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P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139

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**A GREAT PLACE TO GROW**

**HAMBURG TOWNSHIP PLANNING COMMISSION  
WEDNESDAY, JANUARY 17, 2018 7:00 P.M.  
HAMBURG TOWNSHIP HALL BUILDING  
10405 MERRILL ROAD, HAMBURG, MICHIGAN**

- 1. CALL TO ORDER**
- 2. PLEDGE TO THE FLAG**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES**
  - a. October 18, 2017 Planning Commission Minutes
  - b. December 20, 2017 Planning Commission Minutes
- 5. CALL TO THE PUBLIC**
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**

Public Hearing for the Zoning Text Amendment (ZTA) 17-006 to streamline the Site Plan Review requirements for Minor Projects (Article 4), streamline the review regulations regarding Temporary Buildings, Structures and Uses (Section 8.9) and Seasonal Sales Permits (Section 8.21), and revise the enforcement section of the zoning ordinance (Article 5) to comply with the new Civil Infractions Ordinance 71A. This amendment also includes new definitions in Article 2.

- 8. Zoning Administrator's report**

Reminder of the Joint meeting with Township Board, Zoning Board of Appeals, Planning Commission, and Parks and Recreation Board that will be held on February 28, 2018 at 7:00 pm.
- 9. Adjournment**



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**Planning Commission  
Hamburg Township  
10405 Merrill Rd., P.O. Box 157  
Hamburg Township, Michigan 48139  
October 18, 2017  
7:00p.m.**

**1. CALL TO ORDER:**

Present: Cyphert, Goetz, Leabu, Menzies, Muir and Priebe,

Absent: Vlcko

Also Present: Scott Pacheco, Zoning and Planning Administrator and John Jackson, Planning Consultant, McKenna Associates

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Menzies, supported by Cyphert

To approve the agenda as presented

Voice vote: Ayes: 6                      Nays: 0                      Absent: 1                      MOTION CARRIED

**4. APPROVAL OF MINUTES:**

a. September 20, 2017 Planning Commission Minutes

Motion by Priebe, supported by Menzies

To approve the September 20, 2017 minutes as presented

Voice vote: Ayes: 5                      Nays: 0                      Absent: 1                      Abstain: 1                      MOTION CARRIED

**5. CALL TO THE PUBLIC:**

Chairman Goetz opened the call to the public. Hearing no public comment, the call was closed.

**6. OLD BUSINESS: None**

**7. NEW BUSINESS:**

A. Final site plan review of Regency Village Open Space Project: OSPUD 17-001: Open Space Planned Unit Development to allow a 70 unit single family housing development on the properties at 4715-16-400-001 (27.7 Acres) and 4715-21-200- 019 (24 Acres)..

Marshall Blau of Progressive Properties, Inc. stated that Regency Village is on the north side of M-36 in sections 16 & 21. The property is a total of 52 acres. They will only be putting homes on the southerly 14 acres with 70% of the property being open space. They recently agreed to dedicate that open space as a Conservation easement. The last time they were in front of the Planning Commission was July 11<sup>th</sup> when they received a favorable recommendation. The plan went before the Township Board on July 25<sup>th</sup> and they received approval of their preliminary site plan. He stated that an Architectural Review Committee was formed and a set of Architectural standards and plans for Regency Village have been established.

Mr. Jim Epping stated that they are very excited and appreciative of the amount of community participation and staff time given. They know that there is still a lot of hard work ahead of them if they are approved to move forward. They have submitted for their Final Site Plan approval and site plan PUD. They are proud that this will be a terrific neighborhood because of the architecture and detail that the committee has put in. He gave an overview of the site. He stated that they have not changed the plans a great deal since the preliminary site plan approval. They have not changed road alignment, density or orientation of homes. They have however looked at each and every lot to make sure that the building envelope, etc. fits. Livingston Engineering has gone through and done the calculations and provided the detail engineering and have been working with the MDEQ and MDOT. He discussed some of the studies such as the environmental factors, vegetation on the property, etc. Again, they are not going to impact the wetlands, but rather preserve them.

Mr. Epping discussed the architecture review. He stated that they were true to their intent to create 4-5 different housing types. He discussed those types as well as the locations and sizes. What they tried to focus on was the quality of architecture, and four-sided architecture. He discussed the variety and predictability. They have created a "rule book" called Architecture and Site Standards that sets the minimum standards for gables, overhangs, windows, doors, size of porches, etc. They do intend on building all of the homes, but if a new builder came in, the Township could be assured that this is the rule book that carries with the PUD, and the PUD carries with the land. They have created 19 different floor plans and 43 different elevations on five different size or style homes. That is going to ensure that this is not a "cookie-cutter" neighborhood. Every home will be different, and there is a stipulation in the plan that two homes next to each other cannot be the same. This will be reminiscent of the older, traditional neighborhood. Their goal is to go over the plans, answer any questions, and then ask for the Commission's recommendation to the Township Board. He stated that the Planner's letter indicates a number of conditions with a number of those issues being "housekeeping" issues and 50% of them would be site plan adjustments that they are in agreement with. He discussed the requirement of a tree survey. He stated that this is a beautiful site with 70-71% being preserved with the trees intact. They are concentrating the development to the southern end of the site. There will be grading necessary, but it is a little different than they typical .5-1 acre lot where you can maintain trees down the property line. They are proposing to take out most of the trees within that southern zone but anticipate that the trees along the perimeter can be maintained. Given DEQ will be mandating what they must do with the wetlands and the preservation, etc. they request that a tree survey not be required. He stated that one of the requirements is an 18" beam above the garage door so there would not be a big expanse of house above the garage door. He does not remember that being brought up in the Architecture Review meeting. He does understand the intent, but the plans as presented and recommended by the Committee cover that. To make that a sweeping, architectural mandate would handicap some of those homes. Some of the plans submitted do have that element, but some do not. Another issue is the picnic tables. If the Commission wants a couple picnic tables, they will put them in. But, the intent of the open space on these types of developments tend

to be very flexible. The park itself is a large park with approximately ten homes around it. Those will have fences and their own interior yard, but the intent is that this would be an extension of their front yard. They will have benches, but picnic tables, trash cans, etc. are better left to the homeowner's association once that is up and going. The other issue is that all of their elevations show front porches. The Architecture Committee agreed that all porches would be 6 feet and up depending on the setback. The memo came across today indicating that all of the porches would be a minimum of 7 feet. 50% of the homes already show 7 foot, and adding a foot to some of those plans would change roof pitches and may impact setbacks. They would like to keep it a minimum of 6 foot. The last issue was the home elevations. Article C indicates 18 inches, however he believes that the Committee agreed to 16 inches, which is what they would like. That would allow them to have two steps into the house instead of three. As soon as you get into three, you trigger hand rail requirements and may impact the front walk way. Some of them may sit up that high, but they don't want to mandate that. If any of these homes have to become ADA accessible, they would like to minimize the ramp height.

Mr. John Jackson, Planner, stated that since the Board approved the preliminary plan on July 25<sup>th</sup>, they have been working with the developer to work out as many details as possible. This is an unusual project. It is not a straight forward open-space project. It incorporates a lot of detail on allies, home orientation, site improvements, etc. all in exchange for a handsome density increase. That is why they went through with a fine-tooth comb to make sure that at the end of the day, if all these conditions are met, that the Township ends up with a project that is sustainable and you can point to it with pride long after it is completed. From this point forward, once the Planning Commission approves the final site plan with the conditional information, it will go to the Township Board and they will make the final approval. If they approve the project, there is still a lot of review that has to take place administratively which will be the responsibility of the Zoning Administrator or their designee to make sure that it is done according to the plan. The final plan was generally in keeping with the preliminary plan. They did get into a lot more detail. His recommendation is to approve the plan subject to a number of conditions. He reviewed the three proposed waivers. With regard to the minimum porch width for all units, the Architect Committee did discuss the difference between the 6 and 7 foot minimum, and believes that they did agree to the 7 foot minimum. He would leave that up to the Commission. They are asking for a waiver to the previously approved parking conditions which said that there would be no perpendicular parking. They are asking a waiver to allow two, perpendicular parking bays (7 parking spaces max) along Jack's Alley. Discussion was held on the waiver to the 19-foot front yard setback for the front loaded garage along Regency Boulevard. Leabu stated that they wanted enough space from the sidewalk to the garage to fit two cars. This is only on Regency Boulevard. Leabu stated that the waivers came about as they worked out the detail. Mr. Epping added that it actually increased the amount of house that came forward, and they recessed the garage slightly more. Mr. Jackson stated that a lot of these details may be added to the next round of plans prior to going to the Township Board. A lot of these will be added into the PUD agreement.

Mr. Jackson discussed the tree survey. Clearly a large portion of the site will be untouched, but there is value in trying to preserve mature, quality trees, etc. as opposed to clear-cutting the entire area where there will be development. While we may not need a detail tree survey, he feels that we should have some mechanism to identifying certain trees and opportunities for saving trees even within the developable area. He would like to see some type of effort to preserve trees.

Mr. Jackson discussed condition #4. He stated that we have learned our lesson over the years. We don't want all of the lots except the small lots to be built. We came up with the condition that for every 10

units built, two will be required to be small, cottage style units or 1200 square feet or less. He would like to add to that a minimum of 19 homes that would be 1200 square feet or less.

Mr. Jackson stated that as far as the picnic tables, he believes that the intent of the open space would be more than just a passive path within the common area. He would be open to hearing other suggestions, but the idea was to have more amenities within the common area.

Mr. Jackson stated that in terms of the 18 inch maximum area above the garage, he would agree that they worked long and hard to get a variety of housing styles and variations that would serve this project well. He further suggested that we provide for an appeal provision so that if something comes up such as a site constraint, etc. that would prevent the applicant in complying with one of these conditions, that they don't have to go through the whole process of amending the PUD. We do have a provision within the architectural standards that says "the applicant shall have a right to appeal to the Planning Commission for review and approval in the event of a disagreement with the Township Zoning Administrator." He would recommend that the same provision for these conditions be included as well.

Zoning Administrator Pacheco addressed condition #4 and asked that we further amend that to read a 1200 square foot home with a smaller attached or detached accessory dwelling unit. That gives another type of dwelling unit. Pacheco stated that they worked extensively with the applicant to develop the architectural guidelines. He stated that in a normal development, you would not necessarily see any difference between a house on a corner lot and a house on a regular lot. In this case, they have designed a house for the corner lot with more architectural detail on the side elevations. He also pointed out the bungalow, cottage style home. They have worked hard on the architecture and we have tried to memorialize it as much as possible. He further stated that he could go either way on the request by the developer as it relates to both the 6' vs. 7' wide deck and the 16" vs. 18" elevation. The Architectural Review Committee is recommending approval of the Architect Standards with the conditions in the review letter and any changes the Commission would like to make.

Mr. Epping stated that they are in agreement with value of trees. They will strive to save as many trees as they can within the building area if for no other reason, it helps them sell homes. However, a tree survey of this size would cost over \$10,000 and take several months.

Mr. Epping discussed the phasing. He stated that their intention is to have one phase and build it quickly and as it is proposed. He agrees with the intent that every 10 homes should be a small home, however he would like the flexibility that the market will determine that. The reality is that every lot cannot support a larger home. There is nothing that would preclude them from building smaller homes on the bigger lots, but it is driven by the market. They do know for certain that they will build 19, they just cannot guarantee what order they will be built. He addressed the amenities in the common areas. He stated that he feels that should be a homeowner decision. They know that they're going to have benches, pet areas, etc. It is not a cost issue, he just does not want to put something in that people don't want. He further agreed with and thanked Scott for suggesting the appeal process. They don't anticipate a need for that. They are looking at these as approved plans with an approved rule book, but things do come up, and that is a nice process.

Commissioner Cyphert stated that in terms of the architecture plans, she is thankful for the improvements and the diversity. She asked if someone was coming in to purchase a lot, would they know which units would be permitted on which lot. Mr. Epping stated some people find a particular lot they like and will

decide which home they like that would fit on a lot while others will find a home to fit their needs then find the lot where it will fit. They don't all fit on every lot.

