



A GREAT PLACE TO GROW

**HAMBURG TOWNSHIP PLANNING COMMISSION  
WEDNESDAY, AUGUST 21, 2019 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. **June 19, 2019 Planning Commission minutes**
5. **CALL TO THE PUBLIC**
6. **NEW BUSINESS**
  - A. **Election of Planning Commission Chair, Vice Chair, and Secretary.**
  - B. **Special Use Permit (SUP19-002) and Site Plan Review (SPA 19-002) applications:** Public Hearing to consider a major amendment to the special use permit and site plan approved in 2001 which allowed the IXL learning Center at 10088 Professional Center Drive. The amendment will increase the square footage within the structure that will be occupied by the IXL Learning Center and will increase the number of employees and the number of children cared for on this site. This amendment proposes little to no changes to the exterior of the building or the site improvements on the lot.
  - C. **Zoning Text Amendment (ZTA) 19-004:** Public Hearing to consider the ZTA to revise the Planned Unit Development regulations in Articles; 13 Planned Unit Development, 14 Open Space Community PUD, 15 Elderly Cottage Housing Opportunity (ECHO) Village, 16 Hardship Planned Unit Development and 17 Commercial Planned Unit Development of the Zoning Regulations. The proposed revisions to these Articles are intended to consolidate, clear up the intent and clarify the processes and wording of the PUD regulations.
  - D. **Zoning Text Amendment 19-005:** Public hearing to consider ZTA to revise the fence regulations in Article 8, Section 8.15 Fences, Walls and Screens. The proposed revisions are meant to clarify the regulations regarding the location and height regulations for new fences.
  - E. **Zoning Text Amendment 19-006:** Public Hearing to consider ZTA to revise the variance regulations in Article 6, Section 6.8 Zoning Board of Appeals.

The proposed revision is to change the variance approval period from six months to 12 months.

- F. **Zoning Text Amendment 19-007:** Public Hearing to consider ZTA to revise the attached accessory structure regulations in Article 8, Section 8.3.1 Accessory Buildings and Structures. The proposed revision is meant to clarify the regulations regarding the intent of attached accessory structures.

**7. OLD BUSINESS**

**8. ZONING ADMINISTRATOR'S REPORT**

a. **Training opportunities:**

1. **Michigan Association of Planners Annual Conference**

**9. ADJOURNMENT**





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**Planning Commission  
Hamburg Township  
10405 Merrill Rd., P.O. Box 157  
Hamburg Township, Michigan 48139  
June 19, 2019  
7:00 p.m.**

**1. CALL TO ORDER:**

Present: Goetz, Hamlin, Leabu, Muck, Muir & Priebe  
Absent: Koeble  
Also Present: Scott Pacheco, Township Planner

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Priebe, supported by Muir

To approve the agenda as presented

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

**4. APPROVAL OF MINUTES:**

Commissioner Hamlin stated that on Page 2 of the minutes, "Closed the Public Hearing" should read "Closed the call to the public"

Motion by Muir, supported by Priebe

To approve the minutes of the May 15, 2019 meeting as amended

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

**5. CALL TO THE PUBLIC:**

Chairman Goetz opened the call to the public for any item not on the agenda.

Michelle Ormanian of 9497 Huron Rapids Drive read a statement to the Commission regarding a proposed 160 unit high density development known as Water's Edge Village on the 95 acre field on Winans Lake Road. She stated that hundreds of residents opposed this development on the legal basis that it was not consistent with our Master Plan nor our Open Space Ordinance. She further discussed the need to modify our Open Space Ordinance regarding density and regulatory flexibility. She stated that they are strongly opposed to the two density bonuses that are existing within the ordinance and the proposal to further increase the density bonuses. The legal basis for their opposition is that they are not consistent with the Michigan Zoning Enabling Act. She stated that density bonuses threaten our rural characteristics and natural resources and place unnecessary increased demand on our infrastructure. She further

discussed the Act. She discussed the characteristics of the 95 acre parcel and the previously proposed development. The intent of the Michigan Zoning Enabling Act is to encourage the preservation of open space. It is not intended for ignoring or circumventing the underlying zoning by adding additional dwelling units. They demand that the Commission fulfill their legal and ethical obligations to the residents of Hamburg Township by removing these density bonuses included in the Open Space PUD Ordinance.

Bob Finn of 8610 Tamarack Drive stated that he has two problems with the ordinance. 1) Article 14, Section 14.1.1 still states in part that the intent of a PUD is to ensure the permanent preservation of open space, agricultural lands and other natural resources. This sounds good until you look at what actually takes place. It allows for high development to be spread over a large portion of a property and does little or nothing to preserve these features. He further discussed the previous proposal. 2) An automatic bonus is still being added just for presenting a parallel plan without the Township receiving anything in return. He further discussed the benefit to the developer.

Hearing no further public comment, the call was closed.

## **6. NEW BUSINESS:**

- A. ZTA19-003 Public Hearing to consider the proposed revision to the regulations regarding Group Day Care Homs, Child Care Centers and Day Care Homes in Section 8.7 of the Township Zoning Ordinance. The revision would allow the Planning Commission to determine the required size of a lot and the size of the fenced in play area for a Child Care Center if a Special Use Permit is required for the use. This ZTA would also allow Child Care Centers as an allowed Special Use in the Village Center zoning district under Section 7.5.1 Schedule of Use Regulations (o) VC-Village Center District

Scott Pacheco, Township Planner, stated that this is a zoning text amendment that has been applied for by IXL Learning Center.

Jennifer Moss, 547 W. Main Street, Northville, MI stated that in 2002 a four-room center was opened in the Hamburg Professional building. She purchased the business in 2004 and did some renovations as well as took over some additional space. They did not go to the Township at that time because they were not doing anything structurally. It is an 11,000 square foot building of which they currently have approximately 9,000 square feet. They want the building to themselves for safety reasons for the children with no public entry.

Pacheco stated that his review letter provides some history and what needs to occur to bring them into compliance. Their existing use does not comply because they did not pull permits for the expansion. The 11,000 square foot building will be childcare, and originally approved was 3,850 square feet under the special use permit of 2001. Under the original approval, it was 16 infants, 18 toddlers and 24 children. Under the new proposal, it would be 50 infants, 50 toddlers and 80 children. They will need to do an amendment to the special use permit, however that is not what is front of us tonight. What is before us tonight is an amendment to allow them to ask for a special use permit without getting a variance. There are regulations in our code that this facility could not meet based on the numbers. There are some suggested changes to our ordinance based on a permit for a special use permit. Childcare facilities are allowed in a few different zoning districts. Some they are allowed by right, and some are allowed under special use permit. With a special use permit, the Planning Commission can look at the outdoor area and how it is going to be used. You cannot write an ordinance for every situation when you do not have discretionary review. With a special use permit, you do have discretionary review. The State Law does have requirements also. He stated that under the Village Center zoning district, childcare is not one of the permitted uses or special use. He is suggesting to add it as a special use. It makes sense to have it in that area. If you are going to create a village center area where you want the most density, there are children to be taken care of. We know there is a need for this use otherwise they would not be expanding to four times their original size.

Discussion was held on how the use was approved originally. Pacheco stated that it is unclear what occurred at the time. Possibly they combined it with another service type use. Because this is laid out where this type of use would not be permitted, that would not be a clean way to permit this type of use. We are trying to correct the approval process, but also correct the use in the zoning district.

Pacheco reviewed the proposed language including what the applicant proposed as well as his proposed language after discussion with the Township Attorney. He stated that this amendment allows the Planning Commission to review childcare and daycare facilities that have special use permits discretionarily. It allows the Commission to change the requirements of 8.7 based on that discretionary hearing process, which is a requirement of the special use permit anyway.

Discussion was held on the State Law requirements. The question was asked what the applicant would have to do if her enrollment changes between the number of infants versus toddlers, etc. Pacheco stated that she would have to change her special use. She is asking for the maximum that the building would allow. He stated that is not before us tonight. If this language is approved tonight, it will have to go to the Livingston County Planning Commission and then it will have to be approved by the Township Board. It will then have to be published in the newspaper before it becomes effective. After that, the Commission can hear her special use permit amendment. She will not need a site plan because she is not changing anything on the exterior of the building.

The question was asked if the State reviews the expansion. Ms. Moss stated that they work very closely with the State. She discussed the annual inspection process.

Discussion was held on these facilities in residential districts. Pacheco stated that the only place that group daycare and childcare facilities are allowed are not in the residential districts other than the Village Residential. There are smaller similar uses that are allowed by right in residential districts because of the State requirements and others that are allowed with special use permits within the residential districts.

Chairman Goetz opened the public hearing. Hearing no response, the hearing was closed.

Discussion was held on eliminating the language pertaining to the lot area and simply requiring everyone to go through the special use process. It was stated that the Commission could then look at those items rather than putting all the different variables in the language. Discussion was held on the process for approving such a use in the Neighborhood Service district. It was discussed changing that language to require a special use permit. Pacheco stated that he feels that it would be better if they were all done the same way. That way you are not treating one area different from another. Discussion was held on the various zoning districts.

The Commission discussed the proposed language.

Motion by Priebe, supported by Muck

To recommend approval to the Township Board the proposed revision to the regulations regarding Group Day Care Homes, Child Care Centers and Day Care Homes in Section 8.7 of the Township Zoning Ordinance as reviewed and amended tonight including the inclusion of these uses as a special use in the Village Center District, Village Residential, Commercial Service and Neighborhood Service District

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

## **7. OLD BUSINESS:**

- 1) ZTA19-004 - Discussion of proposed amendment to the Planned Unit Development regulations in Articles 13, 14, 15, 16, 17, and 18

Scott Pacheco, Township Planner, stated that at the last meeting he was directed by the Commission to make some changes to the proposal. He discussed the Zoning Enabling Act that was brought up earlier in the meeting and the difference between the open space preservation requirement that is required for all Townships that allow two or fewer units per acre. Under that section, the Township is required to allow open space preservation. That is different than the planned unit development section. He read that section from the Act. He further explained the differences between those sections and the regulatory flexibility as long as it encourages innovation in land use, variety of

design, layout, type of structures, preserves open space, shopping opportunities, employment, better housing, etc. and is suited for the needs of the residents of the Township. It is a way to allow regulatory flexibility to get a better project for the community as a whole. What we have before us tonight is the Planned Unit Development regulations. Unfortunately, we called them open space planned unit development regulations so people confuse that with open space preservation regulations. We had the open space regulations in our Open Space Planned Unit Development ordinance, but we were lacking the requirement of the 50% land use. That has been changed, and we are now in compliance with the State regulations. He stated that there was a question earlier about why we just talk about the residential Planned Unit Development, not Commercial. He stated that you wouldn't have an open space planned unit development in your downtown area. That is why the general planned unit development ordinance would cover the commercial and industrial districts. The open space preservation ordinance deals with much larger, lower density parcels.

Pacheco reviewed the proposed changes to the ordinance and the consolidation of the process. He discussed the review procedures.

The question was asked regarding the hardship PUD. Pacheco stated that we have eliminated that based on the Township Attorney's suggestion.

Commissioner Hamlin stated that after the discussions at the last meeting and having further thought, he is not in favor of the bonus for the installation of sewers. He feels that should be part of the 15% for exemplary. Most developers would be doing that for their own benefit, and he does not see a reason to give them an extra 15% for that. Further, he stated that he is not in favor of calling an alley a part of an open space. Finally, he stated that the cost to the developer should not be used as a reason to consider a project exemplary.

Discussion was held on the density of the existing open space developments. Pacheco stated that none of them asked for the "exemplary project" bonus.

Further discussion was held on bonus for sewers. Discussion was held on gravity fed sewer qualifying for an additional bonus. Discussion was held on the cost to the developer versus the cost for grinder pumps.

Commissioner Muck agreed that the cost to the developer should not be considered in determining the exemplary project. Discussion was held on a possible public amenity that could be considered without considering the cost.

Discussion was held on adding that all exemplary projects will have sewer & a minimum 60% open space.

Discussion was held on alleys being considered part of the open space. Discussion was held on incentivizing alleys. It was stated that alleys allow for a smaller impervious surface. It was stated that an alley could be a part of an exemplary feature, but there is no benefit to the community. It was stated that you would then require 60% open space and alleys to be an exemplary project. The consensus was to take alleys out of open space and move it to exemplary.

Further discussion was held on sewers. It was stated that with sewers, you can have a smaller lot size. Therefore, a larger open space would be required.

Pacheco stated that there is no motion needed tonight. He will take it back and revise it one more time. He will notice it again for a public hearing at the next meeting as long as we do not have a problem with a quorum, etc. then it would be August. It would then go to the Livingston County Planning Commission then Township Board for final review and approval. The fence ordinance and ordinance to change the ZBA approval will also be part of that.

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

Pacheco stated that we are going to be looking for a Planning Commission Chair. It is Fred Goetz's last meeting. He thanked him for his years on the Commission. Chairman Goetz stated that he appreciates everyone's hard work.

Pacheco stated that Chilson Commons is working on a Zoning Text Amendment. They are the only hardship PUD in the Township. They are probably going to ask for an amendment to their underlying zoning from Waterfront Residential to Community Service, which is what it is in our Master Plan. Their hardship PUD would have to be amended. We have not seen their proposal yet.

**9. ADJOURNMENT:**

Motion by Leabu, supported by Priebe

To adjourn the meeting

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

The Regular Meeting of the Planning Commission was adjourned at 9:02 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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**To:** Planning Commissioners  
**From:** Scott Pacheco, AICP  
Hamburg Township  
Planning and Zoning Director

**Date:** August 21, 2019

**Agenda Item:** 6B

**Project address:** 10088 Professional Center Drive  
(TID 15-25-100-092)

**Description:** Special Use Permit (SUP 19-002) and Site Plan Amendments (SP 19-002)  
Public Hearing and Review to consider the expansion in the approved special use to allow a Child Care Center within the existing structure.

**Owner:** JM Commercial Properties

**Applicant:** IXL Learning Center

**Agent:** Jennifer Moss

### **PROJECT HISTORY:**

In 2001 a Special Use Permit (SUP) was approved to allow 3,850 square foot of the existing structure at 10088 Professional Center Drive to be used as a Child Care Center (IXL Learning Center). The original approvals allowed the IXL Learning Center to care for 16 Infants, 18 Toddlers, and 24 Children, 58 children total. The original business plan that was approved as a part of the 2001 SUP is attached as Exhibit A.

In 2006 the IXL Learning Center received a Land Use Permit (LUP) to expand the space used for the child care center within the existing building at 10088 Professional Center Drive by approximately 750 square feet. It does not appear that as a part of this LUP the Township approved or that there was a request from the applicant for an increase in the number of children cared for or any other changes to the approved business plan.

Since 2006 the IXL Learning Center has expanded into other spaces within the subject structure as other tenants have moved out without any Township approvals. Currently the IXL Learning Center utilizes approximately 9,000 square feet of the 11,104 square foot structure.

**PROJECT DESCRIPTION:**

The Special Use Permit (SUP 19-002) and Site Plan Review (SPA 19-002) applications request the following changes to the original approvals:

- 1) Expand the space used for the IXL Learning Center to 11,104 square feet, the entire building at 10088 Profession Center Drive; and
- 2) Expand the number of children cared for from 58 (15 Infants, 18 Toddlers, and 24 Children) to 180 (50 Infants, 50 Toddlers, and 80 children).

All of the other information provided as a part of the original business plan (Exhibit A) will remain unchanged and there will only be slight changes to the exterior of the building adding new fire egress doors to meet the Township Fire Safety Codes as a part of this project. There are no proposed changes to the outdoor improvement including the existing landscaping, sidewalks, roadways, parking area or fenced in play area.

**ZONING ANALYSIS:**

There are no exterior changes to the existing building or the subject site other than the addition of three new egress doors to meet the fire safety regulations. Because there are little to no changes to the exterior improvements on the site, many of the Zoning Ordinance regulations will not apply to this review. For example the setbacks, height, lighting, pedestrian connections and other construction oriented details do not change so review of these items is not necessary. However there are some zoning regulations that may be impacted by the proposed change in the use of the structure. These regulations are listed below followed by the Discretionary Standard for the Special Use Permit and the Site Plan Review.

**Article 7, Section 7.5.1 (O) VC-Village Center Districts** allows Child Care Centers as a special use as long as they meet the regulations of Article 8, Section 8.7.

**Article 7, Section 7.7.9.1 VC General Design Standards** has some regulation that would be applicable to the proposed expansion of the IXL Learning Center use. Below are the items that may apply in **bold** followed by staff analysis of the project as it relates to the requirement.

**A. General: The overall design and mixture of uses shall be consistent with the intent of this district. Compatibility of uses shall be determined by the following:**

**1. The uses shall not create noise, dust, odors, fumes or other nuisances that will have an obnoxious effect on surrounding residences.**

The proposed expansion of the IXL Learning Center may increase the outdoor use of the fenced in play area on the site, however the use will also likely reduce the traffic and parking needs on the site.

Because the surrounding properties are currently vacant and because the IXL Learning

Center use will have only minor impacts (noise) on future development of the surrounding properties. The Child Care Center use may actually less impacts to future development on the surrounding properties (traffic and parking) than other permitted uses currently allowed of the site. The Child Care Center use is compatible with both future commercial and residential uses that may be developed on the surrounding properties. It appears the proposed use will not have a significant obnoxious effect on the surrounding sites.

**2. Traffic volumes generated by the use shall not have a negative impact on surrounding residential character.**

The proposed traffic will access the site from Professional Center Drive off M-36. It does not appear the proposed use would create more traffic than the permitted uses allowed on the site. The permitted use allowed in the VC zoning district include but are not limited to, retail stores, restaurants, food and beverage stores, commercial service establishments, banks and financial institutes, funeral homes, music/dance studios, and professional offices.

The existing site improvements located Professional Center Drive and a pedestrian walkway down the east side of the property. These improvements will allow vehicular and pedestrian access to future development south of the subject site with very little impact to the use of the existing structure at 10088 Professional Center Drive. The existing building is accessed off of Professional Center Drive from two parking lot; one shared parking lot north of the existing structure and another private parking lot south of the existing structure.

**Article 7, Section 7.7.9.2 Additional Approval Standards for the Village Center** has some regulation that would be applicable to the proposed expansion of the IXL learning Center use. Below are the items that may apply in **bold** followed by staff analysis

**A. Compatibility with Adjacent Uses: The proposal shall be designed, constructed, and maintained to be compatible with permitted uses on surrounding land to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration may be given to:**

- 1. The location and screening of vehicular circulation and parking areas in relation to surrounding development, to the maximum extent feasible.**
- 2. The location and screening of outdoor storage, outdoor activity and work areas, and mechanical equipment in relation to surrounding development.**
- 3. The bulk, placement, and materials of construction of the proposed use in relation to surrounding development shall be compatible as determined by the general requirements listed in Section 7.7.9.1.A.**
- 4. Proposed site amenities.**
- 5. The site grading and stormwater drainage plan.**

There are no changes to the exterior improvement of the site and the use is an allowed special use in the Village Center zoning district.

The site improvements where approved as a part of the original site plan approvals for the building. The properties to the south, east, and west are currently vacant, while the medical office building to the north shares a parking area between the two structures.

The surrounding land will likely be developed with a mix of residential and commercial



uses, because of the nature of the child care center use it is compatible with both of these uses.

The pedestrian and vehicular improvements on the site have been designed to integrate future development on the sites adjacent to this property.

**B. Transportation and Access:** The proposed use shall be designed to minimize the impact of traffic generated by the use to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration may be given to the following:

1. Relationship between the proposed development and existing and proposed streets.
2. Estimated traffic generated by the proposed use.
3. Location and access to on-street parking.
4. Location and access to off-street parking.
5. Provisions for vehicular traffic.
6. Continuation of the planned street network for the village.

**The Planning Commission may require a traffic impact study for special uses.**

There are no changes to the exterior improvement of the site and the use is an allowed permitted use in the Village Center zoning district. The pedestrian and vehicular improvements on the site have been designed to integrate future development on the site adjacent to this property.

**D. Emergency Access:** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

The Hamburg Fire Department has reviewed the proposed interior remodel and will be required to approve the project prior to issuance of a land use permit. Three fire doors were added to this plan per the original fire review.

**E. Health and Safety Concerns:** Any use shall comply with applicable Federal, state, county, and local health and pollution laws and regulations related to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic; radioactive materials; and toxic and hazardous materials. The Planning Commission may require an environmental impact study for special uses.

The proposed child care center use will be required to receive all required state and federal permits prior to the start of business. The State of Michigan. Department of Human Services, Bureau of Children and Adult Licensing has regulations and licensing requirements for Child Care Centers.

**Article 8, Section 8.7 Group Day Care Homes, Child Care Centers, And Day Care Centers** includes the following regulations in **bold** followed by staff analysis:

**8.7.1 The number of children permitted for child care centers and day care centers shall not exceed one child per five hundred (500) square feet of usable lot area, unless a smaller area is determined to be adequate through the special use permit process. The number of children permitted for Child Care Centers and group day care homes shall be subject to the provisions of State licensing requirements.**

The number of children proposed to be cared for on the site as a part of this application is 180. The size subject lot is 72,343 square feet. If there was 500 square feet for each

potential child care for on the site the site would need to be 90,000 square feet. However, because this site is located in the Village Center zoning district a Special Use Permit is required and therefore the Planning Commission can determine a smaller lot size is adequate for the proposed use. (See 8.7.3)

**8.7.2 A fenced play area of one hundred (100) square feet per child shall be provided, unless a smaller area is determined to be adequate through the special use permit process. The size of the outdoors play area for Child Care Centers and group day care homes shall be subject to the provisions of State licensing requirements.**

The existing fenced in play area is approximately 4,012 square feet. The applicant is not proposing to change the location or size of this play area. If there was 100 square feet of fenced area for each potential child cared for on the site the fenced in area would need to be 18,000 square feet. However, because this site is located in the Village Center zoning District a Special Use Permit is required and therefore the Planning Commission can determine if the smaller fenced in area is adequate for the proposed use. (See 8.7.3)

**8.7.3 If a special use permit is required the Planning Commission shall determine through the special use permit process (Section 3.5) if the size of the subject property and the size of the fenced play area are adequate for the proposed use on the property. In making this determination the Planning Commission may consider the characteristics of; the proposed use, the subject property, the surrounding properties and any other factors that may have an impact of the proposed use. Some characteristic to consider may including but are not limited to: the number and age of the children to be cared for; the number of employees; the use of the subject site and surrounding properties; and the size, location, layout, of the site improvement both on the subject site and on the surrounding properties.**

**Size of lot:** Because of the location of the structure accessed off parking areas at the end of the existing paved portion of Professional Center Drive, the fact the surrounding properties to the south, east and west are all vacant, there is ample parking on the site, the vehicular circulation of the site allows for a safe environment for this type of use and that this is the only use within this building; it appears that the property is adequately sized for the proposed use of the subject property.

**Size of fenced area:** There will be 180 children care for within this child care center. The state regulations require a minimum square foot of outdoor play area of 1200 square feet. The use currently has a fenced outdoor play area of 4,015 square feet. The applicant states that the fenced in play area space is adequate to accommodate the proposed increase in the children cared for at the site because of the following reasons; the 50 infants will not use the outdoor space, and the children that do use the outdoor space will do not use the space all at the same time. The children will have scheduled outdoor times. This outdoor space is used at different times by different aged kids and different classes.

**8.7.4 The site shall be designed to minimize nuisance to adjoining property and protect the safety of children using the facility.**

The exterior improvements to the site will not be changed.

The surrounding properties to the south, east and west are currently vacant and the property to the north is developed with a medical office building and parking lot. The subject site has a shared parking agreement (parking easement) that allows the use of 20 of the existing 92 parking spaces on this site to the north. There are also 43 parking spaces currently on the subject site.

The original special use permit review the following parking requirements where used 1 parking space per 7 children plus 1 parking space per staff. With 180 children proposed and a staff of 24 people using these original parking requirements would require 50 spaces required.

It appears that due to the location of the subject site, the layout of the site improvements, the adequate existing parking for the use and the use of the surrounding property, the expansion to the IXL learning Center will have minimum impact on the adjoining properties and protect the safety of the children using the facility.

### **SPECIAL USE PERMIT STANDARDS:**

#### **Section 3.5.3. Basis of Determinations Special Use Permit Review**

**A. Compatibility with the Master Plan: Will be harmonious and in accordance with the general objectives or any specific objectives of the Hamburg Township Master Plan.**

The subject property is located in the Village Center Master Plan Area. The Future Land Use designation for the subject site is Village Gateway District. This land use designation is meant to provide community wide commercial uses while integrating with the smaller scale shops. The district should connect to neighboring residential streets. The intent of the district is to allow for commercial uses while creating a pedestrian connection to adjacent neighborhoods.

The street (Professional Center Drive), the pedestrian walkways, the lighting, and other construction details were all approved with the original site plan approval. There are no proposed exterior improvements to the subject site as a part of this expansion of the learning center use. The existing street, walkways, lighting and landscaping were all designed to allow connections through this site to the property to the south.

That being said the existing parking on the east side of professional center drive was originally approved with parallel parking spaces and a pedestrian sidewalk was build east of the parallel parking. Currently when visiting the site cars use this parking area for perpendicular parking and are blocking the pedestrian sidewalk. This area should be re-painted to delineate the original approved parking configurations and pedestrian walkway.

**B. Compatibility with Surrounding Area: Will able designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will not change the essential character of the area, and will not be hazardous or disturbing to existing or future nearby uses. In determining whether a special land use will be compatible and not create a significant**

detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

1. Use activities, processes, materials, equipment or conditions of operation;
2. vehicular circulation and parking areas;
3. outdoor activity, storage and work areas;
4. hours of operation;
5. production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
6. impacts on adjacent property values; and
7. the relative ease by which the impacts above will be mitigated.

See analysis under on pages 2 and 3 under the section discussing Article 7, Section 7.7.9.1.

Because of the demographics of the community there is a significant need for child care services within the community. The Village Center area is the area of the Township where future growth will be directed. With this growth additional services such as the IXL Learning Center will be in high demand.

It appears the proposed use as a Child Care Center will not create a significant detrimental impact, as compared to the impacts of permitted uses allowed in the VC zoning District and the proposed use is highly needed by the community.

**C. Improvement to the Immediate Vicinity: Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.**

The proposed use will likely create less traffic and parking than the permitted uses allowed in the Village Center district. This will have a positive impact on the only adjacent lot that is currently developed in the area and the only other developed property with access off of Professional Center Drive, the property to the north at 10020 Professional Center Drive.

There are no proposed exterior improvements to the site as a part of this application.

It appears the proposed use of the site as a child care center will not have any greater impacts on the surrounding properties that the permitted use currently allow on the site.

**D. Impact of Traffic on the Street System: The location and design of the proposed special land use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The Township may require submittal of a traffic impact study to**

ensure compliance with this standard. Such a traffic study shall be in accordance with standard practices and procedures, and prepared by a qualified traffic professional. The Township may require mitigation to maintain traffic operations at a level that is consistent with other types of permitted uses in the district. Route and operational restrictions (such as hours, cleaning of dust, or debris) may be established for construction traffic to minimize negative impacts.

It does not appear that the proposed use of this subject structure as a child care center would increase the traffic to and from the site over the permitted uses allowed in the VC zoning district. The permitted use allowed in the VC zoning district include but are not limited to, retail stores, restaurants, food and beverage stores, commercial service establishments, banks and financial institutes, funeral homes, music/dance studios, and professional offices.

- E. Impact on the Overall Environment:** The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses. The Planning Commission may require a quantitative comparison of the impacts of typical permitted uses and the special land use to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant environmental problem, mitigation shall be provided to alleviate the impacts associated with the environmental problem, mitigations shall be provided to alleviate the impacts associated with the requested use.

No exterior changes are proposed to the improvements on the site. It appears the child care center use would not impact the natural environment of the site in comparison to the impacts associated with typical permitted uses.

- F. Public Services Impact:** Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility, will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township. Public facilities shall include, but not be limited to: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, water and sewage facilities, and schools.

The Fire Department has review the plans for the proposed expansion of the IXL Learning Center and with some minor upgrades to the building the use will be allow within the existing structure. Fire Department approval is required prior to issuance of a land use permit.

The Utilities department has reviewed the proposed expansion and because the use will have less impact on the sewer system no addition review or cost will be needed as a part of this project.

- G. Compliance with Zoning Ordinance Standards:** Will be consistent with the intent and purposes of this Ordinance and be designed, constructed, operated, and maintained to meet the stated intent of the zoning district.

There are no changes to the exterior improvement of the site and the use is an allowed permitted use in the Village Center zoning district.

## **SITE PLAN REVIEW STANDARDS**

### **Section 4.4.3. Standards for Site Plan Review.**

**A. The proposed development conforms to all provisions of the Zoning Ordinances.**

There are no changes to the exterior improvement of the site and the use is an allowed permitted use in the Village Center zoning district.

**B. All required information has been provided.**

The applicant has submitted the project plans that shows the interior remodel of the space and provides the additional egress doors on the site for fire safety purposes. The applicant has also submitted a memo stated the proposed changes to the original special use permit proposed.

**C. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.**

The change of the use of the building to a child care center will have little impact on the way the vehicular and pedestrian traffic within the site and in relation to the access street and sidewalk will work. The roadways and pedestrian walkways were approved as a part of the original site plan review of the subject structure and site improvements. If anything the proposed use of the entire building as a child care center will make the site safer and more convenient.

**D. The proposed development will be harmonious with existing and future uses in the immediate area and the community.**

The properties to the south, east and west are all vacant; however the future use of these property will likely include a mixture of commercial uses and residential uses. The proposed child care center use is compatible with both of these potential uses.

**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.**

No changes to the exterior improvements on the site are proposed as a part of this project. The infrastructure in place will not be changed and the proposed use will not interfere with the future use of the 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.**

There are no changes to the existing exterior improvements on the site. The utilities department has review the project and this project will have less impact on the system than the existing or permitted uses.

- 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.**

No changes to the exterior improvements on the site are proposed as a part of this project.

- H. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.**

No changes to the exterior improvements on the site are proposed as a part of this project.

- I. The proposed development will not cause soil erosion or sedimentation.**

No changes to the exterior improvements on the site are proposed as a part of this project.

- J. Landscaping, including trees, shrubs and other vegetative material is provided to maintain, improve and/or restore the aesthetic quality of the site.**

No changes to the exterior improvements on the site are proposed as a part of this project. All the landscaping was installed to the site plan that was originally approved.

**Recommended Condition:**

The Planning Commission may wish to required that the parking area along Professional Center Drive be restriped to better delineated between the parallel parking spaces along the roadway and the pedestrian access along the west side of the property.

- K. Conformance to the adopted Hamburg Township Engineering and Design Standards. (Amended 3/10/87)**

No exterior changes to the site or the building are proposed other than the addition of fire safety access doors. The proposed use as a child care center and the interior remodel will be required to meet all the local, State and federal requirements.

- 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;
  - f. Glass; or,
  - g. 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.

No changes to the exterior improvements or exterior of the structure on the site are proposed as a part of this project.

**RECOMMENDATION:**

The Planning Commission should review the project and make a decision (approve/deny) on the major amendment to the Special Use Permit (19-002) and make a recommendation



to the Township Board on to (approve/deny) the Site Plan Review Application (19-002). In the review of the project the Planning Commission should consider if the project meets the discretionary standards listed above.

**EXAMPLE MOTIONS:**

**Approval**

The Planning Commission approves the major amendment to the Special Use Permit (SUP19-002) to allow the child care center use to expand into the entire building (11,000 sq. feet) at 10088 Professional Center Drive, as shown on the project plan, and to increase the number of children care for on the site to 180 children; because the major amendment to the special use permit meets all the discretionary standards for Special Use Permits under Article 3 as described at tonight's hearing and as presented in the Staff Report.

Also the Planning Commission recommends the Township Board approves the Site Plan Application (SPA19-002) to allow the expansion of the IXL learning Center; because the project meets all of the discretionary standards for Site Plan Review under Article 4 as described at tonight's hearing and as presented in the Staff Report.

**Exhibits:**

Exhibit A: IXL Learning Center Business Plan (original)

Exhibit B: Application and Materials

Exhibit C: Project Plans





## **Statement of Purpose**

IXL Learning Center is a proposed child-learning center that requires total funding of: \$100,000

The funding requested is 80 to 100% of budget, payable in 3 to 7 years. These funds will transition through the opening phase so that our business can operate at a high level of profitability within a few months of opening. The loan will be personally guaranteed by Kelley & Woody Haskins. Kelley Haskins will be the majority shareholder of IXL. Propose purchase of equipment and supplies; secure a lease and contractor services to build out the Hamburg Professional building located at 7012 M-36, Hamburg Michigan and to perform the necessary measures for enclosed play space and maintain sufficient cash reserves to provide adequate working capital to successfully expand the child care center. See Sources and Applications of Funding under Section II for detailed list of purchases.

## **Table of Contents**

|   |           |
|---|-----------|
| <b>Section I: The Business</b>  | <b>2</b>  |
| A. Mission Statement  | 2         |
| B. Philosophy   | 2         |
| C. Description of the Business  | 2         |
| D. The Facility and Location  | 3         |
| E. Product and Services   | 3         |
| F. Market Information   | 4         |
| G. Competition  | 6         |
| H. Management & Advisors  | 6         |
| I. Advisors   | 7         |
| <b>Section II: Financial Data</b>   | <b>8</b>  |
| A. Sources and Applications of Funding  | 8         |
| B. Toys, Equipment, Supplies Breakdown  | 9         |
| C. Childcare Rates  | 13        |
| D. Revenue Breakdown  | 13        |
| E. Monthly Detailed Financials 2001   | 14        |
| F. Quarterly Detailed Financials 2002-2003                                      | 15        |
| G. Quarterly Detailed Financials 2004-2005                                      | 16        |
| H. Monthly Detailed Schedule of Source and Uses of Funds for Year 2001          | 17        |
| I. Quarterly Detailed Schedule of Source and Uses of Funds for Year 2002 – 2003 | 18        |
| J. Quarterly Detailed Schedule of Source and Uses of Funds for Year 2004 – 2005 | 19        |
| <b>Section III: Supporting Document/Appendix</b>                                | <b>20</b> |
| Attachment A. – Letter from Livingston County (4C) Council                      | 21        |
| Attachment B. – Kids Count 2000   | 23        |
| Attachment C. – Center Comparison Analysis                                      | 24        |
| Attachment D. – Resume of Kelley & Woody Haskins                                | 25        |
| Attachment E. – Rule 5103 Program Director Approval Letter                      | 27        |
| Attachment F. – Division of Child Day Care Licensing Certificate                | 28        |
| Attachment G. – Schonsheck Letter   | 29        |
| Attachment H. – Organization Chart  | 30        |

## **Section I: The Business**

### ***A. Mission Statement***

IXL Learning Center will provide the community with a high quality full-time daycare center that will help educate and expand the child's mind. Our goal is help our kids explore, experience, and develop to their full potential in a safe and loving environment.

### ***B. Philosophy***

Our program is based on the theory that it is what we do with children before we present the "basics", of formal education, that will create success or failure for them as they learn.

Children learn best through a play, a concrete oriented approach to education. For a young child, learning something new is often the result of interaction between their thoughts and experiences, and the surrounding environment. The value of play cannot be overstated. It is through play that children develop curiosity, imagination, and learn to concentrate and make confident decisions.

At IXL Learning Center, we provide a developmentally appropriate program, stressing child initiated, child-directed, adult supported play in a safe and nurturing environment. Our curriculum offers a variety of attractive, stimulating activities that promote physical, social, emotional, creative and cognitive development. Activities are geared to the age appropriateness of the group, as well as the individual needs of each child in the group.

We feel that young children function best in a consistent program with small group sizes and a familiar caregiver. Warm positive relationships with adults; help children develop a sense of trust and feelings of worth. Because a child's experience at IXL Learning Center is a supplement to their home experience, we feel very strongly that staff and families must work together in order to provide for optimal development of the children. When we are all working toward a common goal, the children's sense of security, self-confidence and individual worth can't help but blossom.

We strive to provide the highest quality program possible for young children and their families. The giving of careful attention to details by every member of the staff, means that your child's well being is exceptionally looked after. We welcome you to our program and hope that as a member of the IXL family, you will enjoy your experience with us, and remember it fondly for many, many years.

### ***C. Description of the Business***

IXL is a child-learning center, a Michigan based Corporation, which offers flexible and high quality childcare to families. We will offer a full range of services (i.e. infants through pre-school) to attract and retain clients. The short-term goal is to have the center fully licensed and operational to accommodate 58 children at any given time, by February 1st, 2001. With a shortage of high quality, full service licensed centers in the area, our center will reach its capacity quickly and we will be profitable after a few months.

The long-term goal is to expand the center during year three, with the building of a new facility. We have projected that with the lack of quality day care in the area combined with the ideal commuter location will be convenient to the rapidly growing number of young families and their need for childcare.

#### *D. The Facility and Location*

The proposed site for IXL is located in the Hamburg Professional Building located on M-36. The building is owned and operated by Schonsheck, Inc. (see attachment G.) The center is targeted for the communities of Hamburg and Pinckney in Livingston County, for children 2 weeks to 5 years of age. The center is one half mile west of the M-36 & Hamburg Road junction, in The Hamburg Professional Building. The site is in a prime location on M-36 that is extremely convenient for parents to drop off and pick up. It is ½ mile from the busiest location on M-36 (M-36 & Hamburg Rd), which has over 12,000 cars passing daily within a 24-hour period, per the Livingston County Department of Planning.

The building is more than 11,000 square feet, and approximately 3,850 square feet will be leased by IXL. The day care will occupy the northeast side of the building with plenty of windows throughout the facility. The facility will have 4 rooms, Infant 1, Infant 2, Toddler, and Pre-School and hold a total of 58 kids. The rooms and children will break down as follows:

Infant 1 - 480 sq. feet with 8 children

Infant 2 - 480 sq. feet with 8 children

Toddler - 720 sq. feet with 18 children

Pre-School - 880 sq. feet with 24 children

The rest of the sq. footage will be an office, kitchen, bathrooms, and hallways. The setting will be ideal for children, with plenty of room for activities inside and out.

#### *E. Product and Services*

Hours of operation will be 6:30 a.m. to 6:00 p.m. Monday through Friday, throughout the year, with the exception of the following holidays: New Years Eve, New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, The Friday after Thanksgiving, Christmas Eve, and Christmas Day. IXL will also be closed the Friday before Labor Day for Staff Training.

IXL will be providing "high quality" childcare to families with young children. The quality of service we will provide separates us from our competitors. Our competitors do currently do not offer the "high quality" features that we will offer. Our definition of "high quality" is a facility that promotes positive self-esteem, a learning attitude, and a love for children. Below are features that will contribute to the "high quality" childcare of IXL.

##### ***"High Quality" Features***

**SECURITY: Limited Access Security Door** The main entrance into the center will have a limited access security door that will only allow access to parents who have children in the center.

**CONVIENCE: After hour's teacher availability** Each evening there will be one teacher designated to be "on call" in the event a parent needs to be late. An additional fee will be charged but it will not jeopardize the child's enrollment as it does in many other programs. With many of our clients working full-time, this feature will ease the minds of many parents who may get caught in a medical emergency, meetings and traffic.

**CONVIENCE: Parents Night Out** IXL Learning Center will offer a Movie & Popcorn night for those families enrolled in our program. This will allow the parents a night out and a sense of security knowing that their children are being taken care of by someone they know and trust. Near the Christmas season, we may offer weekend & later night hours to help families get ready for the holiday season. This service may be open to the public and used as an advertising tool.

**QUALITY: Higher than Average Wages for Employees** One of the main items that will separate local childcare facilities will be the quality, educated, experienced staff. We plan to attract the higher quality experienced childcare staff in the area by offering higher than average wages, a sense of being a team, and a leadership roll in their class-room.

**QUALITY: Extra Training** Specific training schedule for all caregivers. We will always have a staff member in each room trained in CPR & First Aid. We will provide extra training coerces for our staff in early childhood development through movies, seminars, conferences, guest speakers, and in-house meetings.

**QUALITY: Larger than Average Room Size** At IXL Learning Center we do not want to just meet the required standards, we want to exceed them. We designed our facility with the children in mind, that's why our rooms have an average of 10% more square footage per child. This gives the child more room for creative play and activities.

**QUALITY: In-House Field Trips** On a monthly basis we will have field trips come to the center rather than the children leaving the center. This gives the parents an extra issuance on safety. Once they drop off their child, the children will not leave the center until the patents return. We will invite guest speakers such as, Doctors, Fireman, Police Officers, Magicians, Clowns, and Parents describing their work, having fun, and giving child safety talks.

**QUALITY: Developmental Progress Reports** will be completed on each child every 6 months. Teachers will have time to observe and record children's developmental progress in the classroom, write a report and have parent teacher conferences.

**QUALITY: Daily Activity Reports** will be completed on infants and toddlers. Teachers will complete a report with the following information: eating schedule, nap schedule, activities done during the day, time and type of diapers changed (if applicable), time last ate, and notes from the Teacher re-capping the day and any supplies needed from home. Infants change & grow rapidly; IXL Learning Center wants the parents to be part of each development milestone.

## *F. Market Information*

Over 69% of all families with young children 5 and under will have mothers in the work force (see Table 1), creating an urgent need for accountable and high quality care arrangements for their children. Childcare will always be a need. On a national scale and contributing to the increase need for childcare, the increase in number of woman in the workforce, the decline of the extended family located near nuclear families, and the high divorce rate are trends that have increased the demand for child care services. According to the U.S. Bureau of the Census, (see Table 1), six out of every ten mothers of children under age 3 were in the labor force (i.e., working or looking for work). Seven out of every ten mothers of children age 3 to 5 were in the labor force. In addition, between 1990 and 1999, the labor force participation rate of mothers with children under age 3 increased from 53.6 percent to 60.7 percent. On a local scale, 1999 unemployment rate in Hamburg Township was 1.6% according to the Livingston County Department of Planning.

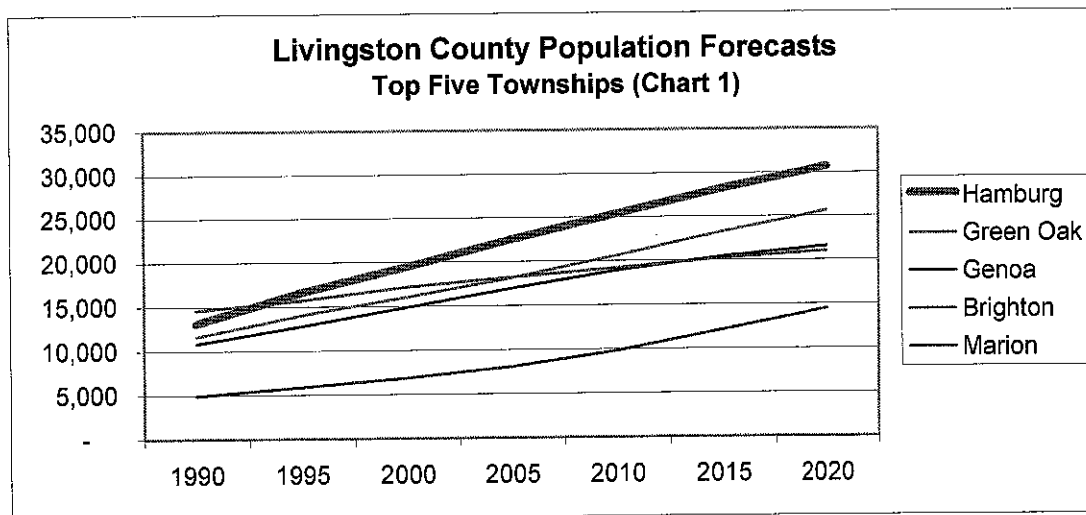
For more than half of preschool children with employed mothers, the primary childcare provider is not related to the child: 32 percent of children are in center-based child care arrangements; 16 percent are in family child care; and 6 percent are regularly cared for by a babysitter or nanny in the child's home, according to the U.S. Department of Labor, Bureau of Labor Statistics.

**Table 1: Labor force participation rates of mothers by age of children, selected years, March 1990-99**

| Year | Age of Child<br>(Percent) |               |
|------|---------------------------|---------------|
|      | 3 to 5 years              | Under 3 years |
| 1990 | 65.3                      | 53.6          |
| 1992 | 63.3                      | 54.5          |
| 1994 | 64.9                      | 57.1          |
| 1996 | 66.9                      | 59            |
| 1998 | 69.3                      | 62.2          |
| 1999 | 69.5                      | 60.7          |

Source: U.S. Department of Labor, Bureau of Labor Statistics, March Current Population Survey, unpublished data.

On a local scale, as reported by the Livingston County Department of Planning Livingston County the Livingston County population forecasts from 1990 to 2020 will increase 33.2% with Hamburg Township having the largest forecasted population in the county from 1995 to 2020 (see chart 1).



Our target markets are the families living in Hamburg & Putnam Townships, who have children under the age of 5 and need childcare. The real child care needs for working parents in Livingston County that are not being met, are service for infants; special needs, before and after school, extended hour; weekend, summer programs and care for low-income children. Yet, in specific areas such as Pinckney, Hartland and Fowlerville, all types of care are needed, as stated by the Community Coordinated Child Care (4C) Counsel (see Attachment A).

Our advertising efforts will be targeted to two audiences, attracting high quality childcare providers and families seeking high quality childcare. We will advertise in the local papers in Brighton, Hamburg, Pinckney, and Ann Arbor areas to attract experienced childcare employees. We will also advertise our facility 1-½ months prior to our grand opening in all local papers. We will place a large grand opening sign in front of the building clearly visible from M-36. We project that our facility will be running at full capacity within five months. This is due to the combination of a prime location, a high quality program, and the lack of quality care in the immediate area.



## *Growth of Business*

More than 67% of families with children under school age have two working parents. (See attachment B, "2000 Kids Count Data Outline, Childcare Indicators). Our competition consists of six group day care homes located in Hamburg, Lakeland, and Pinckney. Our primary competition is Creative Beginnings, the only licensed center in the area. In our opinion, all childcare facilities in the area are not meeting our standards of "high quality" which we will provide. Attachment B outlines the center comparison status. The majority of facilities have awaiting list; this suggests a real need for childcare in this area. Where are the rest of these children going? The majorities of these families who could not find local daycare have resorted to "in-home" unlicensed care or take their children to a licensed facility in another city, usually not conveniently located to their travel route. Families have had to make uncomfortable compromises to find childcare for their children in order to stay employed. Consequently this affects business. Happy parents equal productive and motivated employees.

The market is in need of not only licensed quality care for infants, toddlers, but an all day daycare/pre-school program as well. Many of these infant and toddlers who have been in "in-home" care who turn three are needing a more social and structured environment. Parents are finding they have extremely limited options. The majority of the Pre-School run programs are only half day, 3 days a week which make it very difficult for parents to commit to a full time job. Our program will offer a full day program so families will not have to worry about the mid day commute between Pre-School and an after school program as well as offer a consistent and comfortable schedule for the children. Being able to offer a high quality and full day program will be extremely favorable for parents.

## *G. Competition*

As a result of the "Center Comparison Analysis" (attachment C), there were only a few Toddler openings available at the centers that offer care in this age group. The majority of home-centers only take 2.5 year olds and up due to the Teacher child ratio, they can make more money with less staff. Many home daycares and licensed centers have a waiting list months long. There was only one childcare center with preschool openings. Preschool waiting lists spanned from a few to several months.

In terms of our rate, while they are slightly higher than the area average, the service that we will offer will be of higher quality than our competitors. Many parents would opt for a childcare center for their children if given the opportunity of a quality program. We realize that much of what we provide is an intangible product. So the image factor of what we perceive high quality to be is what we will strive to sell. This is much more effective with qualified and well-trained employees. Our staff will be paid an average wage of Eight Dollars and fifty cents per hour. While the average for Michigan is considerable lower at \$7.08 (2000 Kids Count Data, attachment B), this will help us maintain the continuity of quality and qualified staff.

## *H. Management*

### Kelley L. Haskins – Director, responsible for daily operations of facility

Kelley has both the educational background and relevant work experience necessary to effectively perform the duties required of an administrator of a childcare center (see attachment E). For the last year Kelley has been perfecting her childcare skills by being a stay at home mother caring for her 2 infant sons. Application has been submitted to be a member of the National Association for the Education of Young Children (NAEYC). She has a Bachelors of Science from Eastern Michigan University (EMU) and has satisfied the requirements to be a childcare Director, and is going to complete her Masters of Early Childhood Education also from EMU. During her college education, she studied Elementary Education with an early childhood endorsement, and various family/child issues. During this time she also worked as a Teaching Assistant in the Lincoln Consolidated School District in Ypsilanti, MI and gained valuable experience working in a Latchkey program.

