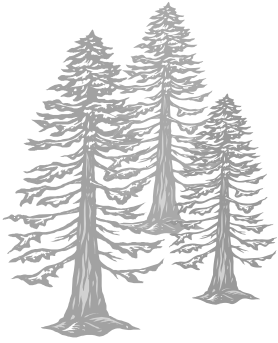
Refer to the resources and sample ordinances on the Huron River Watershed Council's website:

<https://www.hrwc.org/wetland-protection/>

### A MODEL ORDINANCE

To help local governments to enact their own ordinances to supplement the State program, the Huron River Watershed Council (HRWC), with funding from the Michigan Department of Environmental Quality, has developed a model wetlands ordinance that is consistent with the State law. The ordinance will provide local governments with a legally sound tool to protect their wetlands and property owners with consistent, predictable treatment throughout the State.

- » [Protecting Your Community's Wetlands](#), HRWC's wetland ordinance brochure dated September 2006
- » [Frequently Asked Questions About Wetlands Ordinances](#), factsheet dated September 2006
- » [MDEQ Model Wetlands Ordinance](#), dated March 2003
- » [Notes Regarding the MDEQ Model Wetlands Ordinance](#), prepared April 2006
- » [Legal Cases Related to Wetlands in Michigan](#), dated March 2002
- » [Natural Features Setback Ordinance](#), passed August 1998. HRWC highly recommends that communities enact a natural features setback ordinance along with a wetland ordinance.



# DEXTER TOWNSHIP

6880 DEXTER-PINCKNEY ROAD

DEXTER, MI 48130

TELEPHONE: 734-426-3767

FAX: 734-426-3833

WWW.DEXTERTOWNSHIP.ORG

*"A Community For All Seasons"*

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TO: Dexter Township Planning Commission

FROM: Megan Masson-Minock, AICP, Township Planning Consultant

DATE: December 9, 2024

RE: Nonconforming Contiguous Lots Zoning Ordinance Amendments

Section 24.03 came under scrutiny due to an issued single-family house zoning permit. Steps have been taken, including updates of the internal checklist used by staff and consultants for reviews of single-family housing zoning permits, to assure compliance with Section 24.03(B)3. However, in the review of this Section, the Township Attorney expressed concern with the legality of regulating the ability of a private property owner to sell their property and the confusing nature of the exceptions listed in item 3. At their September 24, 2024 meeting, the Planning Commission asked for a legal opinion on the need to remove "sold". That opinion will be sent to the Planning Commission directly from the Township Attorney.

Section 24.03(B)3 requires non-conforming contiguous lots under common ownership, either separated by a street or sharing a property line, to be treated as a single lot. Items 2 and 3 do not allow land divisions or permits, respectively, when these lots are "divided, sold, or modified in a manner that increases any nonconformity."

In September, the Planning Commission reviewed the language suggested by the Ordinance Review Committee (ORC) and agreed with the ORC that a flow chart or diagram be developed. Please see on the following page the proposed text with diagrams showing compliance or non-compliance with the exception allowed under Section 24.03(B)3.a.

Please come prepared to discuss the following:

- Do the changes proposed help to clarify the requirements and the exceptions?
- Should this version or an amended version have a public hearing at your January 23, 2025 meeting?

Please do not hesitate to contact us with any questions, suggestions or concerns.

**Draft Amendment to Section 24.03 (B)**

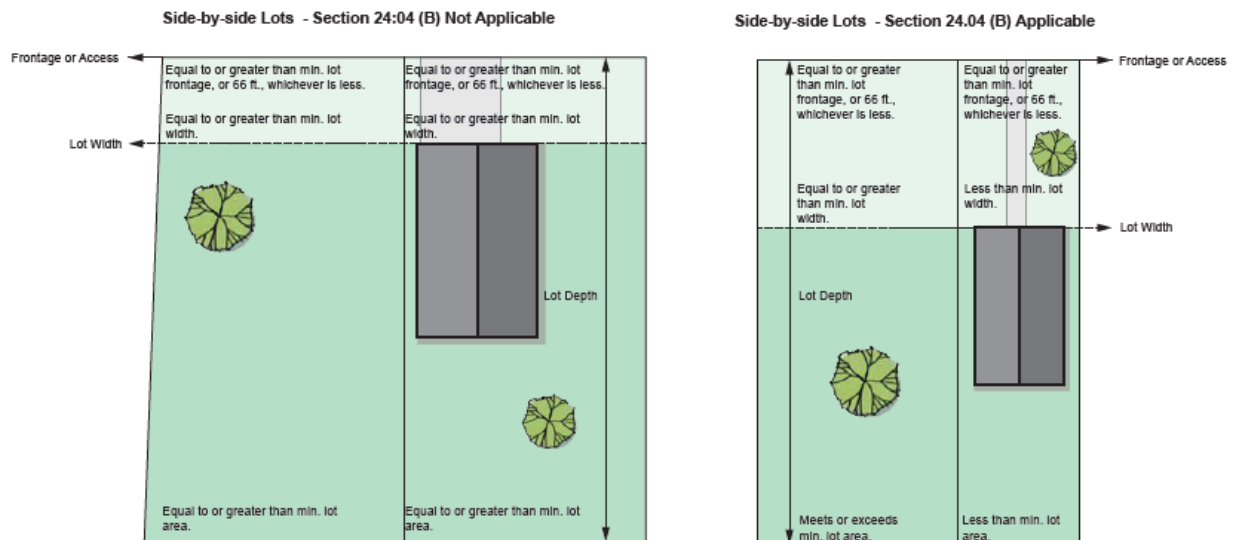
Proposed language is in red, underlined font (example)

Language proposed to be deleted is in red, strikethrough font (~~example~~)

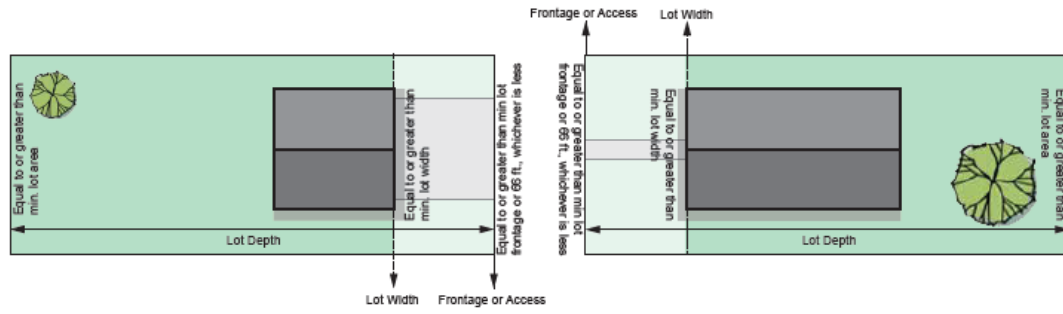
**(B) Contiguous:** Two (2) or more lots of record on the effective date of this Ordinance or an amendment to this Ordinance with continuous frontage or separated by a distance not greater than the width of a street right-of-way that are under single ownership or control shall be considered a single lot for the purposes of this Ordinance if any individual lot or lots do not meet the standards of this Ordinance, including, but not limited to, lot area, lot width, frontage, setbacks, and coverages, unless exempt under item 3 of this sub-section.

- 1) **Division:** A lot described above shall not be divided, ~~sold~~, or modified in a manner that increases any nonconformity, except as allowed in this Section.
- 2) **Permits:** If a lot described above is divided, ~~sold~~, or modified in a manner that increases any nonconformity, the Township shall not issue any permits for the affected properties.
- 3) **Not Applicable:** This Section shall not apply to a lot of record that was created before the effective date of this Ordinance if one or more of the conditions outlined in items a, b, or c below are true:
  - a) Dimensions: The individual lots meet all of the following dimensions:
    - i. Lot Area: The individual lots ~~shall~~ meet the minimum lot area for the zoning district in which it is located or have a lot area of at least one (1) acre, whichever is less; and
    - ii. Frontage or Access: The individual lots ~~shall~~ meet the minimum frontage for the zoning district in which it is located or have a frontage of at least 66 feet on a public or private street, whichever is less, or ~~shall~~ have an approved access easement or shared driveway; and
    - iii. Lot Width: The individual lots ~~shall~~ have a lot width at least equal to the minimum lot width for the zoning district in which it is located, ~~for at least 60 percent of the lot's depth; or~~