Commissioner Cyphert asked if they foresee any issues with the street trees interfering with the electrical transformers, etc. Mr. Epping stated that he does not. The street trees are placed between the curb and the sidewalk. Typically the transformers are placed on the unit side.

Commissioner Menzies discussed the lake and asked if the spoils would be made part of the property of the units around the lake. Mr. Blau stated that it would be hauled away or dispersed within the common areas.

Commissioner Menzies asked if the conditions would be reviewed administratively prior to Township Board approval. Commissioner Menzies stated that this is an unusual number of conditions and would like to see some of them addressed prior to going before the Board. Planner Jackson stated that some of these conditions will be included in the PUD agreement because the PUD agreement will not be done until after the Township Board approves the final site plan. As indicated, some of these are simply housekeeping items that will be included in the plan to be submitted to the Board. Mr. Epping stated that some of the items can be made very quickly. He is not sure what the target date is to go before the Board. Pacheco stated that it would be taken to the Board November 9<sup>th</sup>. Mr. Epping stated that he would commit to the Commission that they could update SP1 & SP2 and address the sidewalk extensions. Livingston Engineering can update their plans for various things. There will be a whole layer of engineering that has to look at grading, etc. that may not be complete by that time.

Commissioner Muir asked if they are approving the architecture as well as the site plan. He discussed certain aspects such as number of columns. Pacheco stated that this is the recommendation of the review committee. As a commissioner you can suggest changes to the Commission to see if they agree. Commissioner Leabu stated that the committee has worked hard and the developer has done a great job responding. He does not have a problem with a 6 foot porch. He discussed the number of columns from a building standpoint. He discussed the elevation height. They did discuss the 16 inch height. He likes the plans and he is proud of the work everyone has done. He discussed the number of lots with smaller houses and stated that they will end up with 19 smaller homes. He does not have a problem with the waivers, and based on experience, he would like a lot of the conditions met before going to the Township Board. He is all for a tree survey, but any developer would save a tree if they could because it helps to sell a lot. If we are giving them 70 units on 14 acres, it is pretty much clear cutting so he cannot see requiring a tree survey. Mr. Jackson stated that a note on the plan indicating that a certain line of trees would not be disturbed may be sufficient. Mr. Epping stated that this would essentially be "a limits of construction" line. Mr. Blau stated that he would like to point out that they recently agreed with the MDEQ to establish a Conservation Easement on all of the open space so they are going to try and save as many trees as they can. But, in the buildable area, unless we have some trees on the edge of the property, he does not know if we can save any at all. The site plan shows over 200 trees that will be added back to the site.

Commissioner Leabu stated that he would like to see some accessory buildings. The State is trying to decide who gets to control renting. He discussed the language in the PUD relating to renting and the need for flexibility.

Mr. Jackson discussed the phasing schedule. He stated that he is inclined to remove that provision that states that two for every ten units to be small as long as we have the 19 units with the language regarding the accessory dwelling units. He does however feel that we need a phasing schedule to show when the trails and other amenities will be installed.

Commissioner Priebe stated page 25 does not reflect the second story so it needs a note to refer back to the appropriate page. She stated that one of the things that came up several times in the public hearing is the traffic and asked if a traffic study has been done. Mr. Blau stated that they have been working with MDOT for their approach and acceleration/deceleration lanes. Initially they thought they would have to put in a passing lane, however MDOT would like a center turn lane. They have been keeping their neighbors across the street informed. At this point, they don't know for sure, but given the asphalt that is already there, they may not have to add any additional asphalt, just some re-striping. They will have to have their engineer talk to MDOT. Priebe asked if there was anything in the study that would indicate the amount of time it will take to make a left-turn onto M-36. Mr. Blau stated that he is not sure that has come up, but they have been discussing the length on the lane and they do have all of the counts at peak times. He can ask that question.

Commissioner Priebe discussed the report from McKenna Associates as well as the Fire Department. She stated that there are comments indicating certain items such as the pump station that have not yet been addressed. Zoning Administrator Pacheco stated that those are addressed in his letter and addressed in Contingency 37 & 38. They are working with the engineer and Fire Department to finalize these items. As long as it does not change the layout on the plan, it does not affect what is before the Planning Commission. As long as they can meet the non-discretionary standards that the Township has for engineering, they can build the project as long as the plan does not change from what we approve. Mr. Blau further discussed the sewer design and pump station and working with the Fire Marshall.

Discussion was held on the number of posts installed on the porches. Mr. Epping stated that he does not feel that it should be a mandate, but rather dictated where they need to limit the span. Further discussion was held on the overhang on the garage. Commissioner Leabu stated that we are talking about those that have a roof pitch coming toward the street. We are saying that you need two feet of siding. We are not talking about those that have a gable over the garage.

The Commission reviewed each item on the list of conditions including the items that they would like to see accomplished prior to the plan going before the Township Board.

Mr. Epping stated that they are in agreement with the discussions tonight and appreciate the conversation. They are fully prepared to provide an updated set of drawings with the changes to be submitted to the Board

Motion by Muir, supported by Cyphert

Recommend approval of the Final Site Plan for the Regency Village Open Space Project with the following waivers from the preliminary site plan, items to be completed before the Township Board review of the project and the conditions of approval based on the discussion at tonight's meeting:

**Waivers:**

1. Waiver to approve the requested 19-foot front yard setback for the front loaded garage

- along Regency Boulevard.
2. Waiver to the previously approved parking condition to permit two, perpendicular parking bays (7 parking spaces max) along Jack's Alley.

**The 18 items to be completed prior to review by the Township Board were:**

1. The applicant shall delineate the boundaries of construction and make their best effort to maintain trees beyond the limits of construction. Trees within the conservation easement may be removed to allow for trails and seating areas subject to DEQ approval.
2. Provide a construction schedule for the project including roads, landscaping, site improvements, and unit construction.
3. Provide a schedule of unit areas to confirm adheres to the unit types proposed as part of preliminary approval.
4. Installation of curb / sidewalk extensions at the following areas: (1) across Regency Boulevard (units 3-29 and 4-28); (2) across Regency Boulevard (units 11-22 and 11-open space); and (3) across Marie Therese Circle (units 51-52).
5. Extension of the sidewalk between units 22 and 59, to connect to the proposed path across Marie Therese Circle.
6. Extension of the sidewalk along the northern edge of Cottage Lane (along unit 52) to connect to sidewalk network.
7. Extension of the sidewalk west along Marie Therese Circle, in front of units 61-62, and to the open space.
8. Sheet 11 details 5'-0" concrete walks adjacent to the 18'-0" deep parking spaces, with an overhang, the sidewalk must be increased to 7'-0" minimum.
9. Inclusion of site details to note those streets which are proposed as one-way only and the direction of traffic.
10. Relocation of lake area benches: one angled in front of unit 52, west of the proposed Ginkgo tree, facing the lake; and one angled east of unit 22/23.
11. Addition of seating opportunity at the open space in the northern portion of the development.
12. Designation of pet station locations on the landscaping plan.
13. Incorporation of seating opportunity at bus stop and mail kiosk area.
14. Addition of wetland and delineation signage on lots where the wetland encroaches on the lot or the buildable envelope.
15. Addition of wetland delineation signage to the northern wetland, near the proposed walking trail.
16. Grouping of street trees species to feature street trees and nodes as different types, as opposed to each street having a different tree species.
17. Relocation of the Red Maples from street lawn areas to larger, open spaces.
18. The Architecture, Design and Site Standards and the Architectural Plan Book should be approved with the additions and revisions in the October 16, 2017 letter from McKenna Associates and these changes to the revisions in that letter:
  - a. Exhibit C section c.3 shall be modified as follows:
  - b. Porches may be a minimum of 6'-0"
  - c. Porches shall be raised a minimum of 16"
  - d. Remove condition that porches contain a minimum of 3 columns
  - e. The space between the garage door and the roof overhang on garages shall be a maximum of 24" where the pitch of the roof is toward the front of the garage.
  - f. Remove comments 2, 6, and 11 from the recommendation on the Architectural Pattern Book

**The nine proposed conditions of project approval were:**

1. As a part of this project, a minimum 19 home shall be built that are 1200 square feet or less. These homes may have an ADU that increase the size of the structure to more than 1200 square feet, as long as the main unit is no larger than 1200 square feet.
2. Include the finalized architectural styles and floor plans, guidelines, and labeled façade renderings into the Development Agreement.



3. Include an itemized list of site improvements (ex: landscaping, lighting, sidewalk, signage, etc.), with cost estimates, to be submitted along with a performance bond, prior to issuance of a permit.
4. Submission of a finalized and approved PUD agreement for Township Board approval following approval of the final site plan, master deed, and bylaws.
5. Allow for additional pedestrian and neighborhood amenities within the master deed and bylaws.
6. Final review and approval of the Master Deed and Bylaws shall be conducted administratively.
7. Township engineering approval shall be required prior to issuance of a permit to start any work on this project.
8. All federal, state, and local regulations shall be complied with and all required permit shall be granted prior to the start of the project; including but not limited to approval from MDOT, MDEQ, Livingston County Health Department, Drain Commission and Building Department, and Hamburg Township Fire Department.
9. If one of the conditions cannot be met the applicant may appeal the condition to the Planning Commission for review and approval

Direct staff to prepare and submit the recommendation for approval of the project including the suggested waivers and conditions to the Township Board.

Voice vote: Ayes: 6                      Nays: 0                      Absent: 1                      MOTION CARRIED

8. **ZONING ADMINISTRATOR'S REPORT:** None

9. **ADJOURNMENT:**

Motion by Leabu, supported by Cyphert

To adjourn the meeting

Voice vote: Ayes: 6                      Nays: 0                      Absent: 1                      MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 9:58 p.m.

Respectfully submitted,

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Julie C. Durkin  
Recording Secretary

The minutes were approved  
As presented/Corrected: \_\_\_\_\_

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Fred Goetz, Chairperson



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**Planning Commission  
Hamburg Township  
10405 Merrill Rd., P.O. Box 157  
Hamburg Township, Michigan 48139  
December 20, 2017  
7:00p.m.**

**1. CALL TO ORDER:**

Present: Goetz, Leabu, Muir and Priebe,

Absent: Cyphert, Menzies, Vlcko

Also Present: Amy Steffans, Zoning and Planning Administrator and Scott Pacheco,  
Planning/Zoning Consultant

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Priebe, supported by Leabu

To approve the agenda as presented

Voice vote: Ayes: 4                      Nays: 0                      Absent: 3                      MOTION CARRIED

**4. APPROVAL OF MINUTES:**

a. October 18, 2017 Planning Commission Minutes

Chairman Goetz stated that they have the minutes, but not the set of conditions for Regency Village. Pacheco stated that the minutes could be tabled or you can approve the minutes and ask that staff attach the set of conditions to the minutes. He further stated that Regency Village has already been forwarded to the Township Board who has approved the Planned Unit Development. The only thing left to do is to approve the Planned Unit Development Agreement and then the Land Use Permit for improvements to the property.

Motion by Priebe, supported by Muir

To table the October 18, 2017 minutes until the January meeting to allow staff to add the conditions for the Regency Village Planned Unit Development to the minutes.

Voice vote: Ayes: 4                      Nays: 0                      Absent: 3                      MOTION CARRIED

**5. CALL TO THE PUBLIC:**

A call was made to the Public by Chairman Goetz. Hearing no response, he closed the call to the public.

**6. OLD BUSINESS: None**

**7. NEW BUSINESS:**

Zoning Text Amendment (ZTA) 17-006 to streamline the Site Plan Review requirements for Minor Projects (Article 4), streamline the review regulations regarding Temporary Buildings, Structures and Uses (Section 8.9) and Seasonal Sales Permits (Section 8.21), and revise the enforcement section of the zoning ordinance (Article 5) to comply with the new Civil Infractions Ordinance 71A.