After graduation, Kelley worked for several years climbing up the corporate ladder raising to manager of one of the fastest growing departments of Thompson Associates, a site selection research firm located in Ann Arbor, MI. As manager, she was responsible for the day-to-day operations, hiring and training a staff of 4, and managing the budget and profitability of the department. Kelley gained valuable skills in staff management and customer relations while working at Thompson Associates. This unique combination of childcare/educational background and business experience possessed by Kelley provides the necessary balance required to operate a profitable childcare center. Kelley will oversee the daily operations of the center and the staff. (See attachment H.)

Woody A. Haskins – CEO, responsible for Marketing, Strategy, and Finances

Woody will not be involved in the day-to-day supervision of the center but will be responsible for the accounting/finances, equipment maintenance, marketing, and strategic planning for the center. Woody earned his Bachelors of Business Administration from Eastern Michigan University with a focus in marketing and sales management. After graduation, he worked for a Financial, Oil, and Staffing company in sales, marketing & management.

Currently, Woody is the founder and President of MarketingJobs.com, a career web site specializing in sales, marketing, and advertising jobs nationwide. His responsibilities include: sales management, business development, strategy, and over company profitability.

Attachment D includes a resume for Kelley L. Haskins & Woody A. Haskins

**Advisors:**

Legal: Troy Gorman, Attorney at Law

Financial: Trisha A. McVeigh – GE Financial

Business: Dennis K. Whitney, Small Business Development Director

Early Childhood: Karen Paciarek, Professor of Early Childhood Development at EMU

Teacher/Counselor: Michelle Reffitt, Pinckney High School

Medical/Safety Advisor: Dr. Richard Dorsch, Poison Control at Henry Ford Hospital

Expert in the Field: Linda Herbert, Executive Director, Livingston 4C Council

***I. Conclusion***

The expertise required is available to run a childcare facility in the target area on a cost effective basis. Our goal is to establish the center, then expand and promote the program as swiftly as possible. The marketing strategy will be aggressive in order to fill the center to capacity as soon as possible and to offer this much needed service to the community without further delay.

## **Section II: The Financial Data**

*NOT AVAILABLE*

### **Section III: Supporting Document/Appendix**



## LIVINGSTON COUNTY (4C) COUNCIL

Community Coordinated Child Care

121 S. Barnard St., Suite 1 • Howell, MI 48843 • (517) 548-9112

October 2, 2000

### To Whom This May Concern:

This letter is to serve as support of the need for additional child care in Livingston County and specifically Pinckney, Michigan. The enclosed statistical data, frequency report was taken today, from the Livingston County Community Coordinated Child Care (4C) Council's, CareFinder® Child Care Provider Database (LIV12). The data is compiled from the total 253 currently regulated Livingston providers' records. Also enclosed is the most current Livingston County population needs assessment, reported by the Michigan 4C Association, September, 2000. The Michigan 4C Association report defines population and child care capacity of children 0-11 by zip code. Please keep in mind that many children are in care until age 13 and this report does not reflect the need of care for 12 and 13 year old children.

As the Executive Director of the Livingston County Community Coordinated Child Care (4C) Council. I am very aware of the available child care services offered in Livingston County. The real child care needs for working parents in Livingston County that are not being met, are services for infants; special needs children; before and after school; extended hour; weekend, summer programs and care for low-income children. The child care market for children three to five years of age is near saturation. Most providers in the child care industry prefer to service "typically developing" children of pre-school ages because they are toilet trained; require less staff, space and equipment for their care; and the children are able to participate in group activities and field trips. Yet, in specific areas such as Pinckney, Hartland and Fowlerville, all types of care are needed.

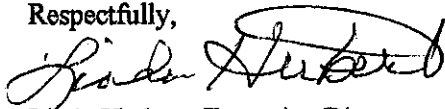
The Michigan 4C Association provides a state-wide focus to support the work of the local/regional 4C offices by conducting research, coordinating services and managing business, foundation and government contracts. Local and regional 4C offices work in all areas of the state to support families with children in, or needing child care by providing: child care referrals, child care supply building, employer supported child care and community coordination. Livingston County (4C) is one of fifteen regional 4C councils servicing Michigan. The specific unmet child care needs in Livingston, are not unlike needs identified across Michigan. I am hoping that our County leaders will take a pro-active role, as many other communities have, in supporting the child care needs of our working families.

Children need consistency in their life to assure optimum mental growth. A young child who has the opportunities of being cared for, learning and interacting with other children within the child's own geographic area will be allowed the consistency of safe, creative and healthy environmental surroundings.

The child will also grow to learn local resources, support persons and share continuation of education with neighborhood peers beyond their child care experience. The child will gain a sense of belonging which may result development of pride in himself or herself and his or her own neighborhood. Please support this quality child care experience for our children.

If I may be of any further assistance regarding this issue, please contact me at 1-800-260-0202.

Respectfully,

A handwritten signature in cursive script, appearing to read "Linda Herbert", written over a horizontal line.

Linda Herbert, Executive Director  
Livingston 4C Council/

*Attachment B. - Kids Count 2000*  
From: The Annie E. Casey Foundation

| Child-Care Indicators   |         |         |
|---|---------|---------|
|   | MI      | U.S.    |
| Percent of children under age 6 living with working parents: 1997                         | 67%     | 66%     |
| Percent of children ages 6-12 living with working parents: 1997                           | 53%     | 55%     |
| Percent of children under age 13 living in low-income families with working parents: 1997 | 18%     | 21%     |
| Median hourly wages of child-care workers: 1998   | \$7.08  | \$6.61  |
| Median hourly wages of preschool teachers: 1998   | \$9.26  | \$8.32  |
| Median hourly wages of all workers: 1998  | \$12.16 | \$11.29 |

Web address: [http://www.aecf.org/cgi-bin/kconline.cgi?KC\\_REQUEST=QUERY\\_PROFILES&FROMPAGE=PROFILE1&STATE=MI](http://www.aecf.org/cgi-bin/kconline.cgi?KC_REQUEST=QUERY_PROFILES&FROMPAGE=PROFILE1&STATE=MI)

Attachment C. - Center Comparison Analysis

| Characteristics         | Rating * | IXL Pre-School & Learning Center | Creative Beginnings Day Care | Lakeland Montessori School | Stacey's Early Childhood Center | St. Mary's Preschool | Playland Day Care & Nursery | A Home Away From Home | A-B-Child Care |
|-------------------------|----------|----------------------------------|------------------------------|----------------------------|---------------------------------|----------------------|-----------------------------|-----------------------|----------------|
| Location                |          | 5                                | 5                            | 5                          | 5                               | 3                    | 4                           | 2                     | 3              |
| Infants                 |          | 5                                | 5                            | 1                          | 1                               | 1                    | 5                           | 5                     | 5              |
| Preschool               |          | 5                                | 5                            | 5                          | 5                               | 5                    | 5                           | 5                     | 5              |
| Toddlers                |          | 5                                | 5                            | 5                          | 5                               | 5                    | 5                           | 5                     | 5              |
| Overall Appearance      |          | 5                                | 1                            | 3                          | 3                               | 2                    | 2                           | 3                     | 3              |
| Pricing                 |          | 5                                | 4                            | 5                          | 5                               | 5                    | 5                           | 5                     | 5              |
| Size of Facility/Center |          | 5                                | 3                            | 4                          | 2                               | 4                    | 3                           | 3                     | 3              |
| Education               |          | 5                                | 1                            | 5                          | 3                               | 3                    | 1                           | 1                     | 1              |
| <b>Total Score</b>      |          | <b>40</b>                        | <b>29</b>                    | <b>33</b>                  | <b>29</b>                       | <b>28</b>            | <b>30</b>                   | <b>29</b>             | <b>30</b>      |
| <b>Openings (age)</b>   |          |                                  |                              |                            |                                 |                      |                             |                       |                |
| 0-1                     |          | Y                                | N                            | N/A                        | N/A                             | N                    | N/A                         | N                     | N              |
| 1-3                     |          | Y                                | N                            | N/A                        | N                               | N                    | N/A                         | Y                     | N              |
| 3-5                     |          | Y                                | Y                            | N                          | N                               | N                    | N                           | Y                     | N              |
| Type of Facility/Center |          | Pre-School                       | Center                       | Pre-School                 | Home                            | Church               | Home                        | Home                  | Home           |
| Capacity                |          | 58                               | 53                           | 45                         | 30                              | 20                   | 44                          | 30                    | 15             |

\*Rating Scale: 1 to 5 (5 being excellent and 1 being poor)



## **Kelley L. Haskins**

5254 Edge Lake Drive • Pinckney, Michigan 48169 • 810-231-6737

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### **Profile**

*Child oriented individual with a strong work ethic. Strives to provide high-quality childcare for young children, and offer a variety of attractive, stimulating activities that promote physical, social, emotional, creative and cognitive development.*

### **Education**

EASTERN MICHIGAN UNIVERSITY, Ypsilanti, MI

**Master of Elementary Education and Early Childhood Certification**

– Expected Graduation – April 2002

**Bachelors of Science, April 1995**

### **Employment History**

THOMPSON ASSOCIATES • Ann Arbor, MI

**Restaurant Research Coordinator • April, 1997 - October, 1999**

- Managed department of four employees.
- Reviewed all projects.
- Consulted with clients on recommendations for new projects.
- Managed budget for department
- Trained staff on new software programs.
- Generated weekly management reports on client projects.
- Traveled for various client meetings and conferences.

**Restaurant Research Senior Consultant • January, 1997 - April, 1997**

- Managed individual projects from inception to completion.
- Designed marketing presentation materials, including charts, graphs and overheads.
- Assisted in the review process for co-workers projects.

**Restaurant Research Consultant • June, 1996 - January, 1997**

- Designed Questionnaires based on project specifications.
- Conducted advanced statistical analysis based on data results.
- Drafted client report from survey and statistical results.

**Consumer Research Analyst • January, 1996 - June, 1996**

- Acted as the liaison between corporate and franchisee for various fast food restaurants.
- Screened interviewing agencies to conduct customer exit surveys.
- Analyzed survey data using SPSS to determine sales transfer.

**Research Assistant • February, 1995 - January 1996**

- Created computer generated maps for various clients.
- Researched local and regional retail sales data.
- Assisted co-workers with various statistical projects.

### **Computer Skills**

**Software:** Windows 95, MS Word, MS Excel, Harvard Graphics, Corel Draw, SPSS, Quattro Pro.

## **Woody A. Haskins**

**5254 Edge Lake Dr. • Pinckney, Michigan 48169 • (810) 231-6737**

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### ***Profile***

Creative challenge seeker with a strong work ethic. Effective interpersonal and communication skills. Strong leadership and team-building skills. Results oriented. Excellent problem-solving skills.

### ***Professional Experience***

MARKETINGJOBS.COM • Pinckney, MI

*President and Founder • December, 1995-present*

- Established and grew company to employ 8 employees and sales of over \$500,000
- Responsible for site design, marketing, and overall company strategy

KELLY SERVICES • Troy, MI

*Internet Analyst • December 1998-1999*

- In charge of all national and international career web sites
- Helped established web sites in: Germany, France, and England

ATLAS OIL COMPANY • Taylor, MI

*Customer Service Manager • January 1997-1998*

- Established and implemented company's first ever Customer Service Department
- Negotiate with suppliers to ensure best price, terms, and delivery

*Marketing and Sales Coordinator • October, 1996-December, 1996*

- Created pricing structure for sales department
- Assisted MIS in updating computer network system

SWANSON CAPITAL MANAGEMENT • Ann Arbor, MI

*Marketing and Systems Coordinator • January, 1994-September, 1996*

- Designed and created marketing presentation materials, including charts, graphs and overheads
- Recommend purchases, upgrades and installation of new network system computer soft/hardware

### ***Education***

EASTERN MICHIGAN UNIVERSITY, Ypsilanti, MI

*B.B.A., Marketing, April 1993*

### ***Computer Skills***

*Software:* Windows 98, Microsoft Office - Word, Excel, Power Point, Goldmine, Act, Internet, Html programmer, FrontPage 98, Aldus PageMaker, Photo Shop

*Hardware:* Scanners, Modems, Basic Networking, CD ROM Drives

### ***Membership***

American Marketing Association



State of Michigan  
John Engler, Governor

Department of Consumer & Industry Services  
Kathleen M. Wilbur, Director

Bureau of Regulatory Services  
Division of Child Day Care Licensing

22 Center Street  
Ypsilanti, MI 48198-5707

Attachment E.

October 10, 2000

Kelly Haskens  
5254 Edge Lake  
Pinckney, MI 48169

RE: Rule 5103 Program Director  
Approval Letter

Dear Kelly:

I have reviewed your college transcript. You have a Bachelor of Science degree from Eastern Michigan University. The following credits or partial credits apply toward the 12 semester hours required to become a program director:

|                            |                     |
|----------------------------|---------------------|
| Intro. to Child Lit.       | 1.5 credits         |
| Educ. of exceptional child | 1.5 credits         |
| Music 104                  | 1.0 credit          |
| PE for classroom teach     | 1.0 credit          |
| Elem Music Educ.320        | 1.0 credit          |
| Human Dev. & Learning      | 2.0 credits         |
| Art Integr.Elem. Teachers  | 2.0credits          |
| Math for Elem. Teachers    | 1.0 credit          |
| Science for Elem. Teachers | <u>1.5 credits</u>  |
| <b>Total:</b>              | <b>12.5 credits</b> |

Please keep this letter of file at the center as verification of compliance with rule 5103.

Sincerely,

Sharon Schleicher, Consultant  
Division of Child Day Care Licensing

# ORIENTATION CERTIFICATE

This certificate is awarded to Kelley Haskins in recognition  
of successful completion of Child Day Care Orientation.

Presented by

Michigan Department of Consumer and Industry Services

Division of Child Day Care Licensing

Emily Bettencourt 10/11/2000  
Emily Bettencourt, Licensing Consultant

Carolyn King  
Carolyn King, Area Manager

**SCHONSHECK, INC.**

DESIGNERS ■ BUILDERS ■ DEVELOPERS



50120 W. PONTIAC TRAIL, WIXOM, MICHIGAN 48393-2019

PHONE: (248) 669-8800 • FAX: (248) 669-0850

www.schonsheck.com

*Attachment G.*

October 20, 2000

IXL Learning Center  
5254 Edge Lake Drive  
Pinckney, Michigan 48169

Attn: Kelley Haskins

Re: Hamburg Professional Office  
7012 E. M36  
Hamburg, Michigan 48139

Dear Kelley:

Schonsheck, Inc. and Hamburg Professional Office, L.L.C. intend to offer design, construction, and leasing commitments to IXL Learning Center for future rental consideration at the above referenced facility.

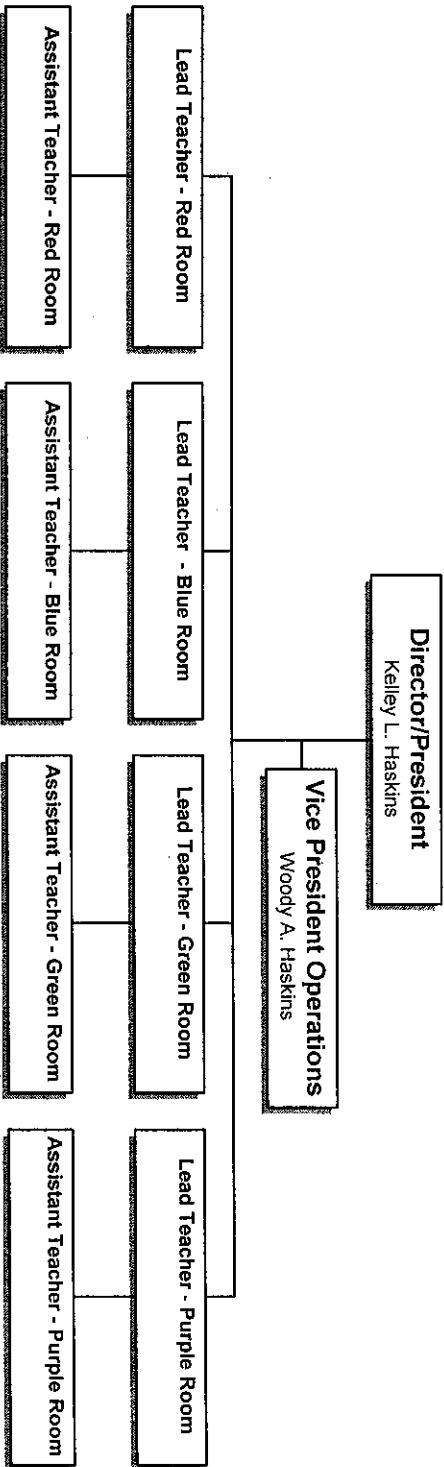
We look forward to the opportunity of working with you on this project.

Very truly yours,

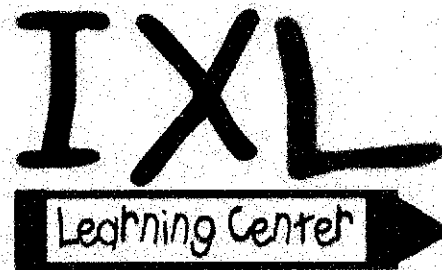
SCHONSHECK, INC.

Ian W. Schonsheck  
President

**IXL Learning Center, Inc.**



***Parent Handbook of Policies and Procedures***  
***Effective January 1st, 2001***



5254 Edge Lake Dr.  
Pinckney, Michigan 48169  
Kelley Haskins, Owner/Director

## **Table of Contents**

- I. WELCOME & NON-DISCRIMINATION CLAUSE**
- II. PHILOSOPHY**
- III. HOURS OF OPERATION**
- IV. HOLIDAYS**
- V. ADMISSION & ENROLLMENT**
- VI. BASIC RATES, BENEFITS, OTHER FEES, & WRITTEN NOTICE**
- VII. INFANT PROGRAM**
- VIII. TODDLER & PRESCHOOL PROGRAM**
- IX. BEHAVIOR MANAGEMENT & DISCIPLINE POLICY**
- X. MEALS & SNACKS**
- XI. HEALTH & SAFETY PRACTICES**
- XII. ILLNESS**
- XIII. MEDICAL EMERGENCIES & NATURAL DISASTER PLAN**
- XIV. MEDICATIONS**
- XV. FIELD TRIPS**
- XVI. ADJUSTMENT PERIOD**
- XVII. ARRIVAL & DEPARTURE, CHILDREN'S SUPPLIES, & VISITATIONS**
- XVIII. SUMMATION**
- XIX. PARENT POLICIES & PROCEDURES AGREEMENT**



## **I. WELCOME & NON-DISCRIMINATION CLAUSE**

My name is Kelley Haskins and I would like to welcome you to IXL Learning Center. Because childcare is such a personal business, I wanted to provide you with additional personal information about my program and myself. Anyone, who knows me well, can see how much I love working with children. As you get to know me, I am sure you find that I am also a very ethical person with high moral standards. I had always known I was destined to work with children. I just didn't know in what capacity until I had two wonderful children of my own. I get a thrill out of watching children grow and succeed. This is why I have chosen to provide quality childcare as a profession.

IXL Learning Center welcomes families of any race, color, sex, religion, nationality, creed, sexual orientation, marital status, age, or the presence of any sensory, mental or physical disability. The families are not restricted from rights, privileges, programs and activities made available to students at the school. We do not discriminate in any way within the administration of our educational policies, enrollment policies, financial plan or any other school-administered program.

## **II. PHILOSOPHY**

Our program is based on the theory that it is what we do with children before we present the "basics", of formal education, that will create success or failure for them as they learn. Children learn best through a play, a concrete oriented approach to education. For a young child, learning something new is often the result of interaction between their thoughts and experiences, and the surrounding environment. The value of play cannot be overstated. It is through play that children develop curiosity, imagination, and learn to concentrate and make confident decisions.

At IXL Learning Center, we provide a developmentally appropriate program, stressing child initiated, child-directed, adult supported play in a safe and nurturing environment. Our curriculum offers a variety of attractive, stimulating activities that promote physical, social, emotional, creative and cognitive development. Activities are geared to the age appropriateness of the group, as well as the individual needs of each child in the group.

We feel that young children function best in a consistent program with small group sizes and a familiar caregiver. Warm positive relationships with adults; help children develop a sense of trust and feelings of worth. Because a child's experience at IXL Learning Center is a supplement to their home experience, we feel very strongly that staff and families must work together in order to provide for optimal development of the children. When we are all working toward a common goal, the children's sense of security, self-confidence and individual worth can't help but blossom.

We strive to provide the highest quality program possible for young children and their families. The giving of careful attention to details by every member of the staff, means that your child's well being is exceptionally looked after. We welcome you to our program and hope that as a member of the IXL Learning Center family, you will enjoy your experience with us, and remember it fondly for many, many years.

## **III. HOURS OF OPERATION**

IXL Learning Center will be open from 6:30 a.m. to 6:00 p.m. Monday through Friday, throughout the year. No children are to be on the grounds unsupervised beyond these hours. A late fee will be charged for children who remain beyond these hours. (see Late Charges page 5 )

#### IV. HOLIDAYS

##### HOLIDAY CLOSURES:

IXL Learning Center will be closed on the dates listed below. If the holiday falls on a weekend, then we will be closed the same days as the federal and state offices. There is no discount for the days we are closed. They are considered paid holidays as part of our employee benefits package.

|               |                            |               |
|---------------|----------------------------|---------------|
| New Years Eve | Independence Day           | Christmas Eve |
| New Years Day | Labor Day                  | Christmas Day |
| Good Friday   | Thanksgiving Day           |               |
| Memorial Day  | The Day after Thanksgiving |               |

IXL Learning Center will also be closed the Friday before Labor Day for Staff Training. The week between Christmas and New Years we will be open only if there are minimum of 4 children in each classroom in attendance.

In the event of severe weather conditions, we will follow the Pinckney School District policy, which is reported on the local news channels and stations. This includes, but is not limited to, late openings and early dismissals. We will also leave a message on our voice mail provided the phone lines are in working order.

#### V. ADMISSION & ENROLLMENT

- A. Definitions of Full Time Enrollment:  
Full Time: full days Monday through Friday. (Maximum of 11 ½ hours per day)
- B. Ages of admission are two weeks through five years of age.
- C. We attempt to be flexible in our enrollment policies to suit the individual needs of our families.
- D. Full time registrations are accepted subject to availability of space and accommodations.
- E. Pre-placement observations are scheduled during business hours.
- F. The following forms are required to be completed prior to placement.
  - 1. Registration form signed by parent or guardian.
  - 2. Health appraisal by a physician.
  - 3. Complete record of immunizations.
  - 4. Written consent for child to receive medical treatment.
  - 5. Signed policies and procedures agreement.
  - 6. First week's tuition in advance/non refundable
  - 7. \$50.00 non refundable registration fee
- G. Parents or Guardians who take an active roll in the child's up bringing are required to participate in a verbal orientation with the director before your child's first day of school. This includes meeting all the staff of IXL Learning Center and visiting the child's classroom.

## **VI. BASIC RATES, BENEFITS, PAYMENTS, OTHER FEES, & WRITTEN NOTICE.**

### **A. BASIC RATES:**

1. Infants: \$200.00 per week
  2. Toddler: \$175.00 per week
  3. Preschool: \$150.00 per week
- we will give you a minimum of 30 days notice of any rate increases.

| <b>Class</b> | <b>IXL Learning Center Ratios</b> | <b>State Requirements</b> | <b>Age Ranges</b> |
|--------------|-----------------------------------|---------------------------|-------------------|
| Infant I     | 1:4                               | 1:4                       | 3 to 12 months    |
| Infant II    | 1:4                               | 1:4                       | 1 to 2 ½ years    |
| Toddler      | 1:8                               | 1:8                       | 2 ½ to 3 years    |
| Preschool    | 1:12                              | 1:12                      | 4 to 5 years      |

### **B. BENEFITS – what makes our program special.**

1. **HEALTHY MEALS:** IXL Learning Center offers a hot lunch program to children 1 ½ years and older. The children eat lunch in a "family style" manor. We give children the opportunity to learn proper eating habits, acceptable table manors including naming, passing, and serving food. They also learn appropriate table discussions.
2. **GOOD HYGIENE PRACTICE:** children develop good hygiene practices including teeth brushing after meals.
3. **COMPUTERS:** Both the toddler and preschool rooms have the opportunity to explore various computer programs. These programs help children gain practice in the following skills: compare and contrast attributes, improve visual and auditory memory, hypothesize and test rules, strengthen creativity, create and discern patterns, create kinetic art and recognize visual or auditory strengths through exploring various child appropriate computer programs.
4. **PARENTS NIGHT OUT:** IXL Learning Center will offer secheduled Movie & Popcorn night for those families enrolled in our program. This will allow parents a night out and a since of security knowing that their children are being taken care of by someone they know and trust. Near the Christmas season, we may offer weekend and later night hours to help families get ready for the holiday season.
5. **AFTER HOURS TEACHER AVAILABILITY:** Each evening there may be one teacher designated to be "on call" in the event that a parent needs to be late. An additional fee will be charged but it will not jeopardize the child's enrollment.
6. **ROOM TO PLAY:** We provide larger than required room sizes for ample playing area.
7. **PARENT INVOLVEMENT:** Parent involvement is an important part of our program. Teachers work closely with parents to help ensure that the needs of each individual child are met. Parents are also encouraged to involve themselves in our program. The children enjoy a parent who comes to read or share a special talent with them.

#### C. PAYMENTS

1. **BASIC RATES:** Tuition will be paid on the 1<sup>st</sup> of the month and 15<sup>th</sup> of each month. If the 1<sup>st</sup> or 15<sup>th</sup> falls on a weekend or holiday, payments are then due on the last day IXL Learning Center is open prior to the 1<sup>st</sup> or 15<sup>th</sup>.
2. **PAYMENT METHOD:** For convenience to the parents, we accept Visa, MasterCard, and American Express tuition. Once your account has been established the tuition will be automatically changed to your credit card. We will provide monthly payment reports as a receipt for your files.
3. **LATE CHARGES:** Fees are based on a maximum of 11 ½ hours a day late charge will be assessed for;
  - a. Pick-ups after 6:00 p.m. there will be a charge of \$10.00 for up to 10 minutes, and \$2.00 per minute thereafter.
  - b. A late fee will be charged for delinquent tuition payments:  
\$10 for 2-3 days,  
\$25 for 3-4 days,  
7 days - \$40 and service will be suspended.  
**This policy is strictly enforced.**
  - c. Repeated late payments and late pick up may result in termination.

#### D. OTHER FEES

1. **REGISTRATION:** An initial non-refundable registration fee of \$50.00 is due upon enrollment along with two weeks advance tuition.
2. **SUPPLY FEE:** At time of enrollment, parents must pay a \$50.00 non-refundable supply fee. This will be an annual fee due on the child's enrollment anniversary. Parents are asked to update their child's registration, emergency, and health forms and turn them in along with their supply fee. New forms will be in your child's mailbox. A newly updated parent handbook will be available for parents at that time.
3. **RETURNED CHECKS:** A charge of \$40.00 will be assessed for any returned checks plus an additional late fee of \$10 per day until payment is paid in full.
4. **COURT FEES:** Should it become necessary to go to court over non-payment of fees owed, court & attorney fees will be added to your bill.

#### E. WITHDRAWAL

1. Clients, who wish to discontinue childcare service with IXL Learning Center, must give two weeks written advanced notice of withdrawal.
2. Your child's withdrawal date will be considered to be two weeks from the date written notice is given, and you will be billed accordingly regardless of actual attendance.
3. If written notice is not given, one month's tuition will be charged from the child's last day of attendance.
4. Your child will be considered withdrawn without notice if you do not inform IXL Learning Center of any absences in excess of 1 week excluding holidays.
5. The Director in a meeting will review medical emergency and extended leave of absence with the parent. The Director will determine the best situation for all parties.

### VII. INFANT PROGRAM:

- A. **AGES:** 3 months to 2 ½ years
- B. **ENVIRONMENT:** Infants in our care enjoy a safe, clean and sanitary environment indoors and out.

- C. **INDIVIDUALIZATION:** We offer an individualized schedule for your child based upon his or her needs. We provide each parent with a daily report, which includes all aspects of your infant's care over the day.
- D. **PROVISIONS:** Parents need to provide diapers and formula. Any bottles brought from home are to be labeled with your child's full name. The equipment we provide for the infant's enjoyment is safe and will contribute to their happiness and awareness as well as their sensory perception and motor development.
- E. **NUTRITION:**
1. **BOTTLE FEEDING:** All formula, milk, and breast milk, is to be prepared at home by the parents; no bottles are to be prepared in the center. Bottles will not be reheated or used after one (1) hour. All bottles and opened baby food are to be discarded at the end of each day.
  2. **SEMI-SOLID FOOD:** will be provided by the parent and offered to the children between four and ten months of age as a means of introducing solid foods.
  3. **BREAST-FEEDING:** Mothers who wish to breast-feed their infants are encouraged to do so. We ask that you make comfortable arrangements with the caregiver and/or Program Director.

## VIII. TODDLER & PRESCHOOL PROGRAM

### A. TYPICAL TODDLER DAILY SCHEDULE:

| TIME           | ACTIVITY                 | Description/Skill Focus  |
|----------------|--------------------------|--|
| 6:30 to 8:00   | Breakfast/Sensory        | Children are offered breakfast or they can do a quiet activity.  |
| 8:00 to 8:20   | Music & Movement         | Children gain practice in large motor skills through movement activities to a variety of music.  |
| 8:20 to 8:30   | Story Time               | Story is read. Children gain practice in listening skills and increasing attention span.   |
| 8:30 to 9:15   | Free Choice/Art/Diapers  | Toddlers explore the various activities offered in their classroom including art. Diapers are checked and changed if need.                       |
| 9:15 to 9:30   | Snack                    | Toddlers sit at a child sized table and gain practice in eye-hand coordination and self-help skills through drinking from cups and feeding self. |
| 9:30 to 9:50   | Outdoor Activities       | Toddlers gain practice in large motor activities through running and climbing outside.   |
| 9:50 to 10:00  | Circle                   | Toddlers sing songs, learn finger plays and participate in flannel board activities.   |
| 10:00 to 10:30 | Free Choice/Diapers      | Toddlers explore the various activities offered in their classroom including art. Diapers are checked and changed if needed.                     |
| 10:30 to 10:45 | Music & Movement         | Children gain practice in large motor skill through movement activities to a variety of music.   |
| 10:45 to 11:00 | Story Time/Diapers       | Story is read. Children gain practice in listening skills and increasing attention span.   |
| 11:00 to 11:30 | Outdoor Activities       | Toddlers gain practice in large motor activities through running and climbing outside.   |
| 11:30 to 12:00 | Lunch                    | Toddlers sit at a child sized table and gain practice in eye-hand coordination and self-help skills through drinking from cups and feeding self. |
| 12:00 to 2:00  | Nap                      | Each toddler has his/her own mat covered with his/her own blankets from home.  |
| 2:00 to 2:30   | Wake up & Diaper Changes | As Toddlers awaken, children are given quiet activities to do, or listen to stories. Each child's diaper is changed as he/she awakens.           |
| 2:30 to 3:15   | Outdoor Activities       | Toddlers gain practice in large motor activities through running and   |

|                     |                           |   |
|---------------------|---------------------------|---|
| <b>3:15 to 4:15</b> | Snack/Story/Free Choice   | climbing outside.<br>Toddlers choose stories from the bookshelf that they wish the teacher to read. They may freely choose activities to explore. |
| <b>4:15 to 4:30</b> | Music & Movement          | Toddlers gain practice in large motor skill through movement activities to a variety of music.  |
| <b>4:30 to 5:15</b> | Outdoor Activities        | Toddlers gain practice in large motor activities through running and climbing outside.  |
| <b>5:15 to 6:00</b> | Computer/Quiet Activities | Toddlers are read stories and given quiet activities. Older toddlers may use the computer at this time.   |

This schedule is subject to change depending upon the children's needs and interest

#### B. TYPICAL PRESCHOOL DAILY SCHEDULE:

|                       |                           |   |
|-----------------------|---------------------------|---|
| <b>6:30 to 8:00</b>   | Breakfast/Sensory         | Children are offered breakfast or they can do a quiet activity.   |
| <b>8:00 to 8:30</b>   | Outdoor Activities        | Children focus on large muscle and social skills. The concept of "taking turns" is practiced.   |
| <b>8:30 to 8:40</b>   | Story Time                | Children choose stories from the bookshelf that they wish the teacher to read.  |
| <b>8:40 to 9:00</b>   | Music & Movement          | Children gain practice in large motor skills through movement activities to a variety of music.   |
| <b>9:00 to 9:15</b>   | Small Group Activity      | Children participate in a teacher directed writing, language, and math or science project geared towards problem solving or deductive reasoning.  |
| <b>9:15 to 10:00</b>  | Art/Free Choice/Snack*    | Children may choose to do child initiated activities from the various centers offered. Teachers are available for assistance.   |
| <b>10:00 to 10:45</b> | Outdoor Activities        | Children focus on large muscle and social skills. The concept of "taking turns" is practiced.   |
| <b>10:45 to 11:10</b> | Circle Time               | Children sing songs, participate in a learning activity, group games, and practice counting & language skills.  |
| <b>11:10 to 11:40</b> | Outdoor Activities        | Children play teacher directed group games outside.   |
| <b>11:40 to 11:50</b> | Set Up Beds/Wash Hands    | Children set out their own mats and blankets. Children are required to wash their hands before and after each meal.   |
| <b>11:50 to 12:15</b> | Lunch                     | Lunch is served in "family style." Children practice good table manors, and naming, passing and serving food. Children also learn what is considered appropriate and inappropriate table discussions. |
| <b>12:15 to 12:30</b> | Brush Teeth/Quiet Reading | Children wash their face and hands and brush their teeth after lunch. Afterwards, they may choose a book or two to look at quietly on their mats.   |
| <b>12:30 to 12:40</b> | Chapter Story             | A chapter from a book is read every day. Children may listen as they fall asleep. Types of stories may include <i>Winnie the Pooh</i> , <i>Raggedy Ann</i> , or <i>The Secret Garden</i> .            |
| <b>12:40 to 2:30</b>  | Nap                       | Children not needing rest are offered quiet activities to do during this time.  |
| <b>2:30 to 3:00</b>   | Outdoor Activities        | Children are awakened. After they put their bedding away, they may choose to go outside or find a quiet   |

|                     |                                |  |
|---------------------|--------------------------------|--|
| <b>3:00 to 4:30</b> | Snack/Free Choice              | activity from the various activity centers.<br>Children focus on large muscle and social skills.<br>Group games may be offered during this time. |
| <b>4:30 to 5:30</b> | Outdoor Activities             | Children play group games outside and practice their large motor skills.   |
| <b>5:30 to 6:00</b> | Quiet Activities<br>/Departure | Math and Computer activities are open at this time.  |

\* Snack, at this time, is set out on a table. Children may choose to eat snack anytime during this time period. A sign is set up for the children to tell them how many crackers, muffins, fruits or veggies they may take. They also may pour their own beverage. This style of serving food encourages children to be independent and gives them the opportunity to gain practice in self-help skills.

This schedule is subject to change depending upon the children's needs and interest

**C. DIAPERS:**

1. Changes are scheduled for every 1.5 to 2 hours with the exception of naptime in which case each child will be diapered as soon as he or she awakens. In addition, a child will be changed when needed.
2. We will use disposable diapers only, which are provided by the parent.
3. Diaper changing procedures will be followed as posted in the changing area.

**D. TOILET TRAINING:** We will work with parents/guardians to initiate potty training when the individual child shows interest. In order to be successful in this training, it is important that both parent/guardian and staff are consistent in their techniques. Cleanliness and hand washing will also be emphasized in the training process.

**E. DAILY REPORTS** describing your child's activities are written for children up to age 2 1/2.

**F. EVALUATIONS** will be performed and recorded every 6 months by your child's teacher. Teachers will observe and record your child's developmental progress in the classroom, and offer a parent teacher conference.

## **IX. BEHAVIOR MANAGEMENT & DISCIPLINE POLICY**

When a child is having a difficult time following directions or treating others or equipment with disrespect, developmentally appropriate guidance techniques are used. These techniques are as follows:

- A. Positive Reinforcement:** The child will be encouraged when he/she is demonstrating acceptable behavior.
- B. Redirection:** The child is redirected to another activity and given an opportunity to try again at another time.
- C. "When... Then" Statements:** A statement in which the child is encouraged to accomplish something before going on to something else. Sample: "When you finish picking up the blocks, *then* you can go outside."
- D. "If... Then" Statements:** A statement in which the child is encouraged to make a positive choice. Sample: "If you pick up the blocks, *then* you can go to the Computer area."
- E. Take A Break:** The child is separated from the group for a *child-regulated* period of time. This technique is used only when a child is exhibiting *temper tantrum* type behavior or *hurting self, others, or equipment*. When the child shows that he/she is ready to demonstrate acceptable behavior, the child is encouraged to join the rest of the group and try again. If the child is uncontrollable this may be ground for termination of enrollment.

## **X. MEALS & SNACKS**

- A. **NUTRITION:** Since food and nutrition are important components of a child's development, IXL Learning Center emphasizes healthy foods, approved by the USDA, without excess sugars.
- B. **MEALTIMES:** Mid-morning and mid-afternoon snacks will be provided. All children arriving prior to 8:00 a.m. should bring their breakfast.
- C. **SPECIAL DIETS:** If a child has a particular dietary need, substantiated by a medical evaluation, the owner of IXL Learning Center must be so informed and given a doctor's note. Substitute meals or snacks may be brought from home.
- D. **MENUS:** Monthly menus are posted in the kitchen or placed in your child's mail box.
- E. **BIRTHDAYS:** Parents are welcome to prepare special birthday treats for your child's class. Birthday cakes and cupcakes are acceptable, however we would prefer fruit pies or other healthy treats. No balloons in the Infant I and infant II rooms, please.
- F. **SAMPLE MENU:**

| Mid-Morning snack               | Lunch   | Mid-Afternoon Snack |
|---------------------------------|---|---------------------|
| Cheerios<br>Applesauce<br>Water | Salisbury Steak<br>w/roll<br>Potato Smiles<br>Orange Slices<br>Milk | Yogurt<br>juice     |

## **XI. HEALTH & SAFETY PRACTICES**

- A. **HAND WASHING:** Hands will be washed before and after meals, before and after bathroom use, after nose blowing or wiping, and after handling an ill child.
- B. **DIAPER CHANGING:** Hands will be washed before and after changing diapers. The changing mat is sterilized with recommended bleach solution after each use. Soiled diapers will be disposed of in a closed and sanitized container.
- C. **TOYS & EQUIPMENT:** These will be sterilized daily or as needed with the recommended bleach solution.
- D. **BEDDING & SOILED CLOTHING:** The parent is responsible for washing these items on a weekly or as needed basis.
- E. **FIRE DRILLS:** Practice drills will be conducted and recorded on record sheets provided by the state fire Marshall. Evacuation procedures will be posted on the wall next to exits.
- F. **HEALTH CARE PLAN:** An advisory physician, physicians' assistant, or registered nurse may assist in the development, approval, and periodic review of the facility's health care plan. Only children who are current on immunizations shall be admitted. Medical records and immunizations will be kept up to date in children's files.
- G. **ACCIDENTS & INJURIES:** First Aid will be administered to a child needing care. Each accident will be recorded on a report. Parents will be given a copy of this report and the center will maintain a copy. Serious accidents will be reported to the Department of Consumer and Industry services.
- H. **FIRST AID TRAINING:** We require all of our lead caregivers to maintain a current CPR & First Aid Certificate.
- I. **RELEASE OF CHILDREN:** Children will absolutely NOT be released to anyone except those authorized to pick up the child on the enrollment form. Identification is required of



those authorized who are unfamiliar to staff. In the event you wish another adult to pick up your child, it would require that you give written permission in advance or a phone call, we will take a picture, and a signature to check out the child. All picture will be kept in the child's file.

- J. **PROHIBITED PUNISHMENT:** Corporal punishment or any acts of inflicting physical pain or bodily harm to any child is strictly prohibited by any person at any time on the premises. Corporal punishment includes, but is not limited to shaking, jerking, spanking, slapping, hitting, striking, biting, or kicking the child. Violations will be reported.
- K. **LIMITED PHYSICAL RESTRAINT:** In an emergency situation, a staff person competent to use restraint methods may use limited physical restraint when; (1) protecting a person on the premises from physical injury, (2) obtaining possession of a weapon or other dangerous object, or (3) protecting property from serious damage. Any use of physical restraint shall be documented.
- L. **REPORTING CHILD ABUSE:** Michigan State Law and Licensing requirements states that child care facilities are required to report immediately to the police or Child Protective Services (CPS) any reason to suspect child abuse, neglect, or exploitation. We are not obligated to inform parents/guardians of this report. If your child sustains to bruising easily, please notify the Director.
- M. **GENERAL SAFETY:** The safety of each child is foremost important to the employees of IXL Learning Center. Therefore, our safety policy is strictly enforced. Parents/Guardians are required to provide car seats for their child if they are less than 3 years of age or weigh less than 40lbs according to Michigan State Law. Parents/Guardians are to provide close supervision of their children while entering and exiting the premises. It is illegal to leave children unattended in vehicles and is not permitted.

## **XII. ILLNESS**

- A. **SCREENING:** Children will be visually screened as they arrive at the facility. If a child exhibits signs of illness, it will be determined if the symptoms indicate the need for exclusion until remedied. In the event a child becomes ill and needs to be picked up, the child will be separated from the rest of the children until a parent arrives.
- B. **NON-ADMITTANCE:** Your child will not be allowed to attend IXL Learning Center if he/she exhibits symptoms for exclusion within a 24-hour period prior to child's admittance back to school. If your child is unable to participate in the normal activities of the daily schedule, then your child must stay home.
- C. **SYMPTOMS FOR EXCLUSION:**
  - 1. Fever of 101 degrees F or higher
  - 2. Diarrhea (three or more watery stools within 24 hours)
  - 3. Vomiting on two or more occasions during the past 24 hours
  - 4. A draining rash
  - 5. Eye discharge or Pinkeye
  - 6. Lice or Nits
  - 7. Too tired or ill to participate in normal activities
- D. **ILLNESS REPORTS:** Each illness will be recorded on a monthly health report. Parents will be given a copy of this report and the center will maintain a copy. Serious illnesses will be reported to the Department of Consumer and Industry Services.
- E. **STAFF ILLNESS:** Staff members who display signs of infectious illness will not be required to be in attendance. In that event, they will be replaced by a qualified substitute until their return.
- F. **COMMUNICABLE DISEASES:** We are required to report communicable diseases to the local Health Department.

### **XIII. MEDICAL EMERGENCIES**

**MEDICAL EMERGENCY:** In the event of a medical emergency, we will first call 911, and then the parents or guardian will be contacted as soon as possible. In the event IMMEDIATE medical attention should be required, we will use the pre-chosen place of emergency care. The child will not be left unattended at any time. All accidents and illnesses are recorded on a monthly health and accident report.

### **XIV. MEDICATIONS**

**Medication may be administered under the following conditions:**

- A. **CONSENT:** WRITTEN parental and physician's consent is required to administer ANY medication.
- B. **PRESCRIPTION MEDICATION:** All prescription medication must be in its original container and properly labeled with child's full name, date prescription was filled or medication's expiration date, and legible instructions for administration, such as manufacture's instruction or prescription label.
- C. **NON-PRESCRIPTION MEDICATION:** The following classifications can be given with written parental consent only as to the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing medication. The following is a list of acceptable non-prescription medication:
  - 1. Antihistamines
  - 2. Non-aspirin fever reducers/pain relievers
  - 3. Decongestants
  - 4. Anti-itching ointments or lotions, intended specifically to relieve itching
  - 5. Diaper ointments and powders intended specifically for the use in the diaper area of the child
  - 6. Sun screen
- D. **UNLISTED NON-PRESCRIPTION MEDICATION:** A physician's authorization is needed for non-prescription medication that is not included in the above list, or if it is to be taken differently than indicated on the label or lacks labeled instructions.
- E. **UNUSED MEDICATION:** will be returned to the parent or properly disposed.

### **XV. FIELD TRIPS**

On a monthly basis we will have field trips come to the center rather than the children leaving the center. This gives the parents and extra issuance on safety. Once they drop off their child, the children will not leave the center until the parents return. We will invite guest speakers such as, Doctors, Fireman, Police Officers, magicians, Clowns, and Parents describing their work, having fun, and giving child safety talks.

### **XVI. ADJUSTMENT PERIOD**

- A. **WHAT IS NORMAL:** It is normal for your child to have some fears and misgivings about being away from you. Children, like adults, need time to get used to new situations. Try to

prepare your child for the changes as far in advanced as possible. Discuss any concerns. Talk about some of the new people your child will meet and the new things your child will do. If you are enthusiastic, soon your child will be too.

- B. **FIRST EXPERIENCE:** If this is the first time your child has been separated from you, it is natural for he/she to be hesitant. A cheerful good-bye kiss, a smile, and a reassuring word that you will be back after work is all you need to do. Our caring staff will take it from there. Please do not sneak out when your child is not looking. Usually the child will settle down shortly after you leave.
- C. **COMMON BEHAVIORS:** Depending on their age, some children will "act out" their feelings by:
  - 1. Clinging to you and refusing to let go
  - 2. Having tantrums
  - 3. Forgetting their toilet training
  - 4. Not eating
  - 5. Waking up at night or having bad dreams
  - 6. Thumb sucking
  - 7. Bed-wetting
  - 8. Expressing desire to stay home
- D. **WHAT TO DO:** Usually these problems are temporary. If your child is treated lovingly but firmly, this behavior should go away. Please feel free to call the IXL Learning Center when you arrive at work. Chances are that your child will be busy playing and you can relax and concentrate on work.

## **XVII. ARRIVAL & DEPARTURE, CHILDREN'S SUPPLIES, & VISITATIONS**

- A. **ARRIVAL & DEPARTURE:**
  - 1. Children are expected to arrive no earlier than 6:30am and no later than 9:00am unless otherwise arranged.
  - 2. Children are to be neatly groomed and dressed in clean clothes (and diapers) upon arrival.
  - 3. The State of Michigan requires your complete signature when you drop off and pick up your child.
  - 4. The Sign In/Out record will be kept in your child's classroom.
  - 5. Children will not be permitted to sign themselves in and out.
- B. **CHILDREN'S SUPPLIES:** Parents are requested to label\* and supply those items necessary for the proper care of your child:
  - 1. Toothbrush & Toothpaste in a plastic bag.
  - 2. Two or three sets of clothing (remember seasonal changes).
  - 3. Crib size sheet and blanket \*\*(small pillow and/or stuffed animal is optional).
  - 4. Diapers (for potty trainers too).
  - 5. Necessary medications (refer to Medications section).
  - 6. Substitute food (for children with food allergies).
  - 7. Please do not bring personal toys from home to IXL Learning Center. We cannot be responsible if it is lost or stolen.

\*All of your child's personal items should be labeled with a permanent marker.

\*\*No sleeping bags, please. We have limited space for storage and they do not hold up well with frequent washings.

### **C. VISITATIONS:**

- 1. We have an "open door" policy. Parents have free access at all times to all areas used by children.

2. In cases where Family Court or other legal entities have established visitation or custody rights, a copy of the court orders must be provided to IXL Learning Center. (In cases where family court is not involved, neither parent may limit to other parent from picking up the child). The court orders will be strictly followed unless the custodial parent requests more liberal variation of the court order in writing.

3. Visitors are allowed in child care areas only at the discretion of the Director. A staff member will accompany visitors at all times.

#### **XVIII. SUMMATION**

All children enrolled in this facility are treated with love and respect and provided with the opportunity to engage in a wide variety of activities. Our most fundamental objective is to provide for your child a safe, clean and loving environment in which each child will feel that he/she is loved, valued and wanted.



**Learning Center**

## PARENT POLICIES & PROCEDURES AGREEMENT

I understand and comply with the parent policy and procedures agreement, and the health and safety practices from IXL Learning Center. I also understand that IXL Learning Center reserves the right to change any policy. This contract constitutes the entire agreement among the parties to it and supersedes any prior understandings or agreements. Each party acknowledges and states that no representation, inducement, or condition not set forth in this contract has been made or relied upon by either party. The laws of the State of Michigan shall govern this contract.