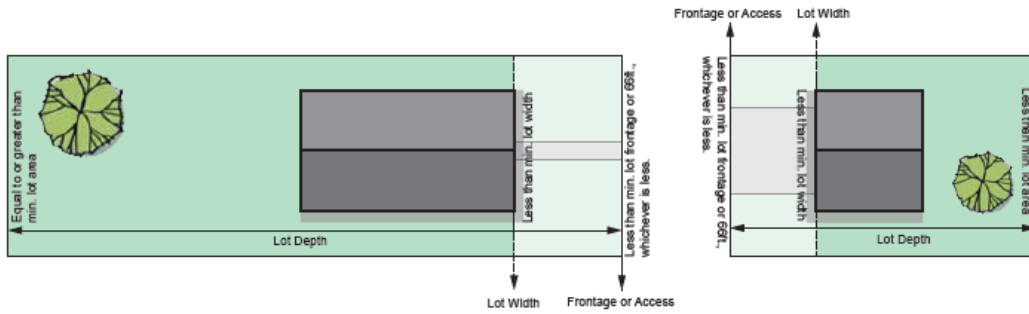
**Figure 24.1**



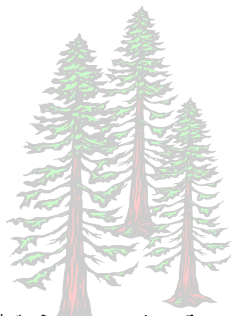
**Lots Across the Street - Section 24.04 (B) Not Applicable**



**Lots Across the Street - Section 24.04 (B) Applicable**



- b) *Transfer: An individual lot or portion of a lot is sold or transferred to another adjacent nonconforming lot and the transfer does not create any nonconformities for setbacks or building or impervious coverages.* ~~or~~
- c) *Existing Dwellings: The individual lots have existing, separate single or two-family dwelling units.*



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# DEXTER TOWNSHIP

6880 DEXTER-PINCKNEY ROAD  
DEXTER, MI 48130

TELEPHONE: 734-426-3767  
FAX: 734-426-3833

[WWW.DEXTERTOWNSHIPMI.GOV](http://WWW.DEXTERTOWNSHIPMI.GOV)

**LONNIE SCOTT**  
**SUPERVISOR**  
**MICHELLE**  
**STAMBOULELLIS**  
**CLERK**  
**BRAD METZ**  
**TREASURER**  
**KAREN SIKKENG**  
**LAURA SANDERS**  
**ALICIA ABBOTT**  
**KAREN NOLTE**  
**TRUSTEES**

**TO:** Dexter Township Planning Commission  
**FROM:** Michael Boettcher, AICP, Zoning Administrator  
**DATE:** February 18, 2025  
**RE:** Nonconforming Contiguous Lot Examples and Considerations

At its December 19, 2024 meeting, the Planning Commission discussed Section 24.03(B)(3) of the Zoning Ordinance which requires that two or more non-conforming contiguous lots (sharing a property line or across a public or private right of way or easement) under common ownership be treated as single lot for zoning purposes. The language is confusing, so a memo from Megan Masson-Minock, dated December 9, 2024 included suggested text amendments that could address some of the confusion. No action was taken though, pending additional information from staff on the kinds of properties such amendments to that section might affect. This memo hopes to offer some of that information.

## MULTIPLE PARCELS WITH COMMON OWNERSHIP ACROSS A RIGHT OF WAY



D-04-03-206-024  
D-04-03-207-006 (9323 Anne Dr)

These two outlined parcels have common ownership but sit across Anne Street from each other. They would be considered a single lot for zoning purposes. This gives both parcels two front yards for calculating front yard setbacks and adds square footage to be counted against lot coverage requirements.



D-04-03-226-001  
 D-04-03-226-002 (9421 Anne Dr)  
 D-04-03-226-003

One family owns all three of these adjacent parcels. This may help in terms of lot coverage and setbacks but the road through the middle of one parcel may confuse the calculations.

**ONE PARCEL FOR ZONING, BUT TWO FOR OCCUPANCY**

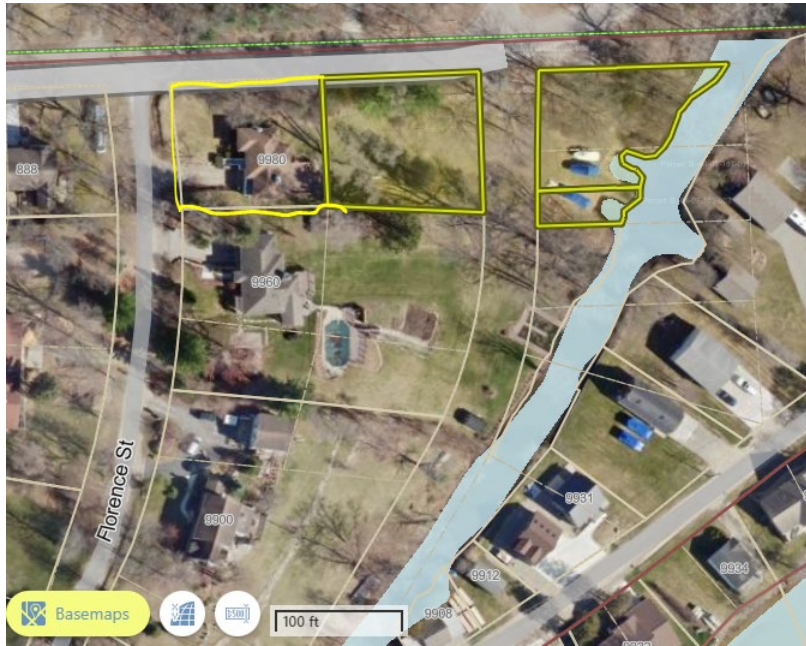


D-04-02-400-025 (9433 Dexter-Pinckney Road)  
 D-04-02-400-026 (9411 Dexter-Pinckney Road)

One owner owns both of these adjacent parcels and plans to keep them. They both contain single-family homes though. The owner plans to live in one and maintain the other as a sort of accessory dwelling for family and guests (not as an income property). Neither lot individually or combined meets all the criteria to be exempt from Section 24.03 although they fall under 24.03(B), being

adjacent and under common ownership.

## COMMON OWNERSHIP?



D-04-02-101-001 (upper right)  
D-04-02-101-002 (lower right)  
D-04-02-101-008 (central)  
D-04-02-102-001 (9980  
Florence; badly drawn to the  
west)

This situation includes four parcels, two each on both sides of unopened Clifford Street. Per Washtenaw County, one of the four is owned by a married couple and three are owned just by the husband. Do all four parcels count as one for zoning purposes with different ownership?

## OTHER ISSUES

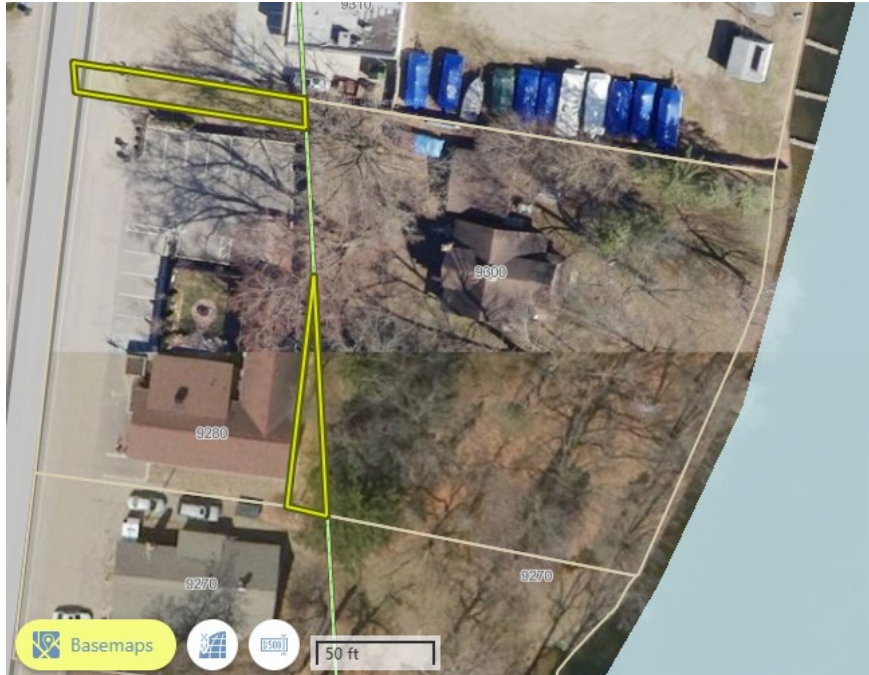
### SINGLE PARCELS SPLIT BY A RIGHT OF WAY



D-04-18-130-007 (7957  
Sauer Dr, both sections)

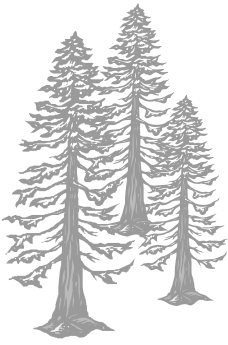
The two outlined sections here comprise one single parcel. The waterbody section is clearly unbuildable but can count toward lot dimensional requirements.

