



SYLVAN TOWNSHIP

18027 Old US 12
Chelsea, Michigan 48118-9673
(734) 475-8890
Fax: (734) 475-8905

Sylvan Township Planning Commission

DRAFT AGENDA

July 18, 2024

7:00pm

- **Call to Order** – M. VanBuren, Chair
- **Pledge of Allegiance**
- **Roll call of members:** Tom Bareis, Clifford Camp, Leah Herrick, Matthew Koenn, Mike VanBuren, and Sandie Schulze

Absent: Courtney Heller

- **Accept agenda**
- **Consent Agenda:**

1. May 16, 2024 Meeting Minutes

- **Public Comment –**
- **Unfinished Business – None**
- **New Business –**

1. Zoning Text Amendment (ZTA24-004) public hearing to consider a proposed zoning text amendment of the Sylvan Township Municipal Code, Chapter 30 (Zoning Ordinance). This amendment would revise the requirement that a new buildings or structure be situated on a lot or parcel that abuts or adjoins a public street or road (Section 30-792). The ZTA would allow a new building or structure to also be constructed on parcels accessed by an exclusive access driveway or a private shared driveway, as permitted under Chapter 10 Development Standards, Sections 10-484 and 10-485 of the Municipal Code. The amendment also clarifies and refines the definitions and measurements of lot width and yards (Sections 30-5 and 30-182).

- **Comments/ concerns of the Planning Commission members**
- **Adjournment**

REMINDER:

- Next regular meeting August 15, 2024

Established 1835



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DRAFT MINUTES
PLANNING COMMISSION REGULAR MEETING
May 16, 2024 at 7:00pm

The Sylvan Township Planning Commission meeting for May 16 ,2024 was called to order by Chairman VanBuren at 7:00 p.m.

Pledge of Allegiance

Members Present: Mike Van Buren, Chairman; Courtney Heller, Vice Chairman; Sandy Schulze, Trustee; Leah Herrick; Tom Bareis; Clifford Camp. **Absent with notice:** Matt Koehn

Also Present: Amanda Nimke, Recording Secretary Alternate/Clerk; Scott Pacheco, Planning and Zoning Administrator; Rod Branham, Treasurer Steve Kiss, Bill Kerns, Renee Townsend, Mike Van Goor, Ted Hirsch, Lois Wightman, Roger Hayman. **Present on Zoom:** Ann Kalmbach

Motion by Bareis to approve the agenda as presented. Supported by Camp. **Motion** carried.

Motion by Herrick to approve minutes for the April 18, 2024 meeting. Supported by Camp. **Motion** carried.

Public Comment:

None

Unfinished Business:

Continued Planning Commission review of Special Use Permit (SUP 24-002) to allow a towing business and impound yard use at the vacant parcel F-06-22-100-007 in the industrial zoning district.

Pacheco reviewed the proposed project in his May 16, 2024 memorandum that outlined the project description, project history, and updated project analysis.

The applicant, Bill Kerns, presented on the environmental considerations, landscape plan, and proposed pollution prevention plan. Midwest Consulting consultant, Ted Hirsch, also

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

commented on the environmental report, which cited an abandoned well on the subject property.

The PC discussed the environmental review from the consultant, Environmental Consulting Solutions (ECS) due to the proposed project being near the wellhead for the water plant and proposed pollution plan. The PC also discussed the landscaping requirement of a masonry wall which would be considered at site plan review, if approved.

Motion by Bareis to reopen the Public Hearing. Supported by Heller.

Public Comment

M. Van Goor said the project was in an appropriate zoning district for the use and was in the appropriate location. Van Goor said he appreciated the environmental concerns that had been addressed, and also the proposed light fixtures that were approved by the Dark Skys initiative. Van Goor said he would like to see a Dark Skies ordinance for lighting.

Van Buren closed the public hearing.

The PC continued discussion on landscaping requirements, and contacting the attorney to make sure Washtenaw County was the appropriate regulating agency regarding the environmental review of the wellhead, and the proposed pollution prevention plan recommended by ECS.

Pacheco said the pollution prevention plan would be reviewed by staff and ECS prior to issuance of the zoning permit.