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director Signature

\_\_\_\_\_  
Date

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



PSUP 19-0002  
PSPA - 150-002  
10405 Merrill Road  
Hamburg, Michigan 48139

**Special Use Permit Application**  
(FEE \$750+\$1,500 Escrow Review) **\$ 2,250**

*Please note: All required information, copies, fees, and other materials as appropriate must be submitted and complete before the Township Planning Commission will set a public hearing date on the Special Use Permit Application.*

The undersigned hereby makes application for a Special Use Permit for:

Proposed Use: Childcare (currently used for childcare)

To be located at:

10088 Professional Center Dr.

Tax Parcel ID Number: 4715-25-150-097

By signing this Special Use Application, I/we hereby certify and agree that all use for which this application is made will conform to the date and information submitted with this application and all ordinances affecting Hamburg Township, Livingston County, Michigan.

I/we further agree that any deviation from the date submitted or the breach of any additional safeguards, conditions or requirements the Hamburg Township Planning Commission may impose in granting this permit shall constitute a violation of the Ordinance and invalidate the permit granted.

Owner: JM Commercial Properties

Address: 547 W. Main St.  
Northville MI 48167

Phone: 248-921-4841

Signature: [Signature]

Date: 3/25/2019

Designer: Clinton Associates Architects LLC

Address: 10465 Citation Drive

Big Rock MI 48116

Phone: 810-227-5668

Signature: [Signature] Date: 3/25/19  
March

Basis for Determination

Please supply any supporting evidence and/or details as may be appropriate when answering each question. Use extra sheets if necessary.

1. Will the special use be harmonious with and in accordance with the general or any specific objectives of the Hamburg Township Master Plan? ☒ Yes ☐ No

If no detail variations from the Master Plan:

2. Will the special use be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity? ☒ Yes ☐ No

If no please detail your answer:

Will be no change in current character.  
Existing building & expanding inside the building

Will this special use change this character of the area? ☐ Yes ☒ No

If yes state how the area's character would be changed:

3. Will the special use be hazardous or disturbing to existing or future nearby uses? ☐ Yes ☒ No

If yes state how this special use would be hazardous or disturbing:

4. Will the special use be an improvement in relation to property in the immediate vicinity and to the community as a whole? (Please give details supporting your answer.) ☐ Yes ☒ No

Will remain same

5. Will the special use be served adequately by essential public facilities and services? ☒ Yes ☐ No

If no what persons or agencies responsible for the establishment of the proposed use will provide adequately any such services or facility? (Give responsible party and service to be provided by each party.)

Special Use Permit Application

3

6. Will the special use create excessive additional requirements at public cost? [ ] Yes ☒ No If yes please state what additional requirements will be needed:

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How will the special use affect the economic welfare of this Township?

*Provides more childcare for working families of Hamburg*

7. Will this special use be consistent with the intent and purposes of the Hamburg Township Zoning Ordinance?  
☒ Yes [ ] No

If no please state reasons: \_\_\_\_\_

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**For Office Use Only**

Date of public hearing set by the Hamburg Township Planning Commission: \_\_\_\_\_

This Special Use Permit was:

- [ ] Denied by the Hamburg Township Planning Commission for the following reason (s):

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- [ ] Approved by the Hamburg Township Planning Commission on: \_\_\_\_\_

Special Conditions:

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\_\_\_\_\_  
Fred Goetz  
Planning Commission Chairman



PSA 14-0002



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

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

1.66 Acres  
145 kids

## SITE PLAN APPROVAL APPLICATION \$ 700

*Please note: All required information, copies, fees, and other materials as appropriate must be submitted and complete before the Township Planning Commission will set a public hearing date on the Site Plan Approval Application.*

*Application fees and review fees are required at the time of application.*

*In the case of separate applications for Preliminary and Final reviews, separate application and review fees shall be collected. Review fees shall be placed into a non-interest bearing escrow account. Upon final review, review fee balances shall be returned upon receipt of final billing. The applicant shall be responsible for all costs incurred.*

*Note: Acreage calculations based upon the acreage being developed or utilized for the project (parking, buildings, walks, storm water retention etc.)*

The undersigned hereby makes application for a Site Plan Approval for: (Check all that apply)

1. **TYPE OF PROJECT:** ☐ Open Space ☐ Echo ☐ Residential ☐ Condominium  
☐ Apartments ☒ Commercial ☐ Industrial ☐ PUD ☐ Hardship PUD

2. **TYPE OF APPLICATION:** ☐ Preliminary Site Plan ☐ Optional Conceptual Site Plan Review by Planning Commission  
☐ Final Site Plan ☐ Combined - Preliminary/Final Site Plan

- ☒ Minor Site Plan ☐ Site Plan Amendment (less than 25% area of site being changed) ☐ Site Plan Amendment (26% or more or site being changed)

3. **PROJECT NAME:** IXL Learning Center Submittal Date: \_\_\_\_\_

4. **PROJECT ADDRESS:** 10088 Professional Center Dr.

Tax Code Numbers: 15 - 4715-25-100-0973 15 - \_\_\_\_\_

15 - \_\_\_\_\_ 15 - \_\_\_\_\_  
☒ Metes & Bounds Parcel ☐ Subdivision Lot Numbers: \_\_\_\_\_

Zoning District Classification: V.C. Floodplain Classification: \_\_\_\_\_

Number of Lots Proposed: 4000000000 Acreage of Project: 1.66 acres

5. **PROJECT DESCRIPTION:**

Interior renovations of roughly 200 ±  
Square feet.

6. OWNER/PROPRIETOR INFORMATION:

Name: JM Commercial Properties Jennifer Moss  
 Phone Number(s): 248.921.4841  
 Email: Jennifer@ixlkids.com Address: 597 W. Main St.  
 City: Northville State: MI Zip: 48167

7. APPLICANT: Same as above

Name: \_\_\_\_\_ Phone Number(s): 8  
 Email: \_\_\_\_\_ Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

8. DESIGNER INFORMATION:

Name: Spindorf Case Architects (Dave Richardson) Phone Number(s): (810) 227-5668  
 Email: dor@lindhout.com Address: 10465 Citation Dr.  
 City: Liveston State: MI Zip: 48116

9. SPECIAL USE PERMIT:

Is a Special Use Permit required for this project? ☐ No ☒ Yes  
 IF YES, Attach Special Use Permit Application Form with this site plan review application form

APPLICANT CERTIFICATION:

I hereby certify that all structures and uses for which this application is made shall conform to the Ordinances of Hamburg Township, Livingston County and the State of Michigan. All information submitted as a part of the site plan application is to my knowledge accurate. If the information is determined either now or in the future to be inaccurate any permits granted for the incorrect information shall be void and any structures built or uses approved may be in violation of the required ordinances and must otherwise be brought into compliance with all regulations.

I further agree that any deviation from the plans submitted or the breach of any additional safeguards, conditions or requirements the Hamburg Township may impose in granting this application shall constitute a violation of the Ordinance and invalidate the permit granted.

PROPERTY OWNERS SIGNATURE:

Spindorf Case DATE: 3/25/2019

\*If an agent submits the project to the Township for the property owner a letter authorizing must be submitted.

# MEMO



Lindhout Associates architects aia pc

[www.lindhout.com](http://www.lindhout.com)

10465 citation drive, brighton, michigan 48116

810-227-5668 (fax) 810-227-5855

**IXL Childcare Hamburg**

**COMM. NO. 18048**

**DATE:** 04/24/19

**TO:** Hamburg Township

**ATTN:** Scott Pachero, AICP

**FROM:** Dave Richardson, RA

In response to the Planning points of discussion – jointly responded by LAA and our client, IXL Kids in red below:

“It appears this SUP was approved by the Township Board in June of 2001. It than appears that the use was moved to the new building as a part of the site plan approvals for the new building in 2006.”

IXL wants to clarify this last sentence as it seems as though you are under the impression that they moved to the building that was built in 2006. “We are in the original building that I believe was built in 1995.”

1) What is the new total square footage of the day care. (3,850 sq ft was the originally approved in 2001) IXL is currently operating at 9000+ square feet. As tenants left we took over their space with little or no modification to the floor plan.

We are requesting to add roughly 2000+ more square feet with renovations. (11,104 sq.ft. total)

2) How many of the following will be cared for (are there new categorized of child care that will be provided that were not contemplated in the 2001 business plan):  
I don't know how the original owner characterized the classes, but are currently operating with

- A. 4 classrooms of 40 children under 2.5
- B. 5 classrooms of 139 kids over 2.5.

Proposed:

- A. 5 classrooms of 48 Children under 2.5
- B. 6 classrooms of 132 Children over 2.5

- a. 50 Infants (16 originally approved)
- b. 50 Toddlers (18 originally approved)
- c. 80 Children (24 originally approved)

3) Please provide the dimensions of the fenced in area along with the Total square footage of this area (5,700 sq ft approved with the 2006 building) See att'd reference plan.

4) Please provide the hours of operation (6:30am to 6:00pm originally approved)  
7am-6pm

**RECEIVED**

APR 24 2019

# MEMO

Lindhout Associates architects aia pc

[www.lindhout.com](http://www.lindhout.com)

10465 citation drive, brighton, michigan 48116

810-227-5668 (fax) 810-227-5855



**IXL Childcare Hamburg**

**COMM. NO. 18048**

5) From reviewing your plans it appears you are making some changes to the exterior of the building. At a minimum you are adding doors and changing window locations. We are adding doors in window locations but we are not changing window locations. Please show all exterior changes on the building elevation. See attached elevation sheet drawing.

6) It appears that the Building that IXL is currently located in was approved with a deficiency to the parking requirements please explain how the parking for this use is used and how less parking is required for this use than the offices uses that were originally in this space?

A new shared parking lot was added when the North (IHA Phys. Therapy Ctr.) building was built in front of ours in 2006, we have an easement agreement on file with the city. With this renovation we will be adding 4 staff.

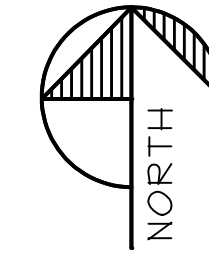
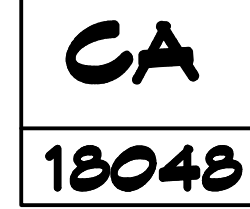
"What I can tell you is that we have plenty of parking without using the parking lot that is shared with an easement. Our staff parks on the South side of the building and parents pick up and drop off on the East side of the building. We have extra parking where our staff parks."

Existing parking 45 plus 20 along the northside of the building (south edge of shared parking): 65 total.

Original site plan requirement level 1 per 7 children plus 1 per staff:  $180 / 7 = 26 + 24$  staff = 50 spaces required  
Neighboring Brighton township 1 per 5 children plus 1 per staff:  $180 / 5 = 36 + 24$  staff = 60 spaces required

Average parking per sq.ft. amongst 5 local childcare chains:  $1 \text{ per } 252 \text{ sq.ft.} = 44$  spaces required





SCALE: 1/8" = 1'-0"

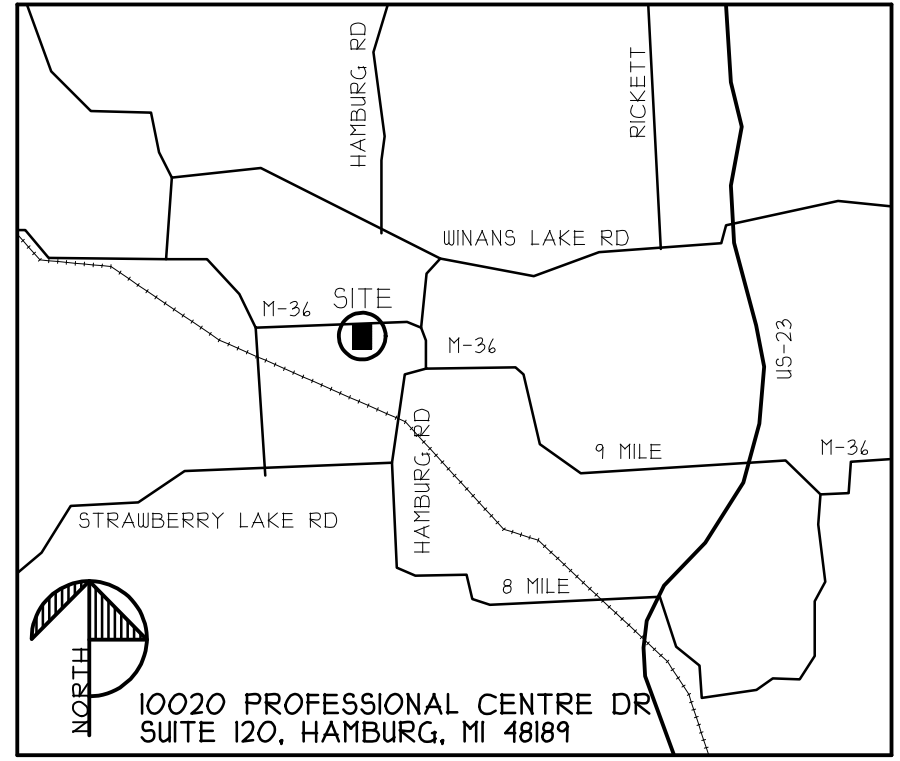
**REGISTERED DESIGN PROFESSIONAL:** \_\_\_\_\_  
DAVID A. RICHARDSON, ARCHITECT, MICH. LIC. #40255

**FINISH NOTES:**  
CORRIDOR FINISHES SHALL BE CLASS B/"I"  
I SMOKE DEVELOP. #50 OR BETTER  
  
OTHER AREAS SHALL BE CLASS C/"II"  
OR BETTER.

**DELAYED SUBMISSIONS**

- FIRE ALARM
- FIRE SUPPRESSION

THESE CONSTRUCTION DOCUMENTS  
WERE PREPARED FOR COMPLIANCE WITH  
THE MICHIGAN CONSTRUCTION CODES IN  
EFFECT AT THE PERMIT SUBMITTAL.  
ALL ENGINEERS, CONTRACTORS AND  
SUPPLIERS INVOLVED WITH THIS  
PROJECT SHALL COMPLY WITH THE  
SAME CODES, ISSUED AND APPROVED  
CODE MODIFICATIONS AND/OR  
SOUTHWEST CONSTRUCTION BOARDS OF  
APPEALS RULINGS AND WHENEVER  
REQUIRED SHALL PROVIDE SHOP  
DRAWINGS AND SUBMITTALS CLEARLY  
DESCRIBING COMPLIANCE TO THE  
REGISTERED DESIGN PROFESSIONAL IN  
RESPONSIBLE CHARGE FOR REVIEW  
AND APPROVAL.



| BREAKDOWN OF CHILD AGES: |           |
|--------------------------|-----------|
| - INFANTS:               | 50        |
| - TODDLERS:              | 50        |
| - CHILDREN (2.5+):       | <u>80</u> |
| TOTAL:                   | 180       |

SEE ATTACHED MEMO, DATED 4/24/94 FOR PARKING CALCs.

SEE ORIGINAL SITE PLAN (AS-200) FOR PLAYGROUND DIMENSIONS

---

# SHEET INDEX

|    |                 |
|----|-----------------|
| CA | = CODE ANALYSIS |
| D1 | = DEPO PLAN     |
| A1 | = FLOOR PLAN    |
| A2 | = ELEVATIONS    |

REFERENCE DRAWINGS:

- AS-200 - EXISTING SITE PLAN (WITH PLAYGROUND DIMENSIONS ADDED)
- LI - ORIGINAL SITE PLAN (FOR HISTORICAL CONTEXT)

N.T.S.

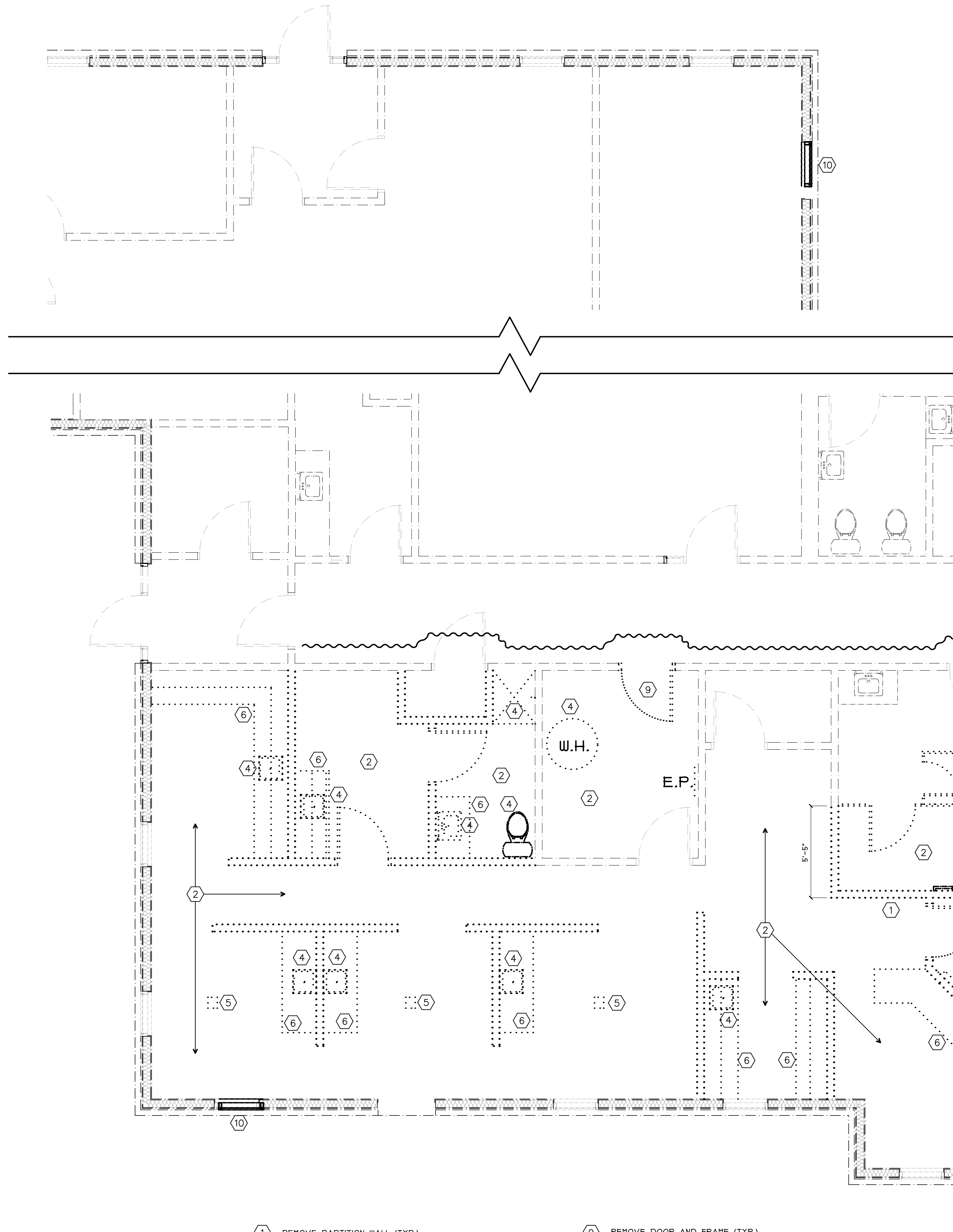
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LINDHOUT ASSOCIATES architects aia pc

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FILE LOCATION: H:\18048 IXL Learning\dwg\18048 D1 DEMO PLAN

DATE PLOTTED: 4/23/2011 PLOTTED BY: tom jacobus

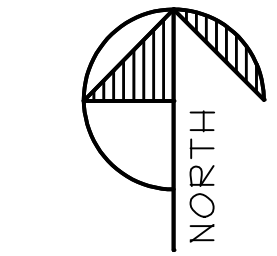


- 1 REMOVE PARTITION WALL (TYP.)
- 2 REMOVE EXISTING FLOORING
- 3 SAWCUT CONC. SLAB AS REQUIRED FOR NEW PLUMBING
- 4 REMOVE PLUMBING FIXTURES AND CAP PLUMBING LINES
- 5 REMOVE AND CAP FLOOR BOX UTILITIES, PROVIDE COVERPLATE OR PATCH SLAB
- 6 REMOVE MILLWORK
- 7 REMOVE AND RELOCATE EXISTING ELECTRIC PANEL
- 8 REMOVE AND RELOCATE EXISTING ELECTRIC PANEL

- 9 REMOVE DOOR AND FRAME (TYP.)
- 10 REMOVE WINDOW AND ENLARGE WALL OPENING TO RECEIVE NEW DOOR FRAME, PROVIDE NEW KING STUD AND LINTEL

GENERAL NOTES:

- TENT OFF DEMO AREA AFTER THESE DOORS (4) ARE COMPLETED
- MAINTAIN EXITS CLEAR DURING CONSTRUCTION
- RE-OPEN BATHROOMS AND MOVE BACK TENT LINE ONCE COMPLETE
- MAINTAIN NEGATIVE AIR PRESSURE IN DEMO AREA
- MAINTAIN EX. VENTILATION IN EX. CLASSROOMS

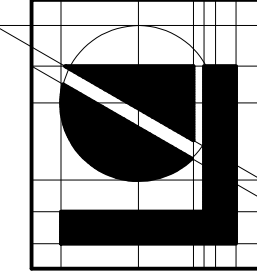


| LINE LEGEND |                        |
|-------------|------------------------|
| ---         | NEW CONSTRUCTION       |
| - - - -     | EXISTING TO REMAIN     |
| - . - .     | HIDDEN WORK            |
| .....       | EXISTING TO BE REMOVED |

SCALE: 1/4" = 1'-0"

AREA OF WORK

KEY PLAN



Lindhout Associates  
architects aia pc  
10455 columbia drive  
brighton, michigan 48116  
www.lindhout.com (810)227-5568 fax (810)227-5555

cond/hort

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PERMIT REVIEW  
Issued for

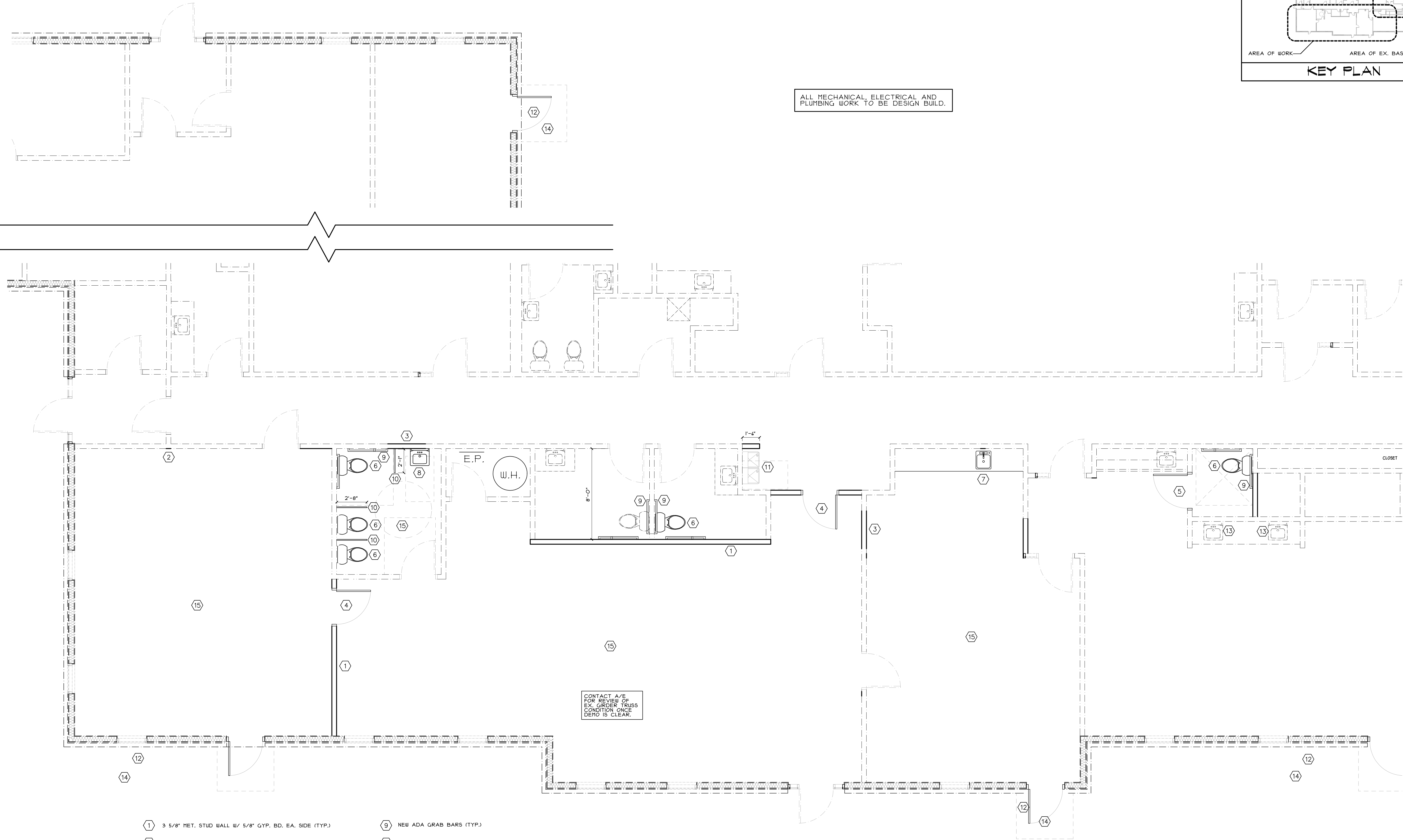
3/21/11  
2/25/11  
date

TEU  
DAR  
app'd:

EXPANSION and RENOVATION for:  
ILX LEARNING CENTER  
10000 Professional Centre Dr., Hamburg, MI 48124  
DEMO PLAN

D1  
18048

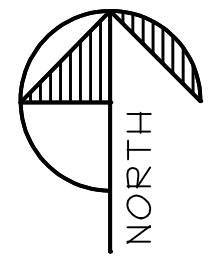
FILE LOCATION: H:\B048 1XL Hamburg\del\B048 A1 FLOOR PLAN  
DATE PLOTTED: 4/23/2014 PLOTTED BY: tom\_jacobs  
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ALL MECHANICAL, ELECTRICAL AND  
PLUMBING WORK TO BE DESIGN BUILD.

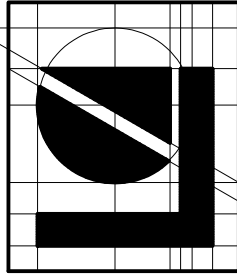
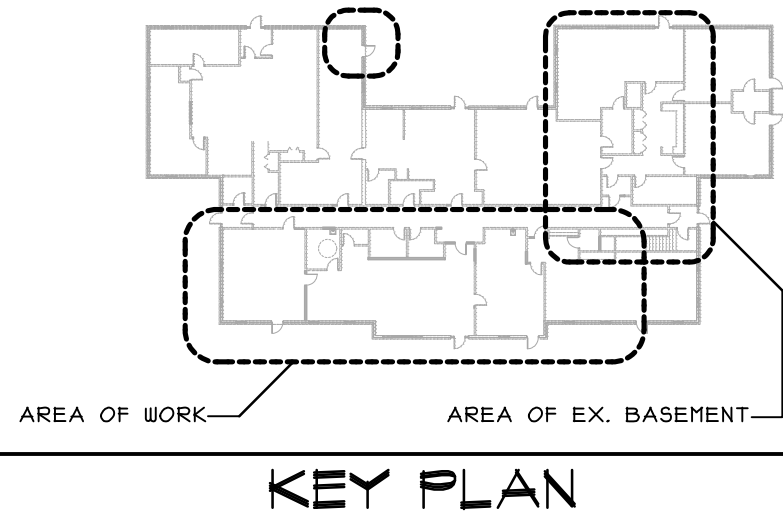
CONTACT A/E  
FOR REVIEW OF  
EX. GIRDER TRUSS  
CONDITION ONCE  
DEMO IS CLEAR.

- |   |   |    |  |
|---|---|----|--|
| 1 | 3 5/8" MET. STUD WALL W/ 5/8" GYP. BD. EA. SIDE (TYP.)  | 9  | NEW ADA GRAB BARS (TYP.)   |
| 2 | PATCH EXISTING WALL AT ALL DEMO LOCATIONS (TYP.)  | 10 | NEW TOILET PARTITION PANEL   |
| 3 | INFILL EXISTING WALL WITH 3 5/8" MET. STUD AND GYP. BD.   | 11 | NEW DUAL LEVEL DRINKING FOUNTAIN   |
| 4 | NEW INTERIOR DOOR 3'-0"x7'-0" S.C. WOOD DOOR WITH H.M. FRAME, PROVIDE CLASSROOM LOCKSETS. (TYP.) (STAIN DOOR AND PAINT FRAME) | 12 | NEW EXTERIOR EGRESS DOOR   |
| 5 | NEW INTERIOR DOOR 3'-0"x7'-0" S.C. WOOD DOOR WITH H.M. FRAME, PROVIDE PRIVACY LOCKSET. (TYP.) (STAIN DOOR AND PAINT FRAME)    | 13 | SAW CUT CONC. SLAB AND RE-ROUTE SANITARY PLUMBING LINES BELOW  |
| 6 | NEW TOILET FIXTURE  | 14 | NEW FROST FTG. 4'-0" FROM FACE OF WALL & 10" E.W. FROM DOOR JAMB AT ALL NEW EGRESS DOORS. DEPTH OF FOOTING 42" MIN. BELOW GRADE. |
| 7 | NEW STAINLESS STEEL SINK IN PLAM COUNTERTOP AND BASE CABINETS   | 15 | NEW FLOORING PER OWNERS SELECTION  |
| 8 | NEW WALL MOUNTED LAVATORY. WRAP ALL EXPOSED PLUMBING.   |    |  |



| LINE LEGEND |                    |
|-------------|--------------------|
| —           | NEW CONSTRUCTION   |
| - - -       | EXISTING TO REMAIN |
| .....       | HIDDEN WORK        |
| .....       | REMOVED TO BE      |

SCALE: 1/4" = 1'-0"



Lindhout Associates  
architects aa pc  
brighton, michigan 48116  
10465 citation drive  
www.lindhout.com (610) 227-3668 fax (610) 227-3655

consultant

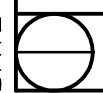
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PERMIT REVIEW  
Issued for

|      |     |         |
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| dr:  | TEU | 3/22/14 |
| cd:  | DAR | 2/25/14 |
| app: |     | date    |

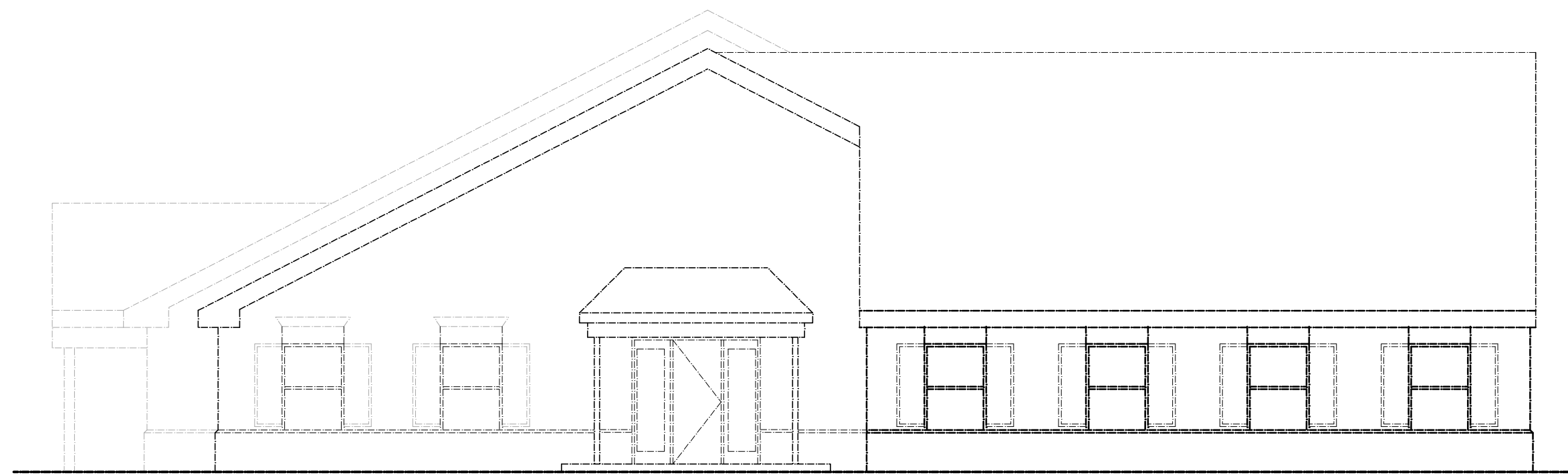
EXPANSION AND RENOVATION FOR:  
ILX LEARNING CENTER  
10000 Professional Centre Dr., Hamburg, MI 48064  
FLOOR PLAN

A1  
18048

FILE LOCATION: H:\18048 IXL Hamburg\dwg\cd\18048 Exterior Elevations  
DATE PLOTTED: 4/23/2019 PLOTTED BY: tom\_jacobs  
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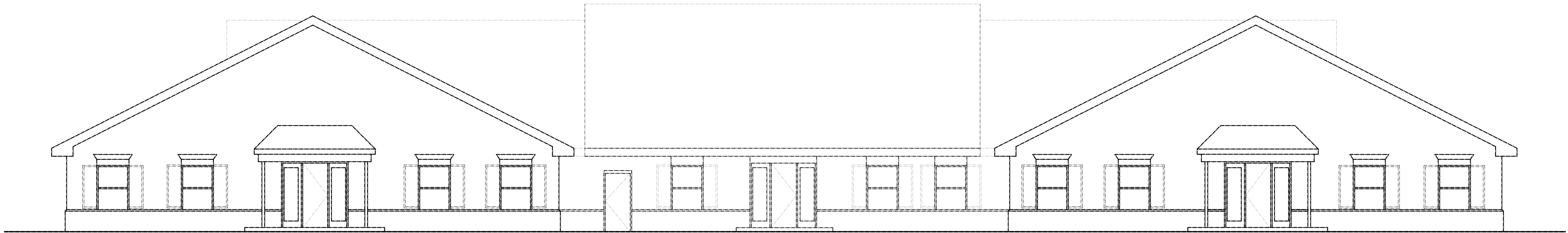
EXISTING ELEVATIONS



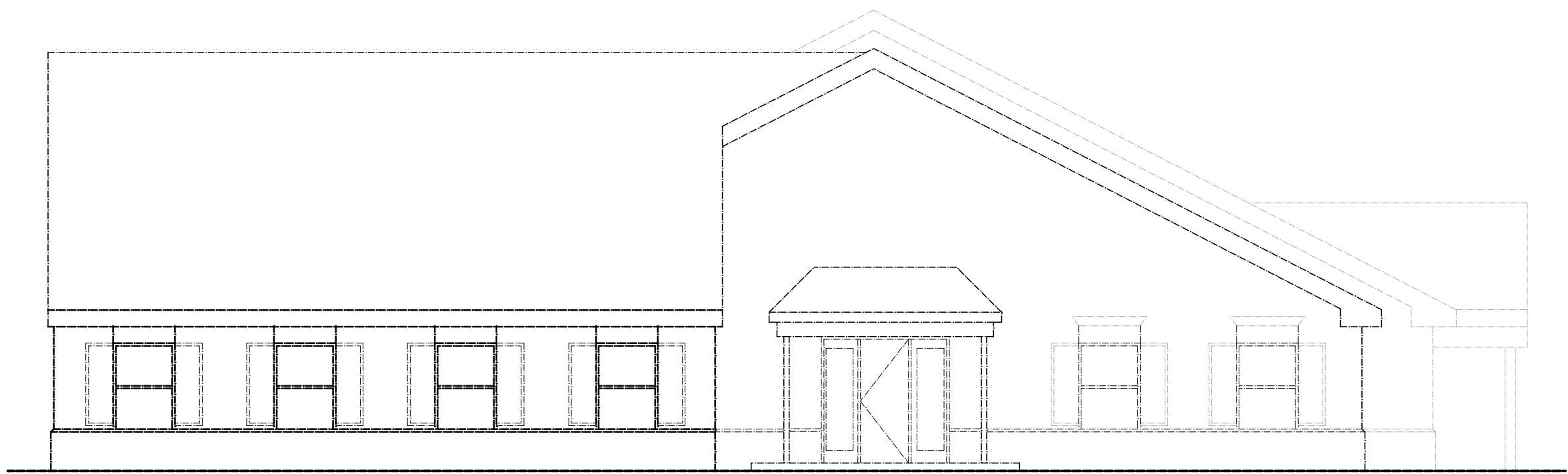
WEST ELEVATIONS



SOUTH ELEVATIONS



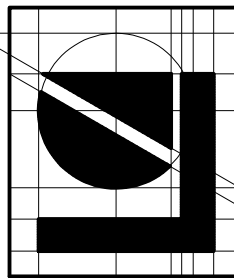
NORTH ELEVATIONS



EAST ELEVATIONS

| LINE LEGEND |                        |
|-------------|------------------------|
|             | NEW CONSTRUCTION       |
|             | EXISTING TO REMAIN     |
|             | HIDDEN WORK            |
|             | EXISTING TO BE REMOVED |

SCALE: 1/8" = 1'-0"



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Issued for

3/21/19  
date

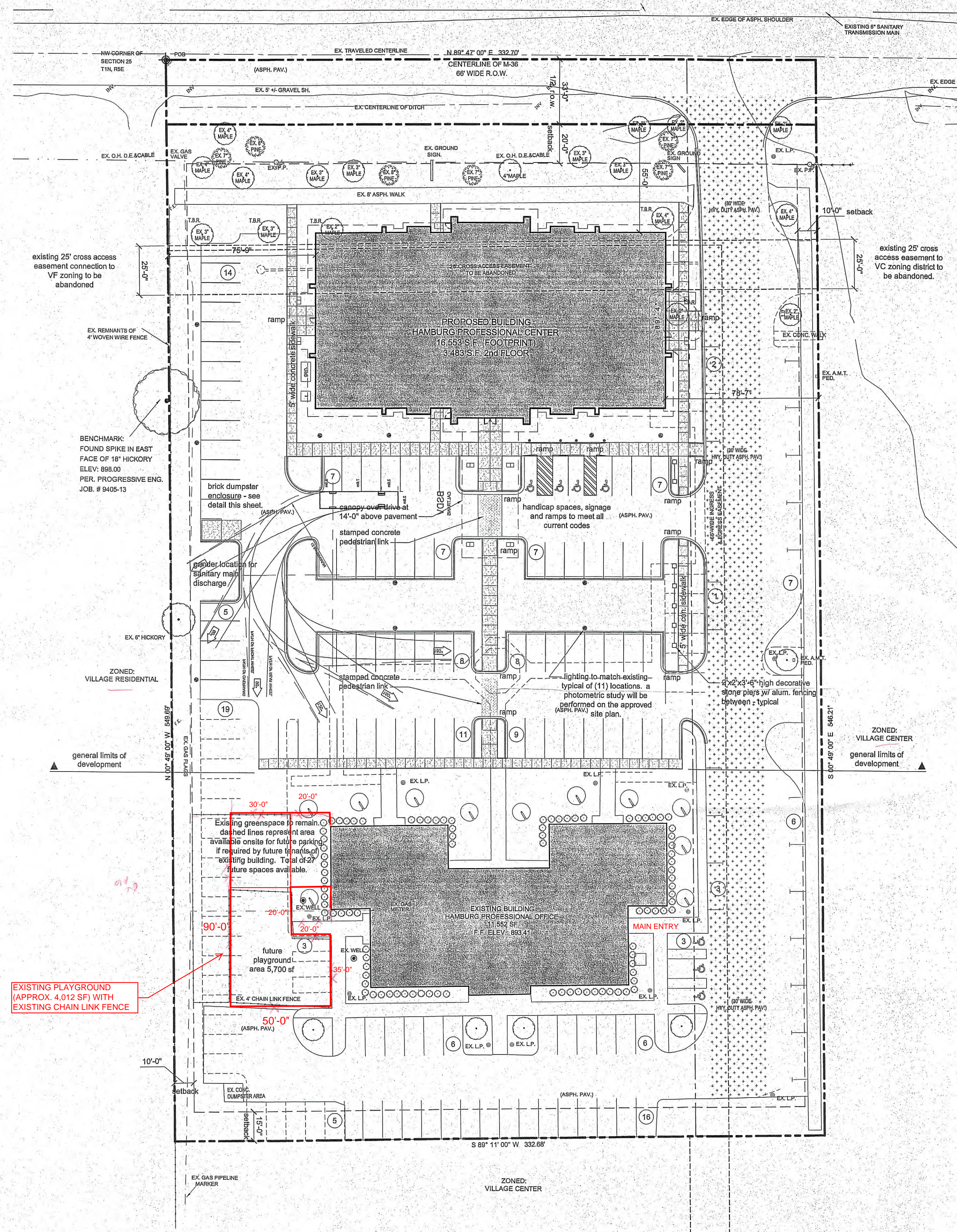
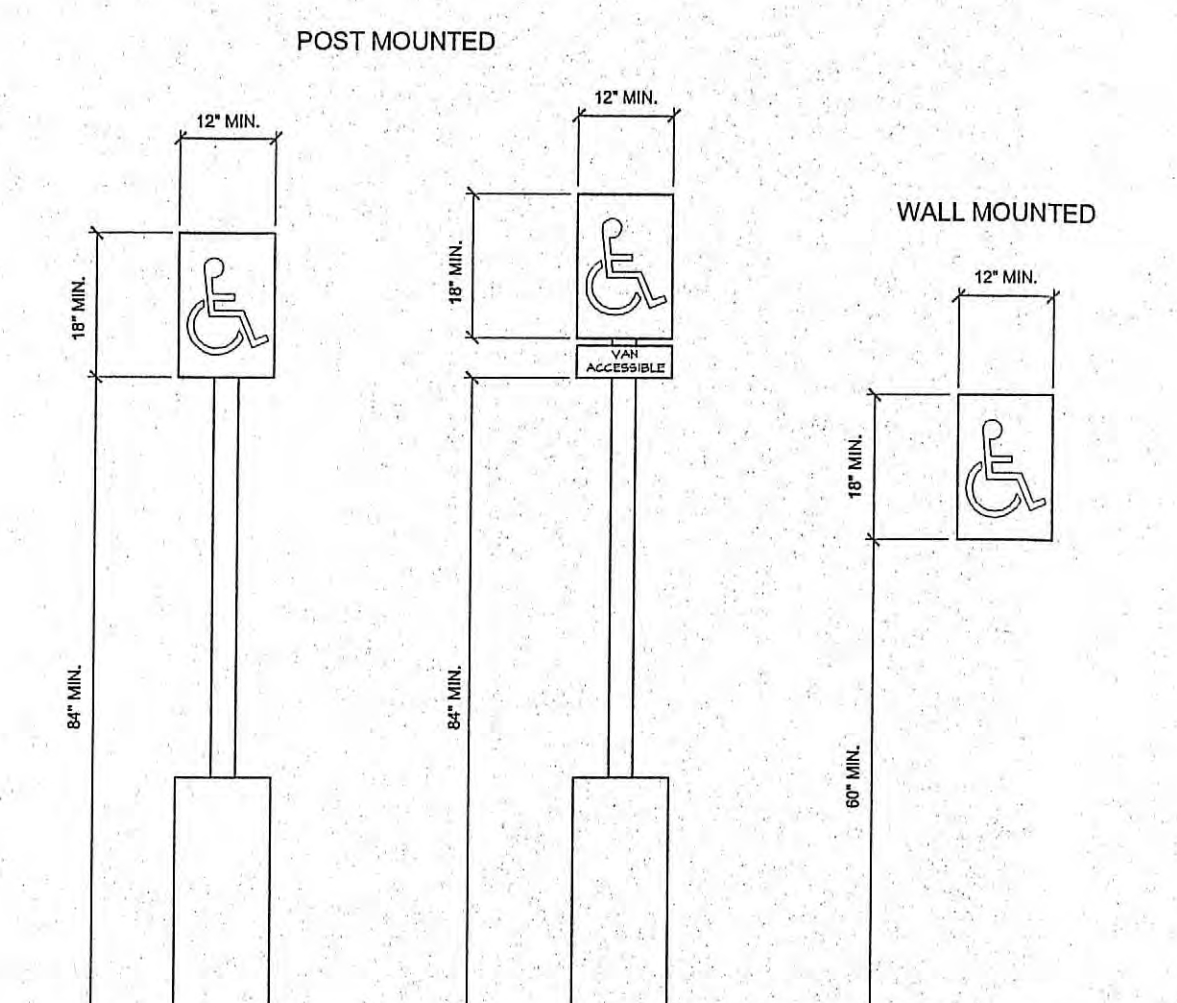
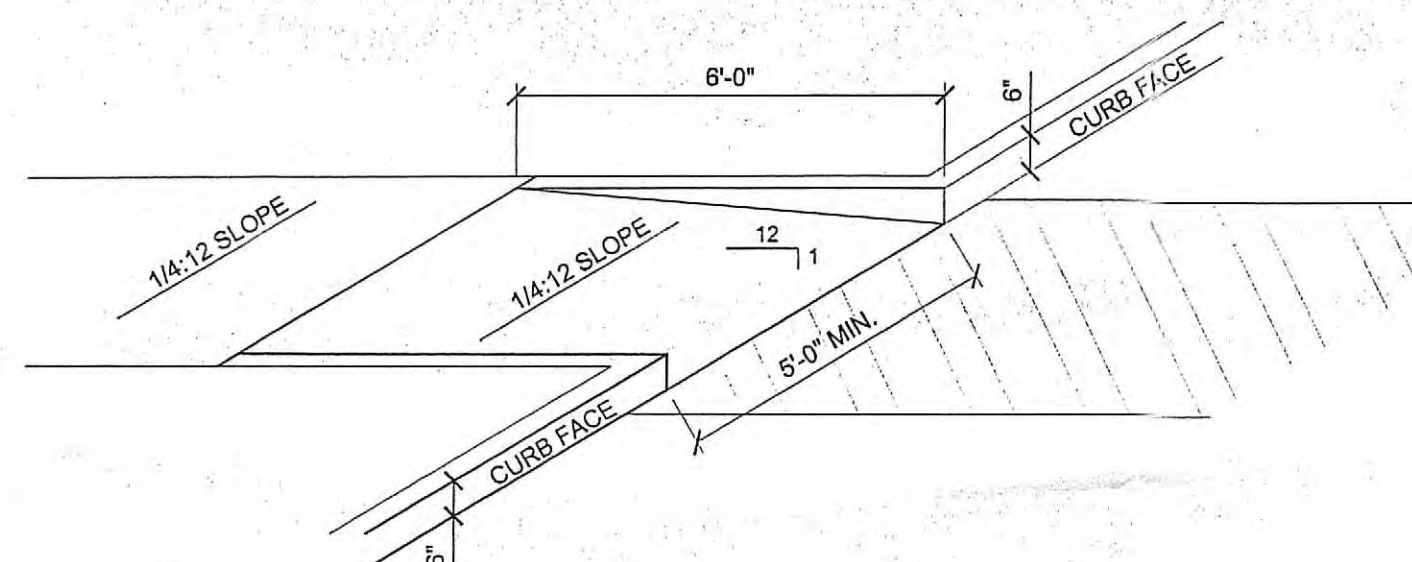
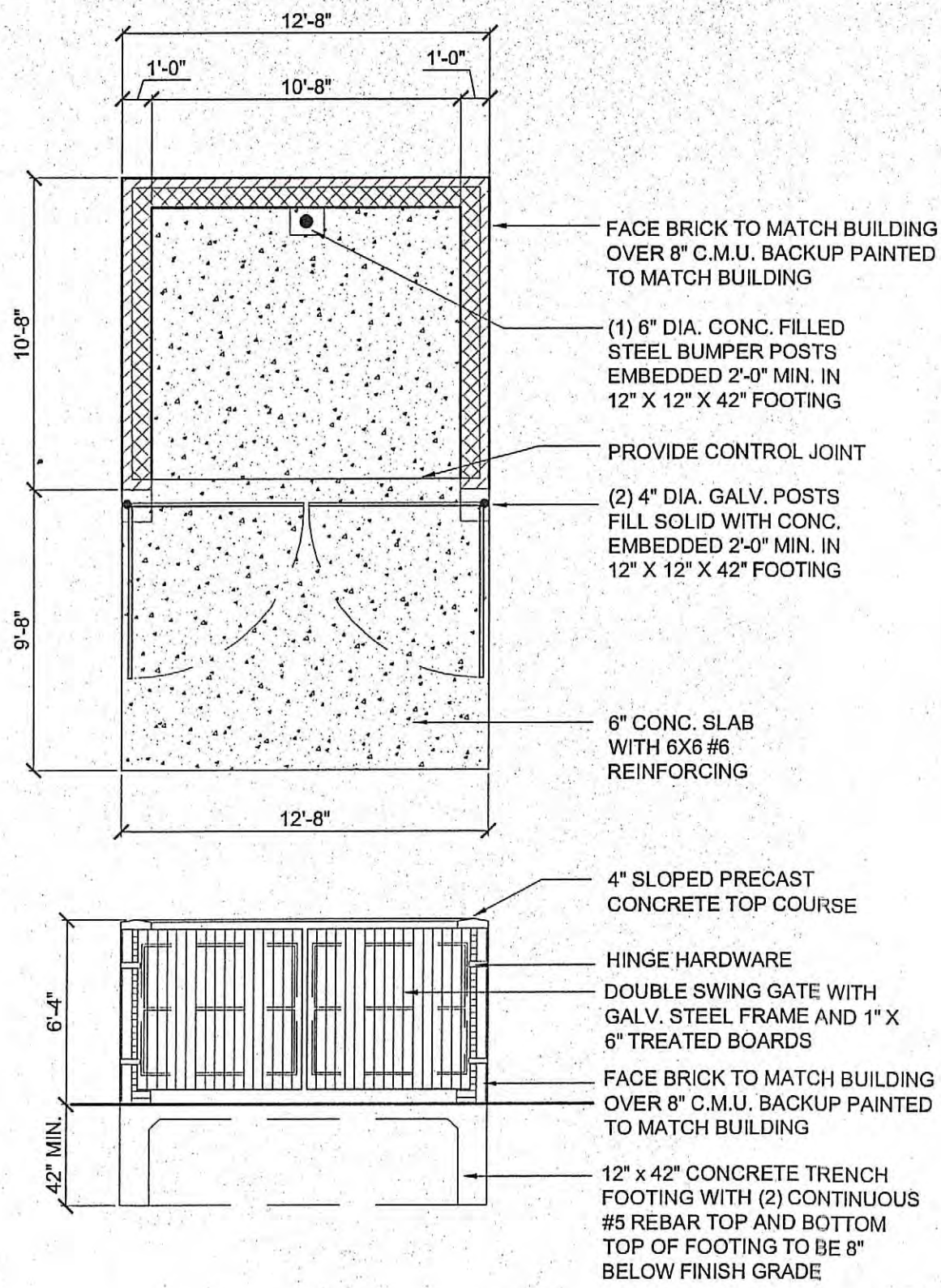
dr: TJJ  
ck'd: DAE  
app'd:

EXPANSION and RENOVATION for:  
ILX LEARNING CENTER  
10088 Professional Centre Dr, Hamburg, MI 48134  
EXISTING ELEVATIONS

A2

18048





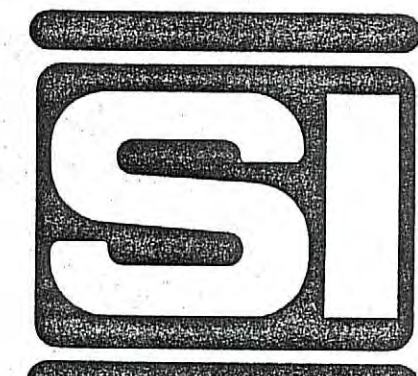
# DESCRIPTION OF UTILITY SERVICES:

**STORM WATER:** THE DEVELOPED PORTION OF THE PARCEL CURRENTLY DIRECTS STORM WATER VIA AN EASEMENT TO A STORM WATER DETENTION POND TO THE SOUTH. ALL NEW IMPERVIOUS SURFACE DRAINAGE WILL BE DIRECTED UNDERGROUND TO THIS POND. THE POND ITSELF WILL BE EXPANDED WITHIN THE EXISTING EASEMENT AND UPGRADED TO MEET ALL NEW LIVINGSTON COUNTY STANDARDS INCLUDING THE ADDITION OF A FOREBAY.