## SPLIT PARCEL DUE TO POLITICAL BOUNDARIES



D-04-01-480-016 (9300  
McGregor Rd; two  
separate sections to west)  
C-03-06-300-008 (9300  
McGregor Rd; larger  
parcel with house, in  
Webster Twp)

The outlined parcel here  
with two distinct sections  
comprises the driveway  
and part of the front yard  
for 9300 McGregor Road,  
the bulk of which sits to the  
right in Webster Township,  
requiring a separate legal  
description.



# DEXTER TOWNSHIP

## PLANNING COMMISSION

6880 DEXTER-PINCKNEY ROAD  
DEXTER, MI 48130  
TELEPHONE: 734-426-3767  
FAX: 734-426-3833  
WWW.DEXTERTOWNSHIP.ORG

MARTIN STRAUB  
CHAIR  
VACANT  
VICE CHAIR  
TOM LEWIS  
SECRETARY  
KAREN SIKKENGA,  
TWP. BORD. REP.  
CHANDRA HURD  
CHRISTINA MAIER  
BOB NESTER  
KIM MARINELLI  
COMMISSIONERS  
  
JANIS MILLER  
RECORDING SECRETARY

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## PLANNING COMMISSION BYLAWS (Adopted July 27, 2021)

### Article 1: Name & Purpose

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- A) **Name.** The name of the Commission shall be the Dexter Township Planning Commission (*Planning Commission*).
- B) **Planning Purpose.** These Bylaws are adopted by the Planning Commission to facilitate the performance of its duties, as outlined in PA 33 of 2008, the Michigan Planning Enabling Act (*Planning Act*), MCL 125.3801 *et seq.*
- C) **Zoning Purpose.** These Bylaws are adopted by the Planning Commission to facilitate the performance of its administration of the Dexter Township Zoning Ordinance (*Zoning Ordinance*), as outlined in PA 110 of 2006, the Michigan Zoning Enabling Act (*Zoning Act*), MCL 125.3101 *et seq.*

### Article 2: Membership

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- A) **Members.** The Planning Commission shall consist of seven (7) members appointed by the Dexter Township Supervisor (Supervisor), subject to approval by the Township Board of Trustees (Township Board), pursuant to the Planning Commission Ordinance (Ordinance #38). The Individuals shall meet the following qualification:
  - 1. Shall be a qualified elector of Dexter Township except that one (1) member may be a qualified elector in another local unit of government.
  - 2. One member of the Planning Commission (Ex-Officio Member) shall also be a member of the Dexter Township Board of Trustees, whose term of office shall coincide with his/her elected term of office on the Dexter Township Board of Trustees.
  - 3. Shall not be an employee of Dexter Township except this condition shall not apply to the Dexter Township Board of Trustees Representative to the Planning Commission or to certain temporary township employment positions such as Election Inspector.
  - 4. The membership of the Planning Commission shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
  - 5. The membership of the Planning Commission shall also be representative of the entire geography of Dexter Township to the extent practicable, and as a secondary consideration to the representation of the major interests.
- B) **Terms.** The terms for each Planning Commission member shall be pursuant to the Planning Commission Ordinance (Ordinance #38).
- C) **Resignation.** A Planning Commission member who resigns shall submit a letter of resignation to the Chair, who shall then forward a copy to the Township Board
- D) **Vacancy.** When a Planning Commission member resigns or dies, the Chair or Planning Staff shall notify the Township Board of the vacancy. When a Planning Commission member becomes incapacitated for office permanently or for an extended period or moves from the jurisdiction and fails to resign, the Chair or Planning

Staff shall cause any necessary investigation to determine the reason for the vacancy and shall notify the Township Board of the investigation's conclusion.

- E) **Removal.** The Township Board may remove a Planning Commission member for malfeasance, misfeasance, or nonfeasance upon written charges and after a public hearing, as outlined in the Planning Commission Ordinance (Ordinance #38).

Causes for consideration of removal of a Planning Commission member may include malfeasance, misfeasance, or nonfeasance, and in particular, including, but not limited to:

1. *Ethics & Code of Conduct:* Failure of the member to abide by the ethics and code of conduct outlined in these Bylaws;
2. *Conflict of Interest:* Failure of the member to disclose a potential conflict of interest;
3. *Lack of Familiarity:* Failure of the member to obtain and maintain familiarity with state statutes, local ordinances, and policies affecting the Planning Commission; or
4. *Violation of Bylaws:* Failure of the member to follow these Bylaws.

- F) **Incompatible Office.** If a Planning Commission member is appointed or elected to another office or position that is an incompatible office or position with Planning Commission membership, then, on the effective date of the appointment to the other office, that appointment shall result in an automatic resignation from the Planning Commission.

### Article 3: Ethics & Code of Conduct

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- A) Exemptions: discussions involving Zoning Ordinance text, Master Plan, or Planning Commission Bylaws, amongst Planning Commission members.
- B) **Ex-Parte Contact.** In order to ensure that all Planning Commission members have access to all the information, to ensure that decisions are made based on information established in the official record, and to ensure the integrity of and trust in the public decision-making process, every member shall avoid ex-parte contact as outlined below. Members should avoid ex-parte contact with interested parties concerning petitions before the Planning Commission whenever possible.
1. *Response.* If a member is contacted concerning an application outside of a public meeting, they shall make it clear that they are unable to discuss the application outside of a public meeting and refrain from answering any questions.
  2. *Document.* If a member has been contacted concerning an application outside of a public meeting, they shall document the details of the communication, including, but not limited to, the date and time, with whom, and what was discussed.
  3. *Share.* Members shall contact the Planning Commission Chair, in a timely manner, to disclose the ex-parte contact and shall disclose the ex-parte contact at a public meeting.
  4. *Disqualification.* A member may be disqualified from participation in review of an application before the Planning Commission if that member has been contacted by an applicant or an agent with the intent of influencing that member's vote.
  5. *Preapplication Meetings.* This shall not be construed as prohibiting contact between the Chair, or designee, and applicants as part of preapplication meetings.
  6. *Staff.* This shall not be construed as prohibiting contact between Planning Commission members and Planning Staff.
- C) **Expression of Bias, Prejudice, or Opinion.** Planning Commission members shall not express any bias, prejudice, or individual opinion on an item before the Planning Commission until the public meeting.
- D) **Conflicts of Interest.** Each Planning Commission member shall avoid the appearance of a conflict of interest. As used here, a conflict of interest shall, at a minimum include, but not necessarily be limited to, the following:
- 1) **Definitions.** As used in these Bylaws, a conflict of interest shall include the following:
    - a. *Direct Concern.* Deliberating on, voting on, or reviewing a matter directly concerning the member;
    - b. *Interested Person.* Deliberating on, voting on, or reviewing a matter involving land that is adjacent to land owned by the member.

- c. *Financial.* Deliberating on, voting on, or reviewing a matter in which the member may receive a financial benefit that is more than incidental, including matters where the member's employee or employer is an applicant or agent for an applicant.
  - d. *Business Relationship.* Deliberating on, voting on, or reviewing a matter directly involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where the member may stand to have a financial gain or loss that is more than incidental; and
  - e. *Familial Relationship.* Deliberating on, voting on, or reviewing a matter concerning the member's family, including, but not limited to: spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or other members of the member's household.
  - f. *Planning Commission Appointees.* For the purpose of this Section only, an appointee on the Planning Commission shall not be considered an employee of the Township.
- 2) **Conflict Exists.** When a conflict of interest exists or may exist, the member or committee member in question shall do all of the following immediately, upon first knowledge of the matter:
- a. *Contact.* The member shall contact Planning Staff and inform them of the conflict of interest or potential conflict of interest as soon as they are aware of the potential conflict of interest;
  - b. *Declare.* The member shall declare a conflict of interest exists at the next Planning Commission or committee meeting or ask the Planning Commission or committee to determine if a conflict of interest exists;
  - c. *Cease Participation.* The member shall cease to participate as a Planning Commission member or committee member regarding that matter if a conflict of interest has been declared or if the Planning Commission or committee determines that a conflict of interest exists; and
  - d. *Leave the Table.* During deliberation of the matter before the Planning Commission or committee, leave the table where the Planning Commission or committee is seated, until that agenda item is concluded. The member shall be considered a member of the public and may offer public comments.
- 3) **Question.** If there is a question whether a conflict of interest exists or not, the question shall be put before the Planning Commission at the request of any individual, including the member, Planning Staff, or members of the public. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining Planning Commission members.
- E) **Representation of Applicants.** Planning Commission members and Planning Staff shall not represent applicants on matters that the Planning Commission is to make a determination or recommendation on.
- F) **Decorum.** In order to facilitate the efficient and fair functioning of the Planning Commission, Planning Commission members will conduct themselves with appropriate decorum at meetings.
- 1) *Remain Seated.* Members shall avoid leaving their seats during meetings, except for approved recesses, conflicts of interest, or personal emergencies.
  - 2) *Discussion.* Members shall avoid conversation that is not plainly audible to all present in the meeting room or side discussions.
  - 3) *Addressing Speakers.* Members shall address speakers through the Chair and shall avoid addressing applicants, speakers, other Planning Commission members, or Planning Staff on a first name or casual basis. The Secretary will record last names only in the minutes, differentiating between those with the same last name by using a first initial.
- G) **Communication.** Planning Commission members shall not communicate electronically during meetings. Planning Commission members shall use Township-provided email for official communications.
- H) **Personal Gain.** Planning Commission members must not make improper use of any privileged information or use any privileged information for personal gain.
- I) **Fairness.** Planning Commission members shall deal with other members, the public, applicants, and Planning Staff without favor or bias.
- J) **Accepting Gifts.** Planning Commission members shall not accept any gift or favors, including, but not limited to, cash, any tangible item, service, or food, from any party associated with an application that is presently before the Planning Commission.