The PC discussed requiring concrete for the project surface instead of the applicant's proposal of bituminous millings, requiring the applicant to give the Board a biannual report on the updated safety requirements of dealing with electric cars, and requiring a security bond for potential site contamination remediation.

Motion by Bareis to approve the Special Use Permit (SUP 24-002) to allow a vehicle town yard use of the vacant property at 16851 Old US 12 because, as discussed and presented at tonight Planning Commission meeting and as presented in the Planning Commission staff reports, the proposed use with the following conditions will meet the standards of section 30-643 (1-7).

Conditions of Approval:

- 1) Site plan review and approval of the project will be required under chapter 20 Article II. All regulations will be reviewed as a part of the site plan review. The future site plan submitted should be similar, although minor changes may be required to meet regulations, to the draft site plan submitted for review as a part of the Special Use Permit.

- 2) The applicant will preserve the existing landscaping outside of the graded areas on the south portion of the proposed development to provide screening of the project from I-94.
- 3) A masonry wall shall be used on all side of the vehicle storage area to better secure and screen the area from off site, unless it is determined through site plan review that lesser measures would be appropriate.
- 4) The future lighting on the site shall be shielded and directed toward the ground and should not be installed in such a manner that no illumination source is visible beyond all property lines.
- 5) The proposed light shall only be on when during normal business operations, security lighting may be on motion sensors for after hour use.
- 6) All required federal, state and local reviews and approvals will be required for this project prior to issuance of a building permit; including but not limited to Washtenaw County Road Commission, Washtenaw County Environmental Health Department, Township Engineering Consultant, Chelsea Area Fire Authority, and Chelsea Area Construction Agency.
- 7) The applicant shall work with EC3, the township's environmental consultant, on the proposed Pollution Prevention Plan to address the concerns suggested in the environmental review. The Pollution Prevention Plan will need to be approved by the Planning Commission during site plan review.
- 8) Verify with Rob Thall if there are any state agencies that where not discussed in the EC3 report that would be required to review the project as a part of site plan review.
- 9) The applicant shall submit bi-annual reports on the safety measures for evolving transportation technologies to the Township Board.

Supported by Schulze. **Motion** carried by voice vote.

New Business.

Zoning Text Amendment (ZTA24-002) to amend the zoning regulations (Municipal Code: (Chapter 30 Zoning Ordinance) regarding the setbacks, floor area and lot coverage on non-conforming smaller sites within the Low-Density Residential Zoning District (LR); to amend the zoning regulations to allow mechanical equipment to encroach into required setbacks when appropriate and to amend the zoning regulations to allow for non- conforming structures to be re-construction with certain criteria.

Public Hearing

S. Kiss said he had lived on Cavanaugh Lake for 40 years, was on the Zoning Board of Appeals ZBA), and the Chair for the past 10 years. Kiss said the two main issues when an applicant applies for a variance are side-yard set backs and blocking neighbor's views. Kiss said residents expect the current set-back requirement of 20 feet. Kiss said he had concerns with the Floor Area Ratio and that it should be 30% regardless of lot size, lot

coverage percentage that adheres to what was already built, and changes to side yard set-backs. Kiss said he also had concerns with line of site requirements in relation to set-backs from the lake.

Van Buren closed the Public Hearing.

Pacheco said the ZBA asked the PC to review the zoning amendment and discussed his staff report for Zoning Text Amendment ZTA 24-002. Pacheco discussed floor area ratio and lot coverage with regard to the ordinance, and proposed changing the ordinance to allow for the ability to rebuild a non-conforming structure if it is within the prior established footprint and no new non-conformities are created. Pacheco also discusses a graduated set-back scale based on the lot size.

The PC discussed the definition of floor area ratio, concerns with vaulted ceilings, lake-side setbacks and side-yard setbacks. PC members shared concerns regarding moving structures closer to a neighbor's lot line. The PC discussed setbacks for mechanical equipment.