**SANITARY:** THE DEVELOPED PORTION OF THE PARCEL CURRENTLY UTILIZES AN EXISTING SEPTIC SYSTEM. IF THE PROPOSED DEVELOPMENT IS APPROVED, THE NEW FACILITY AND THE CURRENT FACILITY WILL BE TAPPED INTO THE NEW SANITARY SEWER LOCATED ON THE NORTH SIDE OF M-36. THE EXISTING SEPTIC SYSTEM WILL BE REMOVED. A GRINDER PUMP STATION WILL BE INSTALLED IN A LANDSCAPED ISLAND NEAR THE WEST PROPERTY LINE TO ULTIMATELY DISCHARGE THE WASTE.

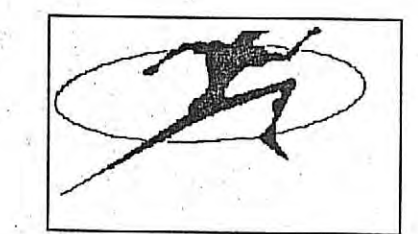
**DOMESTIC WATER:** THE DEVELOPED PORTION OF THE PARCEL IS CURRENTLY SERVICED BY AN EXISTING WELL. AS NO MUNICIPAL WATER SERVICE IS AVAILABLE, THE PROPOSED FACILITY WILL BE SERVICED BY A NEW WELL OF ITS OWN LOCATED JUST SOUTH OF THE BUILDING.

ALL WORK DESCRIBED HEREIN SHALL BE PERFORMED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF HAMBURG TOWNSHIP, LIVINGSTON COUNTY, AND THE STATE OF MICHIGAN.



**SCHONSHECK, INC.**

DESIGNERS • BUILDERS • DEVELOPERS  
51331 PONTIAC TRAIL WIXOM, MI 48393  
P(419) 669-8000 F(419) 669-0550  
WWW.SCHONSHECK.COM



**Michigan Rehabilitation Specialists**

SHEET: PROJECT:

ARCHITECTURAL SITE PLAN  
**HAMBURG PROFESSIONAL CENTER, LLC**  
**MICHIGAN REHABILITATION SPECIALISTS**  
**TENANT IMPROVEMENT - SUITE "A"**  
HAMBURG TOWNSHIP, MICHIGAN 48139

| ISSUE DATES              |          |
|--------------------------|----------|
| owner review             | 5-11-05  |
| owner review             | 5-13-05  |
| PRE-APPLICATION MEETING  | 7-13-05  |
| SPA SUBMITTAL #1         | 7-19-05  |
| OWNER REVIEW             | 8-3-05   |
| SPA Resubmittal #1       | 8-15-05  |
| owner review             | 10-14-05 |
| MUNICIPAL REVIEW         | 10-28-05 |
| SPA Resubmittal #2       | 2-1-06   |
| fire department comments | 3-4-06   |
| Final Site Plan Approval | 5-16-06  |
| PERMITS                  | 6-28-06  |
| CONSTRUCTION             |          |

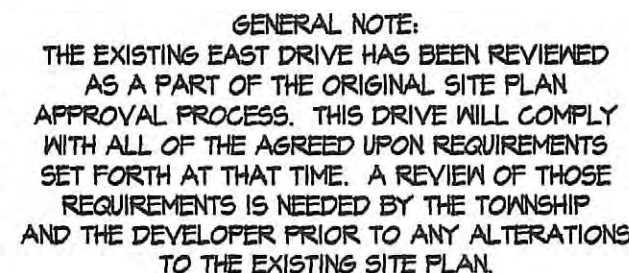
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|         |          |
|---------|----------|
| DRAWN   | CHECKED  |
| TACH    |          |
| JOB NO. | APPROVED |
| 05-xxx  |          |

DRAWING NO.  
**AS-200**





| EXISTING PLANT LIST      |   |                             |
|--------------------------|---|-----------------------------|
| QTY.                     | COMMON NAME                             | BOTANICAL NAME              |
| TREES / ORNAMENTAL TREES |   |                             |
| 4                        | MARSHAL SEEDLESS ASH                    | FRAXINUS PENN. LAN.         |
| 9                        | NORMAY MAPLE                            | ACER PLATINOIDES            |
| 6                        | AUSTRIAN PINE                           | PINUS NIGRA                 |
| 10                       | FLORIBUNDA CRAB                         | MAULS FLORIBUNDA            |
| 55                       | TOTAL TREES / ORNAMENTAL TREES PROVIDED |                             |
| SHRUBS AND PERENNIALS    |   |                             |
| 40                       | DWARF VIBURNUM                          | VIBURNUM TRILOBIN COMPACTA  |
| 50                       | JAPANESE GARDEN JUNIFER                 | JUNIPERUS PROCBUMENS        |
| 7                        | COMPACT BURNING BUSH                    | EUONYMUS ALATUS 'COMPACTUS' |
| 91                       | TOTAL SHRUBS PROVIDED                   |                             |

A MAXIMUM OCCUPANT LOAD OF 54 CHILDREN WILL BE ALLOWED FOR THIS TENANT.



**PROPOSED SITE PLAN**  
SCALE: 1" = 30' - 0"

Hamburg Township  
FINAL  
APPROVED  
Valid in Red Ink Only

4/10/01



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**DRAWN**

JOB NO

DRAWING NO.

1 - 1



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

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



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

---

## MEMORANDUM

To: Planning Commission  
From: Scott Pacheco, Planning and Zoning Director  
Date: August 21, 2019  
Item: 6C  
Subject: Zoning Text Amendment (ZTA19-004) to revise the Planned Unit Development Articles 13, 14, 15, 16, and 17.

### PROJECT DESCRIPTION:

The proposed Zoning Text Amendment will revise the regulations for Planned Unit Development by consolidating the regulations into a single Article. Some of the major changes that this consolidation will have on the regulations are:

- Eliminate the regulations in Article 13 Planned Unit Development and Article 16 Hardship Planned Unit Development;
- Eliminating the ability for the Planning Commission to approve a greater density than specifically allowed for open space planned unit developments;
- Add a density bonus for open space planned unit developments if a project provides both public sewer and preserves 60% of the land as open space;
- Add elements to help guide developers on what needs to be included in a project when requesting the addition 1% to 15% density bonus for an exemplary project under the open space planned unit development regulations;
- Add regulations for cottage housing planned unit developments; and
- Create a review process that is the same for all Planned Unit Development projects.

### PROJECT HISTORY:

On May 15, 2019 the Planning Commission held a public meeting to discuss draft revisions to the zoning regulations regarding Planned Unit Development's. At this meeting eight people from the community spoke during the public forum. Most of these comment where in regards to the density bonuses proposed in the Open Space Planned Unit Development regulations.

After hearing from the public and reviewing the staff report and draft zoning amendment regarding the Planned Unit Developments, the Planning Commission discussed the proposed revisions and requested that staff make a few changes to the revisions. The main requested changes where regarding the Open Space Planned Unit Development density bonuses, the criteria for exemplary projects, and reformatting, consolidating all of the Articles regarding Planned Unit Developments to better clarify the regulations and to make the approval process constant for all PUD's.

On June 19, 2019 the Planning Commission held another public meeting to review the revisions to draft Zoning Text Amendment regarding the Planned Unit Development. At this meeting \_\_\_\_

people from the community spoke again during the public forum. Most of these comments were the same as the comments made at the May 15, 2019 meeting.

After hearing from the public and reviewing the staff report and draft zoning amendment regarding the Planned Unit Developments, the Planning Commission discussed the proposed revisions and requested that staff make the following changes:

- The additional 15% density bonus for projects that provide public sewer also shall be required to preserve 60% of the land as open space; and
- Alleys should be included in the areas not considered open space.

The Planning Commission then directed staff to notice the Zoning Text Amendment for a public hearing at the August Planning Commission meeting.

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

#### **EXHIBITS**

**Exhibit A-** Draft (redline) revisions to the Planned Unit Development regulations

**Exhibit B-** Draft (clean version) revisions to the Planned Unit Development regulations

**Exhibit C-** May 15, 2019 Staff Report with select exhibits, additional staff memos, minutes and correspondence

**Exhibit D-** June 19, 2019 Staff Report, minutes and correspondence



**ARTICLE 14.00  
PLANNED UNIT DEVELOPMENT (PUD)**

**CHAPTER 14.1 OPEN SPACE COMMUNITY PLANNED UNIT DEVELOPMENT (OSPUD)**

**Section 14.1.1 Intent**

It is the intent of this Article to offer an alternative to traditional subdivisions through the use of Planned Unit Development legislation, as authorized by Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended) for the purpose of:

- A. Encouraging the use of Township land in accordance with its character and adaptability;
- B. Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
- C. Providing recreational facilities within a reasonable distance of all residents of the Open Space Community development;
- D. Allowing innovation and greater flexibility in the design of residential developments;
- E. Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- F. Ensuring compatibility of design and use between neighboring properties; and,
- G. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes contrasting with open space and less intensive land uses. This Article is not intended as a device for ignoring the Zoning Regulations of the Township, the standards set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based.

These regulations are intended to result in a specific development substantially consistent with Zoning Ordinance standards, yet allow for modifications from the general standards to insure appropriate, fair, and consistent decision making.

The open space community district is established as an overlay district applicable to the following single family residential districts RAA, RA, ~~RB~~, WRF, ~~VR~~ and NR.

**Section 14.1.2 Scope**

For the purposes of this Article, an "open space community" is defined as a predominately single family residential development in which dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties or other groupings of dwellings by substantial open space that is perpetually protected from development. ~~Multi-Family and Commercial uses may be allowed as stated in Section 14.1.5 may be allowed within open space communities of fifty (50) acres or more.~~

**Section 14.1.3 Eligibility Criteria**



EXHIBIT A: August 21, 2019 redline with attorney and PC edits.

To be eligible for open space community consideration, the applicant must present a proposal for residential development that meets each of the following:

**A. Recognizable Benefits.** An open space community shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high quality architectural design, **variety of housing types and sizes, providing additional amenities for public use**, extensive landscaping, provide transition areas from adjacent residential land uses, unique site design features, unified access, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams and wetlands. This benefit should accrue, in spite of any foreseeable detriments of the proposed development.

**B. Open Space.** The proposed development shall provide at least one of the following open space benefits:

1. **Significant Natural Assets.** The site contains significant natural assets such as woodlands, individual trees over twelve (12) inch diameter, measured at breast height, rolling topography with grades exceeding 15%, significant views, natural drainage ways, water bodies, floodplains, regulated or nonregulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development. This determination shall be made by the Planning Commission after review of a Site Analysis Plan, prepared by the applicant that inventories these features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the Open Space Community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

2. **Recreation Facilities.** If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.

3. **Creation of Natural Features.** If the site lacks existing natural features, it can also qualify if the development will create significant woodland features. The creation of significant woodland features shall be considered providing perimeter buffer plantings and interior street tree plantings at a rate of twice (2 x) what is required by this Ordinance.

**C. Guarantee of Open Space.** The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space community plan.



EXHIBIT A: August 21, 2019 redline with attorney and PC edits.

**D. Cohesive Neighborhood.** The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the Open Space Community.

**E. Unified Control.** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project **unless it is stated in the Development Agreement.** The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. **In the event, all or any portion of the development changes ownership or control prior to completion of the Project, the terms and conditions of this Planned Unit Development shall be binding on any successor owner of all or any portion of the Property.**

**F. Density Impact.** The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Planning Commission may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impact resulting from the proposed open space community. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development. The Planning Commission may require that the applicant prepare a quantitative comparison of the impacts of conventional development and the open space community plan to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the open space community.

**G. Township Master Plan.** The proposed development shall be consistent with and further the implementation of the Township Master Plan.

**Section 14.1.4 Project Characteristics Design Standards.**

A proposed open space community shall comply with the following project design standards:

**A. Location.** An open space community may be approved within any of the following zoning districts: RAA, RA, **RB**, NR, **or** WFR ~~or VR~~.

**B. Permitted Uses.** An open space community is generally restricted to single family detached or attached residential dwellings.

1. Unless modified by the Planning Commission following the standards herein, all residential dwellings shall meet the yard, lot width, and bulk standards required by Article 7.00, except that single family attached dwellings may have zero (0) side lot lines.



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2. In projects that qualify under the standards of Section 14.1.5, a commercial or a multiple family component may be allowed by the Planning Commission.

**C. Dwelling Density.** The number of dwelling units allowable within an open space community project shall be determined through preparation of a parallel plan.

1. The applicant shall prepare, and present to the Planning Commission for review, a parallel design for the project that is consistent with State, County and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size (as shown in paragraph B below), lot width and setbacks as normally required under Section 7.6, public roadway improvements and private parks, and contain an area which conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality. This design shall include all information as required by the guidelines adopted by the Planning Commission pursuant to ~~Section 14.5.5 (A)~~ Section 14.5.5 (A).

2. The parallel plan shall be prepared with the following minimum lot areas. The parallel plan is only used to determine allowable density for an open space community project. The following parallel plan minimum lot areas incorporate a density bonus for qualifying open space community projects that meet all requirements of this ordinance:

Underlying Zoning District

Parallel Plan Minimum Lot Size (square feet)\*

RAA 60,000

RA 30,000

RB 7,000

NR 30,000

WFR 30,000

VR 10,000

| <u>Underlying Zoning District Parallel Plan Minimum Lot Size (square feet)</u> |                 |                                       |  |
|--|-----------------|---------------------------------------|--|
| <u>Zoning District</u>   | <u>Original</u> | <u>Meeting Open Space Regulations</u> | <u>Meeting Open Space Regulations with Pubic Sewer and a minimum of 60% open space</u> |
| <u>RAA</u>   | <u>87,160</u>   | <u>60,000</u>                         | <u>51,000</u>  |
| <u>RA</u>  | <u>43,580</u>   | <u>30,000</u>                         | <u>25,500</u>  |
| <u>NR</u>  | <u>43,580</u>   | <u>30,000</u>                         | <u>25,500</u>  |
| <u>WFR</u>   | <u>43,580</u>   | <u>30,000</u>                         | <u>25,500</u>  |

3. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space community project. The Planning Commission may grant an



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additional density bonus of up to 15% for exemplary projects that meet the conditions outlined in Section 14.1.5

**D. Open Space Community Plans Not requiring Public Hearing (Open Space Preservation).** An Open Space Community that results in the same number of lots as would be permitted under the existing zoning district ~~Article 8.8.2. Land Divisions and Combinations~~ and where 50% of the land area will remain open space, may be permitted by the Planning Commission following normal site plan review procedures outlined in Article 4.00.

**E. Water and Sewer Service.** If there is public water or sewer service available to the site on which an open space community development is proposed, the Planning Commission may require connection into the system. ~~An open space community project located within the RB, High Density Residential or the VR, Village Residential zoning districts shall be required to be served by public sanitary sewer.~~

**F. Base Zoning Regulations.** Unless specifically waived or modified by the Planning Commission, all Zoning Ordinance requirements for the underlying zoning district, except for minimum lot area, and other Township regulations shall remain in full force.

**G. Regulatory Flexibility.**

1. To encourage flexibility and creativity consistent with the open space community concept, departures from compliance with the standards provided for in the zoning ordinance, **except for additional density bonuses**, may be granted at the discretion of the Planning Commission as part of the Open Space Community approval process. Such departures may be authorized on the condition that there are features, amenities or planning mechanisms deemed adequate by the Planning Commission designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought. Any **allowed** deviations from zoning ordinance standards will require the Applicant to provide substitute safeguards for each regulation for which there is noncompliance, in whole or in part, in the development plan.

2. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space community plan may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the Open Space Community, provided such variance does not involve alterations to open space areas as shown on the approved Open Space Community site plan.

3. A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this Open Space Community article. This specification should include Ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the



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regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance shall be considered.

**H. Open Space Requirements.**

1. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, an approved land improvement, or, if applicable, a commercial use, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. Grading in the open space shall be minimal, with the intent to preserve existing topography.

2. An open space community shall maintain a minimum of forty percent (40%) of the gross area of the site as dedicated upland open space held in common ownership. Such open space may be reduced to thirty percent (30%) for lower density projects as described in Section 14.1.4.H.9 Large Lot Open Space. ~~Except as noted in Section 14.1.4.H.3 "Areas Not Considered Open Space",~~ any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of twenty-five percent (25%) of the required open space shall be upland area exclusive of wetlands that is accessible to all residents of the Open Space Community and not include golf course fairways ~~or private roads.~~

3. Areas Not Considered Open Space. The following land areas are not included as dedicated open space for the purposes of this Article:

i. The area of any street right-of-way ~~other than an alley proposed to be dedicated to the public or private. This provision shall not preclude the future dedication of a private road easement to a public road agency.~~

ii. Any submerged land area.

iii. Any portion of the project used for commercial purposes.

iv. The required setbacks surrounding a residential structure that is not located on an individual lot or condominium site.

4. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting the frontage landscaping requirement. ~~The Planning Commission may require the provision of a planting berm at least three (3) feet in height in addition to the plant materials required to further help to separate open space areas along the public right-of-way parallel to a major arterial.~~

5. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.



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6. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:

i. Recorded deed restrictions,

ii. Covenants that run perpetually with the land, or

iii. A conservation easement established -pursuant to subpart 11 of part 21 of the Natural Resources and Environmental Protection Act being MCL 324.2140, et seq., per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251). Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

a. Indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:

- Dumping or storing of any material or refuse;
- Activity that may cause risk of soil erosion or threaten any living plan material;
- Cutting or removal of live plant material except for removal of dying or diseased vegetation;
- Use of motorized off road vehicles;
- Cutting, filling or removal of vegetation from wetland areas;
- Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.

c. Provide standards for scheduled maintenance of the open space.

d. Provide for maintenance to be undertaken by the Township of Hamburg in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

7. Continuing Obligation. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Open space may include golf course area, provided that it forever remains outdoor recreation or natural undeveloped land. This dedication shall be written and recorded with the Development Agreement, and shall be in a format reviewed and approved by the Township Attorney.

8. Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the required open space area.



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9. Large Lot Open Space. The Planning Commission has the discretion to allow lower density Open Space Communities with larger lots and less open space. For these Large Lot Open Space Communities, the required minimum open space area may be reduced from forty percent (40%) to thirty percent (30%) where the total number of dwelling units, determined under Section 14.1.44.4.3, is reduced by at least ten percent (10%).

**I. Compatibility with Adjacent Uses.** The proposed location of accessory uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the boundary of the development or so as to negatively impact the residential use of adjacent lands.

**J. Transition Areas.** Where the Open Space Community abuts a single family residential district, the Planning Commission may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single family residential is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commissions may review the proposed transition area to ensure compatibility. The Planning Commission may require that the transition area consist of one or more of the following:

1. A row of single-family lots or condominium sites similar to adjacent single family development in terms of density, lot area, lot width, setbacks and building spacing.
2. Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.
3. Open or recreation space.
4. Significant changes in topography which provide an effective buffer.

**K. Architectural and Site Element Design.** Residential facades shall not be dominated by garages; at least forty percent (40%) of residential units shall have side entry garages, ~~garages to the rear of the main structure, alley loaded garages, or~~ recessed garages where the front of the garage is at least five (5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging rear yard, recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the aesthetic impact resulting from the close clustering of units allowed under these regulations. ~~Building elevations shall be required for all structures other than single family dwellings, unless required by the Planning Commission for approval.~~

Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission may require street or site lighting where appropriate.

**L. Access.** Direct access onto a County road or State highway shall be required to an open space community. The nearest edge of any entrance or exit drive shall be located no closer than two



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hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). Open Space Communities shall also meet or exceed the access standards contained in Section 10.8 of this Ordinance. The requirements of this section may be waived or modified by the Planning Commission in accordance with Section 14.1.4.G Regulatory Flexibility, A upon a finding by the Planning Commission that safe and reasonable access cannot otherwise be provided in a manner that complies with the standards of the zoning ordinance, including the provisions specified above, and that proposed deviations from these ordinance standards will result in safe and reasonable access to the site. The Planning commission may require the submission of a traffic impact study to document the conditions and circumstances that prevent compliance with these standards, and if so it shall be the burden of the Applicant to demonstrate that safe and reasonable access is provided by the Open Space plan.

**M. Internal Roads.** Internal roads within an open space community may be public or private.

1. Construction of private roads as a means of providing access and circulation is encouraged. Private roadways within an open space community must meet the design requirements of the Township Private Road Ordinance. The Planning Commission may modify these requirements, if all of the following findings are made:

i. There is no potential for the road to connect with abutting land or be extended to serve additional land in the future.

ii. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a modification to the Private Road standards.

2. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Township Planning Commission.

3. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one canopy trees shall be provided on each side for every fifty (50) feet or road. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.

**N. Pedestrian Circulation.** The Open Space Community plan shall provide pedestrian access to all open space areas from all residential areas, connections between open space areas, public thoroughfares, and connections between appropriate on- and off-site uses. Trails within the open space community may be constructed of gravel, woodchip or other similar material, but the Planning Commission may require construction of eight (8) foot wide asphalt bike paths through portions of the development or along the any public right-of-way abutting the open space community. The Planning Commission may require the construction of sidewalks for Open Space Communities within the area included in the Hamburg Village Sub-area Master Plan. Locations for school bus stops shall be provided on the site plan.

**O. Natural Features.** The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as



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a condition of approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The Planning Commission may also require ~~a minimum of twenty five (25) foot wide undisturbed open space setback from the edge of any, lake, pond, river, stream or wetland; provided that the Planning Commission may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback;~~ that the project meets the natural features setback requirements of Article 9 Section 9.9 of the zoning ordinance.

**P. Existing Structures.** When a tract contains structures or buildings deemed to be of historic, cultural or architectural significance, as determined by the Planning Commission, and if suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

**Section 14.1.5 Optional Provisions for Exemplary Projects.**

The Planning Commission may allow an exemplary open space community to include one or more of the following optional provisions. In order to qualify for an optional provision, the applicant must demonstrate, to the satisfaction of the Planning Commission, that the proposed project exceeds the minimum standards for open space community eligibility under Section 14.1.3 Eligibility Criteria.

In order to qualify for development under the optional provisions of this section, all structures within the project, including single family dwellings, shall be subject to architectural review by the Planning Commission. Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines and massing, but there shall be a variation of front facade depth and roof lines to avoid monotony. Building elevations shall be required for all structures.

**A. Density Bonus.** An additional density bonus ~~between one percent (1%) and of up to~~ fifteen percent (15%) may be allowed at the discretion of the Planning Commission, based upon a demonstration by the applicant of design excellence in the open space community. In order to qualify for a density bonus, the Open Space Community must be served by public sanitary sewer and have a minimum of 60% open space. ~~An additional density bonus no greater than fifteen percent (15%) may be granted for an exemplary project.~~

1. ~~Calculation of additional density bonus based on the additional percentage allow by the Planning Commission up to fifteen percent (15%) please see the following examples:~~

i. ~~If the parallel plan under Section 14.1.4 Project Characteristics allows for 100 homes and the Planning Commission make a determination based on the criteria in this section that the project should receive an additional density bonus for an Exemplary Project of five percent (5%), ten percent (10%) , or fifteen percent (15%) as examples than for a project that is allowed 100 homes under section 14.1.4 Project Characteristics would be allowed and addition (100 X .05=5) 5, (100 X .10=10) 10 or (100 X .15=15) 15 homes, respectively.~~

2. ~~To receive an additional density bonus under this section a projects-qualifying project for a density bonus for exemplary projects shall include at least one of the following elements. The Planning Commission may base the percentage of the bonus, between one percent(1%) and fifteen percent (15%), on the number of elements that are integrated into the project design and, the benefit or impact the element/elements will provide to the Township, and/or the cost of the element/elements to the applicant.~~



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~~i. A high level of clustered development were a minimum of sixty percent (60%) of the Open Space Community is common open space.~~

ii. Inclusion of an integrated mixture of housing types. These housing types may include duplexes, single family attached dwellings, accessory dwelling units, homes designed to front on common open space areas, homes with access from alleys, homes with a wide range of sizes include smaller more affordable homes and other innovative designs and housing types.

iii. Providing perimeter transition areas around all sides of the development that are at least one hundred fifty (150) feet in depth.

~~iiiv.~~ Utilization of sustainable design elements. These elements may include green infrastructure, energy (solar, energy efficient structure orientation, exc...) and water (low flow water fixtures, grey water tanks, rain barrels, exc...) efficient design practices, limiting impervious surfaces, access to alternative transportation options, and other sustainable design elements.

iv. Include amenities within the project. These amenities should be easily accessed by the residents of the development, connect the project to surrounding developments and open to everyone within the Township. Amenities may include parks, recreational facilities (playground structure, tot lots, pools, sports courts, picnic areas or similar type improvements~~exc.~~), common buildings (such as pool houses, club houses, gazebos, covered pavilions ~~exc.~~) trails and other amenities that may be a benefit to the community.

vi. A minimum of ten percent of the units shall meet the International Code Council Accessibility Standards for Type B units.

vii. A minimum of ten percent of the housing meets the Housing and Urban Development definition of affordable housing.

viii. The sewer systems are gravity feed.

~~viii~~ix. public water is provided

ix. Cleanup of site contamination.

xi. Other similar elements as determined by the Planning Commission.

B. Multiple Family Component. In an open space community with a gross area of fifteen (15) acres or more, up to fifty percent (50%) of the dwelling units may be other than single-family dwellings. Such units shall meet the following design standards:

1. Front Yard. The minimum building setback from an internal road shall be twenty five (25) feet from the public street right-of-way or private road easement. The Planning Commission may reduce the setback based upon a determination that offstreet parking will be adequate, and that the modification will preserve natural features or that the rear yard buffer will be increased by one (1) foot for each one (1) foot of reduction in the front yard setback. In no instance shall the



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front yard setback be reduce below a minimum of fifteen (15) feet. Buildings that front on two streets must provide the required front yard setback from both streets.

2. Rear Yard: A thirty five (35) foot rear yard shall be maintained for all buildings. Where the rear of a building abuts the side or rear of another residential structure, the minimum spacing between the structures shall be the combined total of the two setback requirements.

3. Side Yards. A ten (10) foot setback shall be maintained to the side of all residential buildings. Where two buildings are located side-by-side, a thirty five (35) foot spacing shall be maintained between apartment buildings.

4. Off-street Parking Lots. Off-street parking lots serving three (3) or more dwelling units shall provide a ten (10) foot wide open green space area around the perimeter of the parking lot.

5. The building setback requirements may be varied provided they are specifically indicated on the Open Space Community plan and the Planning Commission determines the variation does not negatively impact adjacent properties and provides a recognizable benefit. Building setback requirements on the perimeter of the development shall not be reduced below thirty five (35) feet.

C. Commercial Component. An open space community with a gross area of fifty (50) acres or more may incorporate a commercial land use component, provided that all of the following are met:

1. The commercial component shall be located on a lot of sufficient size to contain all commercial structures, parking, and landscape buffering. The total area occupied by the commercial land uses may not exceed five percent (5%) of the gross area of the open space community or five (5) acres, whichever is less.

2. All commercial uses shall be compatible with the residential area.

3. The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.

4. All commercial structures are connected to a pedestrian access system servicing the project.

5. Vehicular access is available only from an access drive to the open space community that connects directly with M-36.

6. If a proposed project cannot provide direct access to M-36, the Planning Commission may approve a commercial land use component for an Open Space Community project located on any paved County thoroughfare, subject to:

i. A special land use hearing on the location of the use being held prior to consideration by the Planning Commission. The hearing shall be conducted according to the procedures stated in Section 3.5. of this Ordinance, and

ii. The Planning Commission making the finding that the overall site layout, including the architectural design and the vehicular circulation pattern, is:



a. Compatible with the surrounding land uses, and

b. Will not have a significant detrimental effect on the character of surrounding residential uses.

7. All parking and loading areas serving the commercial uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Planning Commission may allow up to twenty five percent (25%) of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than fifteen (15) feet on center.

8. The allowable commercial uses within such an area shall be recorded as a deed restriction on the property and shall be restricted to the following:

i. Food and beverage stores for the sale of: groceries, fruit, meat, baked goods, dairy products, beverages and liquor.

ii. Personal service establishments such as barber shops, beauty salons, laundry pick-up, and similar uses.

iii. Child care or day care centers.

iv. Offices for the professions or occupations of doctor, dentist, attorney, engineer, accountant, architect, financial consultant or broker, publisher, real estate broker, secretarial services, and similar uses as determined by the Planning Commission, may be permitted, subject to findings by the Planning Commission that (a) a use is consistent with the intent of this Article and (b) provides no significant negative impact on the open space community project or other surrounding land uses.

9. No structure within the commercial land use component of an open space community shall be occupied without a valid certificate of occupancy from the Township.

i. A request for a certificate of occupancy for a commercial structure within an open space community shall be reviewed by the Zoning Administrator to insure compliance with this Article.

ii. A certificate of occupancy may be approved only for uses identified in sub-section ~~14.5.3(H)~~ 14.1.5 (C)(8). Approval shall not be granted to a use that is inconsistent with the intent and/or requirements of this Article.

iii. The initial certificate of occupancy for a commercial structure or portion of a commercial structure within the open space community shall not be approved until fifty percent (50%) of the physical improvements related to the residential components of the total open space community plan are complete, notwithstanding an approved schedule for project phasing.



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iv. A certificate of occupancy may be revoked by action of the Zoning Administrator, if a use is conducted in a manner that does not comply with the intent of this Article and/or any other requirements of this Ordinance.

**Section 14.1.6. Project Standards**

In considering any application for approval of an open space community site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article 4.00, as well as the following standards and requirements:

A. Compliance with the Open Space Community Concept. The overall design and land uses proposed in connection with an open space community shall be consistent the intent of the open space community concept, as well as with specific design standards set forth herein.

B. Compatibility with Adjacent Uses. The proposed open space community plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. Pedestrian and vehicular circulation.
3. The location and screening of vehicular use or parking areas.
4. The provision of landscaping and other site amenities.

C. Impact of Traffic. The open space community shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.

D. Protection of Natural Environment. The proposed open space community shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.

E. Compliance with Applicable Regulations. The proposed open space community shall comply with all applicable Federal, state, and local regulations.

F. Township Master Plan. The proposed open space community shall be consistent with and further the implementation of the Township Master Plan.

G. Conditions. Reasonable conditions may be required with the special approval of an Open Space Community, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Township Master Plan. Conditions imposed shall be designed to protect natural resources, and the public health, safety and welfare of individuals in the project, those



immediately adjacent and the community as a whole; shall be reasonable related to the purposes affected by the Open Space Community; shall be necessary to meet the intent and purpose of this Ordinance and implement the Township Master Plan; and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the special approval.

## **CHAPTER 14.2 ELDERLY COTTAGE HOUSING OPPORTUNITY(ECHO) PLANNED UNIT DEVELOPMENT**

### **Section 14.2.1 Intent**

It is the intent of this Article to offer an alternative to traditional single family detached or attached housing developments for elderly persons through the use of planned unit development legislation as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended for the purpose of:

- A. Encouraging the construction of more affordable single family residential detached or attached dwelling for elderly persons units utilizing cluster septic tank drainfields and common water supply systems;
- B. Facilitating the construction of affordable single family residential detached housing units for elderly persons on a smaller scale than conventional multi-family developments that require public infrastructure improvements such as roads, and public water and sewer to accommodate higher density and lower cost dwelling units;
- C. Offering an alternative to multi-family residential developments in order to provide affordable housing for elderly persons in a small scale, less dense neighborhood setting;
- D. Preserving the rural character and appearance of the township through the construction of small scale environmentally sensitive elderly person developments on scattered sites.
- E. Encouraging the clustering of detached or attached single family elderly person dwelling units to promote the safety and security of the senior citizen residents.

These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small elderly person residential nodes contrasting with open space and less intensive land uses. This Article is not intended as a device for circumventing the zoning regulations of the township, the standards set forth therein, nor the planning concepts upon which the zoning ordinance has been based.

These regulations are intended to result in a specific development substantially consistent with zoning ordinance standards, yet allow for modifications from the general standards.

### **Section 14.2.2 Definitions**

- A. **ECHO Lot:** Land occupied or to be occupied by ECHO units and accessory buildings permitted herein, together with such open spaces as are required under this Ordinance and having its principal frontage upon a street.
- B. **ECHO Unit:** A single family residential dwelling unit with full facilities for residential self-sufficiency in each individual dwelling unit which has a resident who is an elderly person.



C. **ECHO Village:** An ECHO Village is a housing development which meets the unique needs of the elderly through the provision of significant facilities and services specifically designed to meet the physical or social needs of such residents.

#### Section 14.2.3 Zoning

An ECHO village may be located ~~after approval of a special use permit in accordance with Section 3.5~~ in the following zoning districts: RAA, RA, RB, RC, CS, VC, VR, OH or MD, or WFR provided the development does not have riparian rights (i.e. does not have shoreline along a lake or river).

#### Section 14.2.4 Development Design Standards

ECHO village housing shall meet the following criteria:

A. On-site sewage disposal and water supply must be approved by the Livingston County Health Department.

B. **ECHO Village Size.** No fewer than four (4) ECHO units nor more than twenty (20) ECHO units shall be permitted per lot.

C. **Acreage and Density Requirements.** An ECHO village development may be approved upon any residentially zoned land with density as permitted below:

| <u>District</u> | <u>Minimum Acreage</u> | <u>Minimum Density Per ECHO Unit</u> |
|-----------------|------------------------|--------------------------------------|
| RAA             | 3 acres                | 15,000 square feet                   |
| RA              | 2 acres                | 10,000 square feet                   |
| RB              | 2 acres                | <del>10,000</del> 5,000 square feet  |
| WFR             | 2 acres                | 10,000 square feet                   |
| CS              | 1 acre                 | 5,000 square feet                    |
| RC              | 1 acre                 | 5,000 square feet                    |
| VR              | 1 acre                 | 5,000 square feet                    |
| VC              | 1 acre                 | 5,000 square feet                    |
| MD              | 1 acre                 | 5,000 square feet                    |

D. **Unified Control.** The ECHO village shall be initially under single ownership or control, so there is a single person, entity or condominium having proprietary responsibility for the development of the ECHO village as evidenced by a title company licensed to do business in Michigan. ~~In the event, all or any portion of the development changes ownership or control prior to completion of the Project, the terms and conditions of this Planned Unit Development shall be binding on any successor owner of all or any portion of the Property.~~

E. **Guarantee of Open/Common Space.** At least fifteen (15) percent of the total site area shall be reserved as open space. This open space shall be held in common ownership by all residents of the ECHO village. This open space shall be utilized for recreation facilities such as picnic areas, walking trails or other open space uses which provide elderly residences the opportunity to enjoy the natural features of the site. The open space shall be configured to be integrated with the individual units and



EXHIBIT A: August 21, 2019 redline with attorney and PC edits.

maximize the proximity of each housing unit to natural open space. If the open space is close and accessible for residents of all individual units, it need not be owned in common. A guarantee to the satisfaction of the Township Planning Commission that all open/common space portions of the development will be maintained in the manner approved shall be provided. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the township and the land uses continue as approved in the ECHO village plan.

**F. Area, Height, Bulk and Layout Regulations.**

|  |  |
|--|--|
| Minimum ECHO unit floor area:                    | 400 square feet  |
| Maximum ECHO unit floor area:                    | 980 square feet  |
| Maximum building height:                         | 1 story  |
| Required roof pitch:                             | 4:12 ratio or greater  |
| Minimum building width,<br>any dimension:        | 14 feet  |
| <del>Minimum gazebo:</del>                       | <del>60 square feet</del>  |
| Distance between roof<br>overhangs of Buildings: | 10 feet  |
| Handicap ramps:                                  | May encroach into any setback space.   |
| Basement:  | Optional   |
| Shed:  | Optional   |
| Garage:  | Optional   |
| Covered parking:                                 | Optional   |
| Minimum setbacks:                                | 15 ft. from Street or private road right-of-way<br>10 ft. side and rear lot lines<br>5 ft. from common access drives |
| Common access drives:                            | 4 ft. from all lot lines   |

**G. Attached Units:** No more than 4 units shall be attached in a single structure.

**H. Garages.** Detached garages can be located no more than one hundred (100) feet of walking distance from the ECHO unit which it serves.

**I. Porches.** Each ECHO unit shall have at least one (1) covered porch of at least twenty four (24) square feet in area.

**J. Common Area.** Each ECHO village which contains 5 or more ECHO units shall have a common area containing at least one (1) gazebo, deck, patio or terrace that shall be covered with a roof, be a minimum of 60 square feet, and be of the same architectural style and design as the ECHO units located on the lot.

**K. Storage Sheds.** Any storage sheds shall be so designed as to have the same roof pitch and architectural style as the ECHO units in the development. Storage sheds may be linked so as to have common walls; however, each shed must have its own private, lockable access door. The dimensions of any shed servicing an ECHO unit shall conform to other size provisions of the zoning ordinance.



EXHIBIT A: August 21, 2019 redline with attorney and PC edits.

**L. Water and Septic System Service.** If there is public water and/or sewer service available to the lot or in the area on which an ECHO development is located, connection into the system may be required.

**M. Roads.** The ECHO village shall have paved access designed and constructed to AASHTO standards and shall provide adequate access for emergency vehicles.

**N. ~~Off-Street~~ Parking Requirements.** The parking standards for an ECHO village shall be two (2) spaces per unit. Each parking space shall have a minimum size of 180 square feet (10 feet by 18 feet), and may be located either on-site or within one hundred (100) feet of the site.

**O. Construction Drawings Required.** Scaled floor plan and building elevation drawings shall be presented for each ECHO unit within the ECHO village that has a different interior layout and square footage of living space.

**P. Sidewalks and Access Ramps.** All pedestrian circulation walkways and sidewalks shall be hard-surfaced with either asphalt, concrete or brick paving and be accessible to the handicapped according to the standards set forth in the Americans With Disabilities Act. Handicapped access ramp structures may encroach into any required setback space.

**Q. Interior Design.** The interior of each ECHO unit shall be designed to provide ease of mobility by seniors who may have mobility limitations. The units ~~shall meet the International Code Council (American National Standards Institute) Accessibility Standards for Type B units.~~

~~2. All doors, shall provide a minimum 32 inch clear opening when the door is standing 90 degrees open.~~

~~3. All hallways or passageways shall be at least three feet, six inches (3' 6") in width.~~

~~4. There shall be no raised thresholds in the units. Floors shall continue through door openings at the same level.~~

~~5. All bathroom and kitchen features shall be designed in accordance with the American National Standards Institute (ANSI), *Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People*, section 4.34, *Dwelling Units*, of ANSI A117.1 (1980), or structurally designed and laid out to accommodate these standards.~~

**R. Design Compatibility.** The exterior of each ECHO unit shall be compatible in terms of architectural design, materials and color with the residential structures in the immediate neighborhood within 300 feet of the development parcel or lot. However, all housing units shall be a minimum of fourteen (14) feet wide at their least horizontal dimension and attached to a permanent foundation. The roof pitch of an ECHO unit shall be at least a 4:12 pitch. Accessory buildings for an ECHO unit, such as a detached garage and shed, shall also conform to the minimum roof pitch and be architecturally compatible with the design and style of the ECHO unit. Compatibility of design shall be decided by the planning commission.



EXHIBIT A

~~Exhibit C~~

S. **Waiver of Standards.** The planning commission is hereby empowered to waive site design standards and development area requirements if public health and safety are not compromised. The planning commission is further empowered to specify conditions in issuing any special use permits as may be required.

**Section 14.2.5 Development Special Use Project Standards**

~~Special Use Permit Required: A Special Use Permit shall be required in accordance with the provisions of Article 3.5, "Special Use Permits," of the zoning ordinance including a site plan in accordance with Article 4.00. In considering any application for approval of an ECHO village, the planning commission shall make its determinations on the basis of the following standards and requirements:~~ In considering any application for approval of an ECHO Village site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article 4.00, as well as the following standards and requirements:

A. **Compliance with the ECHO Concept.** The overall design and land uses proposed in connection with an ECHO village shall be consistent with the intent of the ECHO concept, as well as with the specific design standards set forth herein.

B. **Compatibility with Adjacent Uses.** The proposed ECHO village site plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. Pedestrian and vehicular circulation.
3. The location and screening of vehicular use or parking areas.
4. The provision of landscaping and other site amenities.

C. **Protection of Natural Environment.** The proposed ECHO village shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.

D. **Common Area and Unit Maintenance.** The ECHO village shall include in the Master Deed, Community Bylaws ~~and or c~~Covenant provisions, as applicable for the maintenance of the common open space, including landscaping maintenance, snow removal and repairs to building exteriors, in a form approved by the Township Attorney.

E. **Compliance with Applicable Regulations.** The proposed ECHO village shall comply with all applicable federal, state and local regulations.

F. Because of the specialized character of such uses, the limited class of occupants and the potentially limited market for such units, the planning commission may require a market study and or surveys of elderly residents in the vicinity of Hamburg Township as to documenting the long term marketability of the development and which supports both the need and market for the development. The planning commission may require written supporting evidence from national elderly assistance



## EXHIBIT A

### ~~Exhibit C~~

groups such as American Association of Retired Persons (AARP) that units of such floor area and density, and developments of such an arrangement are attractive and feasible for the elderly.

G. The planning commission may require the submission of letters of endorsement or support for the development from public and private elderly service provider agencies as to the suitability of such dwellings for elderly persons.

H. The planning commission may base its action on experience with and competition from similar developments in the area.

I. The planning commission may base its approval on the long-term availability of senior services to be provided by the developer, operator, government or private elderly support agencies, such as medical assistance, meals assistance, proximity to shopping, personal services and medical care, transportation (including access to major roads), recreation and other elderly needs.

## CHAPTER 14.3 COTTAGE HOUSING PLANNED UNIT DEVELOPMENT (CHPUD)

### Section 14.3.1 Intent

It is the intent of this Article to offer an alternative to traditional single family detached and attached housing developments through the use of planned unit development legislation as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended for the purpose of:

A. Encouraging the construction of more affordable single family residential detached or attached dwelling units which utilizing public sewer and public water systems;

B. Facilitating the construction of affordable single family residential detached or attached housing units on a smaller scale than conventional multi-family developments to accommodate higher density and lower cost dwelling units;

C. Offering an alternative to multi-family residential developments in order to provide affordable housing for persons in a small scale, less dense neighborhood setting;

D. Preserving the rural character and appearance of the township through the construction of small scale environmentally sensitive developments on sites within the Village Center Master Plan Area.

E. Encouraging the clustering of detached or attached single family dwelling units to promote the safety and security of the residents.

These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes contrasting with open space and less intensive land uses. This Article is not intended as a device for circumventing the zoning regulations of the township, the standards set forth therein, nor the planning concepts upon which the zoning ordinance has been based.

These regulations are intended to result in a specific development substantially consistent with zoning ordinance standards, yet allow for modifications from the general standards.

### Section 14.3.2 Definitions



## EXHIBIT A

### ~~Exhibit C~~

A. **CHPUD Lot:** Land occupied or to be occupied by CHPUD units and accessory buildings permitted herein, together with such open spaces as are required under this Ordinance and having its principal frontage upon a street.

B. **CHPUD Unit:** A single family residential dwelling unit with full facilities for residential self-sufficiency.

C. **CHPUD:** An CHPUD is a housing development which meets the unique needs of the residents through the provision of significant facilities and services specifically designed to meet the physical or social needs of such residents.

### Section 14.3.3 Zoning

A CHPUD may be located in the following zoning districts: RB, VC and VR.

### Section 14.3.4 Development Design Standards

CHPUD housing shall meet the following criteria:

A. Public Sewer and public water shall be provided.

B. **CHPUD Size.** No fewer than four (4) CHPUD units nor more than twenty (20) CHPUD units shall be permitted per lot.

C. **Acreage and Density Requirements.** A CHPUD development may be approved upon any residentially zoned land with density as permitted below:

| <u>District</u> | <u>Minimum Acreage</u> | <u>Minimum Density Per CHPUD Unit</u> |
|-----------------|------------------------|---------------------------------------|
| RB              | 1 acre                 | 7,500 square feet                     |
| VC              | 1 acre                 | 4,100 square feet                     |
| VR              | 1 acre                 | 5,450 square feet                     |

D. **Unified Control.** The CHPUD shall be initially under single ownership or control, so there is a single person, entity or condominium having proprietary responsibility for the development of the CHPUD as evidenced by a title company licensed to do business in Michigan. In the event, all or any portion of the development changes ownership or control prior to completion of the Project, the terms and conditions of this Planned Unit Development shall be binding on any successor owner of all or any portion of the Property.

