



A GREAT PLACE TO GROW

**SPECIAL MEETING OF THE HAMBURG TOWNSHIP PLANNING
COMMISSION**

**WEDNESDAY, JUNE 19, 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. **May 15, 2019 Planning Commission minutes**
5. **CALL TO THE PUBLIC**
6. **NEW BUSINESS**
 - A. **ZTA19-003 Public Hearing to consider 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. 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**
7. **OLD BUSINESS**
 - A. **ZTA19-004 Discussion of proposed amendment to the Planned Unit Development regulations in Articles 13, 14, 15, 16, 17, and 18**
8. **ZONING ADMINISTRATOR'S REPORT**
9. **ADJOURNMENT**



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

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

**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 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

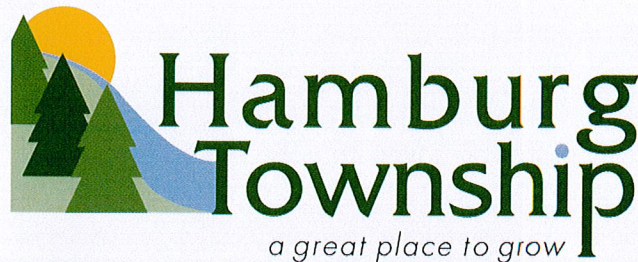
The Regular Meeting of the Planning Commission was adjourned at 10:05 p.m.

Respectfully submitted,

Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected:_____

Fred Goetz, Chairperson



MEMORANDUM

To: Planning Commission
From: Scott Pacheco, Planning and Zoning Director
Date: June 19, 2019
Item: 6A
Subject: Zoning Text Amendment (ZTA19-003) to revise the regulations regarding Group Day Care Homes, Child Care Centers and Day Care Homes in Section 8.7 of the Township Zoning Ordinance

PROJECT HISTORY:

In 2001 a Special Use Permit 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 use to care for 16 Infants, 18 Toddlers, and 24 Children. It appears in 2006 the IXL Learning Center was explained by approximately 750 square feet into another area of the existing building. It does not appear that an increase in the number of children was approved with this expansion. Since 2006 the IXL Learning Center has expanded into other spaces in this structure without any Township approvals as other tenant have moved out. Currently the IXL Learning Center utilizes approximately 9,000 square foot of the 11,104 square foot structure. The increase in the square footage used by IXL over 4,600 square feet and any increase in the number of kids cared for over 58 where not approved by the Township.

On March 25, 2019 the property owners of 10088 Professional Center applied for a Special Use Permit (Exhibit A) to expand the IXL Learning Center (Child Care Center) within the existing building. The proposal would expand the use into the entire building, 11,104 square feet. The proposal also would expand the number of kids that could be cared for on the site to 180 (50 Infants, 50 Toddlers, and 80 children). The size of the use and the number of children cared for are the only to propose changes to the originally approved business plan (Exhibit B). Under the Township regulations this would constitute a major change to the existing special use permit (Section 3.5.8 1 and 3) and the existing special use permit would need to be amended. A major change to a special use permit requires the submittal of a new application and follow the review procedures for a new special use permit. Because of the proposed number of kids that will be cared for on this site the proposal amendment to the special use permit would not meet the requirements under Section 8.7 for Group Day Care Homes, Child Care Centers and Day Care Homes. If the proposed zoning text amendment is approved by the Township Board the applicant will than move forward with the proposed amendment to their Special Use Permit to allow the expansion of the IXL Learning Center. This amendment to the Special Use Permit will require Planning Commission review.

The subject property is within the Village Center (VC) zoning district. Child Care Centers are not a permitted use or a special use allowed in the VC zoning district. Child Care Centers are

currently a permitted use in the Neighborhood Service (NS) Zoning District and are Special Uses in the Community Service (CS) and Village Residential (VR) Zoning Districts.