Motion by Van Buren to recommend approve the proposed Zoning Text Amendment (ZTA24-002) to amend the zoning regulations (Chapter 30 Zoning) regarding the setbacks, floor area and lot coverage on non-conforming smaller sites within the Low-Density Residential Zoning District (LR) (Section 30-348); to amend the zoning regulations to allow mechanical equipment to encroach into required setbacks when appropriate and to amend the zoning regulations (Section 30-182) to allow for non-conforming structures to be re-construction with certain criteria(Section 30-841) because, as discussed at tonight Planning Commission meeting and as presented in the Planning Commission staff report, the zoning amendments comply with the master plan and will preserve the health, safety and welfare of the community, by allowing appropriate development of existing sites within the community. The proposed amendments are intended to allow appropriate development of existing non-conforming lots of record, with structure similar in size and setbacks to the existing homes in the areas. The proposed amendments do not allow for any additional density. The zoning amendments create minimum setback standards to allow safe access around the structure even on smaller lots, in an attempt to preserve the appropriate health safety and welfare of the community.

Supported by Camp.

Roll call vote: Bareis, no; Heller, yes; Camp. Yes; Van Buren, yes; Herrick, no; Schulze, yes. **Motion** carried by roll call vote.

Election of Officers

Motion by Van Buren to elect Van Buren as Chair, Heller as Vice Chair, Herrick as Secretary. Supported by Camp. **Motion** carried by voice vote.

Comments/concerns of Planning Commission members

Van Buren said the updates to the **ZTA24-002** ordinance would alleviate some variances for the ZBA. Herrick said she supported the Dark Skies initiative.

Motion to adjourn by Bareis, seconded by Heller.

Meeting adjourned at 9:03 pm.

Reminder: next regular meeting is June 20, 2024

Minutes respectfully submitted by Amanda Nimke, Recording Secretary Alternate

Matthew Koehn, Planning Commission Secretary

APPROVED: _____ Date:

Approved as Submitted _____ Approved with Corrections _____



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AGENDA ITEM: 1

DATE: July 18, 2024

TO: Planning Commissioners

FROM: Scott Pacheco, AICP, Planning and Zoning Administrator

RE: Zoning Text Amendment ZTA 24-004 Shared Private Driveways and Exclusive Access Easements

In 2019 the Township Board amended the development standard under Chapter 10 of the Municipal Code by adding Article VI. - Private Driveways, Shared Private Driveways, And Exclusive Access Driveways. This amendment was intended to allow either “an individual parcel of land which is to be improved, or which is improved, with a single dwelling may be served by an exclusive access driveway rather than a road,” or “up to three parcels of land which are to be improved, or which are improved, with a single dwelling each may be serviced by a shared private driveway rather than a road”

These regulations were created because the existing township regulations do not allow private roadways, and the Washtenaw County Road Commission has stated that they will only accept public roads that follow the platted subdivision process and that all site condominium and land division projects will only be accepted as private roads. These restrictions have exposed the township to potential legal issues. Allowing the development of up to three lots without the need for a roadway, would limits the potential legal threats based on the regulations.

Although the Development Standards (Chapter 10 Article VI Private Driveways, Shared Private Driveways, And Exclusive Access Driveways) allows for the ability of parcels to be created that either have access via an exclusive easement or a shared driveway, section Sec. 30-792. - Access to public streets required that “In any district, every use, building or structure established after the effective date of the ordinance from which this article is derived shall be on a lot or parcel which adjoins a public street or public road and such public street or road right-of-way”. These requirements conflict with the intent of the regulations for the Shared Private Driveways, And Exclusive Access Driveways in the Development Standards.

The township attorney provided the Township Board a letter that listed out any potential legal issue with the current regulations at the June 4, 2024 Township Board meeting.

At the June 4, 2024 meeting the Township Board directed staff to draft a Zoning Text Amendment and bring it to the Planning Commission for review that would allow the Zoning



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Ordinance to comply with the development standards for shared private driveways and exclusive access easements.