- K) **Representation.** When speaking to individuals, groups, organizations, Planning Commission members shall indicate that their stated opinions are not necessarily those of the Planning Commission.
- L) **Spokesperson for Commission.** Free and open debate should take place on issues before the Planning Commission. Such debate shall only occur at public meetings of the Planning Commission. Once a vote is taken and an issue has been decided, the duty of each member of the Planning Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at a public meeting of the Planning Commission.

#### **Article 4: Duties of All Members**

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- A) **Oath of Office.** Each Planning Commission member, upon appointment and before seating, shall take an oath of office.
- B) **Follow Ethics & Code of Conduct.** Planning Commission members shall follow the ethics and code of conduct included in these Bylaws and shall report any violations to Planning Staff.
- C) **Ex-Parte Contact.** Planning Commission members follow the ex-parte process included in these Bylaws.
- D) **Preparation.** In order to make effective, consistent, and appropriate decisions, it is essential that each Planning Commission member thoroughly prepare before meetings.
  - 1) *Applicable Laws.* Each member shall familiarize themselves with applicable laws, such as the Zoning Ordinance and Zoning Enabling Act, and maintain such knowledge.
  - 2) *Policy Documents.* Each member shall familiarize themselves with applicable policy documents, such as the Master Plan, and maintain such knowledge.
  - 3) *Petition Materials.* Each member is expected to review and be familiar with materials submitted for the Planning Commission's review.
- E) **Site Inspections.** In order to make effective, consistent, and appropriate decisions, each Planning Commission member is expected to make site inspections before deliberating on, voting on, or reviewing matters involving a specific piece of land. A Planning Commission member may go individually, or with no more than two other Planning Commission members, to visit a site, and may be accompanied by Planning Staff, but not exchange opinions outside a public hearing.
- F) **Attendance.** Planning Commission members are important Township officials whose actions and decisions impact the quality of life in the Township. Each member is expected to attend all regular and special meetings of the Planning Commission, arriving on time and remaining throughout the meeting. Each member who has knowledge of the fact that he/she will not be able to attend a scheduled meeting of the Planning Commission shall notify Planning Staff at the earliest possible opportunity.
  - 1) *Notification.* Planning Staff shall notify the Chair in the event that the projected absences will produce a lack of a quorum.
  - 2) *Delinquency.* If any member is absent from three (3) consecutive regularly-scheduled meetings or any four (4) meetings in the previous twelve (12), including work sessions, without the recorded consent of the Chair with excuse, then that member may be considered delinquent.
  - 3) *Removal from Office.* Delinquency shall be grounds for the Township Board to remove a member for nonperformance of duty, or misconduct, after holding a public hearing on the matter.
  - 4) *Township Board Notification.* The Secretary, acting secretary in the absence of the elected Secretary, Recording Secretary, or designee shall keep attendance records and shall notify the Township Board whenever any member of the Planning Commission has an attendance delinquency as described above so the Township Board can consider further action or excuse the absences.
  - 5) *Excused Absences.* Absences may be excused due to illness, injury, sudden emergency, or the conduct of other business authorized by the Planning Commission. In order to receive an excused absence, a member shall submit written record of the excuse and submit it to the Chair and Planning Staff for review.
- G) **Participation.** The input and opinion of each Planning Commission member is important and valued. All members in attendance are expected to participate in deliberations.
- H) **Training.** It is the Planning Commission's recommendation to the Township Board that in order to ensure the Planning Commission is knowledgeable of planning practices and applicable laws, members are expected to participate in training as defined and funded by the Township Board.

- 1) *Citizen Planner.* Members who do not have a background in planning shall complete the Michigan State University Extension Citizen Planner program by the completion of their first full term on the Planning Commission. Members who do not complete the Citizen Planner program are not eligible for reappointment.
- 2) *Annual Training.* Each member shall attend at least four (4) hours per year of training in planning and zoning during the member's current term of office if the adopted Dexter Township budget for that fiscal year includes funds to pay for the training.
- 3) *Reappointment.* Members who do not participate in the required training without cause shall not be reappointed to another term on the Planning Commission.
- 4) *Training Programs.* Training may be provided by the American Planning Association, Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, Southeast Michigan Council of Governments, individuals with expertise in a related field, or other organization or person that the Township Board deems appropriate.

## Article 5: Officers

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- A) **Selection.** At the first regular meeting of each year, the Planning Commission shall select from its membership a Chair, Vice-Chair, and Secretary and shall recommend from its membership a representative to the Zoning Board of Appeals.
  - 1) *Eligibility.* The ex-officio member shall not be eligible to serve as the Chair, Vice-Chair, or acting chair.
  - 2) *Reelection.* All officers are eligible for reelection. For this section, a term shall mean the officer term.
  - 3) *Chair Vacancy.* In the event the office of the Chair becomes vacant, the Vice-Chair shall serve as the Chair until the next regular meeting, at which the Planning Commission shall elect a successor to the office of the Vice-Chair for the remainder of the term.
  - 4) *Vice-Chair Vacancy.* In the event that the office of Vice-Chair becomes vacant, the Planning Commission shall elect a successor to the office of Vice-Chair for the remainder of the term.
  - 5) *Secretary Vacancy.* In the event the office of the Secretary becomes vacant, the Planning Commission shall elect a successor to the office of Secretary for the remainder of the term.
- B) **Tenure.** The Chair, Vice-Chair, and Secretary shall take office immediately following their election and shall hold office for a term of one (1) year or until their successors are selected and assume office. The Zoning Board of Appeals representative shall take office immediately following appointment by the Township Board and shall hold office for a term of one (1) year or until their successor is appointed and assumes office.
- C) **Chair's Duties.** The Chair retains his or her ability to discuss and vote on issues before the Planning Commission. The Chair shall:
  - 1) Preside at all meetings with all powers under parliamentary procedure;
  - 2) Rule out of order any irrelevant remarks, remarks which are personal or discriminatory, profanity, or other remarks which are not about the topic before the Planning Commission;
  - 3) Restate all motions as requested and before votes are taken;
  - 4) Appoint committees;
  - 5) Appoint officers of committees or choose to let the committees select their own officers;
  - 6) Call special meetings;
  - 7) Act as member and Chair of the Executive Committee;
  - 8) Act as an Ex-Officio member of all committees of the Planning Commission, if desired by the Chair;
  - 9) Appoint an Acting-Secretary in the event the Secretary is absent from a Planning Commission meeting;
  - 10) Review with the Secretary or Planning Staff, before a Planning Commission meeting, the items to be on the agenda, if the Chair so chooses;
  - 11) Periodically meet with the Director of Planning and Zoning and/or other Planning Staff to review Planning Department operations, procedures, and to monitor progress on various projects;
  - 12) At the request of the Township Board, participate in job evaluations of the Planning Staff, discuss the evaluation with the Director of Planning and Zoning, and provide a copy of the evaluation for the Planning Department and Township Board's personnel files;
  - 13) At the request of the Township Board, participate in the interview and selection process for a Director of Planning and Zoning;

- 14) Act as the Planning Commission's chief spokesman to represent the Planning Commission at local, regional, and state government levels, or delegate other Planning Commission members to do the same;
  - 15) Represent the Planning Commission, along with the Township Board Planning Commission member, before the Township Board, or delegate other Planning Commission members to do the same;
  - 16) At the request of the Township Board, submit the Planning Commission's budget requirements for the fiscal year and request for appropriation to the Township Board; and
  - 17) Perform such other duties as may be approved by the Planning Commission.
- D) Vice-Chair's Duties.** The Vice-Chair shall:
- 1) Act in the capacity of Chair, with all the powers and duties, in the Chair's absence;
  - 2) Act as member and Vice-Chair of the Executive Committee; and
  - 3) Perform such other duties as may be approved by the Planning Commission.
- E) Secretary's Duties.** The Secretary shall:
- 1) Execute documents, as applicable, in the name of the Planning Commission;
  - 2) Be responsible for the minutes of each meeting if there is not a recording secretary;
  - 3) Review the draft of the minutes and submit them for approval to the Planning Commission. The Secretary may delegate this duty to Planning Staff.  
within fourteen days of the meeting to each Planning Commission member.
  - 4) Act as member and Secretary of the Executive Committee; and
  - 5) Perform such other duties as may be approved by the Planning Commission.