The property owner at 10088 Processional Center Drive has submitted a Zoning Text Amendment application requesting revisions to Section 8.7. The proposed revisions would allow the Planning Commission the ability to reduce some of the requirements under section 8.7 through the special use permit process. Below is Section 8.7 with the proposed revisions in red:

Section 8.7 Group Day Care Homes, Child Care Centers, and Day Care Centers

Group day care homes, child care centers, and day care centers shall be subject to the minimum requirements of the District in which they are located, State licensing requirements, and the following additional standards.

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 special use permit is approved by the Planning Commission. The Planning Commission should consider if the lot area is large enough to handle the proposed use of the property. Some of the factors that the Planning Commission may take into consideration are the size and location of the structure and the fenced in play area on the site, the amount of parking necessary, and the layout of the site improvements.** The number of children permitted for group day care homes shall be subject to the provisions of State licensing requirements.

8.7.2 A fenced play area of one hundred (100) square feet per child shall be provided, **unless a special use permit is obtained from the Planning Commission. When determining the appropriate size for the fenced in play area some factor to consider are if there is a schedule for the use of the fenced in play area and the age of children cared for at the center.**

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

ANALYSIS:

Because the area encompassed by the Village Center Master Plan is designed to have the highest concentration of residential and commercial units within the Township; child care centers may be an appropriate use in the VC zoning district in order to meet the future child care needs of both the residence and the employees of this area.

I would suggest allowing Child Care Centers as an allowed special land use in the VC zoning district under section **7.5.1 (O) VC Village Center District** as follows:

Section 7.5.1. Schedule of Use Regulations (O) VC-Village Center District

Special Uses

1. Apartments.
2. Bed and breakfast inns.

3. The permitted non-residential uses that are greater than five thousand (5,000) square feet of gross floor area, or with drive-through service, or outdoor retail sales/display, or in locations not designated for the use in the Hamburg Village Master Plan.
4. The permitted business and professional offices greater than ten thousand (10,000) square feet of gross floor area, or in locations designated not for the use in the Hamburg Village Master Plan.
5. Banquet Halls, private clubs and fraternal halls.
6. Indoor recreation centers such as fitness and health clubs, batting cages, bowling alleys, skating rinks, and athletic courts.
7. Gas stations and minor vehicle repair.
8. Showroom and sales of new and used automobiles and motorcycles, and repair of same when performed in conjunction with a showroom and sales of units thereof. Such uses shall be subject to the provisions of Section 8.28.
9. Automobile repair facilities, tires sales and service facilities and similar uses without outdoor storage, display or activities.
10. Churches and other buildings associated with religious worship, but not including housing for religious personnel.
11. Child care center or day care center, subject to the provisions of Section 8.7.

Because the Planning Commission does have discretion over application for a Child Care Center that requires a Special Use Permit, it may be appropriate to relax the regulations under Section 8.7 for Group Day Care Homes, Child Care Centers, and Day Care Centers when a Special Use Permit is required.

I would suggest the following minor changes to the proposed amendment:

Section 8.7 Group Day Care Homes, Child Care Centers, and Day Care Centers

Group day care homes, child care centers, and day care centers shall be subject to the minimum requirements of the District in which they are located, State licensing requirements, and the following additional standards.

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 special use permit is required.** The number of children permitted for **Child Care Centers and** group day care homes shall be subject to the provisions of State licensing requirements.

8.7.2 A fenced play area of one hundred (100) square feet per child shall be provided, **unless a special use permit is required. 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.**

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 size, location, and layout of the site improvement both on the subject site and on the surrounding properties, and the use of the neighboring properties

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

RECOMMENDATION:

The Planning Commission should review, discuss and make any changes to the draft revisions to the zoning ordinance and make a recommendation to the Township Board to approve, deny or approve with changes the draft zoning text amendment..

EXHIBITS

Exhibit A- Applicant Materials

Exhibit B- Original Business Plan for the IXL Learning Center

Exhibit C- State Licensing Requirements for Child Care Centers (Table of Content and select sections)https://www.michigan.gov/documents/dhs/Child_Care_Center_Rules_419095_7.pdf

Exhibit D- Draft Ordinance Amendment to Article 7, Section 7.5.1 (O) and Article 8, Section 8.7

ZTA 19-003



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

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

ZONING AMENDMENT APPLICATION

\$900 APP.
+ 1,500 escrow

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 Zoning Amendment Application.