Proposed ZTA 24-004

To create regulations within the zoning ordinance that would comply with the 2019 amendment to the development standards adding Shared Private Driveways and Exclusive Access Driveways staff would suggest the following revisions to Chapter 30 Zoning:

- 1) Change wording under Sec. 30-792. Access to public street to comply with the regulations under Chapter 10-Development Standards for Exclusive Access Driveways for One Dwelling (Section 10-484) and Private Shared Driveways (Section 10-485). Also add the wording Unless stated elsewhere in this chapter as the new OSPD allows for the use of private roads.
 - (a) *The following provisions regarding access to public streets shall apply:*
 - (1) *Unless stated elsewhere in the chapter, In any district, every use, building or structure established after the effective date of the ordinance from which this article is derived shall be on a lot or parcel which adjoins a public street, ~~or public road,~~ or is accessed from an exclusive access driveway (Section 10-484) or private shared driveway (Section 10-485). ~~and such~~ public street or road right-of-way shall be at least 66 feet in width, unless a lesser width was duly accepted by the public, in accordance with law, prior to the effective date of the ordinance from which this article is derived. Notwithstanding the above, a mobile home site within a mobile home park shall not be required to front upon a public road, provided that access is permitted in accordance with the requirements of this article.*
- 2) Correct problems with the definition of Lot Width and Yards(Section 30-5) and the Measurement of Lot Width (Section 30-182 (b)(8).

Section 30-5 Definitions (b)

Lot, width. *The horizontal distance between the side property lines. See section 30-182(b)(8).*

Yard, front, *means an open, unoccupied space extending the full width of the lot and situated between the exterior face of the front line of a structure and the nearest public ~~or private road driveway, or street~~ right-of-way line, ~~exclusive easement,~~ or the front lot line, whichever is the shorter distance. For any lot in any recreation-conservation, agricultural, or residential zoning district that abuts a lake or other body of water which is regulated under the inland lakes and streams act, the portion of the lot that abuts the lake or body of water shall be the front yard for purposes of this chapter. In commercial*



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or industrial districts, the front yard shall be the portion of the lot which abuts or is nearest the public road, driveway, or street right-of-way line. *On all other properties the front yard is either determined by the location of the public or private road or by the location of the access to the property.*

Yard, rear, means an open, unoccupied space extending the full width of the lot, and situated between the rear line of a structure and the nearest public *or private road driveway, or street* right-of-way line, *exclusive easement*, or the rear lot line, whichever is the shorter distance.

Yard, side, means an open, unoccupied space on the same lot with the principal structure, situated between the side line of a structure and the adjacent side line of the nearest public *or private road driveway, or street* right-of-way line, *exclusive easement*, or the side lot line, whichever is the shorter distance.

Section 30-182 (b)(8)

(8) Measurement of lot width.

- a. Lots fronting on a straight section of a road. The minimum required width shall be measured at the building line, which shall be a straight line that is perpendicular to both side lot lines. No part of the lot shall be less than the minimum required width, as measured on any line that is perpendicular to the side lot lines.
- b. Lots fronting on curved sections of a road. The minimum required width shall be measured on a straight line that connects the points at which the building line intersects the side lot lines. In the case of a lot with diverging side lot lines, the building line shall be moved farther from the road right-of-way or easement line than the required front yard the distance necessary to obtain the minimum required width.

There are a multitude of problems that the defined measurements above create.

- 1) Under item a. above if the side lot lines are not parallel and the measurements of the lot width must be perpendicular to the side lot lines this more than likely would not be possible.
- 2) Under item a. and item b. if there is not a building on a lot the lot width of a property there is no way to measure the lot width.
- 3) Under item b. the following wording is confusing *In the case of a lot with diverging side lot lines, the building line shall be moved farther from the road right-of-way or easement line than the required front yard the distance necessary to obtain the minimum required width.* Does this mean that if at the building line the lot width is not met but at any line further back than the building like the lot width can be met that the lot meets the lot width requirement? It seems like that would not be the best way to meet a minimum lot width regulations.



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Because of the existing confusing and un-clear regulations under this section regarding lot widths, staff suggest revising the existing wording regarding the measurements of lot widths and adding wording that would address lot widths on lots that do not abut a public or private roadway (accessed by a private shared driveway, exclusive access easement or are existing lots of record).

(8) Measurement of lot width.