E. **Guarantee of Open/Common Space.** At least fifty (50%) percent of the total site area shall be preserved as open space. This open space shall be held in common ownership by all residents of the CHPUD. This open space shall be utilized for recreation facilities such as lawns, gardens, plazas, common use buildings, pool areas, picnic areas, walking trails or other open space uses which provide residents the opportunity to enjoy the features of the site. The open space shall be configured to be integrated with the individual units and maximize the proximity of each housing unit to natural open space. The principle common open space area shall be centralized to the project and at least fifty percent (50%) of the CHPUD units shall have their main entries on the centralized common space area. A guarantee to the satisfaction of the Township Planning Commission that all open/common space portions of the development will be maintained in the manner approved shall be provided. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the township and the land uses continue as approved in the CHPUD plan.



## EXHIBIT A

### ~~Exhibit C~~

#### **F. Area, Height, Bulk and Layout Regulations.**

|   |  |
|---|--|
| Minimum CHPUD unit floor area:              | 400 square feet  |
| Maximum CHPUD unit floor area:              | 1200 square feet   |
| Maximum building height:                    | 2 story  |
| Minimum building width,<br>any dimension:   | 12 feet  |
| Distance between walls of<br>the Buildings: | 10 feet  |
| Basement:                                   | Optional   |
| Shed:                                       | Optional   |
| Garage:                                     | Optional   |
| Covered parking:                            | Optional   |
| Minimum setbacks*:                          | 15 ft. from Street or private road right-of-way<br>10 ft. side and rear lot lines<br>5 ft. from common access drives |
| Common access drives:                       | 4 ft. from all lot lines   |

\* the setbacks are from the overall CHPUD lot.

**G. Attached Units:** No more than 4 units shall be attached in a single structure.

**H. Garages/ Carports.** If provided garages can be attached or detached from the main structure. Garages may be linked so as to have common walls. Garages/Carports may be on common owned property.

**I. Porches.** Each CHPUD unit shall have a front porch that is a minimum of six feet deep and 50% of the front elevation.

**J. Private Out Door Space.** Each unit shall have no more than 2,000 square foot of private outdoor space. This space shall include any private outdoor parking areas, open porches, and yard space that is not open for common use.

**K. Common Area.** Each CHPUD shall have a common area containing at least one (1) common use structure such as a pool house, clubhouse, gazebo, deck, patio or terrace that shall be covered with a roof, of similar architectural style and design as the CHPUD units located on the lot, and a minimum of 100 square feet. Common use structures can be counted towards the common open space area.

**L. Storage Sheds.** Any storage sheds shall be so designed as to have the same roof pitch and architectural style as the CHPUD units in the development. Storage sheds may be linked so as to have common walls; however, each shed must have its own private, lockable access door. The dimensions of any shed servicing a CHPUD unit shall conform to other size provisions of the zoning ordinance. Storage sheds may be located on common owned property.

**M. Water and Sewer System Service.** CHPUD developments are required to be serviced by public sewer and public water services.

**N. Roads.** The CHPUD shall have paved access designed and constructed to AASHTO standards and shall provide adequate access for emergency vehicles.

**O. Parking Requirements.** The parking standards for a CHPUD shall be two (2) spaces per unit. Each parking space shall have a minimum size of 180 square feet (10 feet by 18 feet), may be located either on-site or within one hundred (100) feet of the site, may be on street or off street and may be



## EXHIBIT A

### ~~Exhibit C~~

within a garage or carport structure or unenclosed. If the applicant requests a reduction in the parking requirements the Planning Commission must make the findings that alternative transportation options have been provided to the future residence of the project.

**P. Construction Drawings Required.** Scaled floor plan and building elevation drawings shall be presented for each CHPUD unit within the CHPUD that has a different interior layout and square footage of living space.

**Q. Sidewalks and Access Ramps.** All pedestrian circulation walkways and sidewalks shall be hard-surfaced with either asphalt, concrete or brick paving and be accessible to the handicapped according to the standards set forth in the Americans With Disabilities Act. Sidewalks and pathways shall be designed to connect the CHPUD units to the common areas on the lot and to connect with adjacent properties. Handicapped access ramps are exempt from the required setbacks.

**R. Interior Design.** A minimum of ten (10) percent or at least one (1), whichever is greater, of the CHPUD units shall meet the International Code Council (American National Standards Institute) Accessibility Standards for Type B units.

**S. Design Compatibility.** The exterior of each CHPUD unit shall be compatible in terms of architectural design, materials and color with the residential structures in the immediate neighborhood within 300 feet of the development parcel or lot. However, all housing units shall be a minimum of fourteen (14) feet wide at their least horizontal dimension and attached to a permanent foundation. Accessory buildings for a CHPUD unit, such as detached garage, common room and shed structures, shall be architecturally compatible with the design and style of the CHPUD units. Compatibility of design shall be decided by the Planning Commission.

**T. Waiver of Standards.** The Planning Commission is hereby empowered to waive site design standards and development area requirements if public health and safety are not compromised. The Planning Commission is further empowered to specify conditions in issuing any special use permits as may be required.

### Section 14.3.5 Project Standards

In considering any application for approval of an CHPUD site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article 4.00, as well as the following standards and requirements:

**A. Compliance with the CHPUD Concept.** The overall design and land uses proposed in connection with a CHPUD shall be consistent with the intent of the CHPUD concept, as well as with the specific design standards set forth herein.

**B. Compatibility with Adjacent Uses.** The proposed CHPUD site plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. Pedestrian and vehicular circulation.
3. The location and screening of vehicular use or parking areas.



## EXHIBIT A

### ~~Exhibit C~~

4. The provision of landscaping and other site amenities.

**C. Protection of Natural Environment.** The proposed CHPUD shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.

**D. Common Area and Unit Maintenance.** The CHPUD shall include in the Master Deed, Community Bylaws and/or cCovenant provisions, as applicable for the maintenance of the common open space, including landscaping maintenance, snow removal and repairs to building exteriors, in a form approved by the Township Attorney.

**E. Compliance with Applicable Regulations.** The proposed CHPUD shall comply with all applicable federal, state and local regulations.

## Section 14.4 ~~COMMERCIAL~~ GENERAL PLANNED UNIT DEVELOPMENT (GPUD)

### Section 14.4.1 Intent

A. The intent of the ~~Commercial~~ General Planned Unit Development is to permit, with Township approval, private or public development which is substantially in accord with the goals and objectives of the Hamburg Township Master Plan which was adopted by the Planning Commission in June 4, 1997 and may be amended from time-to-time, the M-36 Corridor Plan, which was adopted by the Planning Commission on November 26, 1993 and may be amended from time-to-time, and the Hamburg Township Village Plan, which was adopted by the Planning Commission on December 6, 1995 and which may be amended from time-to-time.

B. The development permitted under this Article 17.00 shall be considered as an optional means of development. The availability of the option imposes no obligation on the Township to encourage or foster its use. The decision to approve its use shall be at the sole discretion of the Township. Consequently, in this article, the development opportunities made available under this Article may be referred to as the ~~CG~~PUD.

C. A ~~Commercial~~ GPUD is intended to permit regulatory flexibility to achieve development that is in accord with the Township's Master Plans; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage the creation of useful open space particularly suited to the proposed development and parcel on which it is located; and to provide appropriate housing, employment, services and shopping opportunities to satisfy the needs of residents of the Township of Hamburg.

D. It is further intended that the development of a ~~CG~~PUD be laid out so that proposed uses, buildings, and site improvements relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

F. The ~~CG~~PUD Option is further intended to permit reasonable development or use of parcels of land that were subdivided and/or developed prior to adoption of the current ordinance, or amendment thereto, and which would otherwise be restricted from development or use because of existing or resulting nonconformities.

### Section 14.4.2 Definitions

For the purposes of this article, the following definitions shall apply:



Exhibit ~~X~~ A

- A. ~~Commercial~~ **GENERAL PLANNED UNIT DEVELOPMENT**: The term "~~Commercial General~~ Planned Unit Development" means a specific parcel of land or several contiguous parcels of land, which has been, is being, or will be developed in accordance with a site plan approved by the Township Board, following a recommendation from the Planning Commission, where the site plan meets the requirements of this Article, proposing permitted land uses, density patterns, a fixed system of streets (where necessary), provisions for public utilities, drainage and other essential services and similar features necessary or incidental to development.
- B. **UNDERLYING ZONING**: The term "Underlying Zoning" means the zoning classification assigned in the Hamburg Township Zoning Ordinance to a parcel of land that is proposed to be developed in accordance with the ~~Commercial General~~ Planned Development regulations.
- C. **UNDERLYING FUTURE LAND USE**: The term "Underlying Future Land Use" means the future land use designation identified in the Township Master Plan, M-36 Corridor Plan or Hamburg Township Village Plan which the Township Planning Commission has determined is applicable to a parcel of land that is proposed to be developed in accordance with the ~~Commercial General~~ Planned Unit Development regulations.

**Section 14.4.3 Project Characteristics**

A. **Location.** A CGPUD shall only be created on development sites within the Township which have a portion of the property located within the Neighborhood Service (NS), Community Service (CS), Mixed Use Development (MD), Village Residential (VR), or Village Center (VC) zoning districts ~~or which have a portion of the property designated for commercial future land uses as indicated by the Hamburg Township Master Plan, M-36 Corridor Plan or Hamburg Township Village Plan.~~

B. **Size.** A CGPUD shall only be created on development sites one (1) acre in area or greater.

C. **Permitted Uses.**

1. Uses that are listed as Permitted Uses or Special Uses in the underlying zoning district or uses identified in the underlying future land use category of the Township Master Plans may be permitted in a CGPUD development. Expansion of or renovation to a building containing a use that is not listed as a Permitted Use or Special Use may be permitted by the Planning Commission upon making the determination that:

- i. The use has operated and will continue to operate in a manner that is compatible with surrounding and nearby land uses;
- ii. The proposed expansion or renovation will not impair the efforts of the Township and property and business owners and residents to further the goals and objectives of the Township Master Plans; and
- iii. The proposed expansion or renovation will have a recognized and substantial beneficial impact as a result of improved building design, site improvements that are consistent with design guidelines set forth in Section 17.05 and the Township Master Plans, improved traffic and transportation patterns or other benefits.

2. Uses that are listed as Permitted Uses or Special Uses in the Village Center (VC) zoning district may be permitted in the CGPUD, with the exception that residential uses as described in the



## Exhibit A

Village Center (VC) shall not be permitted in a CGPUD located outside the Village Center (VC) or Village Residential (VR) zoning districts. Upon the determination that the inclusion of residential uses shall aid the CGPUD in meeting the eligibility criteria stated in Section 17.03, residential uses shall comply with the density requirements of the underlying zoning district or master plan designation.

3. The Township Board shall make the final determination, based on the recommendation of the Planning Commission, as to whether a specific use may be permitted in the CGPUD subject to compliance of the proposed uses with the eligibility criteria of Section 17.03 and approval of a site plan, pursuant to the review procedures in Section 17.06.

### D. Regulatory Flexibility.

1. A CGPUD proposal shall comply with the height, bulk, density, and setback standards of the underlying zoning district except as specifically modified and noted on the CGPUD site plan. Uses listed as Special Uses shall be subject to applicable height, bulk, density, area and use standards in Section 3.5 of the Zoning Ordinance, unless such standards are modified and noted on the CGPUD site plan.

2. The Township Board may approve modification or waiver of one or more standards of the underlying district or standards for Special Uses, after reviewing the recommendation of the Planning Commission, upon making the determination that any such modification or waiver would be consistent with the land use goals and objectives of the Township and the intent of this Article, and upon making the determination that the modification or waiver would be appropriate because of the particular design and orientation of buildings and uses. Any regulatory modification shall be approved by the Township Board based upon a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a CGPUD plan may be appealed to the Zoning Board of Appeals.

3. A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this CGPUD article. This specification should include Ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance shall be considered.

### ~~Section 178.5 — DESIGN STANDARDS~~

~~A CGPUD development must meet the intent and guidelines related to site design as stated in the Site Design Chapter of the M-36 Corridor Plan, and the Village Design Chapter of the Hamburg Township Village Plan, where applicable. Along with other appropriate site design standards, guidelines, and principles, the following site development elements shall also be reviewed for consistency with the applicable guidelines of the Village Center and M-36 Corridor Plans:~~



## Exhibit ~~B~~ A

- ~~A. Sidewalks/Pedestrian Circulation~~
- ~~B. Parking/Loading Areas~~
- ~~C. Architecture~~
- ~~D. Signs~~
- ~~E. Street and Access Design~~
- ~~F. Lighting~~
- ~~G. Landscaping~~

### Section 14.4.4 ~~Eligibility Criteria~~ Project Standards

~~In order for a development to qualify as a Commercial General Planned Unit Development, it must be demonstrated that all of the following criteria will be met:~~ In considering any application for approval of an GPUD site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article 4.00, as well as the following standards and requirements:

- A. A ~~CG~~GPUD shall promote the goals and objectives of the Township Master Plan, M-36 Corridor Plan and Hamburg Township Village Plan. ~~Including the intent and guidelines related to site design as stated in the Site Design Chapter of the M-36 Corridor Plan, and the Village Design Chapter of the Hamburg Township Village Plan, where applicable.~~

Along with other appropriate site design standards, guidelines, and principles, the following site development elements shall also be reviewed for consistency with the applicable guidelines of the Village Center and M-36 Corridor Plans:

1. Sidewalks/Pedestrian Circulation
  2. Parking/Loading Areas
  3. Architecture
  4. Signs
  5. Street and Access Design
  6. Lighting
  7. Landscaping
- B. A ~~CG~~GPUD shall result in a higher quality of development than could be achieved under conventional zoning.
  - C. A ~~CG~~GPUD shall not be created in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards without the need for variances.
  - D. A ~~CG~~GPUD may be created only when the proposed land use ~~will~~ not add public service and facility loads beyond those contemplated in the Master Plan or other applicable plans or policies of the Township unless the applicant can demonstrate to the sole satisfaction of the Township Board that such added loads will be accommodated or mitigated by the proponent as part of the ~~CG~~GPUD or by some other means deemed acceptable to the Township Board.
  - E. Creation of a ~~CG~~GPUD shall establish land use patterns which are compatible with and protect existing or planned use



Exhibit A

F. The use of the ~~EG~~PUD option shall not be for the purpose of avoiding applicable zoning requirements of the underlying zoning district.

G. A ~~EG~~PUD shall not be allowed solely as a means of increasing the density or intensity of development.

H. A ~~EG~~PUD shall improve the appearance of the Township through quality building design and site development, the provision of trees and landscaping consistent with or beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.

#### Section 14.5 -- REVIEW PROCEDURES

The following outlines the procedures and requirements which must be followed for all PUD development to receive approval under this Article. Prior to all scheduled Planning Commission or Township Board meetings, the applicant shall submit ~~fifteen-ten~~ (10) copies of the completed site plan with the Zoning Administrator at least twenty-one (21) days prior to the Planning Commission or Township Board meeting at which the site plan is to be considered. The Zoning Administrator shall determine the number of plans the applicant shall provide prior to any scheduled pre-application meeting.

14.5.1 Pre-Application Meeting. An optional pre-application conference can be held with township staff including Township Planner and Township Engineer as determined by the Zoning Administrator to review applicability of the PUD ordinance to the proposed site and uses.

14.5.2 Conceptual Review. The applicant may submit a draft site plan for the optional conceptual review by the Planning Commission. The draft site plan shall include as much detailed information as needed for the applicant to convey to the Planning Commission how the applicant would like to utilize the site. Information should include potential building locations, vehicular parking areas, types of uses, road layouts, if applicable, and setbacks from property lines. The conceptual review allows the applicant to present the proposed project to the Planning Commission, at an early stage in the development process, prior to formal submittal of the project. This process allows the developer to receive comments and feedback from the Planning Commission based on the information submitted. No formal action is taken by the Planning Commission at this time.

14.5.3 Preliminary PUD Site Plan Review and Public Hearing. The applicant prepares and submits a Preliminary Site Plan. The Preliminary ~~OS~~PUD site plan shall contain enough detail to explain the proposed uses, relationship to adjoining parcels, vehicular and pedestrian circulation patterns, open spaces and landscape areas, and building density or intensity. The Planning Commission shall conduct a public hearing in accordance with Section 3.5.2.B. Following the public hearing, the Planning Commission gives direction to the applicant. The plan is revised, if necessary. The Planning Commission then takes action to recommend approval or denial of the Preliminary ~~OS~~PUD site plan to the Township Board based upon the Preliminary PUD site plan meeting the eligibility requirements as outlined in this Article. A recommendation of approval for the Preliminary PUD site plan shall be accompanied by a description of the minimum conditions under which the proposal will be considered for final approval. In describing such conditions, the Planning Commission may identify specific requirements or standards in the Zoning Ordinance which could be waived or modified upon approval of the final PUD site plan.

The Township Board shall consider the Planning Commission recommendation and public hearing comments and shall take action to approve, deny or remand the preliminary PUD site plan back to the Planning Commission for further review.



#### 14.5.4 Final PUD Site Plan Review.

A. The applicant shall submit a Final PUD site plan which contains all information required for site plan review under Section 4.5.6 of the Township Zoning Ordinance and approvals from all appropriate county, state and federal agencies, including, but not limited to, the Livingston County Road Commission, Livingston County Drain Commissioner, Livingston County Health Department and the Michigan Department of Transportation.

B. The Planning Commission shall review the submitted Final PUD site plan to insure compliance with all standards and criteria of the Hamburg Township Zoning Ordinance, the Hamburg Township Master Plan, M-36 Corridor Plan, Hamburg Township Village Plan, and the Southeast Livingston County Greenways Plan where applicable. The Planning Commission then shall take action to recommend approval or denial of the Final PUD site plan to the Township Board based upon compliance with the above referenced standards.

C. Upon receipt of the report and recommendation of the Planning Commission, the Township Board shall review all findings. If the Township Board determines that approval would be appropriate, it shall work with the application and the Township Attorney to prepare a Development Agreement setting forth the conditions upon which such approval is based. Such conditions shall include, where appropriate, identification of the phases and time table for development, and an estimate of the costs of implementing each phase.

D. After approval by resolution of the Township Board, the Development Agreement shall be executed by the Township and the applicant and recorded in the County records. Approval shall be granted only upon the Township Board determining that all qualification requirements, conditions of approval, and provisions of this and other Township Ordinances have been met, and that the proposed development will not adversely affect the public health, welfare and safety. Approval shall further be subjected to the condition that the contract will be properly recorded.

E. Approval of an OSPUD site plan shall be effective upon recording the contract and filing proof of recording with the Township Clerk.

F. Once an area has been included, within the boundaries of an approved PUD, no development may take place in the PUD except in accordance with the Township Board-approved PUD site plan.

G. Prior to any development within the area involved, an approved PUD site plan may be terminated by the applicant or the applicant's successors or assigns, by filing with the Township and recording in the County records an affidavit so stating. The approval of the plan shall terminate upon such recording.

H. No approved plan shall be terminated after development commences except with the approval of the Township Board and of all parties having an equity interest in the land.

#### Section 14. 5.5 General Requirements

A. **General Application Requirements.** The application for approval of a PUD shall be made according to procedures and guidelines adopted by resolution of the Planning Commission. The required materials shall be submitted to the Township Zoning Administrator with all required fees.



Exhibit ~~A~~ A

**B. Effect of Approval.** Approval of a PUD proposal shall not require, nor shall it be construed as an amendment to the Zoning Ordinance. All improvements and uses of the site shall be in conformity with the approved open space community site plan and comply fully with any conditions.

**C. Recording of Action.** The applicant shall record a **Development Agreement** with the register of deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved PUD plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township.

**D. Land Use Permit.** Following final approval of the PUD site plan and final approval of the engineering plans by the Township Engineer, a land use permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State or Federal permits.

**E. Initiation of Construction.** If construction has not commenced within twenty-four (24) months of final approval, all Township approvals become null and void. The applicant may apply in writing to the Planning Commission for an extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.

**F. Continuing Adherence to Plan.** Any property owner who fails maintain an approved site design shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the penalties for same.

**G. Performance Guarantee.** The Planning Commission may require a performance guarantee, in accordance with the **zoning ordinance**.

**H. 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. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space community and the residents of the surrounding area.

**I. 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 14.5.5 (E).

#### **Section 14.5.6 Revision of Approved Plans**

**A. General Revisions.** Approved plans for a PUD may be revised in accordance with the procedures set forth in Section 14.5 Review Procedures.

**B. Minor ~~Changes~~ Modifications.** Minor ~~modifications~~ ~~changes~~ to an approved PUD plan may be permitted following normal site plan review procedures outlined in Article 4.00, "Site Plan Review," Sections 4.9 and 4.10 subject to the finding of all of the following:

1. Such ~~changes~~ modification will not adversely affect the initial basis for granting approval;



Exhibit ~~A~~ A

2. Such minor ~~changes~~ modification will not adversely affect the overall PUD in light of the intent and purpose of such development as set forth in this Article; and
3. Such ~~changes~~ modification shall not result in the reduction in the benefits and amenities the PUD provides to the community.







**ARTICLE 14.00  
PLANNED UNIT DEVELOPMENT (PUD)**

**CHAPTER 14.1 OPEN SPACE COMMUNITY PLANNED UNIT DEVELOPMENT (OSPUD)**

**Section 14.1.1 Intent**

It is the intent of this Article to offer an alternative to traditional subdivisions through the use of Planned Unit Development legislation, as authorized by Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended) for the purpose of:

- A. Encouraging the use of Township land in accordance with its character and adaptability;
- B. Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
- C. Providing recreational facilities within a reasonable distance of all residents of the Open Space Community development;
- D. Allowing innovation and greater flexibility in the design of residential developments;
- E. Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- F. Ensuring compatibility of design and use between neighboring properties; and,
- G. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes contrasting with open space and less intensive land uses. This Article is not intended as a device for ignoring the Zoning Regulations of the Township, the standards set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based.

These regulations are intended to result in a specific development substantially consistent with Zoning Ordinance standards, yet allow for modifications from the general standards to insure appropriate, fair, and consistent decision making.

The open space community district is established as an overlay district applicable to the following single family residential districts RAA, RA, , WRF, and NR.

**Section 14.1.2 Scope**

For the purposes of this Article, an "open space community" is defined as a predominately single family residential development in which dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties or other groupings of dwellings by substantial open space that is perpetually protected from development. Multi-Family and Commercial uses may be allowed as stated in Section 14.1.5.

**Section 14.1.3 Eligibility Criteria**



## EXHIBIT B: August 21, 2019 Final Draft

To be eligible for open space community consideration, the applicant must present a proposal for residential development that meets each of the following:

**A. Recognizable Benefits.** An open space community shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high quality architectural design, variety of housing types and sizes, providing additional amenities for public use, extensive landscaping, provide transition areas from adjacent residential land uses, unique site design features, unified access, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams and wetlands. This benefit should accrue, in spite of any foreseeable detriments of the proposed development.

**B. Open Space.** The proposed development shall provide at least one of the following open space benefits:

1. **Significant Natural Assets.** The site contains significant natural assets such as woodlands, individual trees over twelve (12) inch diameter, measured at breast height, rolling topography with grades exceeding 15%, significant views, natural drainage ways, water bodies, floodplains, regulated or nonregulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development. This determination shall be made by the Planning Commission after review of a Site Analysis Plan, prepared by the applicant that inventories these features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the Open Space Community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

2. **Recreation Facilities.** If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.

3. **Creation of Natural Features.** If the site lacks existing natural features, it can also qualify if the development will create significant woodland features. The creation of significant woodland features shall be considered providing perimeter buffer plantings and interior street tree plantings at a rate of twice (2 x) what is required by this Ordinance.

**C. Guarantee of Open Space.** The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space community plan.



**D. Cohesive Neighborhood.** The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the Open Space Community.

**E. Unified Control.** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project unless it is stated in the Development Agreement. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. In the event, all or any portion of the development changes ownership or control prior to completion of the Project, the terms and conditions of this Planned Unit Development shall be binding on any successor owner of all or any portion of the Property.

**F. Density Impact.** The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Planning Commission may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impact resulting from the proposed open space community. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development. The Planning Commission may require that the applicant prepare a quantitative comparison of the impacts of conventional development and the open space community plan to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the open space community.

**G. Township Master Plan.** The proposed development shall be consistent with and further the implementation of the Township Master Plan.

#### **Section 14.1.4 Project Characteristics.**

A proposed open space community shall comply with the following project design standards:

**A. Location.** An open space community may be approved within any of the following zoning districts: RAA, RA, NR, or WFR.

**B. Permitted Uses.** An open space community is generally restricted to single family detached or attached residential dwellings.

1. Unless modified by the Planning Commission following the standards herein, all residential dwellings shall meet the yard, lot width, and bulk standards required by Article 7.00, except that single family attached dwellings may have zero (0) side lot lines.



2. In projects that qualify under the standards of Section 14.1.5, a commercial or a multiple family component may be allowed by the Planning Commission.

**C. Dwelling Density.** The number of dwelling units allowable within an open space community project shall be determined through preparation of a parallel plan.

1. The applicant shall prepare, and present to the Planning Commission for review, a parallel design for the project that is consistent with State, County and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size (as shown in paragraph B below), lot width and setbacks as normally required under Section 7.6, public roadway improvements and private parks, and contain an area which conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality. This design shall include all information as required by the guidelines adopted by the Planning Commission pursuant to Section 14.5.5 (A).
2. The parallel plan shall be prepared with the following minimum lot areas. The parallel plan is only used to determine allowable density for an open space community project. The following parallel plan minimum lot areas incorporate a density bonus for qualifying open space community projects that meet all requirements of this ordinance:

| Underlying Zoning District Parallel Plan Minimum Lot Size<br>(square feet) |          |                                |   |
|--|----------|--------------------------------|---|
| Zoning District  | Original | Meeting Open Space Regulations | Meeting Open Space Regulations with Pubic Sewer and a minimum of 60% open space |
| RAA  | 87,160   | 60,000                         | 51,000  |
| RA   | 43,580   | 30,000                         | 25,500  |
| NR   | 43,580   | 30,000                         | 25,500  |
| WFR  | 43,580   | 30,000                         | 25,500  |

3. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space community project. The Planning Commission may grant an additional density bonus of up to 15% for exemplary projects that meet the conditions outlined in Section 14.1.5

**D. Open Space Community Plans Not requiring Public Hearing (Open Space Preservation).** An Open Space Community that results in the same number of lots as would be permitted under the existing zoning district ~~Article 8.8.2. Land Divisions and Combinations~~ and where 50% of the land area will



remain open space, may be permitted by the Planning Commission following normal site plan review procedures outlined in Article 4.00.

**E. Water and Sewer Service.** If there is public water or sewer service available to the site on which an open space community development is proposed, the Planning Commission may require connection into the system.

**F. Base Zoning Regulations.** Unless specifically waived or modified by the Planning Commission, all Zoning Ordinance requirements for the underlying zoning district, except for minimum lot area, and other Township regulations shall remain in full force.

**G. Regulatory Flexibility.**

1. To encourage flexibility and creativity consistent with the open space community concept, departures from compliance with the standards provided for in the zoning ordinance, except for additional density bonuses, may be granted at the discretion of the Planning Commission as part of the Open Space Community approval process. Such departures may be authorized on the condition that there are features, amenities or planning mechanisms deemed adequate by the Planning Commission designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought. Any allowed deviations from zoning ordinance standards will require the Applicant to provide substitute safeguards for each regulation for which there is noncompliance, in whole or in part, in the development plan.

2. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space community plan may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the Open Space Community, provided such variance does not involve alterations to open space areas as shown on the approved Open Space Community site plan.

3. A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this Open Space Community article. This specification should include Ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance shall be considered.

**H. Open Space Requirements.**

1. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, an approved land improvement, or, if applicable, a commercial use, shall be set aside as common land for recreation, conservation, agricultural uses, or



preserved in an undeveloped state. Grading in the open space shall be minimal, with the intent to preserve existing topography.

2. An open space community shall maintain a minimum of forty percent (40%) of the gross area of the site as dedicated upland open space held in common ownership. Such open space may be reduced to thirty percent (30%) for lower density projects as described in Section 14.1.4.H.9 Large Lot Open Space, except as noted in Section 14.1.4.H.3 "Areas Not Considered Open Space", any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of twenty-five percent (25%) of the required open space shall be upland area exclusive of wetlands that is accessible to all residents of the Open Space Community and not include golf course fairways.

3. Areas Not Considered Open Space. The following land areas are not included as dedicated open space for the purposes of this Article:

- i. The area of any street right-of-way
- ii. Any submerged land area.
- iii. Any portion of the project used for commercial purposes.
- iv. The required setbacks surrounding a residential structure that is not located on an individual lot or condominium site.

4. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting the frontage landscaping requirement. The Planning Commission may require the provision of a planting berm at least three (3) feet in height in addition to the plant materials required to further help to separate open space areas along the public right-of-way parallel to a major arterial.

5. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.

6. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:

- i. Recorded deed restrictions,
- ii. Covenants that run perpetually with the land, or
- iii. A conservation easement established pursuant to subpart 11 of part 21 of the Natural Resources and Environmental Protection Act being MCL 324.2140, et seq., . Such conveyance



shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

a. Indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:

- Dumping or storing of any material or refuse;
- Activity that may cause risk of soil erosion or threaten any living plan material;
- Cutting or removal of live plant material except for removal of dying or diseased vegetation;
- Use of motorized off road vehicles;
- Cutting, filling or removal of vegetation from wetland areas;
- Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.

c. Provide standards for scheduled maintenance of the open space.

d. Provide for maintenance to be undertaken by the Township of Hamburg in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

7. Continuing Obligation. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Open space may include golf course area, provided that it forever remains outdoor recreation or natural undeveloped land. This dedication shall be written and recorded with the Development Agreement, and shall be in a format reviewed and approved by the Township Attorney.

8. Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the required open space area.

9. Large Lot Open Space. The Planning Commission has the discretion to allow lower density Open Space Communities with larger lots and less open space. For these Large Lot Open Space Communities, the required minimum open space area may be reduced from forty percent (40%) to thirty percent (30%) where the total number of dwelling units, determined under Section 14.1.4, is reduced by at least ten percent (10%).

**I. Compatibility with Adjacent Uses.** The proposed location of accessory uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the boundary of the development or so as to negatively impact the residential use of adjacent lands.



**J. Transition Areas.** Where the Open Space Community abuts a single family residential district, the Planning Commission may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single family residential is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commissions may review the proposed transition area to ensure compatibility. The Planning Commission may require that the transition area consist of one or more of the following:

1. A row of single-family lots or condominium sites similar to adjacent single family development in terms of density, lot area, lot width, setbacks and building spacing.
2. Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.
3. Open or recreation space.
4. Significant changes in topography which provide an effective buffer.

**K. Architectural and Site Element Design.** Residential facades shall not be dominated by garages; at least forty percent (40%) of residential units shall have side entry garages, garages to the rear of the main structure, alley loaded garages, or recessed garages where the front of the garage is at least five (5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging rear yard, recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the aesthetic impact resulting from the close clustering of units allowed under these regulations.

Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission may require street or site lighting where appropriate.

**L. Access.** Direct access onto a County road or State highway shall be required to an open space community. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). Open Space Communities shall also meet or exceed the access standards contained in Section 10.8 of this Ordinance. The requirements of this section may be waived or modified by the Planning Commission in accordance with Section 14.1.4.G Regulatory Flexibility, A upon a finding by the Planning Commission that safe and reasonable access cannot otherwise be provided in a manner that complies with the standards of the zoning ordinance, including the provisions specified above, and that proposed deviations from these ordinance standards will result in safe and reasonable access to the site. The Planning commission may require the submission of a traffic impact study to document the conditions and circumstances that prevent compliance with these standards, and if so it shall be the burden of the Applicant to demonstrate that safe and reasonable access is provided by the Open Space plan.



**M. Internal Roads.** Internal roads within an open space community may be public or private.

1. Construction of private roads as a means of providing access and circulation is encouraged. Private roadways within an open space community must meet the design requirements of the Township Private Road Ordinance. The Planning Commission may modify these requirements, if all of the following findings are made:

i. There is no potential for the road to connect with abutting land or be extended to serve additional land in the future.

ii. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a modification to the Private Road standards.

2. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Township Planning Commission.

3. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one canopy trees shall be provided on each side for every fifty (50) feet or road. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.

**N. Pedestrian Circulation.** The Open Space Community plan shall provide pedestrian access to all open space areas from all residential areas, connections between open space areas, public thoroughfares, and connections between appropriate on- and off-site uses. Trails within the open space community may be constructed of gravel, woodchip or other similar material, but the Planning Commission may require construction of eight (8) foot wide asphalt bike paths through portions of the development or along the any public right-of-way abutting the open space community. The Planning Commission may require the construction of sidewalks for Open Space Communities within the area included in the Hamburg Village Sub-area Master Plan. Locations for school bus stops shall be provided on the site plan.

**O. Natural Features.** The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The Planning Commission may also require that the project meets the natural features setback requirements of Article 9 Section 9.9 of the zoning ordinance.

**P. Existing Structures.** When a tract contains structures or buildings deemed to be of historic, cultural or architectural significance, as determined by the Planning Commission, and if suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

#### **Section 14.1.5 Optional Provisions for Exemplary Projects.**



The Planning Commission may allow an exemplary open space community to include one or more of the following optional provisions. In order to qualify for an optional provision, the applicant must demonstrate, to the satisfaction of the Planning Commission, that the proposed project exceeds the minimum standards for open space community eligibility under Section 14.1.3 Eligibility Criteria.

In order to qualify for development under the optional provisions of this section, all structures within the project, including single family dwellings, shall be subject to architectural review by the Planning Commission. Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines and massing, but there shall be a variation of front facade depth and roof lines to avoid monotony. Building elevations shall be required for all structures.

A. Density Bonus. An additional density bonus between one percent (1%) and up to fifteen percent (15%) may be allowed at the discretion of the Planning Commission, based upon a demonstration by the applicant of design excellence in the open space community. In order to qualify for a density bonus, the Open Space Community must be served by public sanitary sewer and have a minimum of 60% open space. An additional density bonus no greater than fifteen percent (15%) may be granted for an exemplary project.

1. Calculation of additional density bonus based on the additional percentage allowed by the Planning Commission up to fifteen percent (15%) please see the following examples:

i. If the parallel plan under Section 14.1.4 Project Characteristics allows for 100 homes and the Planning Commission make a determination based on the criteria in this section that the project should receive an additional density bonus for an Exemplary Project of five percent (5%), ten percent (10%), or fifteen percent (15%) as examples then for a project that is allowed 100 homes under section 14.1.4 Project Characteristics would be allowed an addition  $(100 \times .05 = 5)$  5,  $(100 \times .10 = 10)$  10 or  $(100 \times .15 = 15)$  15 homes, respectively.

2. To receive an additional density bonus under this section a qualifying project shall include at least one of the following elements. The Planning Commission may base the percentage of the bonus, between one percent (1%) and fifteen percent (15%), on the number of elements that are integrated into the project design and the benefit or impact the element/elements will provide to the Township. .

i. Inclusion of an integrated mixture of housing types. These housing types may include duplexes, single family attached dwellings, accessory dwelling units, homes designed to front on common open space areas, homes with access from alleys, homes with a wide range of sizes include smaller more affordable homes and other innovative designs and housing types.

ii. Providing perimeter transition areas around all sides of the development that are at least one hundred fifty (150) feet in depth.

iii. Utilization of sustainable design elements. These elements may include green infrastructure, energy (solar, energy efficient structure orientation, exc...) and water (low flow water fixtures, grey water tanks, rain barrels, exc...) efficient design practices, limiting impervious surfaces, access to alternative transportation options, and other sustainable design elements.



iv. Include amenities within the project. These amenities should be easily accessed by the residents of the development, connect the project to surrounding developments and open to everyone within the Township. Amenities may include parks, recreational facilities (playground structure, tot lots, pools, sports courts, picnic areas or similar type improvements.), common buildings (such as pool houses, club houses, gazebos, covered pavilions ) trails and other amenities that may be a benefit to the community.

v. A minimum of ten percent of the units shall meet the International Code Council Accessibility Standards for Type B units.

vi. A minimum of ten percent of the housing meets the Housing and Urban Development definition of affordable housing.

vii. The sewer systems are gravity feed.

viii. public water is provided

ix. Cleanup of site contamination.

x. Other similar elements as determined by the Planning Commission.

B. Multiple Family Component. In an open space community with a gross area of fifteen (15) acres or more, up to fifty percent (50%) of the dwelling units may be other than single-family dwellings. Such units shall meet the following design standards:

1. Front Yard. The minimum building setback from an internal road shall be twenty five (25) feet from the public street right-of-way or private road easement. The Planning Commission may reduce the setback based upon a determination that offstreet parking will be adequate, and that the modification will preserve natural features or that the rear yard buffer will be increased by one (1) foot for each one (1) foot of reduction in the front yard setback. In no instance shall the front yard setback be reduce below a minimum of fifteen (15) feet. Buildings that front on two streets must provide the required front yard setback from both streets.

2. Rear Yard: A thirty five (35) foot rear yard shall be maintained for all buildings. Where the rear of a building abuts the side or rear of another residential structure, the minimum spacing between the structures shall be the combined total of the two setback requirements.

3. Side Yards. A ten (10) foot setback shall be maintained to the side of all residential buildings. Where two buildings are located side-by-side, a thirty five (35) foot spacing shall be maintained between apartment buildings.

4. Off-street Parking Lots. Off-street parking lots serving three (3) or more dwelling units shall provide a ten (10) foot wide open green space area around the perimeter of the parking lot.

5. The building setback requirements may be varied provided they are specifically indicated on the Open Space Community plan and the Planning Commission determines the variation does not negatively impact adjacent properties and provides a recognizable benefit. Building setback



requirements on the perimeter of the development shall not be reduced below thirty five (35) feet.

C. Commercial Component. An open space community with a gross area of fifty (50) acres or more may incorporate a commercial land use component, provided that all of the following are met:

1. The commercial component shall be located on a lot of sufficient size to contain all commercial structures, parking, and landscape buffering. The total area occupied by the commercial land uses may not exceed five percent (5%) of the gross area of the open space community or five (5) acres, whichever is less.
2. All commercial uses shall be compatible with the residential area.
3. The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.
4. All commercial structures are connected to a pedestrian access system servicing the project.
5. Vehicular access is available only from an access drive to the open space community that connects directly with M-36.
6. If a proposed project cannot provide direct access to M-36, the Planning Commission may approve a commercial land use component for an Open Space Community project located on any paved County thoroughfare, subject to:
  - i. A special land use hearing on the location of the use being held prior to consideration by the Planning Commission. The hearing shall be conducted according to the procedures stated in Section 3.5. of this Ordinance, and
  - ii. The Planning Commission making the finding that the overall site layout, including the architectural design and the vehicular circulation pattern, is:
    - a. Compatible with the surrounding land uses, and
    - b. Will not have a significant detrimental effect on the character of surrounding residential uses.
7. All parking and loading areas serving the commercial uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Planning Commission may allow up to twenty five percent (25%) of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than fifteen (15) feet on center.
8. The allowable commercial uses within such an area shall be recorded as a deed restriction on the property and shall be restricted to the following:



- i. Food and beverage stores for the sale of: groceries, fruit, meat, baked goods, dairy products, beverages and liquor.
- ii. Personal service establishments such as barber shops, beauty salons, laundry pick-up, and similar uses.
- iii. Child care or day care centers.
- iv. Offices for the professions or occupations of doctor, dentist, attorney, engineer, accountant, architect, financial consultant or broker, publisher, real estate broker, secretarial services, and similar uses as determined by the Planning Commission, may be permitted, subject to findings by the Planning Commission that (a) a use is consistent with the intent of this Article and (b) provides no significant negative impact on the open space community project or other surrounding land uses.

9. No structure within the commercial land use component of an open space community shall be occupied without a valid certificate of occupancy from the Township.

- i. A request for a certificate of occupancy for a commercial structure within an open space community shall be reviewed by the Zoning Administrator to insure compliance with this Article.
- ii. A certificate of occupancy may be approved only for uses identified in sub-section 14.1.5 (C)(8). Approval shall not be granted to a use that is inconsistent with the intent and/or requirements of this Article.
- iii. The initial certificate of occupancy for a commercial structure or portion of a commercial structure within the open space community shall not be approved until fifty percent (50%) of the physical improvements related to the residential components of the total open space community plan are complete, notwithstanding an approved schedule for project phasing.
- iv. A certificate of occupancy may be revoked by action of the Zoning Administrator, if a use is conducted in a manner that does not comply with the intent of this Article and/or any other requirements of this Ordinance.

#### Section 14.1.6. Project Standards

In considering any application for approval of an open space community site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article 4.00, as well as the following standards and requirements:

- A. Compliance with the Open Space Community Concept. The overall design and land uses proposed in connection with an open space community shall be consistent the intent of the open space community concept, as well as with specific design standards set forth herein.
- B. Compatibility with Adjacent Uses. The proposed open space community plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to



surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. Pedestrian and vehicular circulation.
3. The location and screening of vehicular use or parking areas.
4. The provision of landscaping and other site amenities.

C. Impact of Traffic. The open space community shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.

D. Protection of Natural Environment. The proposed open space community shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.

E. Compliance with Applicable Regulations. The proposed open space community shall comply with all applicable Federal, state, and local regulations.

F. Township Master Plan. The proposed open space community shall be consistent with and further the implementation of the Township Master Plan.

G. Conditions. Reasonable conditions may be required with the special approval of an Open Space Community, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Township Master Plan. Conditions imposed shall be designed to protect natural resources, and the public health, safety and welfare of individuals in the project, those immediately adjacent and the community as a whole; shall be reasonable related to the purposes affected by the Open Space Community; shall be necessary to meet the intent and purpose of this Ordinance and implement the Township Master Plan; and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the special approval.

## CHAPTER 14.2 ELDERLY COTTAGE HOUSING OPPORTUNITY(ECHO) PLANNED UNIT DEVELOPMENT

### Section 14.2.1 Intent

It is the intent of this Article to offer an alternative to traditional single family detached or attached housing developments for elderly persons through the use of planned unit development legislation as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended for the purpose of:

- A. Encouraging the construction of more affordable single family residential detached or attached dwelling for elderly persons units utilizing cluster septic tank drainfields and common water supply systems;



B. Facilitating the construction of affordable single family residential detached housing units for elderly persons on a smaller scale than conventional multi-family developments that require public infrastructure improvements such as roads, and public water and sewer to accommodate higher density and lower cost dwelling units;

C. Offering an alternative to multi-family residential developments in order to provide affordable housing for elderly persons in a small scale, less dense neighborhood setting;

D. Preserving the rural character and appearance of the township through the construction of small scale environmentally sensitive elderly person developments on scattered sites.

E. Encouraging the clustering of detached or attached single family elderly person dwelling units to promote the safety and security of the senior citizen residents.

These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small elderly person residential nodes contrasting with open space and less intensive land uses. This Article is not intended as a device for circumventing the zoning regulations of the township, the standards set forth therein, nor the planning concepts upon which the zoning ordinance has been based.

These regulations are intended to result in a specific development substantially consistent with zoning ordinance standards, yet allow for modifications from the general standards.

#### Section 14.2.2 Definitions

A. **ECHO Lot:** Land occupied or to be occupied by ECHO units and accessory buildings permitted herein, together with such open spaces as are required under this Ordinance and having its principal frontage upon a street.

B. **ECHO Unit:** A single family residential dwelling unit with full facilities for residential self-sufficiency in each individual dwelling unit which has a resident who is an elderly person.

C. **ECHO Village:** An ECHO Village is a housing development which meets the unique needs of the elderly through the provision of significant facilities and services specifically designed to meet the physical or social needs of such residents.

#### Section 14.2.3 Zoning

An ECHO village may be located in the following zoning districts: RAA, RA, RB, RC, CS, VC, VR, OH or MD, or WFR provided the development does not have riparian rights (i.e. does not have shoreline along a lake or river).

#### Section 14.2.4 Development Design Standards

ECHO village housing shall meet the following criteria:



EXHIBIT B: August 21, 2019 Final Draft

A. On-site sewage disposal and water supply must be approved by the Livingston County Health Department.

B. **ECHO Village Size.** No fewer than four (4) ECHO units nor more than twenty (20) ECHO units shall be permitted per lot.

C. **Acreage and Density Requirements.** An ECHO village development may be approved upon any residentially zoned land with density as permitted below:

| <u>District</u> | <u>Minimum Acreage</u> | <u>Minimum Density Per ECHO Unit</u> |
|-----------------|------------------------|--------------------------------------|
| RAA             | 3 acres                | 15,000 square feet                   |
| RA              | 2 acres                | 10,000 square feet                   |
| RB              | 2 acres                | 5,000 square feet                    |
| WFR             | 2 acres                | 10,000 square feet                   |
| CS              | 1 acre                 | 5,000 square feet                    |
| RC              | 1 acre                 | 5,000 square feet                    |
| VR              | 1 acre                 | 5,000 square feet                    |
| VC              | 1 acre                 | 5,000 square feet                    |
| MD              | 1 acre                 | 5,000 square feet                    |

D. **Unified Control.** The ECHO village shall be initially under single ownership or control, so there is a single person, entity or condominium having proprietary responsibility for the development of the ECHO village as evidenced by a title company licensed to do business in Michigan. In the event, all or any portion of the development changes ownership or control prior to completion of the Project, the terms and conditions of this Planned Unit Development shall be binding on any successor owner of all or any portion of the Property.

E. **Guarantee of Open/Common Space.** At least fifteen (15) percent of the total site area shall be reserved as open space. This open space shall be held in common ownership by all residents of the ECHO village. This open space shall be utilized for recreation facilities such as picnic areas, walking trails or other open space uses which provide elderly residences the opportunity to enjoy the natural features of the site. The open space shall be configured to be integrated with the individual units and maximize the proximity of each housing unit to natural open space. If the open space is close and accessible for residents of all individual units, it need not be owned in common. A guarantee to the satisfaction of the Township Planning Commission that all open/common space portions of the development will be maintained in the manner approved shall be provided. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the township and the land uses continue as approved in the ECHO village plan.

F. **Area, Height, Bulk and Layout Regulations.**

|                               |                       |
|-------------------------------|-----------------------|
| Minimum ECHO unit floor area: | 400 square feet       |
| Maximum ECHO unit floor area: | 980 square feet       |
| Maximum building height:      | 1 story               |
| Required roof pitch:          | 4:12 ratio or greater |



EXHIBIT B: August 21, 2019 Final Draft

|  |  |
|--|--|
| Minimum building width,<br>any dimension:        | 14 feet  |
| Distance between roof<br>overhangs of Buildings: | 10 feet  |
| Handicap ramps:                                  | May encroach into any setback space.   |
| Basement:  | Optional   |
| Shed:  | Optional   |
| Garage:  | Optional   |
| Covered parking:                                 | Optional   |
| Minimum setbacks:                                | 15 ft. from Street or private road right-of-way<br>10 ft. side and rear lot lines<br>5 ft. from common access drives |
| Common access drives:                            | 4 ft. from all lot lines   |

G. **Attached Units:** No more than 4 units shall be attached in a single structure.

H. **Garages.** Detached garages can be located no more than one hundred (100) feet of walking distance from the ECHO unit which it serves.

I. **Porches.** Each ECHO unit shall have at least one (1) covered porch of at least twenty four (24) square feet in area.

J. **Common Area.** Each ECHO village which contains 5 or more ECHO units shall have a common area containing at least one (1) gazebo, deck, patio or terrace that shall be covered with a roof, be a minimum of 60 square feet, and be of the same architectural style and design as the ECHO units located on the lot.

K. **Storage Sheds.** Any storage sheds shall be so designed as to have the same roof pitch and architectural style as the ECHO units in the development. Storage sheds may be linked so as to have common walls; however, each shed must have its own private, lockable access door. The dimensions of any shed servicing an ECHO unit shall conform to other size provisions of the zoning ordinance.

L. **Water and Septic System Service.** If there is public water and/or sewer service available to the lot or in the area on which an ECHO development is located, connection into the system may be required.

M. **Roads.** The ECHO village shall have paved access designed and constructed to AASHTO standards and shall provide adequate access for emergency vehicles.

N. **Parking Requirements.** The parking standards for an ECHO village shall be two (2) spaces per unit. Each parking space shall have a minimum size of 180 square feet (10 feet by 18 feet), and may be located either on-site or within one hundred (100) feet of the site.