Pacheco stated that this subject was discussed at the February 22, 2017 joint meeting with the Township Board. There are three sections to this zoning text amendment. The first is amendments to the Site Plan Review, Article 4. What was talked about was streamlining the site plan review process. This section had three significant changes. 1) To make the preliminary site plan review optional. It was never truly mandatory as the Zoning Administrator could waive the preliminary. They would still be required to meet all the required standards and to have all the required information for final site plan review. Most of the larger projects will still come through preliminary as an option. The reason they do that is because they don't want to invest a large amount of money for plans unless they have some sort of certainty that the Planning Commission and Township Board are on board with the type of project they are proposing. 2) Section 4.9 - The minor modifications to site plan review. Originally, the Zoning Administrator, Supervisor and the Planning Commission Chair would have to come together to review the project and approve it based on the review standards. We have changed that so that process could be done by the Zoning Administrator. It would be more like the Land Use review process. Zoning Administrator always has the option to push the project to Administrative Review or Planning Commission review. They also have the right to require an engineering consultant or planning consultant review. 3) We took the other minor Planning Commission modification and made that Administrative review. The Zoning Administrator, the Supervisor and Planning Commission Chair would review the project without it coming to the Planning Commission.

Pacheco stated that the second amendment was to Article 5, the enforcement article. Recently, General Ordinance 71, which is our Civil Infraction Ordinance, was revised by the Police Chief. We have been going through all our ordinances and making them comply with that ordinance. We had made changes to in our enforcement to make them civil infractions, however it got missed in our Zoning Ordinance. By making it a civil infraction, it will make it much cleaner and much more enforceable.

Pacheco stated the next amendments are to Article 2 and 8 which is Seasonal Uses, Seasonal Sales and Temporary Structures. He stated that we have added some definitions into Article 2. It had been very confusing when a temporary building could be allowed on a site and when it couldn't because of the definitions. We have tried to clear that up with this amendment. Also in Article 8.9, this section used to be called Temporary Structures and it had some provisions for temporary structures and some for temporary uses which made it very confusing. We have broken that down into two sections, Temporary Building Structures and Shelters and then a section on Temporary Uses to make it clearer. In doing so, we have deleted section 8.21 which was Seasonal Sales. We have incorporated seasonal sales into the temporary use section. Also in Article 4, which is the site plan review, we got rid of temporary uses that would require a site plan. He reviewed the previous review process for a fireworks stand. Now, they have to meet the standards in the temporary use section. And they would have to do that every year.

Pacheco further reviewed the changes to Article 4. He discussed the State's "Redevelopment Ready Community" program. He stated that he does not see us being a "Redevelopment Ready Community" because one thing they want eliminated is the two board approval process. However, the optional preliminary review is good because it gives the applicant more certainty what the process is.

Discussion was held on the open space process. Pacheco stated that the open space process will not change. Further discussion was held on the parallel plan that is required. It was stated that the risk is on the applicant if they choose to not go through the preliminary review.

Discussion was held on approval by the Township Board. Pacheco stated that he did not remove that process because he didn't feel there would be support. It was stated that it used to be that the Planning Commission gave the final approval. It was stated that the Planning Commission is the board that does the hard work to get a site plan to a point to be approved by the Township Board. The Board members are the elected officials.

Pacheco reviewed the details of the revisions to Article 4.

Discussion was held on handicap parking for the dollar store at Chilson Commons. Pacheco stated that he will look at it. Discussion was held on the Bigby Coffee changes and the review process.

Further discussion was held on the uses and changes for Zoning Administrator Review.

Discussion was held on changes to well and septic. Pacheco stated that the reason why we want to reference that is if we had water and sewer available, we would want to catch that before they drilled a new well or put in a new septic field. Pacheco stated that we could eliminate that because the County is going to catch that regardless. Pacheco stated that if you say "changes to well and septic" then we have to approve it through the site plan review process. If we keep this language, the Zoning Administrator would have to approve it as a land use permit and not just go to the county for approval.

Pacheco reviewed five uses such as group care homes, two-family dwellings, essential service buildings, accessory open-air buildings and home occupations. He stated that these were left in so that we can review such things as parking. The question was asked if we check licensing. Pacheco stated that is covered in a different section where there are certain requirements they have to meet. There is a need for this type of use, but the State has taken away a lot of our rights governing them. He stated that he feels that essential service buildings should go through site plan review and could be removed from this section if the Commission wishes. Discussion was held on the difference between essential services and essential service buildings. If we required minor site plan approval for essential services, we could eliminate buildings.

Pacheco reviewed details in section (b) Projects or modifications with an existing site plan that the Zoning Administrator can approve with the required standards and criteria. Again, it's the hearing body that is being changed. Discussion was held on minor modifications to an existing site plan as long as it meets the design review standards and significantly meets what the Planning Commission approved. Lebau stated that he would still like to add "consistent with the approved design". Pacheco reviewed the approval process. Discussion was held on the Zoning Administrator's right to push requests up to the site plan review process.

Pacheco reviewed Section 4.9.6, which is the Administrative Approval process. This is the review by the Zoning Administrator, Supervisor and Planning Commission Chair. This is for those projects without exiting site plan approval. Discussion was held on Special Uses. It was stated that a new Special Use would require Planning Commission approval.

Pacheco stated that 4.9.7 is just the original 4.9.4 with no changes. This is the Administrative Review process. 4.9.10 is eliminated and added into 4.9.3.

Pacheco stated that if the Planning Commission has concerns, they could always shift certain aspects into another hearing body.

Discussion was held on the enforcement aspect and the change from misdemeanor to civil infraction. It was stated that a violation to the Zoning Ordinance can be cited and fined without involving the Township's attorney and spending thousands of dollars. Pacheco stated that it would go through the Civil Infraction ordinance, General Ordinance 71. This would be for all code enforcement.

Discussion was held on Section 8, Temporary and Seasonal Uses. Pacheco stated that this gets these uses out of the site plan review section. The second thing this amendment deals with is the temporary shelters, which are structures built out of tarps or plastic. You can see these as carports or green houses. They become dilapidated or blow over. We did not want to get rid of them because a lot of people use them, but we wanted to regulate where you can use them. We have also changed the definition of sheds to meet the Building Department's requirement and added that it must be constructed out of solid material. Discussion was held on the definitions. Pacheco stated that all buildings are structures, but not all structures are buildings. Temporary shelters are structures, however there is a definition of them as well as a temporary building. The enforcement on these is difficult. We want to allow sheds, and sheds are temporary because they are on skids. You don't take them down for periods of time or move them around your property so they're not temporary.

The new Section 8.9 Temporary Buildings, Structures and Shelters breaks it down and provides general provisions for all of these. He reviewed these provisions and requirements. He stated that we are not allowing them in our VC district because this is supposed to be our downtown area. The Commission can change that if they choose. He stated that these structures need to be maintained at all times. These can also be allowed in conjunction with a special event, seasonal or temporary uses. He discussed the permissible location and permits.

Pacheco discussed Section 8.10 which use to be called Special Events and other Special Uses. This stays significantly the same. We got rid of the Christmas Tree sales section and added a Seasonal Sales Establishment, and now there are permit requirements. He reviewed the requirements and standards which are a hybrid of the Temporary Use section, the Site Plan Review Section, and Seasonal Sales section. He reviewed the process. We have a performance guarantee section which allows us to take a deposit if we believe the person might not do what they are supposed to do. He does not think that we have ever requested one. If someone violates the first year, we might require one the next year or we could deny them another permit based on violations..

Discussion was held on Power's Flowers. It was stated that there is parking at that location and the space to build a building. It was stated that this is a draw for people to come to our community and helps other businesses in the area. It was stated that there has also been talk of a Farmer's market in the parking area of that site.

Pacheco stated that the next step with these revisions is to put it on the agenda for a public hearing in January. If there are any suggested changes or comments they should be sent to them prior to that hearing,

## **8. ZONING ADMINISTRATOR'S REPORT:**

Pacheco stated that there is a training podcast tomorrow evening put on by Brad Newman from 6:30-7:30 p.m.

Joint meeting with Township Board, Zoning Board of Appeals, Planning Commission, and Parks and Recreation Board will be on February 28, 2018 at 7:00 pm.

Steffans stated that the Livingston County Planning will be here talking about the Livingston County Master Plan update. They have been going around to all their communities. We will also be introducing our own Master Plan Update process at that meeting. It is going to be a lot of work with a lot of changes coming. They recently attended a training session in Lansing and picked up some good tips on some of the outreach they want to do for the Master Plan. If the Commission has any ideas for public participation or training they would like to see, please let her know. We have been looking at ideas for educating not only ourselves but also how we keep our citizens informed.

Pacheco stated that if the Commission has any items they would like to see on the February 28<sup>th</sup> meeting, let them know so that we can get them on the agenda. We will have our list of amendments that we have done as well as those we have yet to accomplish. One of the things that is coming up a lot is solar farms because the cost is now cheap enough to do. We don't have a good process for that. We have a lot of other things we will be talking about.

Discussion was held on the changes in State Law regarding medical marijuana. Pacheco stated that Hamburg has remained silent, which means we opt out.

Discussion was held on traffic in the township. Pacheco stated that our roads are actually under-utilized. We don't have a lot of traffic even though the perception is that we do. Discussion was held on the traffic standards.

Further discussion was held on renewable energy and solar developments.

Discussion was held on the Bed and Breakfast legislation. Pacheco stated that the last time he took it to the Township Board, they said they did not want to make a determination on it at that time. A lot of people who were complaining about it went to that Board meeting. It was stated that the proposed bill was withdrawn but may be brought up again. Further discussion was held on homes and rooms for rent in our lake community. Pacheco stated that currently we are saying that if you are renting for less than seven days at a time, then it is a commercial use because then you have a motel. We only do enforcement if someone complains. It is difficult when you do not have a zoning ordinance in place to regulate it. We are relying on court cases, and the court cases go different ways. We can bring it up again at the joint meeting.

The question was asked regarding the status of the Lakeland Apartments. Pacheco stated that they went to the Board to request a revision to the phasing plan to do the two units on the Lucy property as the first phase. They received some sort of preliminary approval to be determined at the next meeting. The PUD agreement can be approved by the Board while the site plan will have to be approved by the Zoning Administrator, Planning Chair and Supervisor. They are saying they can't move forward without changing the phasing plan. Further discussion was held on their plan.

## **9. ADJOURNMENT:**

Motion by Priebe, supported by Muir

To adjourn the meeting

Voice vote: Ayes: 4                      Nays: 0                      Absent: 3                      MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 9:05 p.m.

Respectfully submitted,

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Julie C. Durkin  
Recording Secretary

The minutes were approved  
As presented/Corrected: \_\_\_\_\_

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Fred Goetz, Chairperson

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**Supervisor:** Pat Hohl  
**Clerk:** Jim Neilson  
**Treasurer:** Al Carlson  
**Trustees:** Mike Dolan  
Bill Hahn  
Chuck Menzies  
Jason Negri

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## MEMORANDUM

**To:** Planning Commission  
**From:** Scott Pacheco, Planning and Zoning Director  
**Date:** January 17, 2018  
**Item:** 7  
**Subject:** Zoning Text Amendment (ZTA) 17-006 to streamline the Site Plan Review requirements for Minor Projects (Article 4), streamline the review regulations regarding Temporary Buildings, Structures and Uses (Section 8.9) and Seasonal Sales Permits (Section 8.21), and revise the enforcement section of the zoning ordinance (Article 5) to comply with the new Civil Infractions Ordinance 71A.

### ANALYSIS:

On December 20, 2017 the Planning Commission held a public meeting to discuss this zoning text amendment. At this meeting the Planning Commission had recommended only minor changes to the proposed revisions to the Ordinance. Those changes have been made to the attached Text Amendment (Attachment A) and the Public Notice was published in the Livingston County Press and Argus for tonight's hearing.

Please see the attached December 20, 2017 Staff Report and Minutes for a full account of the review for this Zoning Text Amendment.

In addition to the minor changes proposed by the Planning Commission another minor change was made to the amendment by staff. This proposed change would amend section 4.5.8. to increase the allowed extension of the site plan review approvals from 6 months to 12 months. This will allow the Township more flexibility when working with developers on possible extensions of the approvals. There are many times when a developer will need additional time when working on getting all the required financing or the state and federal governmental approval for construction of a project.

### RECOMMENDATION

Staff suggests that the Planning Commission consider the proposed amendment in terms of its own judgment on particular factors related to the individual proposal, the most likely effect on the community's physical development, and conformance with the Township Master Plan. The Planning Commission may recommend any additions or modifications to the proposed amendment. The Planning Commission should then make a recommendation to approve/deny the proposed Zoning Text Amendment to the Township Board.