- a. *Lots fronting on a straight section of a road. The minimum required width shall be measured at the ~~building line or front setback~~, which shall be a straight line that is ~~parallel to the front property line between perpendicular to~~ both side lot lines. No part of the lot shall be less than the minimum required width, as measured on any line that is ~~perpendicular to parallel to the front property line and between~~ the side lot lines.*
- b. *Lots fronting on curved sections of a road. The minimum required width shall be measured on a straight line that connects the points at which the building line ~~or front setback line if no building existing~~ intersects the side lot lines. In the case of a lot with diverging side lot lines, the building line shall be moved farther from the road right-of-way or easement line than the required front yard the distance necessary to obtain the minimum required width.*
- c. *Lots without street frontage. The minimum required width shall be measured at the front setback line, which shall be a straight line that is parallel to the front property line between both side lot lines. No part of the lot shall be less than the minimum required width, as measured on any line that is perpendicular to the side lot lines.*

Process:

Chapter 30 Zoning, Article II Administration and Enforcement, Division 3 Amendments of the Sylvan Township Municipal Code provide the Township the power to amend the Zoning Ordinance. It required that the township planning commission hold a public hearing, review the proposal, and make a recommendation before action is finally to be taken thereon by the township board on the ordinance map amendment.

Because this division of the zoning ordinances lacks any standards for the review of the Zoning text Amendment. Township staff suggest that the Planning Commission follow best planning practices and review the proposed amendments and make a determination if the amendments are compatible with the Master Plan, the potential impacts the amendment may have on the community and that the amendment protects the health safety and welfare of the community.

The main goal of the proposed zoning text amendments is to allow the zoning code to be compatible with the Development Standards that were created in 2019 for shared driveways



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and access driveway easements. These regulations allow lots to be subdivide without requiring the new lots to abut a public roadway all other regulations of the zoning district would still apply.

Some of the Goals, Objectives, and Strategies (**Bold**) of the Township Master Plan that are as follows:

Focus future growth and development in areas where utility infrastructure is available, and maintain the rural/agricultural character of the remainder of the Township.

Protect the integrity of existing and future residential areas, and develop future residential areas of a character and density consistent with the Township’s goal to preserve its rural character.

Protect the integrity of existing and future residential areas, and develop future residential areas of a character and density consistent with the Township’s goal to preserve its rural character.

Seek the development of housing types that are of high quality in terms of design and construction, and are appropriate in terms of the Township’s rural preservation and growth management objectives.

New residential development will be compatible with existing residences in terms of density, lot sizes, and building types. In areas where a change in density is planned in or adjacent to an established residential area, density gradation, buffer areas and natural features should be used to create a gradual transition.

The proposed amendments are intended to manage growth while still allowing appropriate development of existing properties, by allowing development of lots that meet the regulation of the zoning districts where the properties are located. The zoning amendments create and opportunity for property owners with larger properties to develop up to three parcels as long as those parcels meet the minimum regulations for the zoning district in which they are located.

The draft ZTA 24-004 was reviewed by the Township Attorney.

Planning Commission Recommendation:

Staff recommends the Commission open the public hearing, take testimony, close the public hearing, evaluate the proposal for conformance with the applicable regulations, and make a recommendation to approve/deny/approve with changes the zoning text amendment.

Example Approval Motion

Planning Commission motion to recommend approve the proposed Zoning Text Amendment (ZTA24-004) to amend the zoning regulations (Chapter 30 Zoning) requiring building or structure to be on a lot or parcels which adjoins a public street, or public road by also allowing



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them to be on parcels accessed by an excluding access driveway (Section 10-484) or private shared driveway (Section 10-485). This amendment also would require amendments to the definition of how the lot width is measured and the clean up of the definition of yards. The Planning Commission recommends the proposed zoning text amendment because, as discussed at tonight's Planning Commission meeting and as presented in the Planning Commission staff report, the zoning amendments comply with the master plan and will preserve the health, safety, and welfare of the community, by allowing appropriate development of existing sites within the community. The proposed amendments are intended to allow appropriate development of existing parcels as long as all zoning regulations can be met.

Attachments:

Exhibit 1: Draft Zoning Text Amendment 24-004

Draft Zoning Text Amendment (24-004)

Sec. 30-5. Definitions.

Lot, width. The horizontal distance between the side property lines. See section 30-182(b)(8).