## Article 6: Meetings

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- A) Regular Meetings.** Regular meetings of the Planning Commission will be held at the Dexter Township Hall, 6880 Dexter-Pinckney Road, Dexter, MI 48130, according to the schedule adopted by the Township Board, unless otherwise posted.
- 1) *Agenda.* At the discretion of the Planning Commission, business items may be placed on a working session agenda and, conversely, items typically reserved for working sessions may be placed on a regular meeting agenda.
  - 2) *Cancellation.* The Director of Planning and Zoning and Chair may cancel a meeting if there is no business to consider.
  - 3) *Annual Notice.* An annual notice or regularly scheduled Planning Commission meetings shall comply with PA 267 of 1976, the Michigan Open Meetings Act ("*Open Meetings Act*"), MCL 15.261 et seq.
  - 4) *Accommodations.* Special accommodations will be made for people with disabilities when requested at least twenty-four (24) hours in advance.
- B) Special Meetings.** Special meetings shall be called in accordance with the Planning Act.
- 1) *Calling.* A special meeting may be called by the Chair, by any two (2) members of the Planning Commission, or by the Chair at the request of any non-member of the Planning Commission upon payment by the non-member of a non-refundable fee as determined by the Township Board.
  - 2) *Agenda.* Items not included in the draft agenda cannot be added to the agenda of a special meeting.
  - 3) *Notice.* Notice of special meetings shall be given by the Director of Planning and Zoning, Chair, or Secretary to Planning Commission members at least forty-eight (48) hours before such a meeting and shall state the purpose, time, day, month, date, year, and location of the meeting. In addition, notices shall comply with the Open Meetings Act.
  - 4) *Accommodations.* Special accommodations will be made for people with disabilities in accordance with the Township ADA (Americans with Disabilities Act) policy.
- C) Work Sessions.** The Planning Commission may hold working sessions to discuss and debate planning matters as necessary, according to a schedule adopted by the Township Board, unless otherwise posted.
- D) Number of Meetings.** The Planning Commission shall hold at least four (4) meetings every calendar year.
- E) Recess.** The Chair, or the Planning Commission by majority vote, may suspend a regular or special meeting and continue the meeting on another day to complete agenda items. Such action shall include the time, day, month, date, year, and location the Planning Commission will reconvene. If more than eighteen (18) hours will pass before the Planning Commission reconvenes, public notice shall be given consistent with the Open Meetings Act.

Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Planning Commission shall resume with the same meeting agenda, proceeding at the same point where it left off, without the addition of additional business.

- F) **Quorum.** More than one-half (½) the total number of seats for members of the Planning Commission, regardless of vacancies, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Planning Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.
- G) **Motions.** All actions by the Planning Commission shall be in the form of a motion or resolution.
- 1) *Restate Motions.* All motions shall be restated by the Chair before a vote is taken.
  - 2) *Findings of Fact.* All resolutions and actions taken in an administrative capacity, including, but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, and review of township zoning, shall include each of the following parts:
    - a. Findings of fact, listing what the Planning Commission and Zoning Ordinance determine to be relevant facts in the case;
    - b. Conclusions, listing reasons based on the facts for the Planning Commission's action, which may include a finding of compliance, or noncompliance, with respect to standards; and
    - c. The Planning Commission's action: recommendation or position, approval, approval with conditions, or disapproval.
- H) **Voting.** Voting by the Planning Commission shall be conducted in public meetings.
- 1) *Present to Vote.* Members must be present to vote; proxy voting shall be prohibited.
  - 2) *Must Vote.* All members present must vote, unless excused for a conflict of interest.
  - 3) *Majority Vote.* The affirmative vote of a majority of the total number of seats on the Planning Commission, regardless of vacancies or absences, shall be necessary for the adoption, or recommendation for adoption, of any motion, resolution, plan, or amendment of a plan.
  - 4) *Roll Call Votes.* Voting for the adoption of resolutions shall be by roll call vote, recorded as "yes" or "no." Any member may request other votes be conducted as a roll call vote.
  - 5) *Voice Votes.* Voting on actions other than resolutions shall be by voice vote and shall be recorded as "yes" or "no", unless a roll call vote has been requested.
  - 6) *Tie Vote.* Votes that do not receive a majority, as outlined above, have failed. The Planning Commission should work towards a majority decision. If this cannot be achieved, the Planning Commission shall clearly summarize their issues to provide direction to an applicant or the Township Board.
- I) **Planning Commission Action.** Action by the Planning Commission on any matter on which a public hearing is held shall not be taken until the public hearing has been concluded.
- J) **Parliamentary Procedure.** Parliamentary procedure for Planning Commission meetings shall be informal but shall be based on Robert's Rules of Order Newly Revised. These Bylaws shall control where there is any conflict between them and Robert's Rules of Order Newly Revised.
- K) **Public Participation.** All regular and special meetings, hearings, records, and accounts shall be open to the public.
- 1) *Action Items.* All public comment on non-agenda items or items not listed as "Action Items" on the agenda shall be presented at the beginning and end of the meeting, where provided in the agenda. All public comment on items listed as "Action Items" on the agenda shall be presented during consideration of that "Action Item." In addition, Planning Commissioners may direct questions to members of the public. To help the public prepare for the meeting, documents in the Township's possession related to the item shall be made available at Dexter Township Hall for inspection by members of the public before the meeting.
  - 2) *Identify.* A speaker is requested to enter their name and address to the meeting sign-in sheet in order to make public comments, so their comments may be accurately attributed to the speaker. Speakers are requested to identify themselves prior to addressing the Planning Commission.
  - 3) *Time Limit.* The amount of time allowed for each public comments of a person speaking at a Planning Commission meeting, on a particular agenda item or during public comment, shall be limited to five (5)

minutes. This time may be extended by the Chair, unless there is an objection by a majority of Planning Commission members.

- 4) *Number of Times.* Members of the public may each speak one (1) time per public hearing or public comment section. At the discretion of the Chair, a member of the public may speak additional times after all members of the public who wish to speak have been able to speak, unless there is an objection from the majority of the Planning Commission.
  - 5) *Representation.* Any person may appear or be represented by authorized agents, such as attorneys, engineers, architects, etc. Such agents shall present evidence of the extent of their authorization, if requested by any member.
  - 6) *Cross Examination.* Members of the public shall not cross-examine each other. All questions shall be directed to the Chair, who may request answers.
- L) Order of Business & Agenda.** The Director of Planning and Zoning, or designee, shall prepare a draft agenda for each meeting and the order of business shall be as outlined below. The Planning Commission may amend its agenda at a meeting by an affirmative vote of the members present:
- 1) Call to Order
  - 2) Pledge of Allegiance
  - 3) Conflict of Interest & Ex-parte Contact Review
  - 4) Approval of Agenda
  - 5) Public Comment (*non-agenda items*)
  - 6) Action Items (*unfinished business then new business*)
  - 7) Approval of Minutes
  - 8) Township Board of Trustees Update (*as necessary*)
  - 9) Concerns of Planning Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary
  - 10) Public Comment (*non-agenda items*)
  - 11) Future Agenda Items
  - 12) Adjournment
- The first meeting of each calendar year shall include an Action Item that is "Election of Officers". The Zoning Board of Appeals Update will appear on the agenda only when there is a report. A meeting to review the Bylaws should include an Action Item that is "Review of Bylaws".
- M) Distribution of Agenda.** The agenda and accompanying materials shall be distributed to Planning Commission members at least one (1) week before the Planning Commission meeting. Distribution may be by way of pick-up at the Township Hall, or if practical, electronic delivery.
- N) Placement of Items on the Agenda.**
- 1) *Submittal.* The Director of Planning and Zoning may receive items on behalf of the Planning Commission.
  - 2) *Completeness Review.* Items received by the Director of Planning and Zoning shall be reviewed for completeness by the Director of Planning and Zoning or designee before being forwarded to the Planning Commission or being placed on the agenda. The Director of Planning and Zoning shall review the proposed agenda with the Planning Commission Chair before posting and being forwarded to the Planning Commission.
  - 3) *Director of Planning & Zoning Review.* Items received by the Director of Planning and Zoning shall be set aside to be received by the Planning Commission at its next regularly-scheduled meeting. The Planning Commission may act on those items of a minor nature not requiring public notice or postpone action to the earliest available regular or special Planning Commission meeting. Those items of a major nature or items normally receiving staff review, analysis, or recommendation shall be postponed until the earliest available regular or special Planning Commission meeting following the conclusion of these reviews, analyses, or recommendations.
  - 4) *Agenda Placement.* After the Director of Planning and Zoning has determined the item's appropriateness and completeness, the Director of Planning and Zoning shall establish the date at the earliest available regular or special meeting on which the Planning Commission shall take action, such date allowing proper public notice and the planning staff adequate time to prepare recommendations for Planning Commission

consideration. The Director of Planning and Zoning shall review the proposed agenda with the Planning Commission Chair before posting and being forwarded to the Planning Commission.