Staff will forward the proposed zoning text amendment along with the Commission's recommendation to the Livingston County Planning Commission for review. Staff will then forward both the Township Planning Commission and the Livingston County Planning

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Commission recommendations to the Township Board for a final decision on the proposed amendment.

**EXHIBITS**

Attachment A- Draft clean copy of the amendments to Article 2, Article 4, Article 5, and Article 8

Attachment B- December 20, 2017 Staff Report and Minutes.



**ARTICLE 2.00  
DEFINITIONS**

**SHED:** A type of accessory structure as defined herein which is not greater than two hundred (200) square feet in floor area and with a maximum height of ten (10) feet. Must be constructed of solid materials.

**TEMPORARY BUILDING:** A building that will only be in place for a temporary time frame and is not permanently attached to the ground.

**TEMPORARY STRUCTURE:** A structure that will only be in place for a temporary time frame and is not permanently attached to the ground.

**TEMPORARY SHELTER:** A temporary structure such as a tent or similar structure made of canvas, tarp or plastic or a similar material.

**ARTICLE 4.00**  
**SITE PLAN REVIEW**

**Section 4.1. Purpose**

The purpose of this Article is to require the submittal of site plans for the review and recommendation of the Planning Commission and to require the final approval of the Township board of Trustees for certain buildings and structures that may have an impact on natural resources, traffic circulation, surrounding land uses, and the character of the community. (As Amended 6/28/88) (As Amended: May 23, 2000 Published; June 7, 2000 Effective: Upon Publication) provide a consistent and uniform method of reviewing proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the purpose of these provisions to encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives. (Amended: July 15,2003. Published: August 13, 2003, Effective: Upon Publication).

**Section 4.2. Overview of Procedures.**

**4.2.1. Optional Pre-Application Conference** is intended to offer the applicant the opportunity to meet with the Township staff to discuss development concept relative to the Township's policies and regulations and for the Township staff to provide preliminary assistance in preparing preliminary site plans.

**4.2.2 Optional Conceptual Site Plan Review by Planning Commission** is intended to offer the applicant the opportunity to present a conceptual development proposal to the Planning Commission for early feedback on the appropriateness of a development proposal from the perspective of the Township's Master Plan and other policies. Land use, density, development character, and general layout are issues that will be discussed. No formal action is taken by the Planning Commission at this stage.

**4.2.3. Optional Preliminary Site Plan Review** is intended to offer the applicant the opportunity to present the project to the Planning Commission and Township Board and receive preliminary approvals. This process is used on larger projects so that prior to creating a complete working set of the engineering and architectural drawing the applicant has a better idea on how the Township views the project. Preliminary site plan review is a two-step process whereby the applicant submits the required site plan information for preliminary review relative to land use, density, compliance with Township Master Plan and other policies and standards. The Planning Commission then makes a recommendation to the Township Board which makes the final determination on preliminary site plans.

**4.2.4. Final Site Plan Review** is also a two-step process where a conformance with the preliminary site plan is verified and more detailed information is provided by the applicant for review relative to engineering, landscaping, and architecture. The Planning Commission reviews the application and makes a recommendation to the Township Board which makes the final determination on final site plans.

**4.2.5. Site Plan Amendments** Significant changes to a previously approved site plan are required to go through the site plan review process.

**4.2.6. Minor Projects and Modifications— Zoning Administrator.** Minor projects and modification as described in Section 4.9.4 may be reviewed and approved by the Zoning Administrator. The Zoning Administrator may refer any proposed project or modification to the Planning Commission if there are site plan related issues that merit Planning Commission review.

**4.2.7. Minor Project and Modifications – Administrative** Minor projects and modifications as described in section 4.9.6 may be approved administratively as described in Section 4.9.7.

**Insert Chart Here**

### **Section 4.3. Applicability**

A site plan approval shall be required prior to the issuance of a land use permit within all Districts for the construction or expansion of any permitted or special use with the exception of individual single family and two-family dwellings and general and specialized farming activities. A site plan approval shall also be required for all condominium projects as regulated under the Condominium Act.

Site plan review shall be required for any of the following activities:

- ❑ Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single-family dwelling.
- ❑ Any development which would, if approved, provide for the establishment of more than one principal use on a parcel, such as, for example, a single family site condominium or similar project where a parcel is developed to include two (2) or more sites for detached single family dwellings.
- ❑ Development of non-single family residential uses in single-family districts.
- ❑ Any change in use that could affect compliance with the standards set forth in this Ordinance.
- ❑ Expansion or paving of off-street parking and/or a change in circulation or access for other than a single family dwelling.
- ❑ Any excavation, filling, soil removal, mining or landfill, or creation of ponds, except as otherwise specified ~~in sub-section B~~, following.
- ❑ The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single family dwelling.

Any use or development for which submission of a site plan is required by the provisions of this Ordinance.

#### **Section 4.4. Fees**

The Township Board shall establish by resolution, a schedule of fees, charges and expenses, for site plan review including planning review, engineering review, attorney, inspection and other matters pertaining to this Ordinance; the schedule shall be available in the Township Office and may be amended only by the Township Board.

Any special meeting of the Planning Commission requested by the developer shall be paid for by the developer prior to said meeting at the rate of a regularly scheduled meeting.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application.

#### **Section 4.5. Procedures and Requirements**

The Township has established a range of site plan review procedures indented to allow the appropriate level of review relative to the scope of the proposed project (*Hamburg Township Review Procedures*). The more complex the project, the more detailed the review process. The Township has also established two optional review procedures with staff and with the Planning Commission intended to provide applicants an opportunity to discuss projects on a conceptual level with minimal upfront expenditure.

**4.5.1 Optional Pre-Application Conference.** In order to facilitate processing of a site plan in a timely manner, the applicant may request a pre-application site plan conference with the Township Planner. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. The applicant is encouraged to provide even rough conceptual drawings or site plans at a pre-application conference indicating the location and boundaries of the subject property. No formal action shall be taken on a site plan at a pre-application conference. The Township Planner's fee for any such pre-application conference shall be paid by the applicant if such charges are not covered by the Township's monthly retainer.

**4.5.2. Optional Conceptual Site Plan Review by the Planning Commission.** An applicant may file a written request for conceptual review of a preliminary site plan by the Planning Commission, prior to submission of a preliminary site plan for formal review. A preliminary site plan submitted for conceptual review shall be drawn to scale, and shall show site development features in sufficient detail to permit the Planning Commission to evaluate the following:

- ❑ Relationship of the site to nearby properties;
- ❑ Density;
- ❑ Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and,

- Conformance with Township development policies and standards.

Conceptual review fees shall be paid according to the fee schedule established by the Township Board.

No formal action shall be taken on a preliminary site plan submitted for conceptual review, and neither the applicant nor the Planning Commission shall be bound by any comments or suggestions made during the course of the conceptual review.

**A. Filing and Review Procedures.** The proprietor shall file ten (10) copies of the site plan accompanying an application for Conceptual Site Plan Review with the Zoning Administrator. The Zoning Administrator shall review the submittal for completeness as to form only. If complete, the Zoning Administrator shall forward the materials to the Township Planner and Township Engineer for their review. If the submittal is not complete, the Zoning Administrator shall notify the developer in writing of the deficiencies. Any plan deemed by the Zoning Administrator to be incomplete shall not be forwarded to the Township Planner and the Township Engineer until all required information is furnished.

**4.5.3. Review by an Environmental Consultant.** The Zoning Administrator or the Planning Commission, or the Township Board of Trustees may request a review by an environmental consultant, under the provisions of section 3.7.1, Environmental Consultant Review, of the environmental concerns with any site plan application and the site plan's compliance with all Township, County, State and/or Federal environmental regulations.

If the site plan application reflects a facility that will result in a point source discharge of liquid into any lake, stream, river, creek, wetland or other open body of water within the Township prior to final site plan approval by the Township Board of Trustees, the applicant shall have obtained from the Township Board of Trustees a Point Source Discharge Permit pursuant to the provisions of Ordinance 69. If the site plan application reflects a facility that will supply essential services, prior to final site plan approval by the Township Board of Trustees, the applicant shall have entered into a franchise agreement with the Township. )

If the site plan application reflects a facility that will supply essential services, prior to final site plan approval by the Township Board of Trustees, the applicant shall have entered into a franchise agreement with the Township.

**4.5.4. Optional Preliminary Site Plan Review.** The applicant shall submit the following information prior to being scheduled for Planning Commission review:

- A. Township review fee;
- B. The name and address of the owner and any designated representative of the owner;

- C. Written description of the proposed use;
- D. Ten (10) copies of preliminary site plan, illustrating existing site features, lot dimensions, general footprints for proposed buildings and parking, and relationship to adjacent land uses; and,
- E. A location map.

Upon review, the Planning Commission may recommend approval or denial of the proposed preliminary site plan. Upon a recommendation of approval for a preliminary site plan, the applicant has no more than three (3) months to transmit all copies of the site plan along with certification of approval to the Zoning Administrator. The Zoning Administrator shall provide all such copies to the Township Clerk for submittal to the Township Board of Trustees for their consideration. The Township Board of Trustees upon consideration of the site plan shall either approve or deny the site plan. If the site plan is denied, the Township Board of Trustees shall state the reasons for such denial. If the site plan is not recommended for approval by the Planning Commission, the proprietor shall be notified by the Zoning Administrator of the reasons for disapproval.

**4.5.5 Final Site Plan Review.** If site plan or plot plan review is required, for final site plan review, the applicant shall submit ten (10) copies of the following to the Zoning Administrator. If administrative review is required per Section 4.8, the Zoning Administrator shall determine the number of copies necessary for distribution to the appropriate review bodies.

- A. A complete application form supplied by the Township;
- B. A written description of the proposed project or use;
- C. Any additional information the Planning Commission finds necessary to make the determinations required herein; and,
- D. A complete site plan or sketch plan that includes the information listed in Section 4.4.6 "Required Information". The proprietor shall file ten (10) copies of the site plan addressing all review comments accompanying an application for a Land Use Permit with the Zoning Administrator at least ten (10) business days prior to the Planning Commission meeting at which the site plan is to be considered. The Zoning Administrator shall review the site plan for completeness and for conformance with this Ordinance and the Master Plan.

If the site plan is recommended for approval by the Planning Commission, it shall transmit all copies of the site plan along with certification of approval to the Zoning Administrator. The Zoning Administrator shall provide all such copies to the Township Board of Trustees for their consideration. The Township Board of Trustees upon consideration of the final site plan shall either approve or deny the site plan. If the site plan is denied, the Township Board of Trustees shall state the reasons for such denial. If the site plan is not

recommended for approval by the Planning Commission, the proprietor shall be notified by the Zoning Administrator of the reasons for disapproval.

#### **4.5.6. Required Information.**

##### **A. General Information**

1. Name and address of the proprietor and proof of ownership, developer, and registered engineer, registered surveyor, registered architect, registered landscape architect, or registered community planner who prepared the site plan.
2. Date of plan preparation, north arrow, and scale of plan, which shall not be greater than one inch equals twenty feet (1" = 20') nor less than one inch equals two hundred feet (1" = 200').
3. Full legal description of parcel and dimensions of all lot and property lines showing the relationship to abutting properties, and in which district the subject property and abutting properties are located.
4. Area map showing the relationship of the parcel to the surrounding area within one-half mile.
5. The location and description of all existing structures within one hundred feet (100') of the parcel.

##### **B. Physical Information**

1. Proposed plans for site grading, surface drainage, water supply and sewage disposal.
2. The location of existing and proposed landscaping, buffer areas, fences, or walls on the parcel.
3. Existing and proposed structure information including the following:
  - a. Footprint location, dimensions and setbacks.
  - b. Finished floor and grade line elevations.
  - c. Elevations drawings that illustrate building design, size, height, windows and doors, and describe construction materials. Elevations shall be provided for all sides visible from an existing or proposed public street or a residential zoning district.
  - d. The Planning Commission may require a color rendering of the building elevation required in paragraph c.
  - e. Proposed materials and colors shall be specified on the site plan. Color chips or samples shall also be submitted at or prior to the Planning



Commission meeting to review the site plan. These elevations, colors and materials shall be considered part of the approved site plan.