Yard, front, means an open, unoccupied space extending the full width of the lot and situated between the exterior face of the front line of a structure and the nearest public or private road, ~~driveway, or street~~ right-of-way line, ~~exclusive easement~~, or the front lot line, whichever is the shorter distance. For any lot in any recreation-conservation, agricultural, or residential zoning district that abuts a lake or other body of water which is regulated under the inland lakes and streams act, the portion of the lot that abuts the lake or body of water shall be the front yard for purposes of this chapter. In commercial or industrial districts, the front yard shall be the portion of the lot which abuts or is nearest the public road, driveway, or street right-of-way line. **On all other properties the front yard is either determined by the location of the public or private road or by the location of the access to the property.**

Yard, rear, means an open, unoccupied space extending the full width of the lot, and situated between the rear line of a structure and the nearest public or private road, ~~driveway, or street~~ right-of-way line, ~~exclusive easement line~~, or the rear lot line, whichever is the shorter distance.

Yard, side, means an open, unoccupied space on the same lot with the principal structure, situated between the side line of a structure and the adjacent side line of the nearest public or private road, ~~driveway, or street~~ right-of-way line, ~~exclusive easement~~, or the side lot line, whichever is the shorter distance.

Sec. 30-182. Application of regulations.

(b) *Density and height regulations.*

(8) *Measurement of lot width.*

- a. *Lots fronting on a straight section of a road.* The minimum required width shall be measured at ~~the building line~~ the front setback, which shall be a straight line that is ~~perpendicular to~~ parallel to the front property line and between both side lot lines. No part of the lot shall be less than the minimum required width, as measured on any line that is ~~perpendicular to~~ parallel to the front property line and between the side lot lines.
- b. *Lots fronting on curved sections of a road.* The minimum required width shall be measured on a straight line that connects the points at which the building line or front setback line if no building existing intersects the side lot lines. In the case of a lot with diverging side lot lines, the building line shall be moved farther from the road right-of-way or easement line than the required front yard the distance necessary to obtain the minimum required width.
- c. *Lots without street frontage.* The minimum required width shall be measured at the front setback line, which shall be a straight line that is parallel to the front property line between both side lot lines. No part of the lot shall be less than the minimum required width, as measured on any line that is perpendicular to the side lot lines.

Sec. 30-792. Access to public street.

(a) The following provisions regarding access to public streets shall apply:

- (1) **Unless stated elsewhere in the Chapter**, In any district, every use, building or structure established after the effective date of the ordinance from which this article is derived shall be on a lot or parcel which adjoins a public street ~~or public road~~ or is accessed from a ~~excluding access~~

driveway (Section 10-484) or private shared driveway (Section 10-485). ~~and such~~ Public street or road right-of-way shall be at least 66 feet in width, unless a lesser width was duly accepted by the public, in accordance with law, prior to the effective date of the ordinance from which this article is derived. Notwithstanding the above, a mobile home site within a mobile home park shall not be required to front upon a public road, provided that access is permitted in accordance with the requirements of this article.

- (2) The planning commission shall review and shall have the authority to approve the layout of all proposed roads that are not part of a subdivision plat. The township board shall approve authority for a subdivision plat. The planning commission or township board, whichever applies, shall consider the following standards in reviewing all proposed roads.
- a. Roads within a proposed development shall be connected with each other if connections are feasible and reasonable.
 - b. Roads shall be extended to property lines to connect with an existing public road. A right-of-way or easement for a public road shall be extended to a property line in all situations in which the planning commission or township board, whichever applies, determines that such extension is desirable or necessary to provide future access to other properties or to create an interconnected public road system.
 - c. The proposed road layout will not leave property landlocked without a reasonable opportunity for existing or future public road access.
 - d. The proposed road layout will not create parcels of land of a size or shape that would make them unusable under zoning regulations.
 - e. The road layout and any lot layout resulting from it shall have minimum adverse impact on wetlands, stream corridors, drainage courses and patterns, wood lots, individual trees, or fence rows.
- (b) The layout of a proposed road that is not a proposed subdivision plat shall first be submitted to the planning commission for review. The applicant may, at his discretion, consult with the county road commission staff before submitting a proposed layout to the planning commission. After the planning commission's initial review is complete, the layout shall be submitted to the county road commission for preliminary approval. The planning commission shall not approve a road layout until after the road commission has given the layout preliminary approval.

(Comp. Ords. 1994, § 15.801; Ord. No. 1, § 56.05, 8-19-1974; Ord. No. 27, 5-4-1993; Ord. of 1-2-2001)