O. **Construction Drawings Required.** Scaled floor plan and building elevation drawings shall be presented for each ECHO unit within the ECHO village that has a different interior layout and square footage of living space.



P. **Sidewalks and Access Ramps.** All pedestrian circulation walkways and sidewalks shall be hard-surfaced with either asphalt, concrete or brick paving and be accessible to the handicapped according to the standards set forth in the Americans With Disabilities Act. Handicapped access ramp structures may encroach into any required setback space.

Q. **Interior Design.** The interior of each ECHO unit shall be designed to provide ease of mobility by seniors who may have mobility limitations. The units shall meet the International Code Council (American National Standards Institute) Accessibility Standards for Type B units.

R. **Design Compatibility.** The exterior of each ECHO unit shall be compatible in terms of architectural design, materials and color with the residential structures in the immediate neighborhood within 300 feet of the development parcel or lot. However, all housing units shall be a minimum of fourteen (14) feet wide at their least horizontal dimension and attached to a permanent foundation. The roof pitch of an ECHO unit shall be at least a 4:12 pitch. Accessory buildings for an ECHO unit, such as a detached garage and shed, shall also conform to the minimum roof pitch and be architecturally compatible with the design and style of the ECHO unit. Compatibility of design shall be decided by the planning commission.

S. **Waiver of Standards.** The planning commission is hereby empowered to waive site design standards and development area requirements if public health and safety are not compromised. The planning commission is further empowered to specify conditions in issuing any special use permits as may be required.

#### Section 14.2.5 Project Standards

In considering any application for approval of an ECHO Village site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article 4.00, as well as the following standards and requirements:

A. **Compliance with the ECHO Concept.** The overall design and land uses proposed in connection with an ECHO village shall be consistent with the intent of the ECHO concept, as well as with the specific design standards set forth herein.

B. **Compatibility with Adjacent Uses.** The proposed ECHO village site plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. Pedestrian and vehicular circulation.
3. The location and screening of vehicular use or parking areas.
4. The provision of landscaping and other site amenities.

C. **Protection of Natural Environment.** The proposed ECHO village shall be protective of the natural



environment. It shall comply with all applicable environmental protection laws and regulations.

D. **Common Area and Unit Maintenance.** The ECHO village shall include in the Master Deed, Community Bylaws or covenant provisions, as applicable for the maintenance of the common open space, including landscaping maintenance, snow removal and repairs to building exteriors, in a form approved by the Township Attorney.

E. **Compliance with Applicable Regulations.** The proposed ECHO village shall comply with all applicable federal, state and local regulations.

F. Because of the specialized character of such uses, the limited class of occupants and the potentially limited market for such units, the planning commission may require a market study and or surveys of elderly residents in the vicinity of Hamburg Township as to documenting the long term marketability of the development and which supports both the need and market for the development. The planning commission may require written supporting evidence from national elderly assistance groups such as American Association of Retired Persons (AARP) that units of such floor area and density, and developments of such an arrangement are attractive and feasible for the elderly.

G. The planning commission may require the submission of letters of endorsement or support for the development from public and private elderly service provider agencies as to the suitability of such dwellings for elderly persons.

H. The planning commission may base its action on experience with and competition from similar developments in the area.

I. The planning commission may base its approval on the long-term availability of senior services to be provided by the developer, operator, government or private elderly support agencies, such as medical assistance, meals assistance, proximity to shopping, personal services and medical care, transportation (including access to major roads), recreation and other elderly needs.

## CHAPTER 14.3 COTTAGE HOUSING PLANNED UNIT DEVELOPMENT (CHPUD)

### Section 14.3.1 Intent

It is the intent of this Article to offer an alternative to traditional single family detached and attached housing developments through the use of planned unit development legislation as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended for the purpose of:

A. Encouraging the construction of more affordable single family residential detached or attached dwelling units which utilizing public sewer and public water systems;

B. Facilitating the construction of affordable single family residential detached or attached housing units on a smaller scale than conventional multi-family developments to accommodate higher density and lower cost dwelling units;

C. Offering an alternative to multi-family residential developments in order to provide affordable housing for persons in a small scale, less dense neighborhood setting;

D. Preserving the rural character and appearance of the township through the construction of small scale environmentally sensitive developments on sites within the Village Center Master Plan Area.



- E. Encouraging the clustering of detached or attached single family dwelling units to promote the safety and security of the residents.

These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes contrasting with open space and less intensive land uses. This Article is not intended as a device for circumventing the zoning regulations of the township, the standards set forth therein, nor the planning concepts upon which the zoning ordinance has been based.

These regulations are intended to result in a specific development substantially consistent with zoning ordinance standards, yet allow for modifications from the general standards.

### Section 14.3.2 Definitions

- A. **CHPUD Lot:** Land occupied or to be occupied by CHPUD units and accessory buildings permitted herein, together with such open spaces as are required under this Ordinance and having its principal frontage upon a street.
- B. **CHPUD Unit:** A single family residential dwelling unit with full facilities for residential self-sufficiency.
- C. **CHPUD:** An CHPUD is a housing development which meets the unique needs of the residents through the provision of significant facilities and services specifically designed to meet the physical or social needs of such residents.

### Section 14.3.3 Zoning

A CHPUD may be located in the following zoning districts: RB, VC and VR.

### Section 14.3.4 Development Design Standards

CHPUD housing shall meet the following criteria:

- A. Public Sewer and public water shall be provided.
- B. **CHPUD Size.** No fewer than four (4) CHPUD units nor more than twenty (20) CHPUD units shall be permitted per lot.
- C. **Acreage and Density Requirements.** A CHPUD development may be approved upon any residentially zoned land with density as permitted below:

| <u>District</u> | <u>Minimum Acreage</u> | <u>Minimum Density Per CHPUD Unit</u> |
|-----------------|------------------------|---------------------------------------|
| RB              | 1 acre                 | 7,500 square feet                     |
| VC              | 1 acre                 | 4,100 square feet                     |
| VR              | 1 acre                 | 5,450 square feet                     |

- D. **Unified Control.** The CHPUD shall be initially under single ownership or control, so there is a single person, entity or condominium having proprietary responsibility for the development of the CHPUD as evidenced by a title company licensed to do business in Michigan. In the event, all or any portion of the development changes ownership or control prior to completion of the Project, the terms and conditions of this Planned Unit Development shall be binding on any successor owner of all or any portion of the Property.



**E. Guarantee of Open/Common Space.** At least fifty (50%) percent of the total site area shall be preserved as open space. This open space shall be held in common ownership by all residents of the CHPUD. This open space shall be utilized for recreation facilities such as lawns, gardens, plazas, common use buildings, pool areas, picnic areas, walking trails or other open space uses which provide residents the opportunity to enjoy the features of the site. The open space shall be configured to be integrated with the individual units and maximize the proximity of each housing unit to natural open space. The principle common open space area shall be centralized to the project and at least fifty percent (50%) of the CHPUD units shall have their main entries on the centralized common space area. A guarantee to the satisfaction of the Township Planning Commission that all open/common space portions of the development will be maintained in the manner approved shall be provided. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the township and the land uses continue as approved in the CHPUD plan.

**F. Area, Height, Bulk and Layout Regulations.**

|   |  |
|---|--|
| Minimum CHPUD unit floor area:              | 400 square feet  |
| Maximum CHPUD unit floor area:              | 1200 square feet   |
| Maximum building height:                    | 2 story  |
| Minimum building width,<br>any dimension:   | 12 feet  |
| Distance between walls of<br>the Buildings: | 10 feet  |
| Basement:                                   | Optional   |
| Shed:                                       | Optional   |
| Garage:                                     | Optional   |
| Covered parking:                            | Optional   |
| Minimum setbacks*:                          | 15 ft. from Street or private road right-of-way<br>10 ft. side and rear lot lines<br>5 ft. from common access drives |
| Common access drives:                       | 4 ft. from all lot lines   |

\* the setbacks are from the overall CHPUD lot.

**G. Attached Units:** No more than 4 units shall be attached in a single structure.

**H. Garages/ Carports.** If provided garages can be attached or detached from the main structure. Garages may be linked so as to have common walls. Garages/Carports may be on common owned property.

**I. Porches.** Each CHPUD unit shall have a front porch that is a minimum of six feet deep and 50% of the front elevation.

**J. Private Out Door Space.** Each unit shall have no more than 2,000 square foot of private outdoor space. This space shall include any private outdoor parking areas, open porches, and yard space that is not open for common use.

**K. Common Area.** Each CHPUD shall have a common area containing at least one (1) common use structure such as a pool house, clubhouse, gazebo, deck, patio or terrace that shall be covered with a roof, of similar architectural style and design as the CHPUD units located on the lot, and a minimum of 100 square feet. Common use structures can be counted towards the common open space area.



L. **Storage Sheds.** Any storage sheds shall be so designed as to have the same roof pitch and architectural style as the CHPUD units in the development. Storage sheds may be linked so as to have common walls; however, each shed must have its own private, lockable access door. The dimensions of any shed servicing a CHPUD unit shall conform to other size provisions of the zoning ordinance. Storage sheds may be located on common owned property.

M. **Water and Sewer System Service.** CHPUD developments are required to be serviced by public sewer and public water services.

N. **Roads.** The CHPUD shall have paved access designed and constructed to AASHTO standards and shall provide adequate access for emergency vehicles.

O. **Parking Requirements.** The parking standards for a CHPUD shall be two (2) spaces per unit. Each parking space shall have a minimum size of 180 square feet (10 feet by 18 feet), may be located either on-site or within one hundred (100) feet of the site, may be on street or off street and may be within a garage or carport structure or unenclosed. If the applicant requests a reduction in the parking requirements the Planning Commission must make the findings that alternative transportation options have been provided to the future residence of the project.

P. **Construction Drawings Required.** Scaled floor plan and building elevation drawings shall be presented for each CHPUD unit within the CHPUD that has a different interior layout and square footage of living space.

Q. **Sidewalks and Access Ramps.** All pedestrian circulation walkways and sidewalks shall be hard-surfaced with either asphalt, concrete or brick paving and be accessible to the handicapped according to the standards set forth in the Americans With Disabilities Act. Sidewalks and pathways shall be designed to connect the CHPUD units to the common areas on the lot and to connect with adjacent properties. Handicapped access ramps are exempt from the required setbacks.

R. **Interior Design.** A minimum of ten (10) percent or at least one (1), whichever is greater, of the CHPUD units shall meet the International Code Council (American National Standards Institute) Accessibility Standards for Type B units.

S. **Design Compatibility.** The exterior of each CHPUD unit shall be compatible in terms of architectural design, materials and color with the residential structures in the immediate neighborhood within 300 feet of the development parcel or lot. However, all housing units shall be a minimum of fourteen (14) feet wide at their least horizontal dimension and attached to a permanent foundation. Accessory buildings for a CHPUD unit, such as detached garage, common room and shed structures, shall be architecturally compatible with the design and style of the CHPUD units. Compatibility of design shall be decided by the Planning Commission.

T. **Waiver of Standards.** The Planning Commission is hereby empowered to waive site design standards and development area requirements if public health and safety are not compromised. The Planning Commission is further empowered to specify conditions in issuing any special use permits as may be required.

#### Section 14.3.5 Project Standards

In considering any application for approval of an CHPUD site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article 4.00, as well as the following standards and requirements:



A. **Compliance with the CHPUD Concept.** The overall design and land uses proposed in connection with a CHPUD shall be consistent with the intent of the CHPUD concept, as well as with the specific design standards set forth herein.

B. **Compatibility with Adjacent Uses.** The proposed CHPUD site plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. Pedestrian and vehicular circulation.
3. The location and screening of vehicular use or parking areas.
4. The provision of landscaping and other site amenities.

C. **Protection of Natural Environment.** The proposed CHPUD shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.

D. **Common Area and Unit Maintenance.** The CHPUD shall include in the Master Deed, Community Bylaws or covenant provisions, as applicable for the maintenance of the common open space, including landscaping maintenance, snow removal and repairs to building exteriors, in a form approved by the Township Attorney.

E. **Compliance with Applicable Regulations.** The proposed CHPUD shall comply with all applicable federal, state and local regulations.

#### Section 14.4 GENERAL PLANNED UNIT DEVELOPMENT (GPUD)

##### Section 14.4.1 Intent

A. The intent of the General Planned Unit Development is to permit, with Township approval, private or public development which is substantially in accord with the goals and objectives of the Hamburg Township Master Plan which was adopted by the Planning Commission in June 4, 1997 and may be amended from time-to-time, the M-36 Corridor Plan, which was adopted by the Planning Commission on November 26, 1993 and may be amended from time-to-time, and the Hamburg Township Village Plan, which was adopted by the Planning Commission on December 6, 1995 and which may be amended from time-to-time.

B. The development permitted under this Article 17.00 shall be considered as an optional means of development. The availability of the option imposes no obligation on the Township to encourage or foster its use. The decision to approve its use shall be at the sole discretion of the Township. Consequently, in this article, the development opportunities made available under this Article may be referred to as the GPUD.

C. A GPUD is intended to permit regulatory flexibility to achieve development that is in accord with the Township's Master Plans; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage the creation of useful open space particularly suited to the proposed development and parcel on which it is located; and to



~~Exhibit E~~ Exh B

provide appropriate housing, employment, services and shopping opportunities to satisfy the needs of residents of the Township of Hamburg.

D. It is further intended that the development of a GPUD be laid out so that proposed uses, buildings, and site improvements relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

F. The GPUD Option is further intended to permit reasonable development or use of parcels of land that were subdivided and/or developed prior to adoption of the current ordinance, or amendment thereto, and which would otherwise be restricted from development or use because of existing or resulting nonconformities.

#### Section 14.4.2 Definitions

For the purposes of this article, the following definitions shall apply:

A. **GENERAL PLANNED UNIT DEVELOPMENT:** The term "General Planned Unit Development" means a specific parcel of land or several contiguous parcels of land, which has been, is being, or will be developed in accordance with a site plan approved by the Township Board, following a recommendation from the Planning Commission, where the site plan meets the requirements of this Article, proposing permitted land uses, density patterns, a fixed system of streets (where necessary), provisions for public utilities, drainage and other essential services and similar features necessary or incidental to development.

B. **UNDERLYING ZONING:** The term "Underlying Zoning" means the zoning classification assigned in the Hamburg Township Zoning Ordinance to a parcel of land that is proposed to be developed in accordance with the General Planned Development regulations.

C. **UNDERLYING FUTURE LAND USE:** The term "Underlying Future Land Use" means the future land use designation identified in the Township Master Plan, M-36 Corridor Plan or Hamburg Township Village Plan which the Township Planning Commission has determined is applicable to a parcel of land that is proposed to be developed in accordance with the General Planned Unit Development regulations.

#### Section 14.4.3 Project Characteristics

A. **Location.** A CGPUD shall only be created on development sites within the Township which have a portion of the property located within the Neighborhood Service (NS), Community Service (CS), Mixed Use Development (MD), Village Residential (VR), or Village Center (VC) zoning districts.

B. **Size.** A GPUD shall only be created on development sites one (1) acre in area or greater.

C. **Permitted Uses.**

1. Uses that are listed as Permitted Uses or Special Uses in the underlying zoning district or uses identified in the underlying future land use category of the Township Master Plans may be permitted in a GPUD development. Expansion of or renovation to a building containing a use that is not listed as a Permitted Use or Special Use may be permitted by the Planning Commission upon making the determination that:



- i. The use has operated and will continue to operate in a manner that is compatible with surrounding and nearby land uses;
- ii. The proposed expansion or renovation will not impair the efforts of the Township and property and business owners and residents to further the goals and objectives of the Township Master Plans; and
- iii. The proposed expansion or renovation will have a recognized and substantial beneficial impact as a result of improved building design, site improvements that are consistent with design guidelines set forth in Section 17.05 and the Township Master Plans, improved traffic and transportation patterns or other benefits.

2. Uses that are listed as Permitted Uses or Special Uses in the Village Center (VC) zoning district may be permitted in the GPUD, with the exception that residential uses as described in the Village Center (VC) shall not be permitted in a GPUD located outside the Village Center (VC) or Village Residential (VR) zoning districts. Upon the determination that the inclusion of residential uses shall aid the GPUD in meeting the eligibility criteria stated in Section 17.03, residential uses shall comply with the density requirements of the underlying zoning district or master plan designation.

3. The Township Board shall make the final determination, based on the recommendation of the Planning Commission, as to whether a specific use may be permitted in the CGPUD subject to compliance of the proposed uses with the eligibility criteria of Section 17.03 and approval of a site plan, pursuant to the review procedures in Section 17.06.

#### **D. Regulatory Flexibility.**

1. A GPUD proposal shall comply with the height, bulk, density, and setback standards of the underlying zoning district except as specifically modified and noted on the GPUD site plan. Uses listed as Special Uses shall be subject to applicable height, bulk, density, area and use standards in Section 3.5 of the Zoning Ordinance, unless such standards are modified and noted on the GPUD site plan.

2. The Township Board may approve modification or waiver of one or more standards of the underlying district or standards for Special Uses, after reviewing the recommendation of the Planning Commission, upon making the determination that any such modification or waiver would be consistent with the land use goals and objectives of the Township and the intent of this Article, and upon making the determination that the modification or waiver would be appropriate because of the particular design and orientation of buildings and uses. Any regulatory modification shall be approved by the Township Board based upon a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a GPUD plan may be appealed to the Zoning Board of Appeals.

3. A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this GPUD article. This specification should include



Ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance shall be considered.

#### Section 14.4.4 Project Standards

In considering any application for approval of an GPUD site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article 4.00, as well as the following standards and requirements:

A. A GPUD shall promote the goals and objectives of the Township Master Plan, M-36 Corridor Plan and Hamburg Township Village Plan. Including the intent and guidelines related to site design as stated in the Site Design Chapter of the M-36 Corridor Plan, and the Village Design Chapter of the Hamburg Township Village Plan, where applicable.

Along with other appropriate site design standards, guidelines, and principles, the following site development elements shall also be reviewed for consistency with the applicable guidelines of the Village Center and M-36 Corridor Plans:

1. Sidewalks/Pedestrian Circulation
2. Parking/Loading Areas
3. Architecture
4. Signs
5. Street and Access Design
6. Lighting
7. Landscaping

B. A GPUD shall result in a higher quality of development than could be achieved under conventional zoning.

C. A GPUD shall not be created in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards without the need for variances.

D. A GPUD may be created only when the proposed land use will not add public service and facility loads beyond those contemplated in the Master Plan or other applicable plans or policies of the Township unless the applicant can demonstrate to the sole satisfaction of the Township Board that such added loads will be accommodated or mitigated by the proponent as part of the GPUD or by some other means deemed acceptable to the Township Board.

E. Creation of a GPUD shall establish land use patterns which are compatible with and protect existing or planned use

F. The use of the GPUD option shall not be for the purpose of avoiding applicable zoning requirements of the underlying zoning district.



G. A GPUD shall not be allowed solely as a means of increasing the density or intensity of development.

H. A GPUD shall improve the appearance of the Township through quality building design and site development, the provision of trees and landscaping consistent with or beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.

#### Section 14.5 -- REVIEW PROCEDURES

The following outlines the procedures and requirements which must be followed for all PUD development to receive approval under this Article. Prior to all scheduled Planning Commission or Township Board meetings, the applicant shall submit ten (10) copies of the completed site plan with the Zoning Administrator at least twenty-one (21) days prior to the Planning Commission or Township Board meeting at which the site plan is to be considered. The Zoning Administrator shall determine the number of plans the applicant shall provide prior to any scheduled pre-application meeting.

14.5.1 Pre-Application Meeting. An optional pre-application conference can be held with township staff including Township Planner and Township Engineer as determined by the Zoning Administrator to review applicability of the PUD ordinance to the proposed site and uses.

14.5.2 Conceptual Review. The applicant may submit a draft site plan for the optional conceptual review by the Planning Commission. The draft site plan shall include as much detailed information as needed for the applicant to convey to the Planning Commission how the applicant would like to utilize the site. Information should include potential building locations, vehicular parking areas, types of uses, road layouts, if applicable, and setbacks from property lines. The conceptual review allows the applicant to present the proposed project to the Planning Commission, at an early stage in the development process, prior to formal submittal of the project. This process allows the developer to receive comments and feedback from the Planning Commission based on the information submitted. No formal action is taken by the Planning Commission at this time.

14.5.3 Preliminary PUD Site Plan Review and Public Hearing. The applicant prepares and submits a Preliminary Site Plan. The Preliminary PUD site plan shall contain enough detail to explain the proposed uses, relationship to adjoining parcels, vehicular and pedestrian circulation patterns, open spaces and landscape areas, and building density or intensity. The Planning Commission shall conduct a public hearing in accordance with Section 3.5.2.B. Following the public hearing, the Planning Commission gives direction to the applicant. The plan is revised, if necessary. The Planning Commission then takes action to recommend approval or denial of the Preliminary PUD site plan to the Township Board based upon the Preliminary PUD site plan meeting the eligibility requirements as outlined in this Article. A recommendation of approval for the Preliminary PUD site plan shall be accompanied by a description of the minimum conditions under which the proposal will be considered for final approval. In describing such conditions, the Planning Commission may identify specific requirements or standards in the Zoning Ordinance which could be waived or modified upon approval of the final PUD site plan.

The Township Board shall consider the Planning Commission recommendation and public hearing comments and shall take action to approve, deny or remand the preliminary PUD site plan back to the Planning Commission for further review.

14.5.4 Final PUD Site Plan Review.



A. The applicant shall submit a Final PUD site plan which contains all information required for site plan review under Section 4.5.6 of the Township Zoning Ordinance and approvals from all appropriate county, state and federal agencies, including, but not limited to, the Livingston County Road Commission, Livingston County Drain Commissioner, Livingston County Health Department and the Michigan Department of Transportation.

B. The Planning Commission shall review the submitted Final PUD site plan to insure compliance with all standards and criteria of the Hamburg Township Zoning Ordinance, the Hamburg Township Master Plan, M-36 Corridor Plan, Hamburg Township Village Plan, and the Southeast Livingston County Greenways Plan where applicable. The Planning Commission then shall take action to recommend approval or denial of the Final PUD site plan to the Township Board based upon compliance with the above referenced standards.

C. Upon receipt of the report and recommendation of the Planning Commission, the Township Board shall review all findings. If the Township Board determines that approval would be appropriate, it shall work with the application and the Township Attorney to prepare a Development Agreement setting forth the conditions upon which such approval is based. Such conditions shall include, where appropriate, identification of the phases and time table for development, and an estimate of the costs of implementing each phase.

D. After approval by resolution of the Township Board, the Development Agreement shall be executed by the Township and the applicant and recorded in the County records. Approval shall be granted only upon the Township Board determining that all qualification requirements, conditions of approval, and provisions of this and other Township Ordinances have been met, and that the proposed development will not adversely affect the public health, welfare and safety. Approval shall further be subjected to the condition that the contract will be properly recorded.

E. Approval of an PUD site plan shall be effective upon recording the contract and filing proof of recording with the Township Clerk.

F. Once an area has been included, within the boundaries of an approved PUD, no development may take place in the PUD except in accordance with the Township Board-approved PUD site plan.

G. Prior to any development within the area involved, an approved PUD site plan may be terminated by the applicant or the applicant's successors or assigns, by filing with the Township and recording in the County records an affidavit so stating. The approval of the plan shall terminate upon such recording.

H. No approved plan shall be terminated after development commences except with the approval of the Township Board and of all parties having an equity interest in the land.

#### Section 14. 5.5 General Requirements

A. **General Application Requirements.** The application for approval of a PUD shall be made according to procedures and guidelines adopted by resolution of the Planning Commission. The required materials shall be submitted to the Township Zoning Administrator with all required fees.

B. **Effect of Approval.** Approval of a PUD proposal shall not require, nor shall it be construed as an amendment to the Zoning Ordinance. All improvements and uses of the site shall be in conformity with the approved open space community site plan and comply fully with any conditions.



**C. Recording of Action.** The applicant shall record a Development Agreement with the register of deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved PUD plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township.

**D. Land Use Permit.** Following final approval of the PUD site plan and final approval of the engineering plans by the Township Engineer, a land use permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State or Federal permits.

**E. Initiation of Construction.** If construction has not commenced within twenty-four (24) months of final approval, all Township approvals become null and void. The applicant may apply in writing to the Planning Commission for an extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.

**F. Continuing Adherence to Plan.** Any property owner who fails maintain an approved site design shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the penalties for same.

**G. Performance Guarantee.** The Planning Commission may require a performance guarantee, in accordance with the zoning ordinance.

**H. 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. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space community and the residents of the surrounding area.

**I. 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 14.5.5 (E).

#### **Section 14.5.6 Revision of Approved Plans**

**A. General Revisions.** Approved plans for a PUD may be revised in accordance with the procedures set forth in Section 14.5 Review Procedures.

**B. Minor Modifications.** Minor modifications to an approved PUD plan may be permitted following normal site plan review procedures outlined in Article 4.00, "Site Plan Review," Sections 4.9 and 4.10 subject to the finding of all of the following:

1. Such modification will not adversely affect the initial basis for granting approval;
2. Such minor modification will not adversely affect the overall PUD in light of the intent and purpose of such development as set forth in this Article; and
3. Such modification shall not result in the reduction in the benefits and amenities the PUD provides to the community.



Exhibit ~~X~~ B

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## MEMORANDUM

**To:** Planning Commission  
**From:** Scott Pacheco, Planning and Zoning Director  
**Date:** May 15, 2019  
**Item:** 7  
**Subject:** Zoning Text Amendment (ZTA19-001) to revise the Planned Unit Development Articles 13, 14, 15, 16, and 17 and to add a new Article to regulate Cottage Housing Planned Unit Developments.

### ANALYSIS:

Currently there are five articles in the Zoning Ordinance that provide processes to relax the zoning regulations base on a projects location, design and elements, articles 13, 14, 15, 16, and 17. The proposed revisions to these Articles are intended to clear up the intent and clarify the processes and wording of the PUD articles.

Attached to this report as Exhibit A-E are proposed draft revision to these Articles and a draft New Article that address cottage housing planned unit developments.

The draft revisions are attached the ~~strike-through~~ shows existing wording in the ordinance that is proposed to be eliminated, the **highlighted words** are items in the ordinance that he Planning Commission may considered revisions to, and the **red wording** is new proposed wording to be added to the ordinance.

### Article 2 Definitions:

Add the definition of Development Agreement to this Article as follows:

**DEVELOPMENT AGREEMENT:** A voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property.

**Article 13 Planned Unit Development:** This article eliminates the previous Planned Unit Development (PUD) regulations and encourage projects to be developed utilizing the Open Space Community option contained in Article 14.00; Allows the continuance of PUDs that received final approval prior to the effective date of this amendment; Provides for the review of these PUD's under Article 14 of site plan amendments to PUD's and provides for the review under Article 14 of developments that received preliminary PUD review under the previous PUD regulations but did not receive final PUD approval prior to the effective date of this amendment.

### Staff Revisions:

There are no proposed changes to this Article.



**Article 14 Open Space Planned Unit Development:** This Article offers an alternative to traditional subdivisions by encouraging the use of Township land in accordance with its character and adaptability; assuring the permanent preservation of open space, agricultural lands, and other natural resources; providing recreational facilities within a reasonable distance of all residents of the Open Space Community development; allowing innovation and greater flexibility in the design of residential developments in the RAA, RA, NR, and WFR zoning districts; facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; ensuring compatibility of design and use between neighboring properties; and, encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

**Staff Revisions:**

- 1) Add general minor revisions to clarify wording and the intent of the regulations
- 2) Section 14.1, 14.4.1 and 14.4.5: Remove the High Density Residential (RB) and Village Residential (VR) zoning district from the Open Space Planned Unit Development regulations.
- 3) Section 14.4.3 (B): Allow the minimum lot size for the parallel plan to be reduced by and addition 15% if the project is served by public sewer or water and an additional 30% if the project is served by both public sewer and water. Added chart showing the minimum lot sizes.
- 4) Section 14.4.7: Remove the ability for the Planning Commission to give additional density bonuses to open space projects above and beyond the percentages allowed by the open space ordinance in the Regulatory Flexibility section.

The density bonuses allowed under the open space ordinance would be the 31.16 % bonus if the project meets the minimum requirements for an open space project under section 14.4.8, an addition 15% if the project is served by public sewer, an additional 15% if the project is served by public water and an additional 15% if the project is deemed to meet the requirements for exemplary project under section 14.5. (See Charts in 14.4.3 (B) and 14.5.

- 5) Section 14.4.8 (B) and 14.4.8 (C)(1): Do not allow the area within a private roadway easements to be used in the calculation of open space area.
- 6) Section 14.4.8 (D): Allow the Planning Commission to require a 3' tall landscaping berm in addition to other landscaping to help screen open space areas located along major arterials.
- 7) Section 14.4.11: added wording to allow for garages in the rear yard area or alley loaded garages.
- 8) Section 14.4.15: revised the wording to require that open space projects meet the natural features setback required in section 9.9 of the zoning ordinance.
- 9) Section 14.5.1: Add a chart to show minimum lot area for parallel plan with exemplary project density bonus with public sewer, water or both.
- 10) Section 14.7, 14.8 and 14.9: Revise these section to be the same as the processes required for ECHO, CHPUC and GPUD Articles.

**Article 15: Elderly Cottage Housing Opportunity:** This Article is intended to offer an alternative to traditional single family detached or attached housing developments for elderly persons in the RAA, RA, NR, WFR, RB, VC, and VR zoning districts.

**Staff Analysis:**



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- 1) Section 15.1(e) and 15.4 (G): Revises the requirement to allow ECHO units to be up to four attached single-family units. The zoning ordinance defines Attached Single-Family Dwelling Units as:

*"A self-contained single-family dwelling unit attached to a similar single-family dwelling unit with party or common walls, designed as part of a series of three (3) or more dwelling units, each with:*

- *a separate entryway with direct access to the outdoors at ground level;*
- *a separate basement, if applicable;*
- *separate utility connections; and*
- *defined and rear yards.*

*Single family attached dwelling units may also be known as townhouses, row houses, or clustered single-family dwellings."*

The current regulations allow ECHO units to be detached. This means that the units may only be single units or duplexes. Because senior housing is becoming more necessary as the population of the area ages and because many of the independent senior housing facilities in the area contain structures 3 or more attached units I would suggest that the provisions be revised to also allow attached units.

- 2) Section 15.3: Revised to allow ECHO villages in the VC zoning District.
- 3) Section 15.4 (F) and (N): The Planning Commission may wish to revise or eliminate the following requirements
  - a. The Maximum ECHO unit size from 980 square feet?
  - b. The required roof pitch from 4:12 ratio or greater?
  - c. The number of Parking Spaces required is currently 2 spaces per unit?
- 4) Section 15.3 (Q): added some addition requirements communally found in regulations on universal design.
- 5) Section 15.5: Revise to remove requirement for a special use permit and require site plan review approval with a public hearing at preliminary site plan similar to all other PUD sections.
- 6) Section 15.6: Add review procedures for ECHO Village approvals similar to OSPUD, CHPUD and GPUD articles.
- 7) Section 15.7 (B): revised the wording to change from "*shall record an affidavit*" to shall record a development agreement and added the definition of development agreement in Article 2.

**Article 16 Cottage Housing Planned Unit Development (new Article)** This Article is intended to offer an alternative to traditional single family detached and attached housing developments. The section would encourage the construction of smaller more affordable clustered units with shared amenities in the RB, VC and VR zoning districts. This Article is modeled after the ECHO regulations in Article 15. There are some slight differences from the ECHO regulations to set the two PUD's apart.

#### **Staff Analysis:**

This section has been added to incentive alternative lower cost, more dense housing in the Village Center Area. This will help direct higher density project to the Village Center where public sewer and water are available. This article will provide an alternative to the existing housing stock within Hamburg Township. The currently residential housing stock of Hamburg Township is mostly made up of relatively large homes on relatively large lots. The smaller



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homes with shared common elements that this article promote will likely appeal to millennials and seniors.

**Article 17 Hardship Planned Unit Development (was Article 16)** This Article is intended to provide a site specific administrative remedy to allow reasonable use of property in those limited situations in which a property owner demonstrates to the Township Board, after Planning Commission reviews and recommends that (1) the applicant's property cannot be used for the purposes permitted in the zoning district, (2) the plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions, (3) the proposed development and use would not alter the essential character of the area, and (4) the applicant's problem has not been self-created.

**Staff Analysis:**

- 1) Added general minor revisions to clarify wording and the intent of the regulations.
- 2) Section 17.2: Required HPUD to be subject to the provisions Article 4 Site Plan Review instead of Section 3.3 Land Use Permit.
- 3) Section 17.3 Revise this section to be similar to the Review Procedure in the OSPUD, ECHO, CHPUD and GPUD article, and incorporated the special procedural requirements (Section 17.3.3) of the HPUD article.
- 4) Section 17.4 Remove Item F Effect of Approval and added Section 17.4 General Requirements to match the other PUD Articles.
- 5) Section 17.5 Added this section to address revisions to the HPUD and match the OSPUD, ECHO, CHPUD and GPUD articles.

**Article 18 General Planned Unit Development (was Article 17)** This Article intended to permit regulatory flexibility in the NS, CS, MD, VR, and VC zoning districts; to achieve to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage the creation of useful open space particularly suited to the proposed development and parcel on which it is located; and to provide appropriate housing, employment, services and shopping opportunities to satisfy the needs of residents of the Township of Hamburg.

**Staff Analysis:**

- 1) Changed the Article name from Commercial Planned Unit Development to General Planned Unit Development and added appropriate housing to the intent section 18.1 (C).
- 2) Section 18.4: Added Village Residential to the list of zoning districts where a GPUD would be allowed.
- 3) Sections 18.7 and 18.8: Added these sections to address the approvals and the revisions to the approved plans. These sections are consistent with the requirements in the OSPUD, ECHO, and CHPUD articles.

**RECOMMENDATION:**

The Planning Commission should review, discuss and make any changes to the draft revisions to the zoning ordinance and direct staff to notice these draft revisions for the next Planning Commission Meeting on June 19, 2019.

**EXHIBITS**

**Exhibit A-** Draft revisions to Article 14, Open Space Planned Unit Development (OSPUD)

**Exhibit B-** Draft revisions to Article 15, Elderly Cottage Housing Opportunity Planned Unit Development (ECHO)

Exh C

Hamburg Township Planning & Zoning Department  
PUD Ordinance Revisions (ZTA 19-001)  
May 5, 2019  
Page 5

**Exhibit C-** Draft New Article 16, Cottage Housing Planned Unit Development (CHPUD)

**Exhibit D-** Draft revisions to Article 17 (was Article 16), Harship Planned Unit Development (HPUD)

**Exhibit E-** Draft revisions to Article 18 (was Article 17), General (was Commercial) Planned Unit Development (GPUP)



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## MEMORANDUM

**To:** Planning Commission  
**From:** Scott Pacheco, Planning and Zoning Director  
**Date:** May 15, 2019  
**Item:** 7  
**Subject:** Open Space Planned Unit Development Articles 14 Density Bonuses

### ANALYSIS:

Since the Planning Commission packet was made public the Township has received correspondence from five (5) citizens in the community with concerns over the density regulations in the draft zoning text amendment to Article 14 Open Space Planned Unit Development (OSPUD).

Tonight's meeting allows the Planning Commission to discuss possible changes to the Planned Unit Development (PUD) regulations. The proposed changes are only a draft created so the Planning Commission can have a starting point for the discussion. In February of 2019 at the Township Joint Meeting the Planning Commission and Township Board directed staff to prepare revisions to the PUD Articles. One of the items requested by the PC and TB was that the OSPUD have set density regulations. This recommendation was to prevent developer from requesting densities that would likely not be approved through the OSPUD process.

Below are a few options that may help guide the PC when discussing the Density Regulations in the OSPUD regulation at tonight meeting:

**Option 1:** The PC may decide that the density regulations are currently appropriate and leave these regulations as they are. Currently the code allow for the following reductions in the minimum lots areas allowed to be used in the parallel plans to set the Dwelling Density for the development (Section 14.4.3 (B)):

| Underlying Zoning District Parallel Plan<br>Minimum Lot Size (square feet) |          |                                |
|--|----------|--------------------------------|
| Zoning District  | Original | Meeting Open Space Regulations |
| RAA  | 87,160   | 60,000                         |
| RA   | 43,580   | 30,000                         |
| NR   | 43,580   | 30,000                         |
| WFR  | 43,580   | 30,000                         |

Also in section 14.5 a variable density bonus of up to fifteen percent (15%) may be allowed at the discretion of the Planning Commission if the PC finds the project meet the requirements of an



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However; under section 14.4.7 Regulatory Flexibility the Planning Commission is granted discretion as a part of the Open Space Community approval process to allow departures from compliance with the standards of the zoning regulations. Therefore, the PC may allow greater dwelling densities on the conditions that there are features, amenities or planning mechanisms deemed adequate by the PC designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought

**Option 2:** The PC may decide to leave the density regulations as they currently are but remove the ability for the PC to depart from the dwelling density regulations of the zoning regulations except as specifically discussed in Article 14. This would remove the Planning Commissions discretion to allow higher density developments.

**Option 3:** The PC may decide to remove the ability for the PC to depart from the dwelling density regulations except as specifically discussed in Article 14. This would remove the Planning Commissions discretion to allow higher density developments then what is explicitly allow by the regulations. Because the PC is removing their ability to have discretion over the dwelling density of a project, they may wish to set density bonuses based on certain criteria.

The draft ordinance that was provided to the PC as Exhibit A at tonight's meeting links density bonuses in the form of reductions in the lot sizes that can be used for the parallel plan for projects being connected to public sewer, public water and base on design of the project. The PC may wish to increase or decrease these bonuses or only allow for bonuses for projects with exemplary design and hooked up to public services.

- 1) Under the draft revisions to article 14 that was in the packet provides density bonuses under section 14.4 (C)(2) the following Minimum Lots Sizes where proposed.(15% density bonuses for contention to public water or sewer):

| Underlying Zoning District Parallel Plan Minimum Lot Size (square feet) |          |                                |   |   |   |
|---|----------|--------------------------------|---|---|---|
| Zoning District   | Original | Meeting Open Space Regulations | Meeting Open Space Regulations with Pubic Sewer | Meeting Open Space Regulation with Public Water | Meeting Open Space Regulation with Public Sewer and Water |
| RAA   | 87,120   | 60,000                         | 51,000  | 51,000  | 42,000  |
| RA  | 43,560   | 30,000                         | 25,500  | 25,500  | 21,000  |
| NR  | 43,560   | 30,000                         | 25,500  | 25,500  | 21,000  |
| WFR   | 43,560   | 30,000                         | 25,500  | 25,500  | 21,000  |

The way there numbers where calculated are as follows:

Example in RA:

43,500 to 30,000 = 31% reduction

30,000 to 25,500= 15% reduction

25,500 to 21,000= 15% reduction



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Under 14.5.1 there is an addition 15% density bonus for Exemplary Project that meet addition standards

| Underlying Zoning District Parallel Plan Minimum Lot Size with Exemplary Project Density Bonus (square feet) |  |  |  |
|--|--|--|--|
| Zoning District  | Meeting Open Space and Exemplary Projects Regulations with Pubic Sewer | Meeting Open Space and Exemplary Projects Regulation with Public Water | Meeting Open Space and Exemplary Projects Regulation with Public Sewer and Water |
| RAA  | 42,000   | 42,000   | 35,700   |
| RA   | 21,000   | 21,000   | 17,850   |
| NR   | 21,000   | 21,000   | 17,850   |
| WFR  | 21,000   | 21,000   | 17,850   |

The way these number where calculated are as follows:

Example in RA:

Lots in RA with Sewer or Water the minimum lots size allowed under 14.4 (C)(2) is 25,500 square feet  
25,500 to 21,000=15% reduction

Lots in RA with both Sewer and Water the minimum lot size allowed under 14.4 (C)(2) is 21,000  
21,000 to 17,850=15% reduction

- 2) The Planning Commission may wish to require that all open space project meet the requirement of section 14.5 and be exemplary. The density bonusses in that case could be as follows:

| Underlying Zoning District Parallel Plan Minimum Lot Size (square feet) |          |   |   |   |   |
|---|----------|---|---|---|---|
| Zoning District   | Original | Meeting Open Space Regulations (which mean the project also meets the exemplary project regs) | Meeting Open Space Regulations with Pubic Sewer | Meeting Open Space Regulation with Public Water | Meeting Open Space Regulation with Public Sewer and Water |
| RAA   | 87,120   | 60,000  | 51,000  | 51,000  | 42,000  |
| RA  | 43,560   | 30,000  | 25,500  | 25,500  | 21,000  |
| NR  | 43,560   | 30,000  | 25,500  | 25,500  | 21,000  |
| WFR   | 43,560   | 30,000  | 25,500  | 25,500  | 21,000  |

- 3) The Planning Commission may wish to allow the original bonus under 14.4.(C)(2) as follows:

| Underlying Zoning District Parallel Plan Minimum Lot Size (square feet) |          |                                |
|---|----------|--------------------------------|
| Zoning District   | Original | Meeting Open Space Regulations |
| RAA   | 87,120   | 60,000                         |
| RA  | 43,560   | 30,000                         |
| NR  | 43,560   | 30,000                         |
| WFR   | 43,560   | 30,000                         |

Exh C

And only under section 14.5 Exemplary Project only allow the 15% bonuses for Public Sewer and Public Water for projects that meet the exemplary project regulations as follows:

| Underlying Zoning District Parallel Plan Minimum Lot Size with Exemplary Project Density Bonus (square feet) |   |   |  |
|--|---|---|--|
| Zoning District  | Meeting Open Space and Exemplary with Pubic Sewer | Meeting Open Space and Exemplary with Pubic Water | Meeting Open Space and Exemplary with Public Sewer and Water |
| RAA  | 51,000  | 51,000  | 42,000   |
| RA   | 25,500  | 25,500  | 21,000   |
| NR   | 25,500  | 25,500  | 21,000   |
| WFR  | 25,500  | 25,500  | 21,000   |

The Planning Commission may also want to reduce the percentage of the reduction provided for the for the Minimum Lot Size for the parallel plan. The following chart show reduction for a 15%, 10% and 5% bonuses.

| Underlying Zoning District Parallel Plan Minimum Lot Size (square feet) for the RA zoning District |          |                                |   |   |   |   |
|--|----------|--------------------------------|---|---|---|---|
| Zoning District  | Original | Meeting Open Space Regulations | Meeting Open Space Regulations with Pubic Sewer | Meeting Open Space Regulation with Public Water | Meeting Open Space Regulation with Public Sewer and Water | Meeting Open Space and Exemplary Project Regulation with Public Sewer and Water |
| RA (with 15% reductions)   | 43,560   | 30,000                         | 25,500  | 25,500  | 21,000  | 17,500  |
| RA (with 10% reduction)  | 43,560   | 30,000                         | 27,000  | 27,000  | 24.300  | 21,870  |
| RA (with 5% reduction)   | 43,560   | 30,000                         | 28,500  | 28,500  | 27,075  | 25,720  |



Exh C

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

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

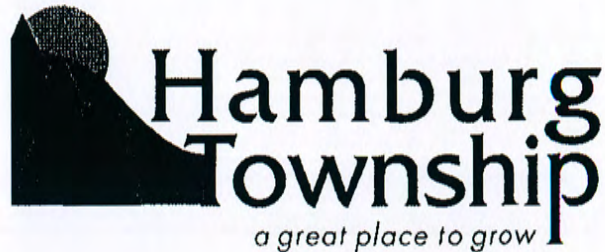


**Supervisor:** Pat Hohl  
**Clerk:** Jim Neilson  
**Treasurer:** Al Carlson  
**Trustees:** Mike Dolan  
Bill Hahn  
Chuck Menzies  
Jason Negri

Additional regulations to comply with the requirements of 125.3506 of the Zoning Enabling Act.

14.4.4. **Open Space Community Plans Not requiring Public Hearing** . An Open Space Community that results in the same number of lots as would be permitted under the existing zoning district ~~Article 8.8.2. Land Divisions and Combinations~~ and where 50% of the land area will remain open space, may be permitted by the Planning Commission following normal site plan review procedures outlined in Article 4.00

Exh



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  
May 15, 2019  
7:00 p.m.

**1. CALL TO ORDER:**

Present: Goetz, Hamlin, Koeble, Leabu, Muck, Muir & Priebe  
Absent: None  
Also Present: Scott Pacheco, Planning & Zoning Director

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Priebe, supported by Muir

To approve the agenda as presented

Voice vote: Ayes: 7      Nays: 0      Absent: 0      MOTION CARRIED

**4. APPROVAL OF MINUTES:**

Motion by Muir, supported by Koeble

To approve the minutes of the April 8, 2019 meeting as written

Voice vote: Ayes: 7      Nays: 0      Absent: 0      MOTION CARRIED

**5. CALL TO THE PUBLIC:**

Chairman Goetz opened the call to the public for any item not on the agenda. Hearing no public comment, the call was closed.

Mark Latendresse of 9175 Eagle Run Drive stated that in the almost 20 years they have lived in the community, they have never felt the need to speak out about the growth of our community. Last year they spoke up along with 500 residents when the developer of Water's Edge attempted to far exceed the density rule. Thankfully, the Township upheld its current open space plan. Tonight they speak in opposition to the Township's proposed changes for the open space, planned density. He further spoke in opposition to the changes and quoted the Zoning Enabling Act. He discussed the impact on infrastructure, traffic, wildlife, wetlands, etc. He discussed the Township's standpoint on the need for senior housing and the cost of Water's Edge.



Exh C

Bob Finn of 8610 Tamarack, spoke in opposition to the changes that the Commission is considering. He stated that he does feel that changes need to be made. He discussed his review of other PUD ordinances in nearby Townships. He stated that none of them have an automatic density bonus as Hamburg does with a parallel plan. He further discussed the other communities' ordinances. He suggested certain density bonuses to preserve the natural features and the rural nature of the Township.

Kevin Guthrie, resident of Huron River Highlands discussed Michigan Law dealing with open space. He stated that the Township's current ordinance as written allows for a considerable density bonus. He stated that he does not think that the Township Ordinance, as written, complies with Michigan Law. Open space does not mean "cram" more people into a smaller area.

Christine Norman of 9001 Marion Drive, Brighton stated that they moved to the area 20 years ago because they wanted animals and birds as neighbors, not people. You are now putting a lot of homes on small lots. This brings in quite a few people which also brings in crime. She further discussed the country atmosphere.

Bob Cwynar of 9001 Marion Drive stated that he has been a mail carrier in the Northville area for 30 years. He discussed the development in that area. He does not want to see that type of development occur here in Hamburg.

Craig Masserant of 7340 Linwood stated that in looking at the proposed ordinance, he sees the word "exemplary" used a lot. He did not know water & sewer were exemplary. We have an ordinance that covers that. He further discussed granting a density bonus for something that is already required. Exemplary should be above and beyond.

Jason Estronza of 4655 Old Mill stated that this area is still an oasis among the chaos with Ann Arbor on one side and Brighton on the other. That is the character of the Township and its people. He does not think anyone is opposed to progress, but we need to be smart about it. Most of us left high density. He discussed the stress on the Township's infrastructure. He further stated that we cannot forget the spirit of what this community is about.

Ron Medere of 5846 Winans View Ct. stated that the Commission heard how they felt when the Water's Edge Community was proposed. We want to preserve our open space and stick with our current zoning ordinances that they felt have preserved the character. He is struggling with why we are proposing such a significant change in open space. From their point of view, it looks like you are trying to appease the developer.

\* Hearing no further public comment, Chairman Goetz closed the <sup>call to public</sup> public hearing.