\$2,400 ←

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

Land # 6745

Zoning Amendments have application fees and review fees. 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.

The undersigned hereby makes application for a Zoning Amendment for: (Check all that apply)

MAY 16 2019

TOWNSHIP

1. **TYPE OF PROJECT:** ☒ Zoning Text Amendment ☐ Zoning Map Amendment

2. **PROJECT NAME:** IXL Learning Center Submittal Date: _____

3. **PROJECT ADDRESS:** 10088 Professional Center Dr., Hamburg, MI 48139

Tax Code Numbers: 15 - 25-100-087 15 - _____ 15 - _____

15 - _____ 15 - _____ 15 - _____

☒ Metes & Bounds Parcel ☐ Subdivision _____ Lot Numbers: _____

4. **ZONING MAP AMENDMENT:** (please attached the existing zoning map and a proposed zoning map as a separate document)

Existing Zoning District Classification: _____ Proposed Zoning District Classification: _____

Number of Lots Proposed: _____ Acreage of Project: _____

5. **ZONING TEXT AMENDMENT:** (please attached the existing zoning ordinance and the proposed revisions as a separate document)

Zoning Ordinance Section proposed to be amended 8.7.1, & 8.7.2

6. **PROJECT DESCRIPTION (reason for amendment):** IXL Learning Center has operated as a partial tenant at their current address for 18 years. Over the years, adjacent tenants have vacated their suites. IXL would like to expand the child day care operation to utilize these vacancies, and be the sole tenant in this building. Unfortunately, the Zoning Ordinance would limit the size of this expansion and leave a portion of this building vacant. IXL is currently operating 6 Learning Centers in Metro Detroit; including Berkley, Birmingham, Howell, Northville and South Lyon. This combined experience has led to a full understanding of their infrastructure needs; specifically in regards to parking and playground needs.

7. **OWNER/PROPRIETOR INFORMATION:**

Name: JM Commercial Properties LLC Phone Number(s): 248-921-4841

Email: jennifer@ixlkids.com Address: 547 W. Main St.

City: Northville State: MI Zip: 48167

Exhibit A

8. **APPLICANT:**

Name: IXL Learning Center Phone Number(s): 248-921-4841
 Email: Jennifer@ixlkids.com Address: 547 W. Main St.
 City: Northville State: MI Zip: 48167

ZONING AMENDMENT PROCESS: (Zoning Ordinance, Article 12)

1. Application. Petitions for amendments by individual property owners shall be submitted to the Zoning Administrator on a standard application form provided and shall be accompanied by a fee in accordance with the duly adopted schedule of fees, to cover administrative and publication costs. No part of such fee shall be returnable to the petitioner if the public hearing is held.
2. Referral to Planning Commission. All proposals for amendment shall be referred to the Planning Commission for their review and recommendation. The Planning Commission shall consider each proposal for 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 original amendment proposal.
3. Public Hearing. Upon receipt of an application for an amendment, the Planning Commission shall hold a public hearing in accordance with the notification procedures described in Section 3.8.
4. Upon receipt of recommendation from the Planning Commission and the County Planning Commission, the Township Board shall consider the proposed amendment. The Township Board may hold additional hearings it deems necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper of general circulation in the Township not more than fifteen (15) days nor less than five (5) days before the hearing.
5. If the Township Board shall deem any changes to the proposed amendment advisable, it shall refer the same to the Planning Commission for a report within a time specified by the Township Board. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to a property owner who by certified mail addressed to the Township Clerk requests a hearing. The Township Board shall request the Planning Commission to attend the hearing.
6. Thereafter, the Township Board may adopt the amendment with or without changes by majority vote in accordance with procedures of Act 184 of 1943, as amended.
7. No application for a rezoning which has been denied by the Township Board shall 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 by the Township Board to be valid.
8. Amendments adopted by the Township Board shall be filed with the Township Clerk and one notice of amendment adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of amendment adoption shall contain the following information: either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; the effective date of the amendment; and, the time and place where a copy of the amendment may be purchased or inspected.