4. The location and dimensions of all existing and proposed streets, driveways, sidewalks, service lanes and other vehicular and pedestrian circulation features within and adjacent to the parcel.
5. The location, dimensions, and numbers of off-street parking and loading spaces.
6. Location of existing and proposed service facilities above and below ground, including:
  - Well sites.
  - Septic systems and other wastewater treatment systems. The location of the septic tank and drainfield (soil absorption system) should be clearly distinguished.
  - Chemical and fuel storage tanks and containers.
  - Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
  - Water mains, hydrants, pump houses, standpipes, and building services and sizes.
  - Sanitary sewers and pumping stations.
  - Stormwater control facilities and structures including storm sewers, swales, retention and detention basins, drainageways and other facilities, including calculations for sizes.
  - Location of all easements.
7. Any other pertinent physical features.

**C. Natural Features**

1. Map of existing topography at two-foot (2') contour intervals with existing surface drainage indicated.
2. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Livingston County, Michigan."
3. On parcels of more than one acre, existing topography with a maximum contour interval of two feet indicated. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.

4. Location of existing drainage courses, including lakes, ponds, rivers and streams, and all elevations.
5. Location of existing wetlands, delineated under the requirements of section 3.6, Wetland Determination. A State of Michigan permit shall be required for activities in a regulated wetland or an inland lake or stream. A copy of any correspondence with and applications to the State of Michigan shall be submitted with the site plan application. The Planning Commission shall not grant final site plan approval until all necessary permits have been obtained.
6. Location of natural resource features, including woodlands and areas with slopes greater than 10 percent (one foot of vertical elevation for every 10 feet of horizontal distance).
7. Location of the required 50 foot natural features setback.
8. Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent feasible, with the development not substantially reducing the natural retention of storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off site.
9. Wastewater treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or groundwater quality.
10. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges or polluting materials to the surface of the ground, groundwater, or nearby water bodies.

D. **Natural Features Impact Statement.** The purpose of a Natural Features Impact Statement (NFIS) is to provide the Township with information regarding the impact of a proposed project on the physical, natural, social, and economic environment of the community. A complete report shall be required with all site plan applications. The Zoning Administrator (ZA) has the discretion to modify this requirement based on the specific application. When required the report will be reviewed by the ZA and the environmental consultant. The environmental consultant may issue an Advisory Report to the Zoning Administrator for review by the Planning Commission. Contained in the Advisory Report will be a summary of the NFIS and appropriate comments and recommendations. The Advisory Report and the required site walk will be used to assist the Township Board and Planning Commission. The written NFIS will include the following information:

1. Name (s) and address(es) of person(s) responsible for preparation of the impact assessment and a brief statement of any relevant qualifications. The HERB-Zoning Administrator may recommend a qualified individual to prepare the NFIS if deemed appropriate.
2. An impact assessment checklist on a form provided by the Township shall be completed and placed at the beginning of the document.
3. Map (s) and a written description/analysis of the project site including all existing structures, manmade facilities, and natural features. The analysis shall also include information for areas within 50 feet of the property. An aerial photograph or drawing may be used to delineate these areas.
4. Description of existing natural features: A description of the environmental characteristics of the site prior to development shall be provide in the form of written documentation and a site inventory map identifying the location of natural features consistent with subparagraph C of this section. In addition, dominant tree species shall be listed and all species greater than 16 inches caliper or greater. As defined in Article 2.00, natural features include but are not limited to: topography, soils, geology, ground water, wetlands, watercourses, plants and animals (including aquatic species), habitat, and scenery.
5. Impact on natural features: A written description of the impact on the identified existing natural features shall be provided. The report shall also provide a natural features protection plan, which identifies on a map the natural features potentially affected. Where disturbance of natural features both during and after construction is proposed, a written analysis of alternative plans, which were considered, shall be provided to justify the proposed plan. The HERB environmental consultant may recommend a mitigation plan be required which will describe how disturbed natural features were relocated or replace. (See Article 2.00 for complete definition of terms)
6. Impact on storm water management: Description of natural drainage patterns and soil infiltration and unsaturated soil capacity. A description of changes to site drainage and storm water management facilities to be installed in compliance with the Township Storm Water Ordinance. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.

7. Special Provisions: Provide a general description of any existing deed restrictions, protective covenants, master deed or association bylaws as they relate to the protection of natural features.
8. Information Sources: A list of all sources of information contained in the NFIS, if any shall be provided.
9. Previous Submittals: Any impact assessment previously submitted relative to the site and proposed development, which fulfills the above requirements (and contains accurate information of the site) may be submitted as the required Impact Assessment.

**4.5.7. Standards for Site Plan Review.** In the review of all site plans, the Zoning Administrator and the Planning Commission shall endeavor to assure the following:

- A. The proposed development conforms to all provisions of the Zoning Ordinances.
- B. All required information has been provided.
- C. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.
- D. The proposed development will be harmonious with existing and future uses in the immediate area and the community.
- E. The proposed development provides the necessary infrastructure improvements, such as roads, drainage, pedestrian facilities and utilities, to serve the site, and be adequately coordinated with the current and future use of adjacent properties.
- F. The applicable requirements of Township, County and State agencies are met regarding grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, and sanitary sewers.
- G. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.
- H. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.
- I. The proposed development will not cause soil erosion or sedimentation.
- J. Landscaping, including trees, shrubs and other vegetative material is provided to maintain, improve and/or restore the aesthetic quality of the site.

- K. Conformance to the adopted Hamburg Township Engineering and Design Standards.
- L. All proposed commercial, office, industrial, institutional and multiple family development shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape and meet the objectives the Township Master Plan. New buildings, additions and renovations shall be designed to preserve or complement the design character of existing development provide visual harmony between old and new buildings, and create a positive image for the Township's various commercial shopping nodes. Commercial, office, industrial, institutional and multiple family architecture shall be reviewed by the Planning Commission under the following criteria:
  - 1. Buildings shall front towards and relate to the public street. Buildings shall be located to create a define streetscape through uniform setbacks and proper relationship to adjacent structures. Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roof line shapes and rhythm. Buildings within the area designated on the M-36 Corridor Plan/Master Plan as the "Hamburg Village" shall be compatible with the historic character of the unincorporated place commonly referred to as the "Old Hamburg Village."
  - 2. Building materials and colors shall relate well and be harmonious with the surrounding area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. For any side of a principal building facing a public or private street, at least fifty percent (50%) of the facade shall be constructed of, or covered with, the following materials:
    - a. Brick;
    - b. Fluted or scored concrete block;
    - c. Cut stone;
    - d. Vinyl siding;
    - e. Wood siding;
    - e. Glass; or,
    - f. Other materials similar to the above as determined by the Planning Commission.
  - 3. Buildings shall possess architectural variety, but enhance the overall cohesive community character. Buildings shall provide architectural features, details and ornaments such as archways, colonnades, towers, cornices or peaked roof lines.

4. Building walls over 100 feet in length shall be broken up with a combination of the following: varying building lines, windows, architectural accents and trees.
5. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.
6. Where the rear facade of a building will be visible from a residential zoning district, or the rear of the site will be used for public access or parking, such rear facade shall be constructed to a finished quality comparable to the front facade.
7. Signs, landscaping, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with other nearby developments. Developments shall provide site features such as decorative entry signs, ornamental lighting, pedestrian plazas and/or pedestrian furniture.

**4.5.8 Effect of Approval.** Upon final approval of the site plan, construction or expansion of any permitted or special use shall conform to the site plan. The approval by the Planning Commission Township Board of a site plan shall expire within one (1) year after the date of such approval, unless a Land Use Permit has been issued and construction has commenced. The Zoning Administrator shall not issue a Land Use Permit for any type of construction on the basis of the approved site plan after such approval has expired. Approval shall also confer upon the Zoning Administrator to approve minor projects and modifications, as described in Section 4.9

The Township Board may grant an extension of the final site plan approval of up to twelve (12) months upon demonstration by the applicant that commencement of the plan is eminent and upon a positive recommendation by the Planning Commission. Such request shall be accompanied by a schedule for commencement of the project.

#### **Section 4.6. Amendment of Site Plan**

A previously approved site plan may be amended by the Planning Commission upon application by the applicant in accordance with procedures provided in Section 4.5. Minor changes during construction or for expansion or certain changes in use may be approved by the zoning administrator or administratively, as described in Section 4.9 and below.

#### **Section 4.7. Performance Guarantees**

As a condition of approval of the site plan, the Planning Commission may require a deposit by the applicant with the Township Clerk in the form of a certified check, cash, or a surety bond to insure performance of any obligations of the applicant to make improvements shown upon the site plan. Such bond, cash, or check shall be in such an amount as the Zoning Administrator shall estimate to be a sufficiently adequate sum to cover the cost to construct or to complete

construction of the required improvements. The Township shall rebate to the developer, as work progresses, amounts of such deposits equal to the ratio of work satisfactorily completed to the entire project. Such rebate shall be based upon the report and recommendation of the Zoning Administrator. The Zoning Administrator may refer the site plan to the Township Engineer for review of the proposed improvements and recommendations of performance guarantees.

#### **Section 4.8. Appeals**

The decision of the Planning Commission with respect to a site plan is appealable to the Township Zoning Board of Appeals upon written request of the applicant and payment of the appropriate fee. In the absence of such request being filed within sixty (60) days after the decision is rendered by the Planning Commission, such decision remains final.

#### **Section 4.9. Site Plan Review for Minor Projects and Modifications**

**4.9.1 Intent.** The intent of this Section is to facilitate improvements to existing buildings or sites that have approved site plans or that bring a building or site closer to compliance with the provisions of the Township's codes and ordinances. Minor projects and modifications shall include alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards. Minor project and modifications shall be reviewed either by the zoning administrator or administratively as described in Section 4.9.5, through the plot plan review process as described in Section 4.10, or, if determined by the Zoning Administrator, the site plan review process described in Section 4.5.

**4.9.2 Determination.** The Zoning Administrator shall make a determination on a minor project or modification based on the situations and criteria listed in the sections below. The Zoning Administrator may request the advice of the Township Engineer and Planning Consultant when considering proposed minor projects and modifications. The Zoning Administrator may determine that the proposed project or modification require a complete site plan review, particularly for sites which do not comply with previously approved site plans, sites with existing or potential drainage problems, sites abutting residential uses, sites with parking deficiencies and uses where there are general health and safety issues. If a full site plan is required, the Zoning Administrator shall inform the applicant to submit a set of plans in accordance with Section 4.5 of this Ordinance.

**4.9.3 Plan Requirements.** A plot plan, rather than a complete site plan, may be submitted for minor projects and modifications to a legally existing conforming use and building. A minor project or modification shall include alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian

circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards.

A. The Zoning Administrator may accept a "plot plan" upon determining a complete site plan is not required for review of the project for compliance with this ordinance. Any of the items required for a plot plan can be waived by the Zoning Administrator if they are believed not to be necessary for review. Plot plans should include the following information:

1. Application form and review fee.
2. Name, address and telephone number of the applicant.
3. North arrow.
4. Legal description of the property.
5. The "plot plan" shall be drawn at an engineers scale. Any building expansion over five hundred (500) square feet within a five (5) year period shall require a professional seal of an architect, landscape architect or engineer.
6. Property lines and dimensions
7. Existing and proposed buildings with dimensions and setbacks.
8. Existing and proposed parking including number of spaces provided and the number required according to Article 10. If changes are made to the parking area, a detail of pavement, storm water runoff calculations and description of detention methods shall be provided.
9. Details on any new driveways or changes to existing driveways.
10. Location of existing signs and details on any proposed changes or new signs.
11. General illustration of existing landscaping; locations, size and species of any new landscaping.
12. Layout of any proposed changes to utilities.
13. Description of any proposed changes to drainage.
14. Floor plan of any new building area or building elevations, if applicable.
15. Any other items requested by Township Staff.
16. The Zoning Administrator may request the advice of the Township Engineer and Planning Consultant when considering proposed minor projects. The Zoning Administrator may determine that the proposed project require a complete site plan review, particularly for sites which do not comply with previously approved site plans, sites with existing or potential drainage problems, sites abutting residential uses, sites with parking deficiencies and uses where there are general health and safety issues. If a full site plan is required, the Zoning Administrator shall inform the applicant to submit a set of plans in accordance with Section 4.4 of this Ordinance. General description of existing uses within one hundred feet (100') of the subject parcel.