6. OLD BUSINESS: None

7. NEW BUSINESS:

- 1) ZTA19-001 - Discussion of proposed amendment to the Planned Unit Development regulations in Articles 14, 15, 16, 17, and 18

Scott Pacheco, township planner, stated that this is a public meeting to discuss a potential change to our zoning ordinance. He stated that we had a joint meeting in February with the Township Board, Planning Commission, ZBA and Parks and Recreation Commission. In that meeting, one of the items that was discussed was revising the Planned Unit Development Ordinance to direct development into areas that are most appropriate for that development and get rid of the regulatory flexibility that was in the ordinance when some of the prior developments came in. Currently developers can come in and request any density they want and then they have to go through the process. The Planning Commission and Township Board has to decide if that density is going to be adequate and if they have done enough to allow that density. That is what happened with the Water's Edge proposal. It was decided that the developer did not do enough to give us a reason to allow the density that they wanted. There is a lot of time put into these projects, and then denied. Therefore, we wanted to have some set requirements. What we are here tonight for is to determine what the Planning Commission would like staff to do with the PUD revision. The Open Space Ordinance that everyone is talking about tonight is only one of five ordinances that are being revised. We are also trying to clarify the regulations because we have a lot of PUD regulations with different processes and time



Exh C

frames. We are trying to create a single process with a single timeline. We might want to talk about what the majority of people are here to discuss tonight and then move forward to the next items. He submitted a memo regarding the density bonus which includes multiple options to facilitate tonight's discussion. We want to see what the Planning Commission wants moving forward. We are only talking about the residential zoning districts that allow less than two units per acre. He talked about the Zoning Enabling Act and Open Space Preservation Act, which we have to allow a developer to use cluster design if they do not increase the number of units and preserve 50% of the property as open space. He discussed the Planned Unit Development section of the Zoning Enabling Act which allows Townships to have flexibility over the regulations as long as the Township is getting something in exchange for us to relax our regulation. We have created an Open Space Planned Unit Development which goes above and beyond the Open Space Preservation. They give us open space and they give us certain things and we will allow them to have regulatory flexibilities such as reduced lot sizes, etc. He further discussed the flexibilities and how it did not give the developer enough direction. We are now trying to get rid of the regulatory flexibility on the density bonus. We do not want developers to present something that more than likely will not get approved. He discussed directing development to where infrastructure exists.

Commissioner Priebe stated that when our ordinance was adopted, it was cutting edge and nobody in Livingston County had done anything like it. Their whole purpose was to preserve the natural resources that we all moved here for. It was not to destroy them and build more houses. She stated that she would like to see some kind of cap in density no matter how exemplary it is.

Commissioner Leabu stated that we were the first in the State of Michigan with an open space ordinance. We have 55 of them. Originally RA zoning was 30,000 square feet, not 1 acre. They talked about how they were going to get the developers to do open space and preserve natural features. They kept the 30,000 square foot requirement and said if you don't do open space, you need to have 1 acre. He stated that we are not here for Water's Edge, but rather the entire Township. He is in favor of a density bonus for sewer because it is good for the environment and it does cost a lot of money.

Scott Pacheco, township planner, stated that he received several emails concerning the open space PUD regulations. He reviewed them and has come up with some options for the Planning Commission to consider about the density. He outlined the options in a memo and verbally. He also discussed the availability of water and sewer within the Township and presented the Master Plan and Zoning maps. He discussed the designation of exemplary.

Discussion was held on the open space preservation section of the Zoning Enabling Act.

Discussion was held on the requirement to connect to the water and sewer. Discussion was held on density bonus for connection to the utilities.

Discussion was held on the need to define what makes a project exemplary and making it tangible not subjective.

Discussion was held on whether there should be a density bonus for sewers. Further discussion was held on the availability and the requirement to connect to sewers where available. Discussion was held on the cost of connecting sewer.

Further discussion was held on defining the exemplary bonus using a certain list of criteria. Discussion was held on water connection and the cost associated.

Discussion was held on the developer providing something that the Township needs in order to get the bonus. Discussion was held on calculating the cap of the density bonus. Discussion was held on giving a 15% bonus for sewer and potentially 15% for exemplary. Pacheco stated that would bring the lot size down to 21,000 square foot or less than ½ acre. That is to create the parallel plan to get the density.

Commissioner Leabu stated that we up-zoned the requirement when we did the Open space in order to discourage developers from building the "cookie-cutter" one acre developments with no open space.



Exh C

It was stated that we have to list the things they have to do to make a project exemplary. Pacheco stated that he could write stronger wording that the Planning Commission may grant additional density, but it is not a guarantee. Pacheco stated that he will provide a list of items that can be used to determine exemplary for the Commission to consider. We will have another non-public discussion session before we get a final document that we can notice for a public hearing.

Pacheco reviewed the revisions suggested by staff including adding the definition of Development Agreement and Articles 13, 14, 15, 16 and 17 and the proposed new Article to regulate Cottage Housing Planned Unit Developments. The Commission discussed the suggested language and made comment and recommendations.

Commissioner Hamlin discussed the apartment complex project where the old school was located. He stated that there had been talk that it was close to having their site plan expire. Because they tore the building down, it did not. He suggested to add language that a site plan would expire a certain number of days following the date of approval and unless substantial development and construction of site improvements has commenced and is being diligently pursued and performed in a timely manner and in conformance with the approved site plan. This would keep them from doing one thing and then stop and they now have exempted the site plan from expiring. Pacheco stated that we have talked to the Township Attorney about this. Because the Township would benefit from the project, we have made the determination that they can continue forward. But, there is flexibility to go either direction. Further discussion was held on their attempt to sell the project, etc. Pacheco stated that we can add the language, but the term "diligently" will allow us some flexibility.

- 2) ZTA19-002 - Discussion of proposed amendment to the Fence Regulations in Article 8, Section 8.15 of the Zoning Ordinance

Pacheco reviewed the proposed language amendment. He stated that we thought that one of the things to make this section less confusing is to eliminate the 8 foot fence in the rear yard. He discussed the confusion that exists when talking about the rear yard and the neighboring rear or side yard, etc.

Discussion was held on the need to have a higher fence to keep deer out.

Pacheco stated that he believes this was only put in there because some people that are adjacent to a major thoroughfare wanted a higher fence. But, that makes for an ugly appearance along the road.

Further discussion was held on the proposed requirements.

Commissioner Priebe stated that the ZBA is looking at changing language for ZBA approvals, which are currently good for six months and make it a year. Pacheco stated that we should mimic the Planning Commission approval language where it is a year, and they can also ask for an extension.

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

#### 9. ADJOURNMENT:

Motion by Priebe, supported by Hamlin

To adjourn the meeting

Voice vote: Ayes: 7      Nays: 0      Absent: 0      MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 10:05 p.m.

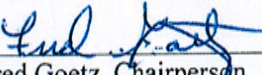
Respectfully submitted,



Exh C

\_\_\_\_\_  
Julie C. Durkin  
Recording Secretary

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

  
\_\_\_\_\_  
Fred Goetz, Chairperson



Exh C

**Scott Pacheco**

---

**From:** Michelle Ormanian <[mormanian7@gmail.com](mailto:mormanian7@gmail.com)>  
**Sent:** Wednesday, May 15, 2019 2:03 PM  
**To:** Scott Pacheco; Amy Steffens; Brittany Stein  
**Cc:** Annette Koebler  
**Subject:** Re: \*Important\* Time Sensitive\* Letter to the Planning Commission Meeting for Wednesday, May 15, 2019  
**Attachments:** Analysis of Proposed Changes to Article 14.00 Open Space PUD 05.15.19.pdf; Presentation Letter Proposed OSPUD Changes 05.15.19 Meeting (5).pdf

Hamburg Planning Commission,

We have attached PDF versions of these attachments as well to make them easier for you to view on your phone, print, or save.

I am having some issues with Gmail, and so I apologize if you received this information in duplicate.

Thank you in advance for your time and consideration.

On Wed, May 15, 2019 at 1:24 PM Michelle Ormanian <[mormanian7@gmail.com](mailto:mormanian7@gmail.com)> wrote:  
Hamburg Township Planning Commission,

We are providing you the attached letter and analysis for review to be included as a matter of record at tonight's Planning Commission Meeting concerning the proposed changes to Article 14 Open Space PUD. As the email addresses for all of the Commissioners are not available, we would appreciate you forwarding the attached information along to them for their review as well.

Please confirm that you have received this information and that it will be delivered to the remaining members of the Planning Commission for their review.

Thank you in advance for your time and consideration.

Kind regards,

Armen T. and Michelle Ormanian

Exh C

Armen T. and Michelle Ormanian  
9497 Huron Rapids Drive  
Whitmore Lake, MI 48189

~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~

Wednesday, May 15, 2019

Hamburg Township Planning Commission  
Hamburg Township Offices  
10405 Merrill Road  
Hamburg, MI 48139

To: Scott Pacheco/Planning and Zoning Director  
Amy Steffens/Planning and Zoning Administrator  
Brittany Stein/Planning and Zoning Coordinator  
Fred Goetz/Commissioner  
John Hamlin/Commissioner  
Annette Koeble/Commissioner  
Victor Leabu/Commissioner  
Jeff Muck/Commissioner  
Ron Muir/Commissioner  
Joyce Priebe/Commissioner

Re: Strong Opposition to the Proposed changes to relax the zoning regulations to Article 14.00 Open Space PUD concerning additional dwelling density, known as Density Bonuses

Members of the Hamburg Township Planning Commission,

We are strongly opposed to the proposed changes to relax the zoning regulations concerning Article 14.00 Open Space PUD with regard to significantly increasing dwelling density, also known as density bonuses. The legal basis for our strong opposition is that the Density Bonuses currently provided under the Open Space Ordinance, and the proposed changes to significantly increase these Density Bonuses under this ordinance may not be legally permissible under the Michigan Zoning Enabling Act 110 of 2006 Section 125.3506 Open Space Preservation.

**Michigan Zoning Enabling Act 110 of 2006**

**Section 25.3506 Open Space Preservation**

Sec. 506. (1) Subject to subsection (4) and section 402, a qualified local unit of government shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance, but not more than 50% for a county or township or 80% for a city or village, that could otherwise be developed, as determined by the local unit of government under existing ordinances, laws, and rules on the entire land area, if all of the following apply:

1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
2. A percentage of the land area specified in the zoning ordinance, but not less than 50% for a county or township or 20% for a city or village, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance.



Exh C

3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon the extension.
4. The option provided under this subsection has not previously been exercised with respect to that land.
2. After a landowner exercises the option provided under subsection (1), the land may be rezoned accordingly.
3. The development of land under subsection (1) is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
4. Subsection (1) does not apply to a qualified local unit of government if both of the following apply:
  - A. On or before October 1, 2001, the local unit of government had in effect a zoning ordinance provision providing for both of the following:
    1. Land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land that, as determined by the local unit of government, could otherwise be developed under existing ordinances, laws, and rules on the entire land area.
    2. If the landowner exercises the option provided by subparagraph (1), the portion of the land not developed will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
      - A. On or before December 15, 2001, a landowner exercised the option provided under the zoning ordinance provision referred to in subdivision (a) with at least 50% of the land area for a county or township or 20% of the land area for a city or village, remaining perpetually in an undeveloped state.
  2. The zoning ordinance provisions required by subsection (1) shall be cited as the "open space preservation" provisions of the zoning ordinance.
  3. As used in this section, "qualified local unit of government" means a county, township, city, or village that meets all of the following requirements:
    - A. Has adopted a zoning ordinance.
    - B. Has a population of 1,800 or more.
    - C. Has land that is not developed and that is zoned for residential development at a density described in subsection (1)(a)

The following is an excerpt from an analysis that was prepared in 2001 concerning the preservation of open space that precipitated the need to mandate Section 125.3506 Open Space preservation at the local levels of government.

"Advocates of open space preservation zoning or cluster zoning say it can be an effective alternative to traditional zoning approaches in protecting and preserving valuable land resources, such as woodlands, fields, wildlife habitats, farmland, scenic rural land features, and recreation areas. Generally speaking, this kind of zoning allows the same amount of residential development that is allowed in an entire given land area to be concentrated or clustered on a portion of the land, with the remainder to be protected permanently through conservation easements or some similar legal device. For example, instead of putting 20 houses on 100 acres, each on a 5-acre lot, cluster zoning could result in the 20 houses being concentrated on 10, 20, or 50 acres, with the remaining land left open for whatever purposes were suitable. (Cluster zoning can result in either townhouse or condominium style developments or developments of single-family homes on private lots.) Proponents of this concept, which is said to be at least three decades old, point out that it offers economic and quality-of-life advantages to landowners, builders, preservationists, local governments, and the community as a whole. It allows landowners to take the equity out of undeveloped land, yet it can preserve large portions of it. At the same time, it allows the same number of residences to be built (balancing smaller home lots with common open space), thus not penalizing developers. Given the



Exh C

widespread concern about the steady loss of land to development in Michigan, it makes sense for this kind of planning and zoning measure to be part of the arsenal available to be used in preserving valuable land resources. While many units of government make use of open space or cluster zoning, many others do not. Legislation has been introduced that would make cluster zoning a mandatory part of local zoning ordinances."

The intent of the Open Space Ordinance is to encourage the use of Township land in accordance compatibility of design and use between neighboring properties and encouraging a less sprawling form of development to preserve rural characteristic and natural resource. **The Township Open Space Ordinance is not intended as a device for ignoring or otherwise circumventing the Michigan Zoning Enabling Act 110 of 2006 Section 125.3506 Open Space Preservation.**

For your review, we have provided you with an Analysis of Proposed Changes to Density Bonus concerning Article 14.0 Open Space PUD, which details the current and proposed significant increases in dwelling density, or density bonuses, that would negatively impact our rural characteristics, natural resources, safety, security, and quality of life, and our infrastructure concerning increased traffic and vehicular accidents.

We hereby call upon, and respectfully demand, that our Township Planning Commission fulfill their legal and ethical obligations to the residents of Hamburg Township to ensure that the Density Bonuses currently provided under the Open Space Ordinance, and the proposed changes to significantly increase these Density Bonuses under this ordinance are legally permissible under the Michigan Zoning Enabling Act 110 of 2006 Section 125.3506 Open Space Preservation.

We would appreciate your careful consideration of our request regarding this serious matter as these changes to our open space ordinance may result in significant negative impacts on the rural characteristics and natural resources of this beautiful place that we call "Home".

Regards,

Armen T. and Michelle Ormanian  
Concerned residents for the preservation of Hamburg Township



Exh C

**ARTICLE 14.00 OPEN SPACE PLANNED UNIT DEVELOPMENT (OSPUD)**  
**ANALYSIS OF PROPOSED CHANGES TO DENSITY BONUS**  
**Effective XXXX, 2019**

| <b>DENSITY BONUS #1: Density Bonus included in the OSPUD</b>  |                   |                                |  |  |  |
|---|-------------------|--------------------------------|--|--|--|
| <b>Section 14.4.C Dwelling Density</b>  |                   |                                |  |  |  |
| The number of dwelling units allowable within an open space community project shall be determined by a parallel plan. |                   |                                |  |  |  |
| <b>Underlying Zoning District Parallel Plan Minimum Lot Size (square feet)</b>  |                   |                                |  |  |  |
| Zoning District   | Current OPSPUD    |                                | Proposed Changes to OSPUD                        |  |  |
|   | Underlying Zoning | Meeting Open Space Regulations | Meeting Open Space Regulations with Public Sewer | Meeting Open Space Regulations with Public Water | Meeting Open Space Regulations with Public Sewer and Water |
| RAA: Low Density Rural- 1 unit per 2 acres (87,120 sq. ft.)   | 87,160            | 60,000                         | 51,000   | 51,000   | 42,000   |
| RA: Medium Density- 1 unit per 1 acre (43,560 sq. ft.)  | 43,580            | 30,000                         | 25,500   | 25,500   | 21,000   |
| NR: Natural River-1 unit per 1 acre (43,560 sq. ft.)  | 43,580            | 30,000                         | 25,500   | 25,500   | 21,000   |
| WRF: Waterfront- 1 unit per 1 acre (43,560 sq. ft.)   | 43,580            | 30,000                         | 25,500   | 25,500   | 21,000   |

| <b>DENSITY BONUS #2: Additional Density Bonus allowed under the Open Space PUD</b>  |                   |                                |  |  |  |
|---|-------------------|--------------------------------|--|--|--|
| <b>Section 14.5.1. Density Bonus</b>  |                   |                                |  |  |  |
| An additional density bonus of up to 15% may be allowed at the discretion of the Planning Commission, based upon a demonstration by the applicant of design excellence in the open space community. |                   |                                |  |  |  |
| <b>Underlying Zoning District Parallel Plan Minimum Lot Size with Exemplary Project Density Bonus (square feet)</b>   |                   |                                |  |  |  |
| Zoning District   | Current OPSPUD    |                                | Proposed Changes                                 |  |  |
|   | Underlying Zoning | Meeting Open Space Regulations | Meeting Open Space Regulations with Public Sewer | Meeting Open Space Regulations with Public Water | Meeting Open Space Regulations with Public Sewer and Water |
| RAA: Low Density Rural- 1 unit per 2 acres (87,120 sq. ft.)   | 87,160            | 60,000                         | 42,000   | 42,000   | 35,700   |
| RA: Medium Density- 1 unit per 1 acre (43,560 sq. ft.)  | 43,580            | 30,000                         | 21,000   | 21,000   | 17,850   |
| NR: Natural River-1 unit per 1 acre (43,560 sq. ft.)  | 43,580            | 30,000                         | 21,000   | 21,000   | 17,850   |
| WRF: Waterfront- 1 unit per 1 acre (43,560 sq. ft.)   | 43,580            | 30,000                         | 21,000   | 21,000   | 17,850   |

**Example: +-95 Acre field located at 6716 Winans Lake Road near Gill Lake (Hamburg Township) Zoned NR/WFR Medium Density**

During 2018, a developer, Pine Cove Building, proposed a 160-unit High-Density Open-Space development, know as Waters Edge Village, on the 95 +- acres located at 6716 Winans Lake Road near Gill Lake (Hamburg Township). Earlier this year, the developer withdrew his application for this project. This property has been selected to be used as an example to demonstrate how these proposed changes to the current Open Space PUD Ordinance could significantly impact any Low Density and Medium Density properties that currently exist in Hamburg Township, and serve to threaten our rural characteristics and natural resources.

| <b>Density Bonus #1: 14.4.C Density Bonus-Number of units included in the Open Space Ordinance</b> |                   |                                |  |  |  |
|--|-------------------|--------------------------------|--|--|--|
| Zoning District  | Current OPSPUD    |                                | Proposed Changes to OSPUD                        |  |  |
|  | Underlying Zoning | Meeting Open Space Regulations | Meeting Open Space Regulations with Public Sewer | Meeting Open Space Regulations with Public Water | Meeting Open Space Regulations with Public Sewer and Water |
| Dwellings allowed per underlying zoning  | 53                | 53                             | 53   | 53   | 53   |
| Additional units allowed by Section 14.4.C   | NA                | 24                             | 38   | 38   | 57   |
| Number of units allowed per the parallel plan*   | 53                | 77                             | 91   | 91   | 110  |
|  |                   | 45%                            | 72%  | 72%  | 108%   |

\*Based on the parallel plan for Waters Edge Village Zoned for NR and WRF

| <b>Density Bonus #2: 14.5.1 Density Bonus-Number of units included in the Open Space Ordinance</b> |                   |                                |  |   |   |
|--|-------------------|--------------------------------|--|---|---|
| Zoning District  | Current OPSPUD    |                                | Proposed Changes to OSPUD  |   |   |
|  | Underlying Zoning | Meeting Open Space Regulations | Proposed Meeting Open Space and Exemplary Projects Regulations with Public Sewer | Meeting Open Space and Exemplary Projects Regulations with Public Water | Meeting Open Space and Exemplary Projects Regulations with Public Sewer and Water |
| Additional Dwelling Units Allowed  | NA                | 12                             | 14   | 14  | 17  |
| Additional Density Bonus up to 15%   |                   | 15%                            | 15%  | 15%   | 15%   |

| <b>Summary of Total Number of Dwelling Units Allowed</b>    |                   |                                |  |   |   |
|---|-------------------|--------------------------------|--|---|---|
| Zoning District   | Current OPSPUD    |                                | Proposed Changes to OSPUD  |   |   |
|   | Underlying Zoning | Meeting Open Space Regulations | Proposed Meeting Open Space and Exemplary Projects Regulations with Public Sewer | Meeting Open Space and Exemplary Projects Regulations with Public Water | Meeting Open Space and Exemplary Projects Regulations with Public Sewer and Water |
| Dwelling allowed per underlying zoning                      | 53                | 53                             | 53   | 53  | 53  |
| Additional units allowed by Section 14.4.C Dwelling Density | NA                | 24                             | 38   | 38  | 57  |
| Additional units allowed by Section 14.5.1                  | NA                | 12                             | 14   | 14  | 17  |
| <b>TOTAL NUMBER OF DWELLING UNITS ALLOWED</b>               | <b>53</b>         | <b>89</b>                      | <b>105</b>   | <b>105</b>  | <b>127</b>  |
|   |                   | 67%                            | 97%  | 97%   | 139%  |

\*\*The 15% Density Bonus is based on the parallel plan, which already included a density bonus, therefore the percentage of the bonuses are actually higher when calculated

|  |   |    |    |    |    |
|--|---|----|----|----|----|
| TOTAL ADDITIONAL UNITS FROM BOTH BONUSES | 0 | 36 | 52 | 52 | 74 |
|--|---|----|----|----|----|

Exh C

**Scott Pacheco**

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**From:** Cindy Skrent <~~skrentc@hamburgtwp.org~~>  
**Sent:** Monday, May 13, 2019 10:21 AM  
**To:** Amy Steffens  
**Cc:** Scott Pacheco; Brittany Stein  
**Subject:** Article 14 Open Space Planned Unit Development,

As a concerned resident of Hamburg Twp. , I urge you to leave Article 14 alone. There is a reason most people reside here, and open space is primary. Development is one thing, but you can't create more real estate once it's all gone. Let the developers go somewhere else. They are not wanted here. Our roads & infrastructure are already taxed. We've been here almost 14 years & the traffic volume has increased exponentially. Enough is enough. Cindy & Ken Skrent.



ExhC

**Scott Pacheco**

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**From:** Sarah M <~~sarahmarks99@gmail.com~~>  
**Sent:** Wednesday, May 15, 2019 1:16 PM  
**To:** Amy Steffens; Scott Pacheco; Brittany Stein  
**Cc:** Nick Kihn  
**Subject:** Township Zoning Meeting 5.15.19

Hello,

My fiance and I recently moved to Hamburg from Berkley, MI. We moved here for the quite and nature of the area. We wanted to get away from everything that comes with tighter development, and we are so happy that we did. Allowing more and tighter development of area is not what we want around our home. This is will increase traffic, light pollution, and strain on our community resources. We also do not want to see nature pushed out of our community.

Thank you,  
Sarah Marks

Exh C

**Scott Pacheco**

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**From:** MacQuiston, <[REDACTED]@gmail.com>  
**Sent:** Monday, May 13, 2019 12:10 PM  
**To:** Amy Steffens; Scott Pacheco; Brittany Stein  
**Subject:** Upcoming Changes

Amy, Scott, and Brittany,

Shame on any of you who work to impose changes to the planned unit development articles in an attempt to relax zoning regulations, including numerous changes to article 14 open space planned unit development designed to increase the number of dwelling units. The people here have made themselves clear in opposing large dense apartment complexes and have voiced their concern for changing the rural landscape. Sounds like you people can't take NO for an answer. Listen to the people or STEP DOWN.

Signed,

Concerned resident.



Exh C

**Scott Pacheco**

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**From:** Chris Cwynar <~~christine88@yahoo.com~~>  
**Sent:** Wednesday, May 15, 2019 4:19 PM  
**To:** Scott Pacheco  
**Subject:** Letter about zoning

I live at 9001 Marion Dr. Brighton mi 48116 My name is Christine Norman and Robert Cwynar.  
We are writing about the planning commission meeting for 5/15/2019 at 7:00 pm  
You are proposing zoning regulation changes to increase subddivision density.  
We are totally against this. We have enough traffic on Winnans lake rd. and really don't want to see  
anymore.  
When we moved here 20 years ago every property had to have 1 acre + for homes and it has gotten  
increasing worse  
over the years. Jamming huge houses on small lots. It will no longer have the country feel. And attracting  
some  
negative elements in our area with a low crime rate. We would hate to see this change. Please consider  
keeping things more  
country feel not the fast pace of Brighton. Chris and Robert.

Exh C

**Scott Pacheco**

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**From:** Brittany Stein  
**Sent:** Wednesday, May 15, 2019 8:23 AM  
**To:** Scott Pacheco; Amy Steffens  
**Subject:** FW: letter to the planning commission

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**From:** jim clement <~~jclement@hamburg.mi.us~~>  
**Sent:** Tuesday, May 14, 2019 8:58 PM  
**To:** Brittany Stein <bstein@HAMBURG.MI.US>  
**Subject:** letter to the planning commission

Hello Brittny.

I have another letter (attached) that I would like to get to the planning commissioners.

Also, I would like to include Scott Pacheco. I didn't mention that specifically for the last letter, but I would like him to have both.

Thank You,

Jim clement  
~~8102228531~~



Exh C

**Scott Pacheco**

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**From:** Amy Steffens  
**Sent:** Monday, May 13, 2019 8:53 PM  
**To:** Scott Pacheco  
**Subject:** Fwd: letter to the planning commission  
**Attachments:** May 12 2019.doc; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** jim clement <frontlineready@charter[REDACTED]>  
**Date:** May 13, 2019 at 8:22:17 PM EDT  
**To:** Amy Steffens <asteffens@HARRISBURG[REDACTED]>  
**Subject:** letter to the planning commission

Heloo Amy:

I am forwarding this letter to you hoping that you might be able to forward it to all of the planning commissioners? I don't have email addresses for them. Do they not give them out? If there's any problem with this, let me know and I will try to hand deliver.

Thank You,

Jim Clement  
[REDACTED]

Exh C

May 12, 2019

Hamburg Township  
10405 Merrill Rd.  
Hamburg, Mi. 48139  
Attn: Planning Commission  
Re: Proposed Zoning Amendments

An Open Letter To The Hamburg Township Planning Commission:

In the past few days, I have spent some time reviewing the information packet posted online for the May 15, 2019 Planning Commission meeting. Of specific interest to me were the proposed zoning text changes, especially Article 14 Open Space Ordinance.

My project began with a review of the Memorandum issued by Mr. Scott Pacheco to the Planning Commission that introduced and summarized these changes.

I became frustrated when I couldn't follow Mr. Pacheco's calculations for the new proposed density bonuses. They seemed rather convoluted, and just didn't make sense to me.

So in order to simplify things, I engaged in a very simple exercise. I used the WFR zoning for this exercise, which currently requires a 1 acre min. lot, or 43,580 sqft. If a developer were to qualify for all available bonuses, such as city water, city sewer, and exemplary project status, the required lot size is reduced to 17,850 sqft. That is a multiplier of 2.44, or a 144% density bonus! You will not see multipliers anywhere near this level mentioned in Mr. Pacheco's analysis, or anywhere else in the proposal, but I think the math is simple enough.

To continue this project, I revisited the Michigan Zoning Enabling Act (the Act), which is the framework for all local zoning in Michigan. MCL 125.3506 is the specific section within the Act that regulates Open Space Ordinances. Within this section, it is clear that the intent of density bonuses, as it applies in an Open Space proposal, shall be in the form of a quantity of housing units to be compacted into a smaller land area than what the underlying zoning would require. No where is it stated that a density bonuses would be in the form of more units than the underlying zoning would allow. In simple terms, the intent is to allow the same amount of residential development that is allowed in an entire given land area to be concentrated or clustered on a portion of the land, with the remainder to be protected permanently as open space. For example, instead of putting 20 houses on 100 acres, each on a 5 acre lot, cluster zoning could result in 20 houses on 10 acres, each on a half acre lot. The advantage to the developer is in the reduction of land development and infrastructure. The advantage to the community is the preservation of undeveloped land. There is no reason to believe that a significant increase in housing units, above and beyond the original zoning, would be any benefit to the community.

Also, section 125.3506 of the Act requires a minimum of 50% preserved Open Space, not the 40% proposed in the Article 14 Ordinance.

Since the Act does not provide any guidance for density bonuses in the form of increased number of units, it would be tempting to stop at that. However, the egregious density bonuses proposed in this amendment must be addressed.

This proposed amendment offers significant bonuses if the development hooks up to city water and/or city sewer. I am perplexed with this suggestion, since all development must have such utilities. It doesn't mater if they are municipal or private. They are absolutely required for occupancy permits. Also, any experienced builder would agree that whether private or municipal these utilities are significant budget line items. There's no way around it. Drilling and installing wells is expensive. Water taps and water distribution plumbing is expensive. Same with sewers. They are a cost of doing business, and are passed on to the home buyer, as has been the



Exc

practice since the beginning of land development. So why should we subsidize the builder in the form of additional units, just because he hooks up to municipal utilities? Furthermore, Ordinance 69G mandates the connection to city sewer if the dwelling is within 400 ft. of an existing sewer line. Do we subsidize builders that do what is mandated anyways? Also, I believe that most builders would rather use public utilities. Once connected, they are the responsibility of the utility authority; the developer has little or no long term liability or maintenance issues to deal with.

Some may argue that it makes sense to promote municipal utilities for environmental reasons. While that argument may have some merit, I have to believe that any such benefits would be negated by doubling the amount of homes in a concentrated area?

Then there is the issue of Exemplary Projects. More bonuses if they do a really nice job. Why wouldn't they do a really nice job regardless? Aren't homes in a really nice development worth a higher selling price? Why should we have to subsidize a really good builder, that does a really good job, that's going to get top price for his efforts? Please explain to this community what is exemplary about granting a 144% density bonus to a developer?

In closing, Section 7.3.3 of the Hamburg Township Ordinance states that "No lot area shall be so reduced or diminished that yards and open spaces shall be smaller than specified, nor shall the density of the population be increased in any manner....". While I find the language of this section to be rather broad, clearly the drafter's wished to assure that our zoning ordinances would result in controlled growth. This, in conjunction with the Master Plan, will result in a controlled growth pattern that will work in harmony with infrastructure development. To allow Article 14 to be amended as proposed will allow uncontrolled growth, with no regards to the quality of life of long time residents of this Township. It leaves me to wonder, why bother with zoning at all, and for that matter, why have a Planning Commission, if any underlying zoning can be trampled by such an egregious ordinance such as this?

Perhaps there are addendums to the state laws, case precedence, or other forms of settled law that I am not familiar with, that may render some of my arguments invalid. I do look forward to your response and feedback.

Respectfully,

James Clement  
9361 Silver Maple Dr.  
Whitmore Lake, Mi. 48189  
810-200-0000

Exh C

May 14, 2019

Hamburg Township  
10405 Merrill Rd.  
Hamburg, Mi. 48139  
Attn: Planning Commission  
Re: Proposed Zoning Changes

Dear Planning Commission:

First, I wish to caveat my following comments regarding the proposed changes to Article 14 of the zoning ordinance by acknowledging I am fully aware that most townships in Michigan must offer some form of Open Space PUD development options per the Michigan Zoning Enabling Act (mzea). Hence, the origin of our Article 14. I understand this is something our township must deal with.

However, the mzea offers considerable latitude regarding how the townships may structure the local ordinances. Despite this, I find nothing in the mzea that suggests this latitude includes density bonuses that would result in an increase in the number of housing units within a given development. Rather, it deals with how these units will be distributed relative to land area. This caused me to wonder how other townships deal with this. My research revealed the answers to be much more interesting and complex than I expected.

For example, some townships offer no bonuses. Others use a simple variable formula that bases bonuses on how much open space land is preserved. A few offer bonuses for using municipal utilities. Most of the townships max out at a 50% bonus; how that is attained varies greatly. And Hamburg township is proposing up to 144%!

In my previous letter, I took the position that the mzea does not support such increases in the number of units allowed. While this review of other townships doesn't exactly support this claim, it clearly suggests that the mzea does not offer a finite or well defined means of dealing with this matter, leaving each township to make its own judgment. Some may be within legal limits, but I highly doubt that they all are.

Our current Article 14 conveys this same ambiguity with its broad and sometimes obscure language. During the final stages of the Waters Edge Village review, this actually became an advantage. In the beginning, the developer shot for the moon, because nothing in the ordinance said he couldn't. In the end, the township said you aren't getting the moon, because nothing in the ordinance says you can have it...at least not exactly. The negotiations broke down and the parties moved on.

Now comes the proposed revision to Article 14. It is not so broad and ambiguous. That would be great, if the proposed density bonuses were not so egregious. But should these changes be approved, and a developer were to submit a proposal that conformed to all the requirements, the township must approve it. That is the state law under mzea.



Exh C

Unless it is the intent of this Township to facilitate the means to shove undesired projects down the throats of its residents, I have no idea why they would surrender such a great level of the discretion afforded to it by the mzea. The township tried to abuse this discretion on the WEV proposal. We called them out on it. They retracted and denied the project. Should these proposed amendments be approved, these will not be options. I'm not sure that the WEV project as designed could be denied under these proposed amendments. I'm also not sure that isn't the idea behind this? I sure hope not.

Respectfully Submitted,

Jim Clement  
9361 Silvermaple Dr.  
Whitmore Lake, Mi. 48189  
8109230301  
~~XXXXXXXXXXXXXXXXXXXX~~

Exh D

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

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



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

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## MEMORANDUM

**To:** Planning Commission  
**From:** Scott Pacheco, Planning and Zoning Director  
**Date:** June 19, 2019  
**Item:** 8A  
**Subject:** Zoning Text Amendment (ZTA19-001) to revise the Planned Unit Development Articles 13,14, 15, 16, and 17 and to add a new Article to regulate Cottage Housing Planned Unit Developments.

### History:

On May 15, 2019 the Planning Commission held a meeting to discuss draft revisions to the zoning regulations regarding Planned Unit Development's. At this meeting eight people from the community spoke during the public forum. Most of these comment where in regards to the Density Bonuses proposed in the Open Space Planned Unit Development regulations.

### ANALYSIS:

After hearing from the public and reviewing the staff report and draft zoning amendment regarding the Planned Unit Developments, the Planning Commission discussed the proposed revisions and requested that staff make a few changes to the revisions. The main requested changes where regarding the Open Space Planned Unit Development density bonuses, the criteria for exemplary projects, and reformatting, consolidating all of the Articles regarding Planned Unit Developments to better clarify the regulations and to make the approval process constant for all PUD's.

The draft zoning text amendment with the recommendation from the Planning Commission is attached the ~~strike-through~~ shows existing wording in the ordinance that is proposed to be eliminated and the **red wording** is new proposed wording to be added to the ordinance.

### RECOMMENDATION:

The Planning Commission should review, discuss and make any changes to the draft revisions to the zoning ordinance and direct staff to notice these draft revisions for a Public Hearing at the next Planning Commission Meeting on July 17, 2019.

### EXHIBITS

**Exhibit A-** Draft revisions to the Planned Unit Development regulations



Exh D



FAX 810-231-4295  
HAMBURG, MI 48139

P.O. Box 157  
10405 Merrill Road  
HAMBURG, MI 48139

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**Planning Commission  
Hamburg Township  
10405 Merrill Rd., P.O. Box 157  
Hamburg Township, Michigan 48139  
June 19, 2019  
7:00 p.m.**

**1. CALL TO ORDER:**

Present: Goetz, Hamlin, Leabu, Muck, Muir & Priebe  
Absent: Kooble  
Also Present: Scott Pacheco, Township Planner

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Priebe, supported by Muir

To approve the agenda as presented

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

**4. APPROVAL OF MINUTES:**

Commissioner Hamlin stated that on Page 2 of the minutes, "Closed the Public Hearing" should read "Closed the call to the public"

Motion by Muir, supported by Priebe

To approve the minutes of the May 15, 2019 meeting as amended

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

**5. CALL TO THE PUBLIC:**

Chairman Goetz opened the call to the public for any item not on the agenda.

Michelle Ormanian of 9497 Huron Rapids Drive read a statement to the Commission regarding a proposed 160 unit high density development known as Water's Edge Village on the 95 acre field on Winans Lake Road. She stated that hundreds of residents opposed this development on the legal basis that it was not consistent with our Master Plan nor our Open Space Ordinance. She further discussed the need to modify our Open Space Ordinance regarding density and regulatory flexibility. She stated that they are strongly opposed to the two density bonuses that are existing within the ordinance and the proposal to further increase the density bonuses. The legal basis for their opposition is that they are not consistent with the Michigan Zoning Enabling Act. She stated that density bonuses threaten our rural characteristics and natural resources and place unnecessary increased demand on our infrastructure. She further



Exh D

discussed the Act. She discussed the characteristics of the 95 acre parcel and the previously proposed development. The intent of the Michigan Zoning Enabling Act is to encourage the preservation of open space. It is not intended for ignoring or circumventing the underlying zoning by adding additional dwelling units. They demand that the Commission fulfill their legal and ethical obligations to the residents of Hamburg Township by removing these density bonuses included in the Open Space PUD Ordinance.

Bob Finn of 8610 Tamarack Drive stated that he has two problems with the ordinance. 1) Article 14, Section 14.1.1 still states in part that the intent of a PUD is to ensure the permanent preservation of open space, agricultural lands and other natural resources. This sounds good until you look at what actually takes place. It allows for high development to be spread over a large portion of a property and does little or nothing to preserve these features. He further discussed the previous proposal. 2) An automatic bonus is still being added just for presenting a parallel plan without the Township receiving anything in return. He further discussed the benefit to the developer.

Hearing no further public comment, the call was closed.

## 6. NEW BUSINESS:

- A. ZTA19-003 Public Hearing to consider the proposed revision to the regulations regarding Group Day Care Homs, Child Care Centers and Day Care Homes in Section 8.7 of the Township Zoning Ordinance. The revision would allow the Planning Commission to determine the required size of a lot and the size of the fenced in play area for a Child Care Center if a Special Use Permit is required for the use. This ZTA would also allow Child Care Centers as an allowed Special Use in the Village Center zoning district under Section 7.5.1 Schedule of Use Regulations (o) VC-Village Center District

Scott Pacheco, Township Planner, stated that this is a zoning text amendment that has been applied for by IXL Learning Center.

Jennifer Moss, 547 W. Main Street, Northville, MI stated that in 2002 a four-room center was opened in the Hamburg Professional building. She purchased the business in 2004 and did some renovations as well as took over some additional space. They did not go to the Township at that time because they were not doing anything structurally. It is an 11,000 square foot building of which they currently have approximately 9,000 square feet. They want the building to themselves for safety reasons for the children with no public entry.

Pacheco stated that his review letter provides some history and what needs to occur to bring them into compliance. Their existing use does not comply because they did not pull permits for the expansion. The 11,000 square foot building will be childcare, and originally approved was 3,850 square feet under the special use permit of 2001. Under the original approval, it was 16 infants, 18 toddlers and 24 children. Under the new proposal, it would be 50 infants, 50 toddlers and 80 children. They will need to do an amendment to the special use permit, however that is not what is front of us tonight. What is before us tonight is an amendment to allow them to ask for a special use permit without getting a variance. There are regulations in our code that this facility could not meet based on the numbers. There are some suggested changes to our ordinance based on a permit for a special use permit. Childcare facilities are allowed in a few different zoning districts. Some they are allowed by right, and some are allowed under special use permit. With a special use permit, the Planning Commission can look at the outdoor area and how it is going to be used. You cannot write an ordinance for every situation when you do not have discretionary review. With a special use permit, you do have discretionary review. The State Law does have requirements also. He stated that under the Village Center zoning district, childcare is not one of the permitted uses or special use. He is suggesting to add it as a special use. It makes sense to have it in that area. If you are going to create a village center area where you want the most density, there are children to be taken care of. We know there is a need for this use otherwise they would not be expanding to four times their original size.

Discussion was held on how the use was approved originally. Pacheco stated that it is unclear what occurred at the time. Possibly they combined it with another service type use. Because this is laid out where this type of use would not be permitted, that would not be a clean way to permit this type of use. We are trying to correct the approval process, but also correct the use in the zoning district.



Exh D

Pacheco reviewed the proposed language including what the applicant proposed as well as his proposed language after discussion with the Township Attorney. He stated that this amendment allows the Planning Commission to review childcare and daycare facilities that have special use permits discretionarily. It allows the Commission to change the requirements of 8.7 based on that discretionary hearing process, which is a requirement of the special use permit anyway.

Discussion was held on the State Law requirements. The question was asked what the applicant would have to do if her enrollment changes between the number of infants versus toddlers, etc. Pacheco stated that she would have to change her special use. She is asking for the maximum that the building would allow. He stated that is not before us tonight. If this language is approved tonight, it will have to go to the Livingston County Planning Commission and then it will have to be approved by the Township Board. It will then have to be published in the newspaper before it becomes effective. After that, the Commission can hear her special use permit amendment. She will not need a site plan because she is not changing anything on the exterior of the building.

The question was asked if the State reviews the expansion. Ms. Moss stated that they work very closely with the State. She discussed the annual inspection process.

Discussion was held on these facilities in residential districts. Pacheco stated that the only place that group daycare and childcare facilities are allowed are not in the residential districts other than the Village Residential. There are smaller similar uses that are allowed by right in residential districts because of the State requirements and others that are allowed with special use permits within the residential districts.

Chairman Goetz opened the public hearing. Hearing no response, the hearing was closed.

Discussion was held on eliminating the language pertaining to the lot area and simply requiring everyone to go through the special use process. It was stated that the Commission could then look at those items rather than putting all the different variables in the language. Discussion was held on the process for approving such a use in the Neighborhood Service district. It was discussed changing that language to require a special use permit. Pacheco stated that he feels that it would be better if they were all done the same way. That way you are not treating one area different from another. Discussion was held on the various zoning districts.

The Commission discussed the proposed language.

Motion by Priebe, supported by Muck

To recommend approval to the Township Board the proposed revision to the regulations regarding Group Day Care Homes, Child Care Centers and Day Care Homes in Section 8.7 of the Township Zoning Ordinance as reviewed and amended tonight including the inclusion of these uses as a special use in the Village Center District, Village Residential, Commercial Service and Neighborhood Service District

Voice vote: Ayes: 6

Nays: 0

Absent: 1

MOTION CARRIED

## 7. OLD BUSINESS:

- 1) ZTA19-004 - Discussion of proposed amendment to the Planned Unit Development regulations in Articles 13, 14, 15, 16, 17, and 18

Scott Pacheco, Township Planner, stated that at the last meeting he was directed by the Commission to make some changes to the proposal. He discussed the Zoning Enabling Act that was brought up earlier in the meeting and the difference between the open space preservation requirement that is required for all Townships that allow two or fewer units per acre. Under that section, the Township is required to allow open space preservation. That is different than the planned unit development section. He read that section from the Act. He further explained the differences between those sections and the regulatory flexibility as long as it encourages innovation in land use, variety of



design, layout, type of structures, preserves open space, shopping opportunities, employment, better housing, etc. and is suited for the needs of the residents of the Township. It is a way to allow regulatory flexibility to get a better project for the community as a whole. What we have before us tonight is the Planned Unit Development regulations. Unfortunately, we called them open space planned unit development regulations so people confuse that with open space preservation regulations. We had the open space regulations in our Open Space Planned Unit Development ordinance, but we were lacking the requirement of the 50% land use. That has been changed, and we are now in compliance with the State regulations. He stated that there was a question earlier about why we just talk about the residential Planned Unit Development, not Commercial. He stated that you wouldn't have an open space planned unit development in your downtown area. That is why the general planned unit development ordinance would cover the commercial and industrial districts. The open space preservation ordinance deals with much larger, lower density parcels.

Pacheco reviewed the proposed changes to the ordinance and the consolidation of the process. He discussed the review procedures.

The question was asked regarding the hardship PUD. Pacheco stated that we have eliminated that based on the Township Attorney's suggestion.

Commissioner Hamlin stated that after the discussions at the last meeting and having further thought, he is not in favor of the bonus for the installation of sewers. He feels that should be part of the 15% for exemplary. Most developers would be doing that for their own benefit, and he does not see a reason to give them an extra 15% for that. Further, he stated that he is not in favor of calling an alley a part of an open space. Finally, he stated that the cost to the developer should not be used as a reason to consider a project exemplary.

Discussion was held on the density of the existing open space developments. Pacheco stated that none of them asked for the "exemplary project" bonus.

Further discussion was held on bonus for sewers. Discussion was held on gravity fed sewer qualifying for an additional bonus. Discussion was held on the cost to the developer versus the cost for grinder pumps.

Commissioner Muck agreed that the cost to the developer should not be considered in determining the exemplary project. Discussion was held on a possible public amenity that could be considered without considering the cost.

Discussion was held on adding that all exemplary projects will have sewer & a minimum 60% open space.

Discussion was held on alleys being considered part of the open space. Discussion was held on incentivizing alleys. It was stated that alleys allow for a smaller impervious surface. It was stated that an alley could be a part of an exemplary feature, but there is no benefit to the community. It was stated that you would then require 60% open space and alleys to be an exemplary project. The consensus was to take alleys out of open space and move it to exemplary.

Further discussion was held on sewers. It was stated that with sewers, you can have a smaller lot size. Therefore, a larger open space would be required.

Pacheco stated that there is no motion needed tonight. He will take it back and revise it one more time. He will notice it again for a public hearing at the next meeting as long as we do not have a problem with a quorum, etc. then it would be August. It would then go to the Livingston County Planning Commission then Township Board for final review and approval. The fence ordinance and ordinance to change the ZBA approval will also be part of that.

## 8. ZONING ADMINISTRATOR'S REPORT:

Pacheco stated that we are going to be looking for a Planning Commission Chair. It is Fred Goetz's last meeting. He thanked him for his years on the Commission. Chairman Goetz stated that he appreciates everyone's hard work.



Exh D

Pacheco stated that Chilson Commons is working on a Zoning Text Amendment. They are the only hardship PUD in the Township. They are probably going to ask for an amendment to their underlying zoning from Waterfront Residential to Community Service, which is what it is in our Master Plan. Their hardship PUD would have to be amended. We have not seen their proposal yet.

**9. ADJOURNMENT:**

Motion by Leabu, supported by Priebe

To adjourn the meeting

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

The Regular Meeting of the Planning Commission was adjourned at 9:02 p.m.

Respectfully submitted,

\_\_\_\_\_  
Julie C. Durkin  
Recording Secretary

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

\_\_\_\_\_  
Fred Goetz, Chairperson

Exh D

Armen T. and Michelle Ormanian  
9497 Huron Rapids Drive  
Whitmore Lake, MI 48189  
mormanian@charter.net  
810.231.6990

Wednesday, June 19, 2019

Hamburg Township Planning Commission  
Hamburg Township Offices  
10405 Merrill Road  
Hamburg, MI 48139  
810.231.1000

To: Scott Pacheco/Planning and Zoning Director  
Amy Steffens/Planning and Zoning Administrator  
Brittany Stein/Planning and Zoning Coordinator  
Fred Goetz/Commissioner  
John Hamlin/Commissioner  
Annette Koeble/Commissioner  
Victor Leabu/Commissioner  
Jeff Muck/Commissioner  
Ron Muir/Commissioner  
Joyce Priebe/Commissioner

Members of the Hamburg Township Planning Commission,

Last year, the rural characteristics and natural resources of this beautiful recreational community were threatened by a proposed 160-unit High-Density Housing development, known as Waters Edge Village, on the 95-acre field located on Winans Lake Road near Gill Lake. Hundreds of residents opposed this high-density development under the legal basis that it was not consistent with our Master Plan nor our Open Space Ordinance with regard to dwelling density. In addition, our Township Planning Commission supported a "Recommendation of Denial". While the developer ultimately withdrew his application for this project earlier this year, we have concluded that our Open Space Ordinance needs to be significantly modified concerning Dwelling Density and Regulatory Flexibility.

We are strongly opposed to the two Density Bonuses that currently exist within the Open Space Ordinance and also the proposal to further increase these Density Bonuses. The legal basis for our strong opposition to these Density Bonuses is that they are not consistent with the Michigan Zoning Enabling Act 110 of 2006 Section 125.3506 Open Space Preservation concerning additional dwelling units. These density bonuses are also not consistent with the spirit and intent of this act as they serve to undermine the underlying zoning district. Density Bonuses threaten our rural characteristics and natural resources, and place unnecessary increased demands on our infrastructure concerning our main arterial roads that are reaching, or are currently above, capacity.

The Michigan Zoning Enabling Act Open Space Preservation states that a qualified local unit of government shall provide in its zoning ordinance that land zoned for residential development may be developed with the **same number of dwelling units on a smaller portion of the land** than specified in the zoning ordinance, but not more than 50% for a township, that could otherwise be developed, **on the entire land area**. Generally speaking, this kind of zoning allows the same amount of residential development that is allowed in an entire given land area to be concentrated or clustered on a portion of the land, with the remainder to be



Exh D

protected permanently through conservation easements. Under this act, the community benefits as they receive open space conservation easements and the developers benefit as they retain the same number of dwelling units, however their infrastructure cost are reduced by 50% as they are not developing the entire parcel.