- 5) *Deadlines.* Items shall be submitted according to a schedule of deadlines adopted by the Township.

## Article 7: Record

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- A) **Minutes & Record.** The Secretary, or designee, shall keep a record of Planning Commission meetings which shall, at a minimum, include an indication of the following:
- 1) *Meeting Posting.* Copy of the meeting posting pursuant to the Open Meetings Act.
  - 2) *Minutes & Attachments.* Copy of the minutes and all its attachments, or references thereto, which shall include a summary of the meeting, in chronological sequence of occurrence:
    - a. Time and place the meeting was called to order;
    - b. Attendance of Planning Commission members and other dignitaries;
    - c. Indication of others present, listing names if others choose to sign in and/or a count of those present.
    - d. List, including subject, date, and author, all applicable correspondence and reports received and considered;
    - e. Summary of points made in public participation or at a hearing by the applicant, officials, and members of the public. An alternative is to attach a copy of the public's statement, petition, or letter (or reference thereto, including the subject, date, and author) if it is provided in written form;
    - f. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. All decisions shall be stated as a resolution, which shall include the following, as applicable:
      - i. A statement of what is being approved or denied (*e.g., site plan, special use permit, subdivision, land division, shared driveway, recommendation for zoning amendment, master plan, etc.*);
      - ii. The location of the property involved (*tax parcel number and address or other means of identification, if no address exists*);
      - iii. What exhibits were submitted;
      - iv. What evidence was considered (*summary of, or reference to, discussion by Planning Commission members, the applicant(s), and members of the public at the meeting(s)*);
      - v. The findings of fact;
      - vi. Reasons for the decision made;
      - vii. The decision (*e.g., approve, deny, approve with modification*);
      - viii. A list of all conditions of approval, if any;
      - ix. The most recent map/drawing/site plan;
      - x. The type of vote (*i.e., a roll call vote or a voice vote*) and its outcome. If a roll call vote, indicate who voted yes, no, or a statement the vote was unanimous. If not a roll call vote, then simply a statement, such as: "the motion passed/failed after a voice vote;"
      - xi. If applicable, that a person making a motion withdrew it from consideration.
    - g. All the Chair's rulings;
    - h. All challenges, discussion, and vote/outcome on a Chair's ruling;
    - i. All parliamentary inquiries or points of order;
    - j. When a Planning Commission member enters or leaves the meeting;
    - k. When a Planning Commission member or Planning Staff has a conflict of interest and when that individual ceases and resumes participation in discussion, voting, and deliberations at a meeting.
    - l. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
    - m. The start and end of each recess;
    - n. Summary of announcements;
    - o. Summary of informal actions or agreement on consensus; and
    - p. Time of adjournment.
- B) **Office of Record.** The Dexter Township Planning and Zoning Department shall be the office of record for the Planning Commission.
- C) **Retention.** Planning Commission records shall be preserved and kept on file according to the following schedule:

- 1) *Public Records.* Minutes, bonds, oaths of officials, zoning ordinances, master plans, other records of decisions, Planning Commission or department publications, and correspondence shall be retained permanently;
- 2) *Financial Records.* The general ledger, account journals, bills and/or invoices, receipts, purchase orders, and vouchers shall be retained in accordance with the Township's record retention policy.

## Article 8: Committees

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- A) **Executive Committee.** The Executive Committee shall be a standing committee of the Planning Commission. It may deal with recommendations to the Planning Commission and Township Board on matters of the Planning Commission budget; employment of a Director of Planning and Zoning and anything else directed to the Executive Committee by the Planning Commission.
  - 1) *Membership.* Its membership shall be the Chair, Vice-Chair, and Secretary of the Planning Commission, and they shall hold the same offices on the Executive Committee.
  - 2) *Limited Power.* The Executive Committee has limited power to act only when time constraints require action before the next regularly-scheduled Planning Commission meeting. Such actions shall be reported at the next regularly-scheduled Planning Commission meeting and are subject to the Planning Commission's review and/or veto.
- B) **Ad Hoc Committees.** The Planning Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum of the Planning Commission shall serve on an ad hoc committee at any given time.
- C) **Citizen Committees.** The Planning Commission or Chair may establish and appoint citizen committees for special purposes or issues, as deemed necessary. Membership can be any number but less than a quorum of the Planning Commission shall serve on the committee at any time. The purpose of citizen committees is to have more citizen and municipal government involvement and to use individuals who are knowledgeable or expert in a particular issue before the Commission and to better represent various interest groups in the Township.
- D) **Subservient to the Planning Commission.** All committees are subservient to the Planning Commission and report their recommendations to the Planning Commission for review and action. The Planning Commission can overrule any action of any committee.
- E) **Same Principles.** The same principals of these Bylaws for the Planning Commission shall also apply to all committees of the Planning Commission including, but not limited to:
  - 1) *Officers.* Officers of committees are appointed by the Chair of the Planning Commission at the time the committee is created or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair;
  - 2) *Quorum.* A committee's quorum shall be at least half the total appointed membership of the committee;
  - 3) *Voting.* Only those appointed members of a committee who are present at the time of a vote shall be eligible to cast a vote;
  - 4) *Minutes.* The Secretary of the committee shall keep minutes of the committee meetings in the same format used by the Planning Commission and filed in the same office as the Planning Commission's minutes;
  - 5) *Staff.* Committees have reasonable use of Planning Department staff time, assistance, and direction for performing the work of the committee; and
  - 6) *Public.* Committee meetings shall be open meetings available for public attendance and participation, and minutes of the meetings are to be available for public inspection under the same principles found in the Open Meetings Act, unless specifically exempted by the Open Meetings Act.

## Article 9: Mileage & Per Diem

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Planning Commission members may be compensated for their services, as provided for by the Township Expense Reimbursement Policy.

## Article 10: Hearings

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- A) **Plan Hearings.** Before adopting or amending any part of a plan, as defined in the Planning Act, the Planning Commission shall hold a public hearing on the matter. Notice shall be given as specified in the Planning Act.
- B) **Zoning Hearings.** Before making a recommendation on a zoning amendment to the Township Board or making a decision on a site plan, special land use, or planned unit development, the Planning Commission shall hold a public hearing on the matter. Notice shall be given as specified in the Zoning Ordinance and the Zoning Act.
- C) **Special Hearings.** In addition to those required by law, the Planning Commission may, at its discretion, hold such public hearings or conferences as it decides will be in the public interest.

## Article 11: Zoning Responsibilities

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- A) **Zoning Adoption or Amendment.** The Planning Commission shall review and act on all proposed zoning ordinances or zoning amendments pursuant to the Zoning Act. At least one (1) public hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the Zoning Ordinance and the Zoning Act. After the public hearing, action shall be in the form of a recommendation to the Township Board. At a minimum the recommendation shall include:
  - 1) *Zoning Plan.* A zoning plan for the areas subject to zoning or zoning amendment of Dexter Township;
  - 2) *Zoning Districts.* The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
  - 3) *Text or Map.* The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole;
  - 4) *Administration.* The manner of administering and enforcing the zoning ordinance; and
  - 5) Findings of fact.
- B) **Special Land Use.** The Planning Commission shall review and act on all special land use permit applications pursuant to the Zoning Act and Zoning Ordinance. At least one (1) public hearing shall be held on each proposed application for special land use permit, with notices given as specified in the Zoning Ordinance and the Zoning Act. After the hearing, action shall be in the form of a resolution which contains, or is included in the minutes, findings of fact and the Planning Commission's action.
- C) **Planned Unit Developments.** The Planning Commission shall review and act on all planned unit developments, including open space communities and commercial planned unit developments, pursuant to the Zoning Act and Zoning Ordinance. At least one (1) public hearing shall be held on each proposed application for special land use permit, with notices given as specified in the Zoning Ordinance and the Zoning Act. After the hearing, action shall be in the form of a resolution which contains, or is included in the minutes, findings of fact and the Planning Commission's action.
- D) **Site Plan Review.** The Planning Commission shall review and act on all those site plans which the Zoning Ordinance requires Planning Commission action. Action shall be in the form of a resolution which contains, or is included in the minutes, findings of fact and the Planning Commission's action.
- E) **Zoning Ordinance Interpretation, Variances, & Appeals.** The Planning Commission shall not act on, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, or variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

## Article 12: Planning Responsibilities

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- A) **Master Plan.** The Planning Commission shall make and approve a Master Plan as a guide for development within Dexter Township in accordance with the Planning Act. At least every 5 years after adoption of a Master Plan, the Planning Commission shall review the Master Plan and determine whether to amend the Master Plan or adopt a new Master Plan.
- B) **Adjacent Master Plan Review.** The Planning Commission shall review all adjacent or contiguous local government Master Plans when submitted to Dexter Township by those governments.
  - 1) *Purpose.* The review process is intended to increase coordination of planning between adjacent communities.