#### **4.9.4 Minor Projects and Modifications, which can be approved by the Zoning Administrator.**



**A. Projects with or without existing site plan approval:** The following minor projects and modifications may be approved with or without approval of an existing site plan review, as described in Section 4.9.5. Zoning Administrator approval of a land use permit may be permitted when the following are proposed:

1. A change in internal floor plan which does not increase the intensity of use or parking requirements.
2. An increase or decrease road width by up to three (3) feet to improve safety or preserve natural features. The design shall remain consistent with the standards of the Township.
3. An existing building and site are to be re-occupied by a use permitted in the subject zoning district and the new use will not require any significant changes in the existing site facilities.
4. Expansion, replanting or alterations of landscaping areas consistent with the other requirements of this Ordinance.
5. Alterations to the off-street parking layout or installation of pavement or curbing improvements provided the total number of spaces shall remain constant and meets, or if necessary has been modified to meet, the ordinance requirements for the building and/or use, and the construction plans and lot construction are approved by the Township Engineer if necessary.
6. Relocation of a trash dumpster to a more inconspicuous location or installation of screening around the dumpster.
7. Relocation or replacement of a sign meeting the dimensional and locational standards of this zoning ordinance.
8. Fences improved or installed consistent with the other requirements of this Ordinance.
9. Sidewalks, bike paths or pathways are being constructed or relocated with the intent of improving public convenience and safety.
10. Changes to well and septic systems.
11. Modifications to upgrade a building to state barrier free design, the Americans with Disabilities Act or other federal, state or county regulations as long as all other regulation are met.
12. Changes to lighting consistent with zoning ordinance standards.
13. The following when permitted in the zoning district
  - a. A group care home ,
  - b. A Two Family Dwelling,
  - c. An Essential service,
  - d. A Home occupations,
  - e. An Accessory open air business,

**B. Projects and Modifications with existing site plan approval:** The granting approval of a final site plan grants authority to the Zoning Administrator to approve the following minor projects and modifications as described in Section 4.9.6. Zoning Administrator approval of a land use permit may be permitted when the following are proposed:

1. An increase in the floor area on the site by up to two thousand (2,000) square feet or ten percent (10%) of the existing floor area, whichever is less, with no required increase in parking area. Administrative approval is not permitted if the cumulative total of the proposed expansion and any expansion within the last five (5) years, as determined by the Zoning Administrator, exceeds this amount. This includes accessory structures.
2. Movement of a building, drive, road or parking during construction due to an unanticipated and documented constraint, to improve safety or to preserve natural features. The site plan shall still meet all required setbacks and other standards of this ordinance.
3. An increase in open space or alteration of the open space boundary with no decrease in overall open space.
4. Proposed changes to building height, facade or architectural features are being changed (an elevation plan describing changes and construction materials is required) consistent with zoning ordinance standards and with the approved design.

#### **4.9.5 Process for Zoning Administrator Approval**

- A. Applicant submits a plot plan and required land use permit application form and fee.
- B. Prior to granting the land use permit approval the Zoning Administrator shall review the project for compliance with the site plan standards (Section 4.5.7) and determine if the project meets or does not meet these standards.
- C. The Zoning Administrator may request the advice of the Township Engineer and Planning Consultant when considering proposed minor projects and modifications subject to Zoning Administrator review. The Zoning Administrator may determine that the proposed project or modification require an administrative or complete site plan review, particularly for sites which do not comply with previously approved site plans, sites with existing or potential drainage problems, sites abutting residential uses, sites with parking deficiencies and uses where there are general health and safety issues. If a full site plan is required, the Zoning Administrator shall inform the applicant to submit a set of plans in accordance with Section 4.5 of this Ordinance.

#### **4.9.6. Minor Projects and Modifications that can be approved Administratively with a plot plan.**

- A. **Projects without existing site plan approval:** The following minor projects may be approved administratively without approval of an existing site plan review, as described in Section 4.9.7.
  - 1. Any of the items listed in section 4.9.4 (B).
- B. **Projects with or without existing site plan approval:** The following minor projects may be approved administratively with or without approval of an existing site plan review, as described in Section 4.9.7.
  - 1. An existing building and site are to be re-occupied by a Special Land Use in the subject zoning district and the new use will not require any significant changes in the existing site facilities.
  - 2. Situations similar to the items listed above, as determined by the Township Supervision and the Planning Commission Chair Person.

**4.9.7 Process for Administrative Approval**

- A. Applicant submits a plot plan and required application form and fee.
- B. The Zoning Administrator shall obtain a review and written approval from the Township Supervisor and Planning Commission Chairperson prior to granting administrative approval.
- C. The Zoning Administrator shall make a report of such administrative approvals to the Planning Commission.
- D. The Zoning Administrator may request the advice of the Township Engineer and Planning Consultant when considering proposed minor projects subject to zoning Administrator review. The Zoning Administrator may determine that the proposed project require a complete site plan review, particularly for sites which do not comply with previously approved site plans, sites with existing or potential drainage problems, sites abutting residential uses, sites with parking deficiencies and uses where there are general health and safety issues. If a full site plan is required, the Zoning Administrator shall inform the applicant to submit a set of plans in accordance with Section 4.5 of this Ordinance.
- E. The Zoning Administrator may elect to require Planning Commission review and approval.

**Section 4.10 Phasing**

**4.10.1 Intent.**

The intent of this Section is to allow the Township to review projects in phases to ensure the logical and orderly development of projects in compliance with the provisions of this and other codes and ordinances of the Township. The phasing option is not intended to allow the deferral of compliance with the provisions of this ordinance.

A phase may consist of all or a portion of a proposed project or an element of a project such as building(s) design, uses, parking, landscaping, or infrastructure, provided that each proposed phase of a development shall be self sufficient or shall be supported by previously approved phases or elements of a master planned project.

#### **4.10.2. Master Site Plan.**

Any development proposed to be constructed in phases must include an overall master site plan for the proposed development. The master plan shall be subject to the requirements for preliminary site plan review and each individual phase/element shall be subject to the requirements for final site plan review. In addition to the information required for preliminary site plan review identified in Section 4.4.5, an application for a master planned development must also include the following information:

##### **A. General Information**

1. Name and address of the proprietor and proof of ownership, developer, and registered engineer, registered surveyor, registered architect, registered landscape architect, or registered community planner who prepared the site plan.
2. Date of plan preparation, north arrow, and scale of plan, which shall not be less than one inch equals twenty feet (1" = 20') nor greater than one inch equals two hundred feet (1" = 200').
3. Full legal description of parcel and dimensions of all lot and property lines showing the relationship to abutting properties, and in which district the subject property and abutting properties are located.
4. Area map showing the relationship of the parcel to the surrounding area within one-half mile.
5. The location and description of all existing structures within one hundred feet (100') of the parcel.
6. The phasing plan must include clearly delineated phasing lines that illustrate compliance with Section 4.10.2, and a complete phasing schedule.

##### **B. Natural Features**

1. Map of existing topography at two-foot (2') contour intervals with existing surface drainage indicated.
2. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Livingston County, Michigan."
3. On parcels of more than one acre, existing topography with a maximum contour interval of two feet indicated. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing

finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.

4. Location of existing drainage courses, including lakes, ponds, rivers and streams, and all elevations.
5. Location of existing wetlands, delineated under the requirements of section 3.6, Wetland Determination. A Michigan Department of Natural Resources (MDNR) permit shall be required for activities in a regulated wetland or an inland lake or stream. A copy of any correspondence with and applications to the MDNR shall be submitted with the site plan application. The Planning Commission shall not grant final site plan approval until all necessary permits have been obtained. (As Amended 7/25/95)
6. Location of natural resource features, including woodlands and areas with slopes greater than 10 percent (one foot of vertical elevation for every 10 feet of horizontal distance).
7. Location of the required 50-foot natural features setback.
8. Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent feasible, with the development not substantially reducing the natural retention of storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off site.
9. Wastewater treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or groundwater quality.
10. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges or polluting materials to the surface of the ground, groundwater, or nearby water bodies.

**C. Physical Information**

1. Proposed plans for site grading, surface drainage, water supply and sewage disposal.
2. The location of existing and proposed landscaping, buffer areas, fences, or walls on the parcel.
3. A preliminary site plan for the entire parcel carried out in such detail as to indicate the functional uses being requested, the densities and dwelling types being proposed, the traffic circulation plan, and sites being reserved for public facilities and open space (Map Scale: 1" = 200').
4. The location and dimensions of all existing and proposed streets, driveways, sidewalks, service lanes and other vehicular and pedestrian circulation features within and adjacent to the parcel.
5. The location, dimensions, and numbers of off-street parking and loading spaces.
6. Location of existing and proposed service facilities above and below ground, including.

- Well sites.
  - Septic systems and other wastewater treatment systems.
  - The location of the septic tank and drainfield (soil absorption system) should be clearly distinguished.
  - Chemical and fuel storage tanks and containers.
  - Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
  - Water mains, hydrants, pump houses, standpipes, and building services and sizes.
  - Sanitary sewers and pumping stations.
  - Stormwater control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways and other facilities, including calculations for sizes.
  - Location of all easements.
7. Detailed plan for the maintenance of areas designated for future development. The natural features on these areas should be maintained. If grading occurs in these areas the ground should be planted with a low maintenance ground cover. The area must be maintained in a finished condition free of any junk, debris, or storage.

8. Any other pertinent physical features.

**4.10.3. Final Site Plan Approval For Each Subsequent Phase.**

Each subsequent phase of a master planned development shall comply with the requirements for final site plan review

The plot plan review process may be utilized for each subsequent phase of the proposed phased project provided the Planning Commission determines that the development of the subsequent phase is consistent with the originally approved master plan in terms of use, density, and physical character.

**4.10.4 Scheduled Phasing** When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space.

**4.10.5 Timing of Phases.** Each phase of the project shall be commenced within twenty-four (24) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void, subject to the requirements of Section 4.0.

## **ARTICLE 5.00 ENFORCEMENT**

### **Section 5.1. Violations**

**5.1.1.** Violation A Nuisance. Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per-se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance shall be reported to the Zoning Administrator.

**5.1.2.** Inspection of Violation. The Zoning Administrator shall inspect each alleged violation of this Ordinance, order the violator in writing of required actions to correct any violation, and inform the violator in writing of rights to appeal a decision of the Zoning Administrator.

**5.1.3.** Correction Period. All violations shall be corrected within a period of thirty (30) days after the order to correct is issued by the Zoning Administrator or as such longer period of time, not to exceed six (6) months, as this period shall be reported to the Township Attorney who shall initiate prosecution procedures.

### **Section 5.2. Penalties and Remedies**

**5.2.1.** Penalties. Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or exceptions granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance shall be responsible for a municipal civil infraction.

The fines and penalties as set forth in Section 6.0 entitled "Sanctions for Violations" of the Hamburg Township Civil Infractions Ordinance, as it may be amended from time to time are incorporated herein by reference.

For purposes of assessing fines and penalties only, a violation under this Ordinance shall be classified as a Class C municipal civil infraction.

**5.2.23.** Scope of Remedies. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be paid into the Township treasury on or before the first Monday of the month next following receipt thereof by any judicial officer of the Township. All fines collected shall belong to the Township and shall be deposited in the general fund.



### **Section 5.3. Performance Guarantee (As Amended 7/02/97)**

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission, Township Board or Zoning Administrator may require that a performance guarantee be deposited with the Township to ensure faithful completion of improvements and/or the project, in accordance with Section 16f of the Township Rural Zoning Act, Public Act 184 of 1943, as amended.

Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, acceleration/deceleration lanes, traffic control devices, sidewalks, and land reclamation activities.