We will now refer to the 95-acre vacant field, as an example:

The underlying zoning districts of this parcel are WFR and NR both of which are classified as Medium Density. Medium Density Zoning is classified as 1 unit per acre (1 acre = 43,560 sq. ft.). A parallel plan utilizing the underlying zoning would result in a dwelling density of 53 units.

The parallel plan under our current Open Space Ordinance, which utilizes a minimum lot size of 30,000 sq. ft. would result in a dwelling density of 77 dwelling units, a 45% density bonus.

The parallel plan which utilizes the proposed reduction in the minimum lot size of 25,500 sq. ft. for the use of sewers, would result in a dwelling density of 91 dwelling units, a 71% density bonus.

In addition, if the planning commission grants the second density bonus of 15% in both of these cases, the dwelling density for the former would increase to 86 dwelling units, a 56% density bonus, and the density for the latter would increase to 105 dwelling units, a 91% density bonus.

The intent of the Michigan Zoning Enabling Act is to encourage the preservation of open space. This Act is not intended as a device for ignoring or otherwise circumventing the underlying zoning districts by adding additional dwelling units.

We hereby call upon, and respectfully demand, that our Township Commission fulfill their legal and ethical obligations to the residents of Hamburg Township by removing the density bonuses included in the Open Space PUD Ordinance. We would appreciate your careful consideration of our request regarding this serious matter as these density bonuses threaten the rural characteristics and natural resources of this beautiful place that we call "Home".

Regards,

Armen T. and Michelle Ormanian  
Concerned residents for the rural preservation of Hamburg Township

Exh D

②

June 19, 2019

Hamburg Township Planning Commission

10405 Merrill Rd.

Hamburg, Michigan

I would like to comment on just two of the proposed ordinance changes that deal with PUDs. Although I have a problem with several others as well.

Article 14, section 14.1.1 states in part that the purpose of a PUD is to assure the permanent preservation of open space, agricultural lands, and other natural resources, encourage a less sprawling form of development, and to ensure the compatibility of use between neighboring properties. This sounds like PUDs might be a good idea for land use until one looks at what actually takes place. PUDs that allow for high density development to be spread over a large portion of a property as has been proposed do little or nothing to preserve these features. In addition, allowing PUDs only in districts zoned low and medium density instead of restricting them to those districts zoned high density does not seem to make any sense and allows no compatibility with neighboring properties. Thus the whole purpose of PUDs mentioned in section 14 is negated.

Another concern I have is that an automatic bonus is still being added just for presenting a parallel plan. Why is this bonus being allowed to continue without the Township receiving any benefit in return? A builder doesn't need a bonus to build, that is what he does! An incentive is already built into the parallel plan by allowing clustering of the units which reduces building and infrastructure costs. If any additional bonuses are allowed, they should provide benefits to the Township in return, such as providing more than 50% open space.

Thank you for considering my suggestions .

Bob Finn



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10405 Merrill Road  
Hamburg, Michigan 48139-0157

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**To:** Planning Commissioners  
**From:** Scott Pacheco  
**Date:** August 21, 2019  
**Agenda Item:** 6D  
**Re:** ZTA19-005 Fence Regulations in Article 8, Section 8.15

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### **History:**

In early 2016 Hamburg Township Board approved revisions to the Fence Regulation in the Township Zoning Ordinance. The revisions were done in an attempt to clarify the requirements of the code in an attempt to make the regulations easier to understand and to enforce. These regulations:

- 1) added a description of how to measure the height of a fence,
- 2) added an exemption to allow deer fencing around private gardens,
- 3) added figures that clarify the code regulations,
- 4) revised the regulations to use the main building or accessory structure to determine the location of a six foot fence;
- 5) added a provision that also regulates the design of 4 foot fences to make them less obtrusive and better preserve the views and scenic appearance of the township; and
- 6) created regulations so all properties that share property lines will be allowed to build the same size fences in the same locations.

May 15, 2019 the Planning Commission had a public meeting to discuss additional revisions to further clarify the fence regulations. The main proposed revisions will:

- 1) Eliminate the ability to build an 8 foot fence in your rear yard, and
- 2) Further clarify the location and height of permitted fences on properties that abut a lake, river, or wetland area.

No one from the public spoke on this proposed revision. The Planning Commission reviewed and discussed the proposed revisions to the fence regulations and directed staff to notice the Zoning Text Amendment for a public hearing.

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

## **EXHIBITS**

**Exhibit A-** Draft (redline) revisions to the fence regulations

**Exhibit B-** Draft (clean version) revisions to the fence regulations

**Exhibit C-** May 15, 2019 Staff Report with select exhibits and minutes



# EXHIBIT A

## ARTICLE 8.00 SUPPLEMENTARY PROVISIONS Section 8.15 Fences, Walls and Screens

**Section 8.15.1** All fences, walls and other protective barriers (referred to in this section as “fences”) of any nature, description located within any district of Hamburg Township shall meet all of the following regulations:

A. All structures shall be located entirely on or within the lot lines of the lot upon which they are located; and shall not be located within any public road right-of-way or private road easement. Fences on any corner lot must also comply with the setback requirements of Section 8.15, Intersection Visibility.

B. Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Razor wire shall not be permitted. Fences, which carry electric current shall be permitted only in conjunction with the raising and keeping of horses or other domesticated animals permitted under Section 7.7.1. Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least six (6) feet above ground.

C. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.

D. A fence shall not be erected where it would prevent or unreasonably obstruct the use of adjacent property or the safe use of an existing driveway or other means of access to adjacent property.

E. Fences shall be erected in a manner to allow emergency access to the rear yard of a lot by placing a gate and providing sufficient space between the building line of any structure and the fence on at least one-side of the yard.

F. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

G. The height of a fence shall be measured from the point at which the fence posts, pilasters or footing intersects the ground on the lowest side of the fence to the top of the fence directly above. Where a fence is built on top of a wall, the combined fence/wall height is measured from the lowest grade to the top of the fence directly above. A fence may slightly exceed the height limits due to minor variations in the underlying terrain as determined by the Zoning Administrator.

**Section 8.15.2.** In addition to the standards of Section 8.15.1 all fences, walls, or other screening structures, other than necessary retaining walls, located within a single-family residential district shall not exceed the following maximum heights described herein and graphically depicted in figures 1-9

### **Section 8.15.3.**

A. Any fence located within the front yard may not exceed a maximum height of four (4) feet. For the purposes of the fence regulations a corner lot shall be considered to have front yard along each of the roadways. All fences in the front yard shall be 50% open (examples: Split Rail, Picket, or wrought iron fences). In no case shall a fence greater than 4 feet be located in the minimum front setback for the zoning district.

B. Any fence located outside of a front yard may have a maximum height of six (6) feet

# EXHIBIT A

C. The following are exceptions to Section 8.15.3 A and B:

~~C~~ 1. Where lots abut a water body:

- a. No fence shall be permitted in the required lake or river setbacks in section 7.6.1 (footnote 3) other than railings as permitted under Section 8.17.9
- b. any fence located between the ordinary High Water Mark of the water body and the principal building shall not exceed a maximum height of four (4) feet and shall be 50% open.

~~D~~ 2. No Fence shall be permitted in a wetland area but fences are permitted within the required wetland setbacks in section 9.9.

3. On all lots where the front yard of a subject lot abuts the side or rear yard of one or more adjoining lots, the height of the fence on the subject lot may be six (6)(8) feet along that portion of the common property line. (See Figure 2)

4. Wire fences used to contain livestock and farm animals are exempt from height requirements.

5. Wire fences used around gardens or crops are exempt from height requirements if they are made to be 75% open materials such as soft meshing, and are over 75 feet from the closest property line. water body, or wetland area.



# EXHIBIT B

## ARTICLE 8.00 SUPPLEMENTARY PROVISIONS Section 8.15 Fences, Walls and Screens

**Section 8.15.1** All fences, walls and other protective barriers (referred to in this section as “fences”) of any nature, description located within any district of Hamburg Township shall meet all of the following regulations:

A. All structures shall be located entirely on or within the lot lines of the lot upon which they are located; and shall not be located within any public road right-of-way or private road easement. Fences on any corner lot must also comply with the setback requirements of Section 8.15, Intersection Visibility.

B. Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Razor wire shall not be permitted. Fences, which carry electric current shall be permitted only in conjunction with the raising and keeping of horses or other domesticated animals permitted under Section 7.7.1. Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least six (6) feet above ground.

C. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.

D. A fence shall not be erected where it would prevent or unreasonably obstruct the use of adjacent property or the safe use of an existing driveway or other means of access to adjacent property.

E. Fences shall be erected in a manner to allow emergency access to the rear yard of a lot by placing a gate and providing sufficient space between the building line of any structure and the fence on at least one-side of the yard.

F. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

G. The height of a fence shall be measured from the point at which the fence posts, pilasters or footing intersects the ground on the lowest side of the fence to the top of the fence directly above. Where a fence is built on top of a wall, the combined fence/wall height is measured from the lowest grade to the top of the fence directly above. A fence may slightly exceed the height limits due to minor variations in the underlying terrain as determined by the Zoning Administrator.

**Section 8.15.2.** In addition to the standards of Section 8.15.1 all fences, walls, or other screening structures, other than necessary retaining walls, located within a single-family residential district shall not exceed the following maximum heights described herein and graphically depicted in figures 1-9

### **Section 8.15.3.**

A. Any fence located within the front yard may not exceed a maximum height of four (4) feet. For the purposes of the fence regulations a corner lot shall be considered to have front yard along each of the roadways. All fences in the front yard shall be 50% open (examples: Split Rail, Picket, or wrought iron fences). In no case shall a fence greater than 4 feet be located in the minimum front setback for the zoning district.

B. Any fence located outside of a front yard may have a maximum height of six (6) feet

# EXHIBIT B

C. The following are exceptions to Section 8.15.3 A and B:

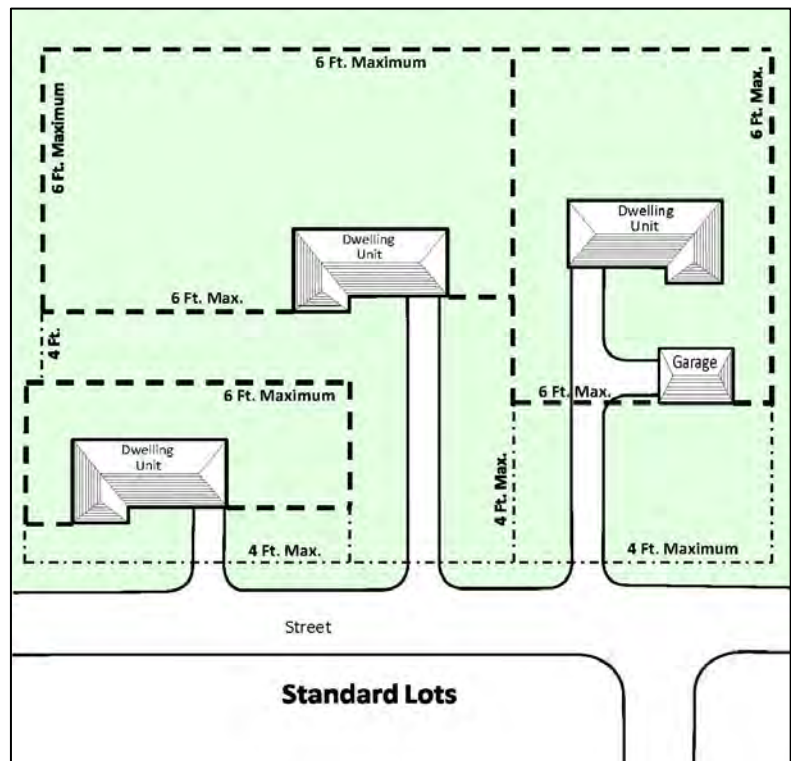
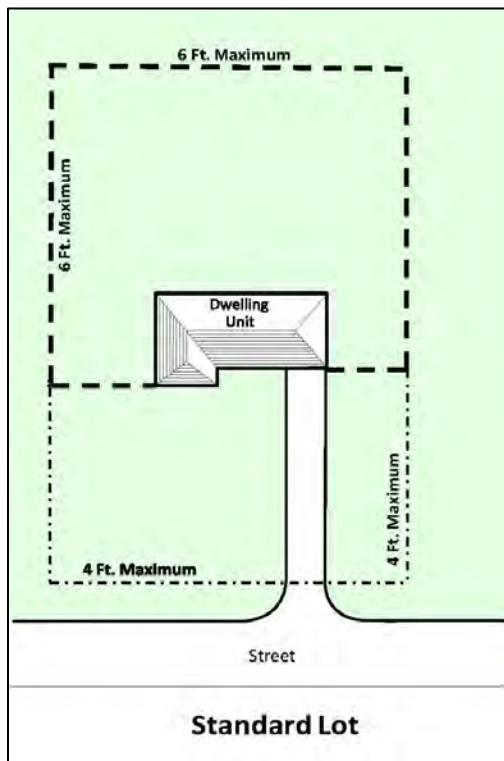
1. Where lots abut a water body:
  - a. No fence shall be permitted in the required lake or river setbacks in section 7.6.1 (footnote 3) other than railings as permitted under Section 8.17.9
  - b. any fence located between the ordinary High Water Mark of the water body and the principal building shall not exceed a maximum height of four (4) feet and shall be 50% open.
2. No Fence shall be permitted in a wetland area but fences are permitted within the required wetland setbacks in section 9.9.
3. On all lots where the front yard of a subject lot abuts the side or rear yard of one or more adjoining lots, the height of the fence on the subject lot may be six (6) feet along that portion of the common property line. (See Figure 2)
4. Wire fences used to contain livestock and farm animals are exempt from height requirements.
5. Wire fences used around gardens or crops are exempt from height requirements if they are made to be 75% open materials such as soft meshing, and are over 5 feet from the closest property line.

## Fencing Heights, as indicated in figures below:

4 Ft. Maximum: - - - - -

6 Ft. Maximum: - - - - -

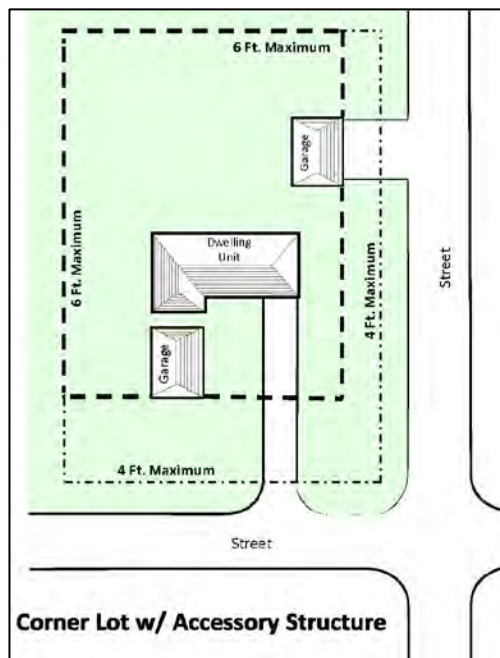
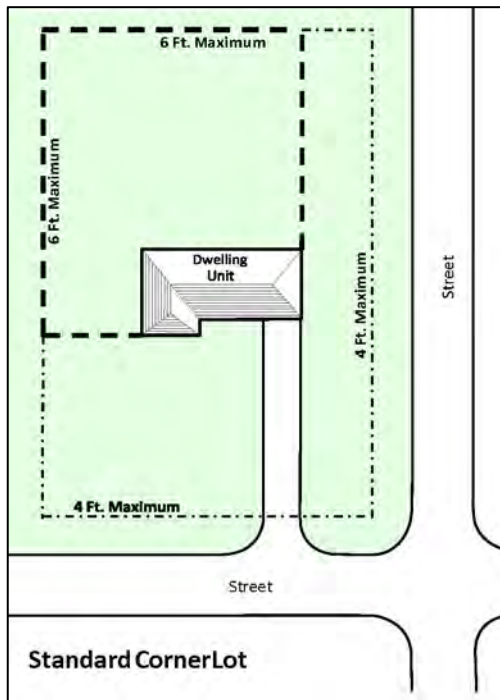
**Figure 1 and Figure 2: Standard Lots**





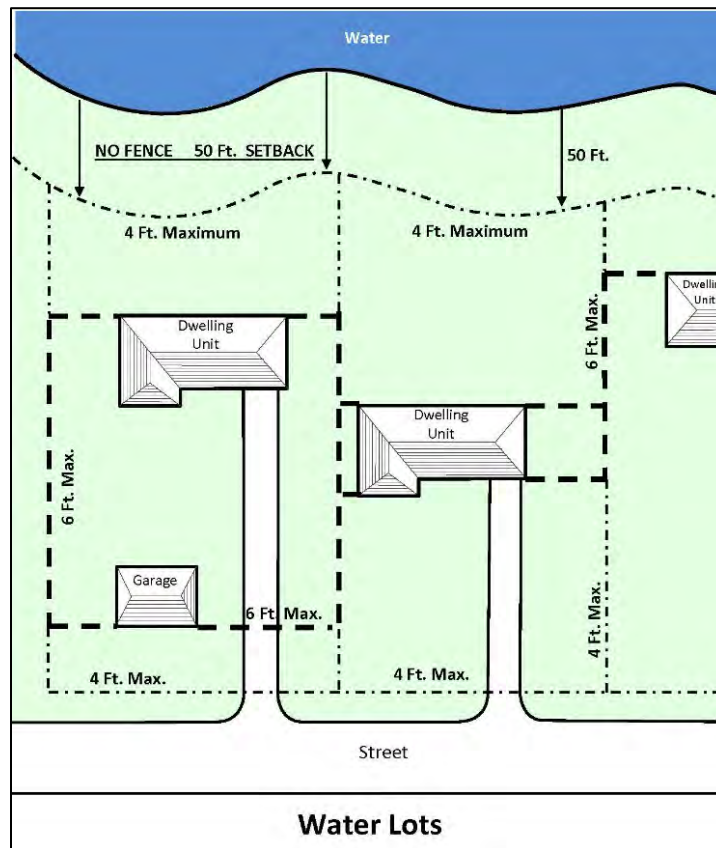
# EXHIBIT B

**Figure 3, Figure 4 and Figure 5: Corner Lots**

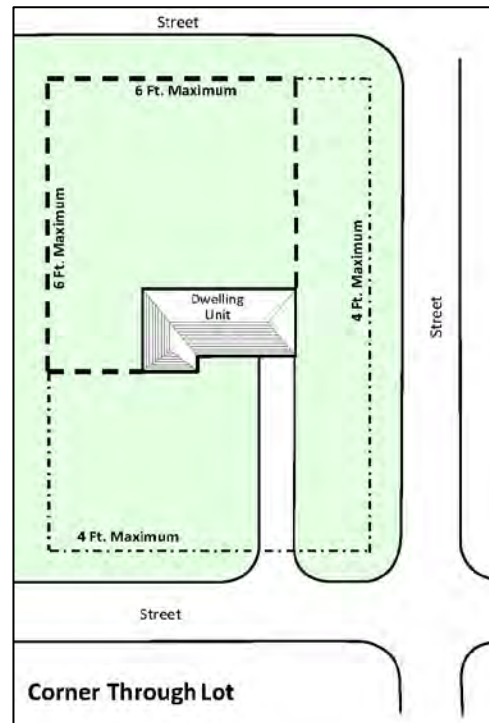
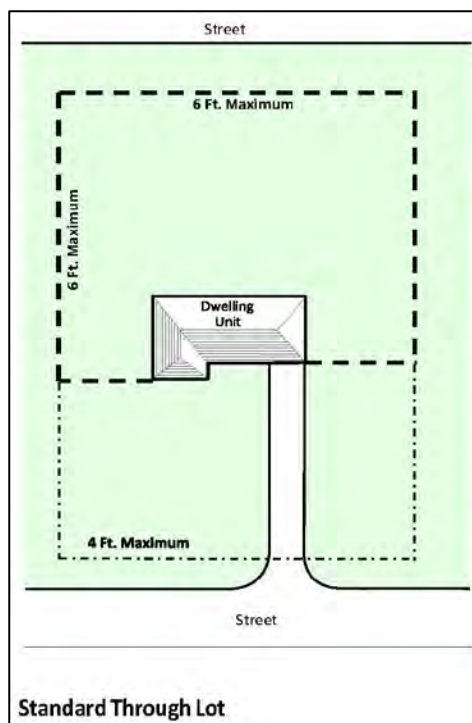


## EXHIBIT B

### **Figure 6: Waterfront Lots**



**Figure 7 and Figure 8: Through Lots**





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Hamburg, Michigan 48139-0157

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**To:** Planning Commissioners  
**From:** Scott Pacheco  
**Date:** May 15, 2019  
**Agenda Item:** 7(2)  
**Re:** ZTA19-002 Fence Regulations in Article 8, Section 8.15

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### **History:**

In early 2016 Hamburg Township Board approved revisions to the Fence Regulation in the Township Zoning Ordinance. The revisions were done in an attempt to clarify the requirements of the code in an attempt to make the regulations easier to understand and to enforce. These regulations:

- 1) added a description of how to measure the height of a fence,
- 2) added an exemption to allow deer fencing around private gardens,
- 3) added figures that clarify the code regulations,
- 4) revised the regulations to use the main building or accessory structure to determine the location of a six foot fence;
- 5) added a provision that also regulates the design of 4 foot fences to make them less obtrusive and better preserve the views and scenic appearance of the township; and
- 6) created regulations so all properties that share property lines will be allowed to build the same size fences in the same locations.

### **Project Description:**

The current proposed zoning text amendment are again another attempt to further clarify the fence regulations. The main proposed revisions will:

- 1) Eliminate the ability to build an 8 foot fence in your rear yard, and
- 2) Further clarify the location and height of permitted fences on properties that abut a lake, river, or wetland area.

By removing the provisions to allow eight foot high fences in rear yards, it allow all fences to either be a maximum of four feet in height and 50% open in the front yard of the subject property or a maximum of six feet in height if the fence is not within the front yard of the subject property. (Section 8.15.3 A and B)

There are still some exceptions to these maximum height but the proposed revisions to the regulations more clearly organizes and defines these exceptions (Section 8.15.3 C)

I have included the definition of yard to help facilitate the discussion of the fence regulations as Front, Rear and Side Yards are commonly used terms throughout these regulations.

*“YARD: An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.*

- a. Front Yard: A yard extending across the front of the lot between the side lot lines and measured between the front line of the lot and the nearest point of the building,*
- b. Rear Yard: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yards shall be in all cases at the opposite end of the lot from the front yard.*
- c. Side Yard: A yard between the side lot line and the nearest side line of the building and extending from the rear line of the building to the front line of the building.”*

**Recommendation:**

The Planning Commission should review and discuss the proposed changes to the fence regulations. The Planning Commission should then direct staff to notice and bring back the draft revisions with any corrections to the next planning commission hearing.

Exhibit A: Proposed Amendment to Section 8.15



**ARTICLE 8.00**  
**SUPPLEMENTARY PROVISIONS**  
**Section 8.15 Fences, Walls and Screens**

**Section 8.15.1** All fences, walls and other protective barriers (referred to in this section as “fences”) of any nature, description located within any district of Hamburg Township shall meet all of the following regulations:

A. All structures shall be located entirely on or within the lot lines of the lot upon which they are located; and shall not be located within any public road right-of-way or private road easement. Fences on any corner lot must also comply with the setback requirements of Section 8.15, Intersection Visibility.

B. Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Razor wire shall not be permitted. Fences, which carry electric current shall be permitted only in conjunction with the raising and keeping of horses or other domesticated animals permitted under Section 7.7.1. Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least six (6) feet above ground.

C. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.

D. A fence shall not be erected where it would prevent or unreasonably obstruct the use of adjacent property or the safe use of an existing driveway or other means of access to adjacent property.

E. Fences shall be erected in a manner to allow emergency access to the rear yard of a lot by placing a gate and providing sufficient space between the building line of any structure and the fence on at least one-side of the yard.

F. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

G. The height of a fence shall be measured from the point at which the fence posts, pilasters or footing intersects the ground on the lowest side of the fence to the top of the fence directly above. Where a fence is built on top of a wall, the combined fence/wall height is measured from the lowest grade to the top of the fence directly above. A fence may slightly exceed the height limits due to minor variations in the underlying terrain as determined by the Zoning Administrator.

**Section 8.15.2.** In addition to the standards of Section 8.15.1 all fences, walls, or other screening structures, other than necessary retaining walls, located within a single-family residential district shall not exceed the following maximum heights described herein and graphically depicted in figures 1-9

**Section 8.15.3.**

A. Any fence located within the front yard-area may not exceed a maximum height of four (4) feet. For the purposes of the fence regulations a corner lot shall be considered to have front yard areas along each of the roadways. All fences in the front yard shall be 50% open (examples: Split Rail, Picket, or wrought iron fences). In no case shall a fence greater than 4 feet be located in the minimum front setback for the zoning district.

B. Any fence located outside of a front ~~yard-area~~ may have a maximum height of six (6) feet ~~except for a fence located in a rear yard along the rear lot line without street frontage where a fence may have a maximum height of eight (8) feet.~~

C. The following are exceptions to Section 8.15.3 A and B:

~~C. 1.~~ Where lots abut a water body:

a. No fence shall be permitted in the required lake or river setbacks in section 7.6.1 (footnote 3) ~~waterfront yard between the shoreline and the required waterfront yard setback, other than railings as permitted under Section 8.17.9 All other fences may have a maximum height of six (6) feet. (See Figure 6)~~

b. any fence located between the ordinary High Water Mark of the water body and the principal building ~~and any fence between building closest to the roadway or required setback for the building whichever is further and the roadway easement may~~ shall not exceed a maximum height of four (4) feet and shall be 50% open.

~~D. 2.~~ No Fence shall be permitted in a wetland area.

3. On all lots where the ~~side or~~ front yard ~~space~~ of a subject lot abuts ~~the property lines in the~~ side or rear yard of one or more adjoining lots, the height of the fence on the subject lot shall not exceed eight ~~may be six (6)(8)~~ feet along that portion of the common ~~lot~~ property line. (See Figure 2)

~~E. On all lots where the front yard space of a lot abuts side yard or rear yard space along the side property line of one or more adjoining lots, the height of the fence shall not exceed six (6) feet along that portion of the common lot line. (See Figure 2 and 6)~~

~~F3. Required four (4) foot high fences must be made to be 50% open. (Examples: Split rail, picket and wrought iron fences)(See Figure 9).~~

~~G4.~~ Wire fences used to contain livestock and farm animals are exempt from height requirements.

~~H5.~~ Wire fences used around gardens or crops are exempt from height requirements if they are made to be 75% open materials, and are over 75 feet from the closest property line, water body, or wetland area.

Revise Figures 1-8 to match new regulations





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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  
May 15, 2019  
7:00 p.m.**

**1. CALL TO ORDER:**

Present: Goetz, Hamlin, Koeble, Leabu, Muck, Muir & Priebe  
Absent: None  
Also Present: Scott Pacheco, Planning & Zoning Director

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Priebe, supported by Muir

To approve the agenda as presented

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

**4. APPROVAL OF MINUTES:**

Motion by Muir, supported by Koeble

To approve the minutes of the April 8, 2019 meeting as written

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

**5. CALL TO THE PUBLIC:**

Chairman Goetz opened the call to the public for any item not on the agenda. Hearing no public comment, the call was closed.

Mark Latendresse of 9175 Eagle Run Drive stated that in the almost 20 years they have lived in the community, they have never felt the need to speak out about the growth of our community. Last year they spoke up along with 500 residents when the developer of Water's Edge attempted to far exceed the density rule. Thankfully, the Township upheld its current open space plan. Tonight they speak in opposition to the Township's proposed changes for the open space, planned density. He further spoke in opposition to the changes and quoted the Zoning Enabling Act. He discussed the impact on infrastructure, traffic, wildlife, wetlands, etc. He discussed the Township's standpoint on the need for senior housing and the cost of Water's Edge.

Bob Finn of 8610 Tamarack, spoke in opposition to the changes that the Commission is considering. He stated that he does feel that changes need to be made. He discussed his review of other PUD ordinances in nearby Townships. He stated that none of them have an automatic density bonus as Hamburg does with a parallel plan. He further discussed the other communities' ordinances. He suggested certain density bonuses to preserve the natural features and the rural nature of the Township.

Kevin Guthrie, resident of Huron River Highlands discussed Michigan Law dealing with open space. He stated that the Township's current ordinance as written allows for a considerable density bonus. He stated that he does not think that the Township Ordinance, as written, complies with Michigan Law. Open space does not mean "cram" more people into a smaller area.

Christine Norman of 9001 Marion Drive, Brighton stated that they moved to the area 20 years ago because they wanted animals and birds as neighbors, not people. You are now putting a lot of homes on small lots. This brings in quite a few people which also brings in crime. She further discussed the country atmosphere.

Bob Cwynar of 9001 Marion Drive stated that he has been a mail carrier in the Northville area for 30 years. He discussed the development in that area. He does not want to see that type of development occur here in Hamburg.

Craig Masserant of 7340 Linwood stated that in looking at the proposed ordinance, he sees the word "exemplary" used a lot. He did not know water & sewer were exemplary. We have an ordinance that covers that. He further discussed granting a density bonus for something that is already required. Exemplary should be above and beyond.

Jason Estronza of 4655 Old Mill stated that this area is still an oasis among the chaos with Ann Arbor on one side and Brighton on the other. That is the character of the Township and its people. He does not think anyone is opposed to progress, but we need to be smart about it. Most of us left high density. He discussed the stress on the Township's infrastructure. He further stated that we cannot forget the spirit of what this community is about.

Ron Medere of 5846 Winans View Ct. stated that the Commission heard how they felt when the Water's Edge Community was proposed. We want to preserve our open space and stick with our current zoning ordinances that they felt have preserved the character. He is struggling with why we are proposing such a significant change in open space. From their point of view, it looks like you are trying to appease the developer.

\* Hearing no further public comment, Chairman Goetz closed the <sup>call to public</sup> ~~public hearing~~.

**6. OLD BUSINESS: None**

**7. NEW BUSINESS:**

- 1) ZTA19-001 - Discussion of proposed amendment to the Planned Unit Development regulations in Articles 14, 15, 16, 17, and 18

Scott Pacheco, township planner, stated that this is a public meeting to discuss a potential change to our zoning ordinance. He stated that we had a joint meeting in February with the Township Board, Planning Commission, ZBA and Parks and Recreation Commission. In that meeting, one of the items that was discussed was revising the Planned Unit Development Ordinance to direct development into areas that are most appropriate for that development and get rid of the regulatory flexibility that was in the ordinance when some of the prior developments came in. Currently developers can come in and request any density they want and then they have to go through the process. The Planning Commission and Township Board has to decide if that density is going to be adequate and if they have done enough to allow that density. That is what happened with the Water's Edge proposal. It was decided that the developer did not do enough to give us a reason to allow the density that they wanted. There is a lot of time put into these projects, and then denied. Therefore, we wanted to have some set requirements. What we are here tonight for is to determine what the Planning Commission would like staff to do with the PUD revision. The Open Space Ordinance that everyone is talking about tonight is only one of five ordinances that are being revised. We are also trying to clarify the regulations because we have a lot of PUD regulations with different processes and time



frames. We are trying to create a single process with a single timeline. We might want to talk about what the majority of people are here to discuss tonight and then move forward to the next items. He submitted a memo regarding the density bonus which includes multiple options to facilitate tonight's discussion. We want to see what the Planning Commission wants moving forward. We are only talking about the residential zoning districts that allow less than two units per acre. He talked about the Zoning Enabling Act and Open Space Preservation Act, which we have to allow a developer to use cluster design if they do not increase the number of units and preserve 50% of the property as open space. He discussed the Planned Unit Development section of the Zoning Enabling Act which allows Townships to have flexibility over the regulations as long as the Township is getting something in exchange for us to relax our regulation. We have created an Open Space Planned Unit Development which goes above and beyond the Open Space Preservation. They give us open space and they give us certain things and we will allow them to have regulatory flexibilities such as reduced lot sizes, etc. He further discussed the flexibilities and how it did not give the developer enough direction. We are now trying to get rid of the regulatory flexibility on the density bonus. We do not want developers to present something that more than likely will not get approved. He discussed directing development to where infrastructure exists.

Commissioner Priebe stated that when our ordinance was adopted, it was cutting edge and nobody in Livingston County had done anything like it. Their whole purpose was to preserve the natural resources that we all moved here for. It was not to destroy them and build more houses. She stated that she would like to see some kind of cap in density no matter how exemplary it is.

Commissioner Leabu stated that we were the first in the State of Michigan with an open space ordinance. We have 55 of them. Originally RA zoning was 30,000 square feet, not 1 acre. They talked about how they were going to get the developers to do open space and preserve natural features. They kept the 30,000 square foot requirement and said if you don't do open space, you need to have 1 acre. He stated that we are not here for Water's Edge, but rather the entire Township. He is in favor of a density bonus for sewer because it is good for the environment and it does cost a lot of money.

Scott Pacheco, township planner, stated that he received several emails concerning the open space PUD regulations. He reviewed them and has come up with some options for the Planning Commission to consider about the density. He outlined the options in a memo and verbally. He also discussed the availability of water and sewer within the Township and presented the Master Plan and Zoning maps. He discussed the designation of exemplary.

Discussion was held on the open space preservation section of the Zoning Enabling Act.

Discussion was held on the requirement to connect to the water and sewer. Discussion was held on density bonus for connection to the utilities.

Discussion was held on the need to define what makes a project exemplary and making it tangible not subjective.

Discussion was held on whether there should be a density bonus for sewers. Further discussion was held on the availability and the requirement to connect to sewers where available. Discussion was held on the cost of connecting sewer.

Further discussion was held on defining the exemplary bonus using a certain list of criteria. Discussion was held on water connection and the cost associated.

Discussion was held on the developer providing something that the Township needs in order to get the bonus. Discussion was held on calculating the cap of the density bonus. Discussion was held on giving a 15% bonus for sewer and potentially 15% for exemplary. Pacheco stated that would bring the lot size down to 21,000 square foot or less than ½ acre. That is to create the parallel plan to get the density.

Commissioner Leabu stated that we up-zoned the requirement when we did the Open space in order to discourage developers from building the "cookie-cutter" one acre developments with no open space.

It was stated that we have to list the things they have to do to make a project exemplary. Pacheco stated that he could write stronger wording that the Planning Commission may grant additional density, but it is not a guarantee. Pacheco stated that he will provide a list of items that can be used to determine exemplary for the Commission to consider. We will have another non-public discussion session before we get a final document that we can notice for a public hearing.

Pacheco reviewed the revisions suggested by staff including adding the definition of Development Agreement and Articles 13, 14, 15, 16 and 17 and the proposed new Article to regulate Cottage Housing Planned Unit Developments. The Commission discussed the suggested language and made comment and recommendations.

Commissioner Hamlin discussed the apartment complex project where the old school was located. He stated that there had been talk that it was close to having their site plan expire. Because they tore the building down, it did not. He suggested to add language that a site plan would expire a certain number of days following the date of approval and unless substantial development and construction of site improvements has commenced *and* is being diligently pursued and performed in a timely manner and in conformance with the approved site plan. This would keep them from doing one thing and then stop and they now have exempted the site plan from expiring. Pacheco stated that we have talked to the Township Attorney about this. Because the Township would benefit from the project, we have made the determination that they can continue forward. But, there is flexibility to go either direction. Further discussion was held on their attempt to sell the project, etc. Pacheco stated that we can add the language, but the term "diligently" will allow us some flexibility.

2) ZTA19-002 - Discussion of proposed amendment to the Fence Regulations in Article 8, Section 8.15 of the Zoning Ordinance

Pacheco reviewed the proposed language amendment. He stated that we thought that one of the things to make this section less confusing is to eliminate the 8 foot fence in the rear yard. He discussed the confusion that exists when talking about the rear yard and the neighboring rear or side yard, etc.

Discussion was held on the need to have a higher fence to keep deer out.

Pacheco stated that he believes this was only put in there because some people that are adjacent to a major thoroughfare wanted a higher fence. But, that makes for an ugly appearance along the road.

Further discussion was held on the proposed requirements.

Commissioner Priebe stated that the ZBA is looking at changing language for ZBA approvals, which are currently good for six months and make it a year. Pacheco stated that we should mimic the Planning Commission approval language where it is a year, and they can also ask for an extension.

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

9. **ADJOURNMENT:**

Motion by Priebe, supported by Hamlin

To adjourn the meeting

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED


The Regular Meeting of the Planning Commission was adjourned at 10:05 p.m.

Respectfully submitted,



\_\_\_\_\_  
Julie C. Durkin  
Recording Secretary

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

  
\_\_\_\_\_  
Fred Goetz, Chairperson

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



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

**To: Planning Commissioners**

**From: Brittany Stein**

**Date: August 21, 2019**

**Agenda**

**Item: 6E**

**Re: ZTA19-006 Variance Regulations in Article 6, Section 6.8**

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**ZTA19-006:** Zoning Text Amendment to revise the variance regulations in Article 6, Section 6.8 Zoning Board of Appeals. The proposed revision is to change the variance approval period from six months to 12 months.

**Overview:**

A few variance applications which were approved, were unable to begin construction on their approved project due to a number of reasons for requirements for obtaining the permits. If a person is issued an approved variance request, they may then begin the permit process the following days. However, if that property owner will be demolishing the dwelling and rebuilding they may need to have complete architectural plans, floodplain review requirements, provide required utilities shut off letters, Livingston County approvals, and more. Because these items are not always reviewed prior to the ZBA hearings, due to the potential denial risk, this adds months to the process just to obtain the permits. Once valid permits are issued, then construction may begin on the approved variance request. Then, at that time, it may be five months after the approved variance, and frozen ground, so therefore the project is stalled another few months.

Staff realizes the inconvenience this is for some variance applicants and therefore, wishes to extend the approval timeframe from six months to twelve months (one year). This provides enough time for approved variance applicants to obtain the proper required materials for the permit and begin construction up to one year following variance approval.

Other items that are also valid for up to one year include Land Use Permits and Site Plan Approvals.

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

#### **EXHIBITS**

**Exhibit A-** Draft (redline) revisions to Article 6, Section 6.8.

**Exhibit B-** Draft (clean version) revisions to Article 6, Section 6.8.

**Section 6.8. Miscellaneous**

- A. No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than ~~six (6) months~~ **one year (12 months)**, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- B. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than ~~six (6) months~~ **one year (12 months)**, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.
- C. An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection of the Zoning Board of Appeals to be valid.
- D. Prior to granting a variance, all other existing infractions related to the Zoning Ordinance or other Township ordinances shall be resolved.
- E. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Livingston County Circuit Court in accordance with Act No. 110 of the Public Acts of 2006 (MCL 125.), as amended. An appeal to the circuit court shall be filed no later than thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.



**Section 6.8. Miscellaneous**

- A. No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one year (12 months), unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- B. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year (12 months), unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.
- C. An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection of the Zoning Board of Appeals to be valid.
- D. Prior to granting a variance, all other existing infractions related to the Zoning Ordinance or other Township ordinances shall be resolved.
- E. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Livingston County Circuit Court in accordance with Act No. 110 of the Public Acts of 2006 (MCL 125.), as amended. An appeal to the circuit court shall be filed no later than thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.

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

**To: Planning Commissioners**

**From: Brittany Stein**

**Date: August 21, 2019**

**Agenda**

**Item: 6F**

**Re: ZTA19-007 Attached Accessory Structures in Article 8, Section 8.3.1**

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**ZTA19-007:** Zoning Text Amendment to revise the attached accessory structure regulations in Article 8, Section 8.3.1 Accessory Buildings and Structures. The proposed revisions are meant to clarify the regulations regarding the intent of attached accessory structures.

**Overview:**

Staff recognized the intent of the Article 8, Section 8.3.1, which reads the following:

**8.3.1.** Authorized accessory buildings may be erected as part of the principal building; may be connected to the principal building by a roofed porch, *patio*, breezeway, or similar structure; or may be completely detached from the principal building.

A patio is defined in the Zoning Ordinance as: *An improved recreation area which is commonly made of pavement or pavers, no part of which is roofed.*

Staff believes the inclusion of patio in Article 8, Section 8.3.1, was an error. The intent of the Ordinance is to allow an accessory structures such as garages or barns to be attached to the principal structure, but in order to be attached, the accessory structure and the main structure should be considered a single building. A building is defined as “A structure either temporary or permanent, having a roof supported by columns or walls” in the Zoning Ordinance. Therefore in Article 8.3.1 if the main building and the accessory structure were connected with a roof porch, breezeway or other similar structure it would make this into one single building under this definition. A patio would not be considered a building and therefore should not be a structure used to connect a main structure to an accessory structure under section 8.3.1.

Staff suggest the removal of the word patio from Article 8, Section 8.3.1.

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

#### **EXHIBITS**

**Exhibit A-** Draft (redline) revisions to the attached accessory structure regulations

**Exhibit B-** Draft (clean version) revisions to the attached accessory structure regulations

### **Section 8.3 Accessory Buildings and Structures**

Accessory buildings and structures, except as otherwise provided for in this Ordinance, shall be subject to the following provisions:

**8.3.1** Authorized accessory buildings may be erected as part of the principal building; may be connected to the principal building by a roofed porch, ~~patio~~, breezeway, or similar structure; or may be completely detached from the principal building.

**8.3.2** All accessory buildings shall meet front and side yard requirements, except where such accessory buildings are detached and located completely to the rear of the principal building, in which case an accessory building may be located no nearer than five (5) feet to any side lot line.

On a lot that abuts a water bodies if an accessory building is located between the principal structure and the front property (the property line that abuts the street) the accessory building may be located no nearer than fifteen (15) feet from the lot line which abuts the street and ten (10) feet from one side lot line and five (5) feet from the opposite side lot line.

If the existing structure on a lot that abuts a water body has non-conforming side yard setbacks and a side yard setback less than ten (10) feet is utilized for the accessory building, the smallest side yard setback on the accessory building shall be on the same side as the smallest side yard setback on the existing structure.

**8.3.3** No accessory building shall be located nearer than five (5) feet to any rear lot line or occupy more than thirty (30) percent of any rear yard area.

**8.3.4** An accessory building which is detached from the principal building shall not be located nearer than ten (10) feet to any separate building or structure on the lot.

**8.3.5** On a corner lot in any Residential District, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot. In all cases, the garage entrance shall be located to allow adequate sight distance and off-street parking. When the rear lot line forms a part or all of a side lot line of an adjacent lot, a garage shall be no nearer than five (5) feet to the rear lot line.

**8.3.6** In Residential Districts, private swimming pools are permitted as an accessory use, provided that:

- A. They are accessory to an existing dwelling;
- B. The pool, including all connections and appurtenances, is located either:
  - 1. Entirely within a rear yard, maintains a minimum setback of five (5) feet from the rear and side property lines and pump and filter installations are located a minimum of ten (10) feet from the adjoining property lines; or
  - 2. Entirely within a side yard or partially within a side yard and rear yard and maintains a minimum setback from any property line equal to or greater than the required minimum rear yard setback as stated in Section 7.6.1., including



footnotes, for the zoning district in which it is located;

- C. A masonry wall or approved fence between four (4) and eight (8) feet in height shall enclose the pool. All openings in the wall or fence shall be equipped with self-closing, self-latching gates or doors.

**8.3.7** In Residential Districts abutting a water body, docks are permitted on legal lots of record that have improved roadway access and spaces for onsite parking. Such docks may be located in the water but not nearer than five (5) feet from any side lot line where the land and dock intersect.

**8.3.8** Detached accessory buildings located within Residential Districts which have a roof pitch less than 8:12 shall not exceed 14 feet in height, as defined. Detached accessory buildings located within Residential Districts which have an 8:12 pitched roof or greater shall not exceed 17 feet in height, as defined. This provision shall not apply to parcels of land containing five acres or more.

**8.3.9** No accessory building or structure shall be permitted prior to the construction of the main building or structure.

**8.3.10** Accessory Buildings, Structures and Uses in Waterfront Districts. In the Waterfront Residential District (WFR) and the Natural River Residential District (NR), accessory garage structure(s) may be placed on a separate lot of record than the principal structure if the following provisions are met and a permit has been issued by the Zoning Administrator:

- A. The lot upon which the principal building is located must be a waterfront or riparian lot.
- B. The garage can only be constructed on a non-waterfront lot.
- C. The accessory structure(s) can be used only for a garage or storage facility. Garages or storage facilities may not exceed a combined total of 800 square feet of ground floor area. One shed may be permitted in addition to the 800 square feet of accessory buildings.
- D. There shall be common ownership between the principal building or residence and lot being used for the garage.
- E. The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the garage.
- F. The accessory structure(s) shall maintain all required front, side, rear yard setbacks and lot coverage regulations associated with a principal structure as specified in Section 7.6.1. Height shall conform with Section 8.3.8.

**8.3.11** On lots that abut a water body in any zoning district other than Natural Rivers District, accessory structures are permitted within fifty (50) feet of the ordinary high water mark of any body of water if they meet the following requirements:

- A. They are less than 144 square feet in size.
- B. They are no greater than ten (10) feet in height; and

C. Provided all other regulations in the zoning ordinance are met.

**8.3.12** All structures located within the Natural River District shall also comply with the requirements of Section 7.5.1 (G), Natural River District.



### **Section 8.3 Accessory Buildings and Structures**

Accessory buildings and structures, except as otherwise provided for in this Ordinance, shall be subject to the following provisions:

**8.3.1** Authorized accessory buildings may be erected as part of the principal building; may be connected to the principal building by a roofed porch, breezeway, or similar structure; or may be completely detached from the principal building.

**8.3.2** All accessory buildings shall meet front and side yard requirements, except where such accessory buildings are detached and located completely to the rear of the principal building, in which case an accessory building may be located no nearer than five (5) feet to any side lot line.

On a lot that abuts a water bodies if an accessory building is located between the principal structure and the front property (the property line that abuts the street) the accessory building may be located no nearer than fifteen (15) feet from the lot line which abuts the street and ten (10) feet from one side lot line and five (5) feet from the opposite side lot line.

If the existing structure on a lot that abuts a water body has non-conforming side yard setbacks and a side yard setback less than ten (10) feet is utilized for the accessory building, the smallest side yard setback on the accessory building shall be on the same side as the smallest side yard setback on the existing structure.

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**8.3.4** An accessory building which is detached from the principal building shall not be located nearer than ten (10) feet to any separate building or structure on the lot.

**8.3.5** On a corner lot in any Residential District, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot. In all cases, the garage entrance shall be located to allow adequate sight distance and off-street parking. When the rear lot line forms a part or all of a side lot line of an adjacent lot, a garage shall be no nearer than five (5) feet to the rear lot line.

**8.3.6** In Residential Districts, private swimming pools are permitted as an accessory use, provided that:

- A. They are accessory to an existing dwelling;
- B. The pool, including all connections and appurtenances, is located either:
  - 1. Entirely within a rear yard, maintains a minimum setback of five (5) feet from the rear and side property lines and pump and filter installations are located a minimum of ten (10) feet from the adjoining property lines; or
  - 2. Entirely within a side yard or partially within a side yard and rear yard and maintains a minimum setback from any property line equal to or greater than the required minimum rear yard setback as stated in Section 7.6.1., including

footnotes, for the zoning district in which it is located;

- C. A masonry wall or approved fence between four (4) and eight (8) feet in height shall enclose the pool. All openings in the wall or fence shall be equipped with self-closing, self-latching gates or doors.

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- A. The lot upon which the principal building is located must be a waterfront or riparian lot.
- B. The garage can only be constructed on a non-waterfront lot.
- C. The accessory structure(s) can be used only for a garage or storage facility. Garages or storage facilities may not exceed a combined total of 800 square feet of ground floor area. One shed may be permitted in addition to the 800 square feet of accessory buildings.
- D. There shall be common ownership between the principal building or residence and lot being used for the garage.
- E. The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the garage.
- F. The accessory structure(s) shall maintain all required front, side, rear yard setbacks and lot coverage regulations associated with a principal structure as specified in Section 7.6.1. Height shall conform with Section 8.3.8.

**8.3.11** On lots that abut a water body in any zoning district other than Natural Rivers District, accessory structures are permitted within fifty (50) feet of the ordinary high water mark of any body of water if they meet the following requirements:

- A. They are less than 144 square feet in size.
- B. They are no greater than ten (10) feet in height; and



C. Provided all other regulations in the zoning ordinance are met.

**8.3.12** All structures located within the Natural River District shall also comply with the requirements of Section 7.5.1 (G), Natural River District.