APPLICANT CERTIFICATION:

I hereby certify that all 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 zoning amendment 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 application 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: _____

DATE: 5/16/19

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

Existing Hamburg Zoning Ordinance Excerpt**Section 8.7 Group Day Care Homes, Child Care Centers, and Day Care Centers**

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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. The number of children permitted for group day care homes shall be subject to the provisions of State licensing requirements.

8.7.2 A fenced play area of one hundred (100) square feet per child shall be provided

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. The number of children permitted for group day care homes shall be subject to the provisions of State licensing requirements.

Proposed Hamburg Twp. Zoning Text Amendment

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 special use permit is approved by the Planning Commission. The Planning Commission should consider if the lot area is large enough to handle the proposed use of the property. Some of the factors that the Planning Commission may take into consideration are the size and location of the structure and the fenced in play area on the site, the amount of parking necessary, and the layout of the site improvements.** The number of children permitted for group day care homes shall be subject to the provisions of State licensing requirements.

8.7.2 A fenced play area of one hundred (100) square feet per child shall be provided, **unless a special use permit is obtained from the Planning Commission. When determining the appropriate size for the fenced in play area some factors to consider are if there is a schedule for the use of the fenced in play area and the age of children cared for at the center.**

MEMO

Lindhout Associates architects aia pc
10465 citation drive, brighton, michigan 48116

www.lindhout.com

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 then 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

MEMO

Lindhout Associates architects aia pc
10465 citation drive, brighton, michigan 48116