A. The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an irrevocable letter of credit or cash escrow for a term specified by the Zoning Administrator or someone acting in his or her place. If the applicant posts a letter of credit, it shall require only that the Township present it with a sight draft and an affidavit signed by the Township Attorney or the Zoning Administrator attesting to the Township's right to draw funds under it. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have the legal duty to deliver the funds to the Township whenever the Township Attorney or Zoning Administrator presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the applicant protests that right.
2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in a non interest-bearing account in a financial institution with which the Township regularly conducts business.
3. The amount of the performance guarantee shall be two and one-half (2 ½) times the estimated cost of the improvements or project as submitted by the applicant. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements or the project. In the event the applicant disagrees with the amount of the performance guarantee, application may be made with the Township Board to review the amount. The Township Board shall have the discretion to reduce this amount upon proper showing by the applicant that the amount was excessive or unreasonable.
4. The entire performance guarantee shall be returned to the applicant following inspection by the Zoning Administrator and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.

5. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to ensure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.

B. Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said guarantee. The Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements thirty (30) days prior to the commencement of said completion.

**ARTICLE 8  
SUPPLEMENTARY PROVISIONS**

## SECTIONS 4.9 TEMPORARY STRUCTURES AND 4.21 SEASONAL SALES

(Proposed revisions require renumbering of existing sections 8.10-8.20) (section 8.21 removed)

### Section 8.9 Temporary Buildings, Structures, and Shelters

**8.9.1 General Provisions.** No temporary structure shall be used for dwelling purposes that does not comply with the requirements of this Ordinance or applicable building codes, except as provided in this section. All Temporary Building and Structures not discussed in this ordinance section shall meet the zoning ordinance requirements for the type of building or structure and for the zoning district it is located in.

**Section 8.9.2 Permitted Temporary Buildings, ~~and~~ Structures, and Shelters.** The following are permitted subject to meeting all of the following requirements of this section:

- A. **Temporary Dwellings.** No temporary dwelling shall be erected or moved onto a lot and used for dwelling purposes except during construction of a permanent dwelling on the premises which has been issued a building permit. The reasonable date for removal of the temporary dwelling, established on the permit issued by the Zoning Administrator, shall not to exceed one (1) year from the date of occupancy of the permanent structure. The temporary dwelling shall be connected to private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems. No temporary dwelling shall be erected in any lot which is a part of a platted subdivision.
- B. **Temporary Construction Structures.** Temporary buildings and/or structures used for storage of equipment and construction offices may be used only during construction of a permanent structure which has been issued a building permit. The temporary building and/or structure shall be removed from the site prior to issuance of a certificate of occupancy.
- C. **Temporary Shelters.** Temporary shelters shall only be allowed for storage. These structures are only permitted in the rear yard area on lots that do not abut a waterbody and are only allowed between the main structure and the road right-of-way on lots that do abut a waterbody in the CE, RAA, RA, WFR, and NR zoning districts. These structures shall be maintained at all times. These structures are also allowed when part of a Special Event, Temporary Use or Seasonal Sale permit.
- D. **Permits.** A temporary building or structure or shall require issuance of a land use permit from the Zoning Administrator under Section 3.3 of the Zoning Ordinance. Any temporary building or structures shall be placed so as to conform to all yard requirements of the zoning district in which it is located.

### Section 8.10 Special Events, Seasonal Sales and other Temporary Uses

**8.10.1 .Approval Requirements.** The Township Zoning Administrator may grant a temporary land use permit renewable on an annual basis for a temporary use of land and structures for special events, seasonal sales and other temporary uses under this section. The following conditions apply to specific temporary uses:

- A.** Carnival, Circus and Musical Concert or Other Transient Entertainment or Recreational Enterprise
  1. Maximum duration: 10 days.
  2. Operator or sponsor: Non-profit entity
  3. Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- B.** Sidewalk or Tent Sale or Other Similar Outdoor Sale
  1. Maximum duration: 7 days.
  2. Location: In commercial districts only.
  3. Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk.
  4. Parking Lot Coverage: Sufficient number of parking spaces shall remain to meet the existing zoning requirements for that district.
- C.** Sporting or Outdoor Recreational Event and any overnight camping associated with these events.
  1. Maximum duration: 10 days.
- D.** Search light or other apparatus used for the projection of a high intensity light beam.
- E.** Seasonal Sales Establishments: Fireworks Sales, Farmers Markets, Farm Stands not in an area where they are permitted by right, Christmas trees lots and other sales of seasonal items.

**8.10.2 Permit Requirements.** The Township Zoning Administrator shall make a determination that the location of any special event, seasonal sale or temporary uses will not adversely affect adjoining properties, nor adversely affect public health, safety, and the general welfare of the Township by using the following standards. The permit shall establish a reasonable date for removal of the temporary structure and/or use, and shall set forth other conditions of permission as deemed necessary by the Zoning Administrator

- A.** Plot Plan. A plot plan shall be submitted with all the information required under section 4.9.3 along with a detailed description of the use or event. The description should including but not be limited to; description of use or event, dates and hours or operation, number of employees, projected number of people that will attend the use or event, any amplified noises uses, how the site will secured, the plan for proposed cleanup of the site, ect..
- B.** Standards. In order to protect the adjacent property owners and citizens of the Township, the Zoning Administrator shall review all special events, seasonal sales and temporary uses to insure they meet the following standards:
  1. Adequate off-street parking and ingress and egress shall be provided.
  2. All uses shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
  3. The applicant shall specify the exact duration of the temporary use.
  4. Electrical and utility connections shall be approved by the Building Official.

5. Adequate site and surrounding area clean up shall be done during and following the use. All Improvements shall be removed from the site at the conclusion of the project.
6. Adequate restroom facilities shall be provided. A general guide for this requirement is one toilet for each 50 persons estimated to attend.
7. Closure of commercial or similar activity shall be from midnight to 9:00 a.m.
8. Any Signage shall conform to the provisions of the District in which the use is located.
9. There will be no gambling or use of alcohol or controlled substances contrary to law.
10. There will be no generation of bright lights, loud noises, or strong odors at a level or intensity sufficient to create a nuisance to adjacent properties.

**8.10.3 Performance Guarantee.** The Township may require a deposit by the applicant with the Township Clerk in the form of a certified check, cash, or a surety bond in an amount sufficient to hold the Township free of all liabilities incident to the operation of a temporary building or use, to indemnify any adjoining land owner for any damages resulting from the operation of such activity and to ensure proper and complete clean-up after temporary use and removal of all temporary buildings. The amount of such bond, cash, or check shall be estimated by the Zoning Administrator. The Township shall rebate to the applicant upon satisfactorily removal of all temporary buildings and uses. Such rebate shall be based upon the report and recommendation of the Zoning Administrator. The Zoning Administrator may refer the application to the Township Engineer for review of the proposed improvements and recommendations of performance guarantees.

**ATTACHMENT B**



FAX 810-231-4295  
PHONE 810-231-1000

P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139

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**Planning Commission  
Hamburg Township  
10405 Merrill Rd., P.O. Box 157  
Hamburg Township, Michigan 48139  
December 20, 2017  
7:00p.m.**

**1. CALL TO ORDER:**

Present: Goetz, Leabu, Muir and Priebe,

Absent: Cyphert, Menzies, Vlcko

Also Present: Amy Steffans, Zoning and Planning Administrator and Scott Pacheco,  
Planning/Zoning Consultant

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Priebe, supported by Leabu

To approve the agenda as presented

Voice vote: Ayes: 4                      Nays: 0                      Absent: 3                      MOTION CARRIED

**4. APPROVAL OF MINUTES:**

a. October 18, 2017 Planning Commission Minutes

Chairman Goetz stated that they have the minutes, but not the set of conditions for Regency Village. Pacheco stated that the minutes could be tabled or you can approve the minutes and ask that staff attach the set of conditions to the minutes. He further stated that Regency Village has already been forwarded to the Township Board who has approved the Planned Unit Development. The only thing left to do is to approve the Planned Unit Development Agreement and then the Land Use Permit for improvements to the property.

Motion by Priebe, supported by Muir

To table the October 18, 2017 minutes until the January meeting to allow staff to add the conditions for the Regency Village Planned Unit Development to the minutes.

Voice vote: Ayes: 4                      Nays: 0                      Absent: 3                      MOTION CARRIED

**5. CALL TO THE PUBLIC:**

A call was made to the Public by Chairman Goetz. Hearing no response, he closed the call to the public.

**6. OLD BUSINESS: None**

**7. NEW BUSINESS:**

Zoning Text Amendment (ZTA) 17-006 to streamline the Site Plan Review requirements for Minor Projects (Article 4), streamline the review regulations regarding Temporary Buildings, Structures and Uses (Section 8.9) and Seasonal Sales Permits (Section 8.21), and revise the enforcement section of the zoning ordinance (Article 5) to comply with the new Civil Infractions Ordinance 71A.

Pacheco stated that this subject was discussed at the February 22, 2017 joint meeting with the Township Board. There are three sections to this zoning text amendment. The first is amendments to the Site Plan Review, Article 4. What was talked about was streamlining the site plan review process. This section had three significant changes. 1) To make the preliminary site plan review optional. It was never truly mandatory as the Zoning Administrator could waive the preliminary. They would still be required to meet all the required standards and to have all the required information for final site plan review. Most of the larger projects will still come through preliminary as an option. The reason they do that is because they don't want to invest a large amount of money for plans unless they have some sort of certainty that the Planning Commission and Township Board are on board with the type of project they are proposing. 2) Section 4.9 - The minor modifications to site plan review. Originally, the Zoning Administrator, Supervisor and the Planning Commission Chair would have to come together to review the project and approve it based on the review standards. We have changed that so that process could be done by the Zoning Administrator. It would be more like the Land Use review process. Zoning Administrator always has the option to push the project to Administrative Review or Planning Commission review. They also have the right to require an engineering consultant or planning consultant review. 3) We took the other minor Planning Commission modification and made that Administrative review. The Zoning Administrator, the Supervisor and Planning Commission Chair would review the project without it coming to the Planning Commission.

Pacheco stated that the second amendment was to Article 5, the enforcement article. Recently, General Ordinance 71, which is our Civil Infraction Ordinance, was revised by the Police Chief. We have been going through all our ordinances and making them comply with that ordinance. We had made changes to in our enforcement to make them civil infractions, however it got missed in our Zoning Ordinance. By making it a civil infraction, it will make it much cleaner and much more enforceable.

Pacheco stated the next amendments are to Article 2 and 8 which is Seasonal Uses, Seasonal Sales and Temporary Structures. He stated that we have added some definitions into Article 2. It had been very confusing when a temporary building could be allowed on a site and when it couldn't because of the definitions. We have tried to clear that up with this amendment. Also in Article 8.9, this section used to be called Temporary Structures and it had some provisions for temporary structures and some for temporary uses which made it very confusing. We have broken that down into two sections, Temporary Building Structures and Shelters and then a section on Temporary Uses to make it clearer. In doing so, we have deleted section 8.21 which was Seasonal Sales. We have incorporated seasonal sales into the temporary use section. Also in Article 4, which is the site plan review, we got rid of temporary uses that would require a site plan. He reviewed the previous review process for a fireworks stand. Now, they have to meet the standards in the temporary use section. And they would have to do that every year.

Pacheco further reviewed the changes to Article 4. He discussed the State's "Redevelopment Ready Community" program. He stated that he does not see us being a "Redevelopment Ready Community" because one thing they want eliminated is the two board approval process. However, the optional preliminary review is good because it gives the applicant more certainty what the process is.

Discussion was held on the open space process. Pacheco stated that the open space process will not change. Further discussion was held on the parallel plan that is required. It was stated that the risk is on the applicant if they choose to not go through the preliminary review.

Discussion was held on approval by the Township Board. Pacheco stated that he did not remove that process because he didn't feel there would be support. It was stated that it used to be that the Planning Commission gave the final approval. It was stated that the Planning Commission is the board that does the hard work to get a site plan to a point to be approved by the Township Board. The Board members are the elected officials.

Pacheco reviewed the details of the revisions to Article 4.

Discussion was held on handicap parking for the dollar store at Chilson Commons. Pacheco stated that he will look at it. Discussion was held on the Bigby Coffee changes and the review process.

Further discussion was held on the uses and changes for Zoning Administrator Review.