- 2) *Focus of Review.* The review shall focus on consistencies or inconsistencies with the Township's adopted Master Plan with respect to border issues, issues of greater than local concern, comparison with contents of the adopted Master Plan, comparison to other relevant adopted plans, policies, or ordinances, and comparison to various implementation agencies.
- C) **Annual Report to the Township Board.** The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.
- D) **Other Responsibilities.** The Planning Commission shall carry out other responsibilities prescribed in the Planning Act, the Zoning Act, the Zoning Ordinance, and other Township ordinances.

### **Article 13: Planning Commission Staff**

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- A) **Authorization.** The Planning Staff may consist of a Director of Planning and Zoning and with such other personnel as may be authorized by the Township Board.
- B) **General Responsibility.** The Planning Staff is charged with assisting the Planning Commission with its duties, including preparation of reports, distribution of materials, and such other work as authorized by the Planning Commission.
- C) **Recording Secretary.** Planning Staff shall include a Recording Secretary, who shall not be a Planning Commission member or a member of any of its committees.
  - 1) *Minutes.* The Recording Secretary shall take notes for minutes at each meeting and shall prepare a first draft of minutes for the Planning Commission.
  - 2) *Other Duties.* The Recording Secretary shall perform other duties as may be ordered by the Township Board, Planning Commission, or Secretary.
- D) **Advocacy.** The Planning Staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Planning Commission meeting. Staff shall indicate that a member of the public wishes to make their views known and that they should do so directly to the Planning Commission in person, through an agent, or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent Planning Staff from helping an individual or group be better informed and to present their own views. Nothing herein is intended to prevent Planning Staff from expressing their own views as private citizens or professional consultants.

### **Article 14: Adoption, Repeal, Amendments, & Miscellaneous**

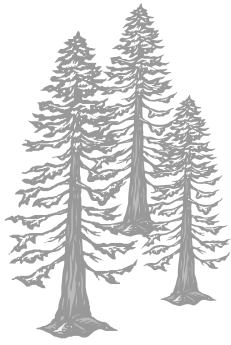
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- A) **Adoption.** Upon adoption of these Bylaws of July 27, 2021, they shall become effective on July 27, 2021, and all previous Bylaws shall be repealed.
- B) **Amendment.** These Bylaws may be amended at any regular or special meeting by the affirmative vote of five (5) members of the Planning Commission, provided copies of the proposed bylaws were promulgated to the Planning Commission at least ten (10) days before the meeting.
- C) **Annual Review.** The provisions of these Bylaws shall be reviewed by the Planning Commission annually.
- D) **Suspension of Bylaws.** A rule of these Bylaws may be suspended or waived at any meeting for a single agenda item by unanimous vote of Planning Commission members present, unless such rule is set by state law or local ordinance.

### **Article 15: Bylaws Interpretation**

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The power of the Planning Commission to interpret these Bylaws shall be absolute.



# DEXTER TOWNSHIP

## PLANNING COMMISSION

6880 DEXTER-PINCKNEY ROAD  
DEXTER, MI 48130

TELEPHONE: 734-426-3767  
FAX: 734-426-3833

[WWW.DEXTERTOWNSHIPMI.GOV](http://WWW.DEXTERTOWNSHIPMI.GOV)

MARTY STRAUB  
**CHAIR & ZBA REP.**  
STEVE BURCH  
**VICE CHAIR**  
TOM LEWIS  
**SECRETARY**  
ALICIA ABBOTT  
**EX-OFFICIO TWP. BRD.**  
CHANDRA HURD  
CHRISTINA MAIER  
SHAUN SMITH  
**COMMISSIONERS**

JANIS MILLER  
**RECORDING SECRETARY**

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### REGULAR MEETING OF THE PLANNING COMMISSION

#### Tuesday, January 28, 2025

Present: Marty Straub, Chairperson; Steve Burch, Vice-Chair; Tom Lewis, Secretary; Chandra Hurd, Christina Maier, Alicia Abbott, and Shaun Smith. Absent: None.

Also present: Janis Miller, Recording Secretary.

1. **Call to Order:** Chairperson Straub called the meeting to order at 6:00 PM.

2. **Pledge of Allegiance:** Recited by all.

3. **Conflict of Interest:** None.

4. **Approval of Agenda:**

Chairperson Straub deleted agenda item 8. Discussion Item A. as it was addressed in a confidential email from the township attorney. Agenda approved as amended by Chairperson Straub.

5. **Public Comment:** (non-agenda items) Opened 6:02 PM. No public comments.

6. **Public Hearings:**

A. *Public hearing to amend Table 18.1 to remove parking requirement for home occupation employees, which are not allowed and to amend Table 25.1 to remove the zoning permit requirement for home occupation.*

Discussion: Home occupation is a different type of land use.

6:05 PM Public Comment: No public comments.

B. *Public hearing to amend sections 27.02, 27.05, 27.06, 27.07, and 31.07 to remove the requirement of a public hearing for a site plan, to replace the Planning Commission Chair with the Township Supervisor for administrative site plans and administrative adjustments.*

Discussion: Although the Planning Commission reviews a site plan, if all the boxes are checked and approved by staff, the Planning Commission cannot take any action.

6:09 PM Public Comment: Kevin Devlin, 6140 Dexter Pinckney Road. He lives next door to the party store and is concerned that someone with a lot of money can get three [gas] pumps approved on the site.

7. **Action Items:**

A. *Election of Chair, Vice-Chair, Secretary, and recommendation to the Township Board for Planning Commission Representative to the Zoning Board of Appeals.*

*Marty Straub will continue as chair, for a few more months, to bring consistency for the open items on the Planning Commission Agenda. PC Secretary Tom Lewis will be leaving the Planning Commission as of tonight.*

*Burch nominates Chandra Hurd for Planning Commission Secretary. Motion seconded by Maier. All yeses. Motion passes.*

*In keeping with the PC By-Laws, Lewis nominates Marty Straub for Chair, in the interim, and Burch for Vice-Chair, in the interim. Motion seconded by Abbott. All yeses. Motion carried.*

*Abbott nominates Shaun Smith for the PC Rep. to the ZBA, pending Board of Trustees approval. All yeses. Motion carried.*

- B.** *Recommendation to Township Board on proposed Zoning Ordinance amendments to Tables 18.1 and 25.1 regarding parking and permitting requirements for home occupation. Motion by Burch, seconded by Hurd, Based on the information provided by staff and during the public hearing held on January 28, 2025, the Planning Commission makes a favorable recommendation of the proposed text amendment for Tables 18.1 and 25.1 of Articles 18 & 25 of the Zoning Ordinance, specific to the attached text amendments after the public hearing, to the Township Board for the following reasons: 1. The zoning text amendment is compatible with the goals and policies of the Master Plan, and 2. The zoning text amendment is consistent with state and federal law.*  
*Roll Call Vote: Yes – Hurd, Smith, Burch, Lewis, Abbott, Maier, Straub; No - none; Absent - none. Motion carried 7 - 0.*

- C.** *Recommendation to Township Board on proposed Zoning Ordinance amendments to sections 27.02, 27.05, 27.06, 27.07, and 31.07 to remove the requirements of a public hearing for a site plan, to replace the Planning Commission Chair with the Township Supervisor for administrative site plan review, and to remove the notice requirement for administrative sit plans and administrative adjustments.*  
**Continued discussion:** Preliminary or standard site plans. Public hearings for standard site plans. Major changes to a site plan are reviewed by the Zoning Board. Public hearings are not to make modifications to the site plan. MCL 125.3103 gives direction for notifications, who shall be notified, manner of notification, and what is required in a published notification.  
*Motion by Maier, supported by Lewis, Based on the information provided by staff and during the public hearing held on January 28, 2025, the Planning Commission makes a favorable recommendation of the proposed text amendment for Sections 27.02, 27.06, 27.07, & 31.07 of Articles 27 & 31 of the Zoning Ordinance, specific to the attached text amendments drafted by the Planning Commission after the public hearing, to the Township Board for the following reasons: 1. The zoning text amendment is compatible with the goals and policies of the Master Plan, and 2. The zoning text amendment is consistent with state and federal law.*  
*Roll Call Vote: Yes – Hurd, Smith, Burch, Lewis, Abbott, Maier, Straub; No - none; Absent - none. Motion carried 7 - 0.*

**8. Discussion Items:**

~~**A.** Fencing and specific use standards for electrical and gas substations and gate valve stations.~~

Documents regarding the agenda items can be obtained at the Township Hall during normal business hours, the Townships website: [www.dextertownship.org](http://www.dextertownship.org) and can be viewed on [ew.livestream.com/dextertownship.org](http://ew.livestream.com/dextertownship.org).