Discussion was held on changes to well and septic. Pacheco stated that the reason why we want to reference that is if we had water and sewer available, we would want to catch that before they drilled a new well or put in a new septic field. Pacheco stated that we could eliminate that because the County is going to catch that regardless. Pacheco stated that if you say "changes to well and septic" then we have to approve it through the site plan review process. If we keep this language, the Zoning Administrator would have to approve it as a land use permit and not just go to the county for approval.

Pacheco reviewed five uses such as group care homes, two-family dwellings, essential service buildings, accessory open-air buildings and home occupations. He stated that these were left in so that we can review such things as parking. The question was asked if we check licensing. Pacheco stated that is covered in a different section where there are certain requirements they have to meet. There is a need for this type of use, but the State has taken away a lot of our rights governing them. He stated that he feels that essential service buildings should go through site plan review and could be removed from this section if the Commission wishes. Discussion was held on the difference between essential services and essential service buildings. If we required minor site plan approval for essential services, we could eliminate buildings.

Pacheco reviewed details in section (b) Projects or modifications with an existing site plan that the Zoning Administrator can approve with the required standards and criteria. Again, it's the hearing body that is being changed. Discussion was held on minor modifications to an existing site plan as long as it meets the design review standards and significantly meets what the Planning Commission approved. Lebau stated that he would still like to add "consistent with the approved design". Pacheco reviewed the approval process. Discussion was held on the Zoning Administrator's right to push requests up to the site plan review process.

Pacheco reviewed Section 4.9.6, which is the Administrative Approval process. This is the review by the Zoning Administrator, Supervisor and Planning Commission Chair. This is for those projects without exiting site plan approval. Discussion was held on Special Uses. It was stated that a new Special Use would require Planning Commission approval.

Pacheco stated that 4.9.7 is just the original 4.9.4 with no changes. This is the Administrative Review process. 4.9.10 is eliminated and added into 4.9.3.

Pacheco stated that if the Planning Commission has concerns, they could always shift certain aspects into another hearing body.

Discussion was held on the enforcement aspect and the change from misdemeanor to civil infraction. It was stated that a violation to the Zoning Ordinance can be cited and fined without involving the Township's attorney and spending thousands of dollars. Pacheco stated that it would go through the Civil Infraction ordinance, General Ordinance 71. This would be for all code enforcement.



Discussion was held on Section 8, Temporary and Seasonal Uses. Pacheco stated that this gets these uses out of the site plan review section. The second thing this amendment deals with is the temporary shelters, which are structures built out of tarps or plastic. You can see these as carports or green houses. They become dilapidated or blow over. We did not want to get rid of them because a lot of people use them, but we wanted to regulate where you can use them. We have also changed the definition of sheds to meet the Building Department's requirement and added that it must be constructed out of solid material. Discussion was held on the definitions. Pacheco stated that all buildings are structures, but not all structures are buildings. Temporary shelters are structures, however there is a definition of them as well as a temporary building. The enforcement on these is difficult. We want to allow sheds, and sheds are temporary because they are on skids. You don't take them down for periods of time or move them around your property so they're not temporary.

The new Section 8.9 Temporary Buildings, Structures and Shelters breaks it down and provides general provisions for all of these. He reviewed these provisions and requirements. He stated that we are not allowing them in our VC district because this is supposed to be our downtown area. The Commission can change that if they choose. He stated that these structures need to be maintained at all times. These can also be allowed in conjunction with a special event, seasonal or temporary uses. He discussed the permissible location and permits.

Pacheco discussed Section 8.10 which use to be called Special Events and other Special Uses. This stays significantly the same. We got rid of the Christmas Tree sales section and added a Seasonal Sales Establishment, and now there are permit requirements. He reviewed the requirements and standards which are a hybrid of the Temporary Use section, the Site Plan Review Section, and Seasonal Sales section. He reviewed the process. We have a performance guarantee section which allows us to take a deposit if we believe the person might not do what they are supposed to do. He does not think that we have ever requested one. If someone violates the first year, we might require one the next year or we could deny them another permit based on violations..

Discussion was held on Power's Flowers. It was stated that there is parking at that location and the space to build a building. It was stated that this is a draw for people to come to our community and helps other businesses in the area. It was stated that there has also been talk of a Farmer's market in the parking area of that site.

Pacheco stated that the next step with these revisions is to put it on the agenda for a public hearing in January. If there are any suggested changes or comments they should be sent to them prior to that hearing,

## **8. ZONING ADMINISTRATOR'S REPORT:**

Pacheco stated that there is a training podcast tomorrow evening put on by Brad Newman from 6:30-7:30 p.m.

Joint meeting with Township Board, Zoning Board of Appeals, Planning Commission, and Parks and Recreation Board will be on February 28, 2018 at 7:00 pm.

Steffans stated that the Livingston County Planning will be here talking about the Livingston County Master Plan update. They have been going around to all their communities. We will also be introducing our own Master Plan Update process at that meeting. It is going to be a lot of work with a lot of changes coming. They recently attended a training session in Lansing and picked up some good tips on some of the outreach they want to do for the Master Plan. If the Commission has any ideas for public participation or training they would like to see, please let her know. We have been looking at ideas for educating not only ourselves but also how we keep our citizens informed.

Pacheco stated that if the Commission has any items they would like to see on the February 28<sup>th</sup> meeting, let them know so that we can get them on the agenda. We will have our list of amendments that we have done as well as those we have yet to accomplish. One of the things that is coming up a lot is solar farms because the cost is now cheap enough to do. We don't have a good process for that. We have a lot of other things we will be talking about.

Discussion was held on the changes in State Law regarding medical marijuana. Pacheco stated that Hamburg has remained silent, which means we opt out.

Discussion was held on traffic in the township. Pacheco stated that our roads are actually under-utilized. We don't have a lot of traffic even though the perception is that we do. Discussion was held on the traffic standards.

Further discussion was held on renewable energy and solar developments.

Discussion was held on the Bed and Breakfast legislation. Pacheco stated that the last time he took it to the Township Board, they said they did not want to make a determination on it at that time. A lot of people who were complaining about it went to that Board meeting. It was stated that the proposed bill was withdrawn but may be brought up again. Further discussion was held on homes and rooms for rent in our lake community. Pacheco stated that currently we are saying that if you are renting for less than seven days at a time, then it is a commercial use because then you have a motel. We only do enforcement if someone complains. It is difficult when you do not have a zoning ordinance in place to regulate it. We are relying on court cases, and the court cases go different ways. We can bring it up again at the joint meeting.

The question was asked regarding the status of the Lakeland Apartments. Pacheco stated that they went to the Board to request a revision to the phasing plan to do the two units on the Lucy property as the first phase. They received some sort of preliminary approval to be determined at the next meeting. The PUD agreement can be approved by the Board while the site plan will have to be approved by the Zoning Administrator, Planning Chair and Supervisor. They are saying they can't move forward without changing the phasing plan. Further discussion was held on their plan.

## **9. ADJOURNMENT:**

Motion by Priebe, supported by Muir

To adjourn the meeting

Voice vote: Ayes: 4                      Nays: 0                      Absent: 3                      MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 9:05 p.m.

Respectfully submitted,

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Julie C. Durkin  
Recording Secretary

The minutes were approved  
As presented/Corrected: \_\_\_\_\_

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Fred Goetz, Chairperson

## ATTACHMENT B

P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139-0157

(810) 231-1000 Office  
(810) 231-4295 Fax



**Supervisor:** Pat Hohl  
**Clerk:** Jim Neilson  
**Treasurer:** Al Carlson  
**Trustees:** Mike Dolan  
Bill Hahn  
Chuck Menzies  
Jason Negri

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## MEMORANDUM

**To:** Planning Commission  
**From:** Scott Pacheco, Planning and Zoning Director  
**Date:** December 20, 2017  
**Item:** 7  
**Subject:** Zoning Text Amendment (ZTA) 17-006 to streamline the Site Plan Review requirements for Minor Projects (Article 4), streamline the review regulations regarding Temporary Buildings, Structures and Uses (Section 8.9) and Seasonal Sales Permits (Section 8.21), and revise the enforcement section of the zoning ordinance (Article 5) to comply with the new Civil Infractions Ordinance 71A.

### HISTORY AND DISCRIPTION:

The zoning text amendments to streamline the site plan review for minor project and to clarify the wording for Temporary Uses and Seasonal Sales permits were originally discussed at the February 22, 2017 Joint Township Board Meeting. The Township Board agreed that they would like to streamline the zoning regulations for smaller projects to make working with the Township more friendly. It was discussed and recommended at this meeting that staff work on an amendment to the regulations in Article 4 to allow for a more expedient approval process of some minor projects. During this conversation it was also discussed that the process to approve Temporary Buildings, Structures and Uses and Seasonal Sales Permit in Article 8 should also be streamlined and the wording of these sections should be revised to make the regulations more clear. Staff has reviewed the zoning ordinance regulations regarding these issues.

In addition to the above mentioned amendments, ZTA 17-006 also proposes an amendment to Section 5 enforcement which revises the penalties section 5.2 of the Zoning Regulations changing the process from a misdemeanor penalty to a Civil Infraction. The new wording complies with the revised Civil Infraction Ordinance 71A.

The Staff Report is broke into three sections; Article 4 Site Plan Review; Article 8 Supplementary Provisions, Section 8.9 and 8.21 Temporary Buildings, Structures, Uses and Seasonal Sales; and Article 5 Enforcement. Each of these sections will summarize and discuss the specific proposed amendments to the each ordinance section.

### ANALYSIS:

Attached to this report are redlined copies of the draft revision that show with the changes and additional wording in red and the removed wording is ~~stricken-out~~ followed by the revised copies

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of the amendments without the redlines for each Articles amended. Article 4 (Exhibit A), Article 5 (Exhibit B) and Articles 2 and 8; Section 8.9 and 8.21 (Exhibit C)

#### Article 4 Site Plan Review

The major revisions to the Site Plan Review regulations in Article 4 are as follows:

- 1) Revised the Preliminary Site Plan Review to an Optional Process.
- 2) Revised the review process for Minor Projects and Modifications under section 4.9. The revises streamline the approval process for these Minor Projects and Modifications.
- 3) Removed temporary uses from minor site plan review and regulate them under the revised article 8.10.

The Planning Commission should review the draft revisions (Exhibit A) to the ordinance and discuss the revision at the December 20, 2017 Planning Commission meeting.

#### Article 5 Enforcement

The major revisions to the Enforcement regulations in Article 5 are as follows:

- 1) Revised the penalties section 5.2 to comply with the new Civil Infraction Ordinance 71A

The Planning Commission should review the draft revisions (Exhibit B) to the ordinance and discuss the revision at the December 20, 2017 Planning Commission meeting.

#### Article 8, Section 8.9 and 8.21 Temporary Buildings, Structures, Uses and Seasonal Sales

The major revisions to section 8.9 and 8.21 tTemporary Building Structures and Uses and Seasonal Sales regulations are as follows:

- 1) Added definitions of Temporary Buildings, Temporary Structures and Temporary Shelters to Article 2 of the Zoning Ordinance.
- 2) Separated the Regulations for Temporary Building and Structure and Temporary Uses into two section (Section 8.9 and 8.10)
- 3) Under Temporary Building and Structures added regulations regarding the allowed location of Temporary Shelters.
- 4) Combined Seasonal Sales into the Temporary Uses Section 8.10 and removed Section 8.21, and
- 5) Clarify the process for review of a Temporary Use under section 8.10.2

The Planning Commission should review the draft revisions (Attachment C) to the ordinance and discuss the revision at the December 20, 2017 Planning Commission meeting.

### **RECOMMENDATION**

This Planning Commission meeting is the first review of the draft ordinance revisions in ZTA17-006. The Planning Commission should review the proposed amendments to the regulations and make sure these changes are in line with what is appropriate for the Township and its citizens. The Planning Commission should than direct staff to make any changes required and bring the draft amendments back to the Planning Commission at the next meeting for a Public Hearing.

### **EXHIBITS**

Exhibit A- Draft redlined and clean copy of the amendments to Article 4

Exhibit B- Draft redlined and clean copy of the amendments to Article 5

Exhibit C- Draft redlined and clean copy of the amendments to Articles 2 and 8