**9. Approval of Planning Commission Minutes:**

*Motion by Maier, seconded by Burch, to approve the meeting minutes of December 19, 2024, as amended. All yeses. Motion carried.*

**10. Correspondence:**

Planning and Zoning staff emailed correspondences.

Putnam Township has given notice that they are updating their Master Plan.

**11. Township Board of Trustees Update:** Alicia Abbott

The Dexter Township Board of Trustees has started a review of FY2025-2026 Budget.

**12. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and Recording Secretary:**

**Chairperson Straub** – He expressed his appreciation and gratitude to Tom Lewis (departing Planning Commission) and thanked him for his depth and breadth of experiences.

**Abbott** – She also expressed her appreciation for Tom Lewis’ service on the PC.

**Lewis** – He thanked and wished everyone good luck.

**Burch** – He echoed previous comments, stated it was a pleasure to work with Tom, and added that Tom was a phenomenal addition to the Planning Commission.

**Hurd** – She also thanked Tom Lewis for his time on the Planning Commission.

**Chairperson Straub** – Noted the passing of longtime Dexter Township resident Albert Ruhlig (he was 104 yrs old).

**Recording Secretary Miller** – Also noted the passing of Shirley Ruhlig, mother of Marty Ruhlig, longtime resident and member of the Farmland and Open Space Preservation Board.

**13. Public Comment:** Opened 7:10 PM. No public comments.

**14. Future Agenda Items:**

A) cleanup of potential discrepancies in the Permitting Table 25.1.

**15. Adjournment:**

*Motion by Maier, supported by Abbott, to adjourn at 7:12 PM. Voice vote. Motion carried.*

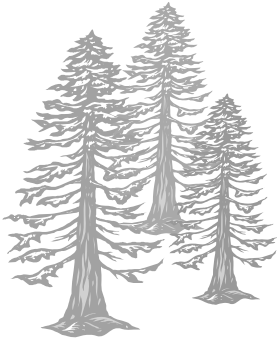
Respectfully submitted,

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Tom Lewis, Secretary

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Janis Miller, Recording Secretary



# DEXTER TOWNSHIP

6880 DEXTER-PINCKNEY ROAD

DEXTER, MI 48130

TELEPHONE: 734-426-3767

FAX: 734-426-3833

WWW.DEXTERTOWNSHIPMI.GOV

*"A Community For All Seasons"*

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## MEMORANDUM

**To:** Dexter Township Board

**From:** Michael Boettcher, AICP, Zoning Administrator  
Megan Masson-Minock, AICP, Township Planning Consultant

**Subject:** Planning and Zoning Department Report (January 2025)

**Date:** February 11, 2025

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The following Planning and Zoning Department report has been provided to the Dexter Township Board to provide an update on ongoing planning and zoning cases, ordinance amendments, and department activities. The staff is excited to report on the progress of existing development projects that have been reviewed by the PC, cases reviewed by the ZBA, and other duties, such as, zoning administration, ordinance review and future amendments, code enforcement, zoning permits, etc.

The following report will cover activities that have occurred **January 2025**, as well as an update on past projects:

- Planning Activities, including a summary of applications with the Planning Commission, Zoning Board of Appeals, and/or Township Board
- Zoning Administration, including zoning permits and projects that do not require Planning Commission review and approval
- Zoning Ordinance, including summary and status of ordinance amendments
- Planning and Zoning Department, including permits issued
- Code Enforcement
- Other Community Development Projects

Please let us know how this report can be improved. The Planning and Zoning Department will share an updated report with the Township Board on a monthly basis.

<b>Planning Activities – PC, ZBA, Approved Projects</b>		
<b>Planning Commission – Site Plan, Special Land Use, Rezoning</b>		
<b>Name of Project</b>	<b>Location</b>	<b>Current Status and Progress</b>
Dexter Gate	10612 N. Territorial	<p>Consumers submitted an administrative site plan for pipe replacement and fencing in May 2024 and had been asked to revise and resubmit multiple times. The applicant began construction in late June without a zoning permit or soil erosion permit. When the Township became aware of activity on the site, a stop work order was issued, except for those activities to secure the site or not under the Township’s jurisdiction per the Michigan Public Service Commission.</p> <p>Based on revised plans submitted by Consumers on January 28, 2025, the DPZ Director and Planning Commission Chair administratively approved a revised site plan for fencing and securing the site. The applicant still needs to submit a final revised plan before the stop work order may be lifted and the zoning permit issued.</p>
Future Daycare Center Site	11485 N. Territorial	<p>After positive initial contact in November 2024, the new potential developer of a day care facility at this site has gone silent. Staff walked him through the zoning permit application process and the prospective applicant confirmed his intention to purchase the property and return with a zoning permit application and concept plans. No permit application has been submitted thus far, however.</p>
Short-Term Rental Zoning Ordinance Text Amendment		<p>The Short-Term Rental working group held its third meeting on February 20, 2024. Staff has supported its efforts with land use data.</p>

<b>Planning Activities – PC, ZBA, Approved Projects</b>		
<b>Zoning Board of Appeals – Variance (PBA), Interpretation, Appeal of Admin Decision</b>		
<b>Type of Request</b>	<b>Location</b>	<b>Current Status and Progress</b>
No applications for the ZBA were submitted in December.		
<b>Planning Activities – PC, ZBA, Approved Projects</b>		

<b>Approved Projects</b>		
<b>Name of Project</b>	<b>Location</b>	<b>Current Status and Progress</b>
Hillside Acres	Southwest quadrant of N. Territorial Rd. and Dexter Townhall Rd.	As of the end of January 2025, eight single-family zoning permit applications have been received. Eight were issued, but the eighth was canceled at the prospective buyer's withdrawal of offer. That eighth permit may need to be reapplied-for and reissued, depending on what the new buyer wants onsite. All house plans will also need to receive approval from CACA before construction can begin.
Cornman Farms Site Plan & Special Land use	8540 Island Lake Road	With Planning Commission approval and conditions on January 23, 2024, a tent at this special event facility will be replaced with a pavilion, the enclosure of a walkway, interior remodels of buildings on-site and the addition of an amphitheater, which necessitated an amendment to the existing site and plan and special land use permit. Some utility permits have been granted, but the applicant still needs to schedule a pre-construction meeting.  On February 6, 2025 the applicant indicated to staff that they will need an extension on their site plan and special land use. Megan Masson-Minock outlined next steps in an email on February 12, 2025 to get that process rolling.
Big Silver Site Condominium Development	Fire Lake Trail	Staff reviewed and approved the fifth and final zoning permit application for this five-site condominium project on Silver Lake. The project will be built out with the completion of this last single-family home.

<b>Zoning Ordinance Adopted and Proposed Amendments</b>	
<b>Proposed Amendment</b>	<b>Current Status and Progress</b>
Article 7 Site Plan Review Notice and Public Hearings	The February 18, 2025 Board of Trustees meeting will include a discussion and possible vote on removing the requirement that public hearings be held for site plans; removing the public notice requirement for administrative adjustments and site plans; and that the Township Supervisor, not the Planning Commission chair should decide on administrative site plan review approval with the DPZ Director.
Section 17.03 (E) Keeping of Animals	The Planning Commission will discuss potential Zoning Ordinance amendments regarding the keeping of animals at its February 25, 2025 meeting.
Section 23.06 (C) Wetland Setback	The Planning Commission will also discuss whether the current wetland setback of 10 feet should be increased or maintained at its February 25, 2025 meeting.
Section 24.03 (B) - Contiguous	The Planning Commission deferred discussion of this item, pending additional information on the various kinds of lots that would be affected by any proposed

Zoning Ordinance Adopted and Proposed Amendments	
Nonconforming Lots	amendments which staff will compile for a discussion at the February Planning Commission meeting.
Table 25.1 Zoning Permit for Home Occupations	The February 18, 2025 Board of Trustees meeting will include a discussion and possible vote to strike the requirement for a zoning permit and remove parking requirements for home occupation nonresident employees, which are not allowed.
<b>Adopted Amendment</b>	<b>Summary</b>
	No amendments were adopted this period.

Zoning Permits			
Permits Issued	January	Year Total	2024
Zoning Minor	5	5	68
Zoning Major	4	4	78
Sign	0	0	0
Temporary	0	0	1
<b>TOTAL</b>	9	9	147

Code Enforcement			
Violation #	Address	Description	Status
E24-CE-0018	8980 Dexter Pinckney	Short-Term Rental	On hold pending potential Zoning Ordinance text amendment

Thank you!