www.lindhout.com

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



IXL Childcare Hamburg

COMM. NO. 18048

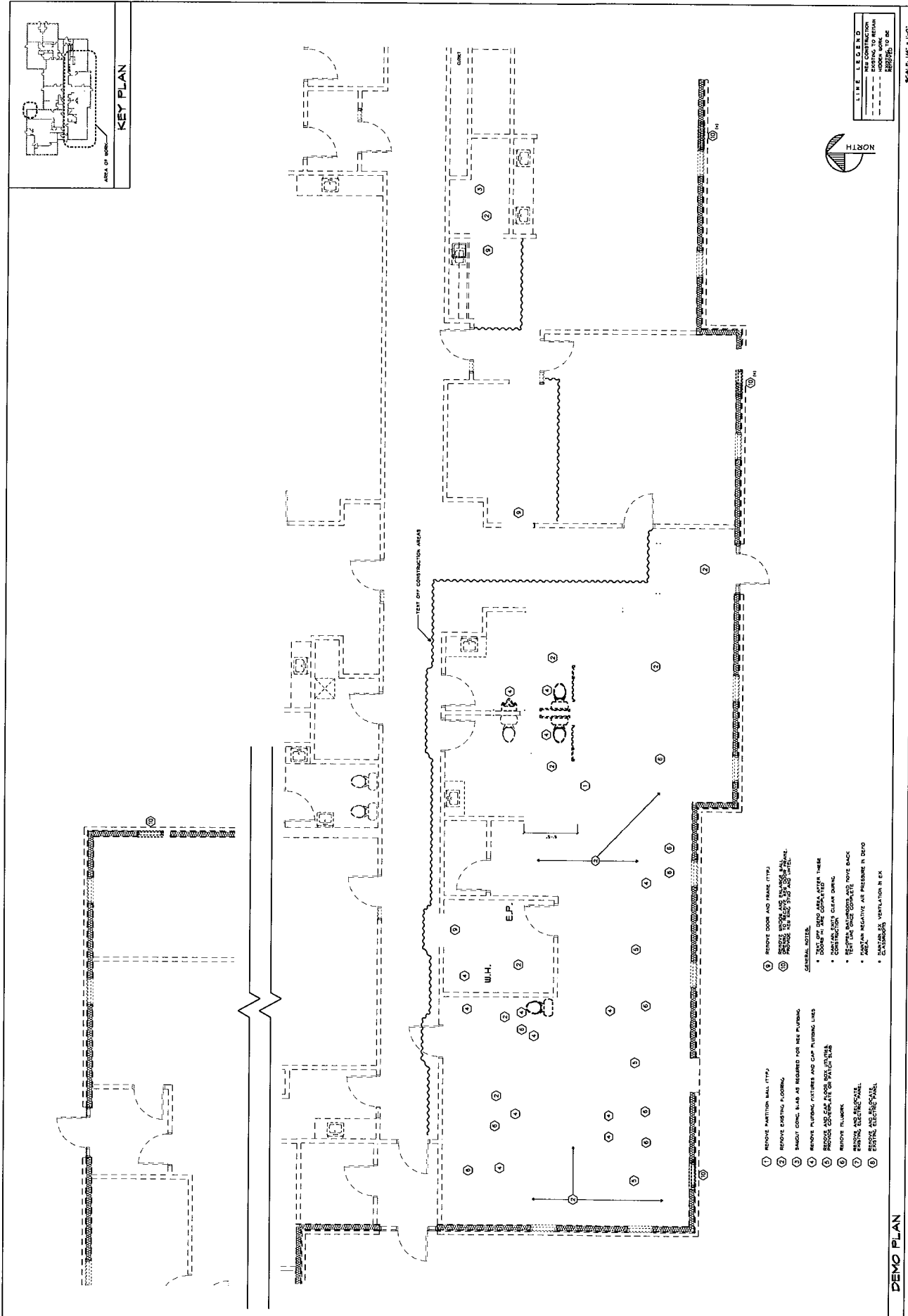
5) From reviewing your plans it appears you are making some changes to the exterior of the building. At a minimum you are adding doors and changing window locations. **We are adding doors in window locations but we are not changing window locations.** Please show all exterior changes on the building 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: $180 / 7 = 26 + 24 \text{ staff} = 50 \text{ spaces required}$
Neighboring Brighton township 1 per 5 children plus 1 per staff: $180 / 5 = 36 + 24 \text{ staff} = 60 \text{ spaces required}$
Average parking per sq.ft. amongst 5 local childcare chains: $1 \text{ per } 252 \text{ sq.ft.} = 44 \text{ spaces required}$**



LINE LEGEND

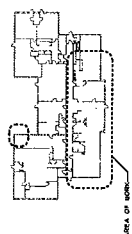
---	EXISTING WALL
- - -	EXISTING TO REMAIN
- . -	DEMOLITION
- - -	NEW WALL

DEMO PLAN

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

- GENERAL NOTES:**
- 1. REMOVE PARTITION WALL (TYP.)
 - 2. REMOVE EXISTING FLOORING
 - 3. REMOVE EXISTING WALL AS REQUIRED FOR NEW FLOORING
 - 4. REMOVE PLUMBING FIXTURES AND CAP PLUMBING LINES
 - 5. REMOVE EXISTING WALL AND CAP PLUMBING LINES
 - 6. REMOVE PLUMBING
 - 7. REMOVE EXISTING WALL
 - 8. REMOVE EXISTING WALL
 - 9. REMOVE EXISTING WALL
 - 10. REMOVE EXISTING WALL
- GENERAL NOTES:**
- 1. REMOVE DOOR AND FRAME (TYP.)
 - 2. REMOVE EXISTING WALL AND FRAME (TYP.)
 - 3. REMOVE EXISTING WALL AND FRAME (TYP.)
 - 4. REMOVE EXISTING WALL AND FRAME (TYP.)
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 - 7. REMOVE EXISTING WALL AND FRAME (TYP.)
 - 8. REMOVE EXISTING WALL AND FRAME (TYP.)
 - 9. REMOVE EXISTING WALL AND FRAME (TYP.)
 - 10. REMOVE EXISTING WALL AND FRAME (TYP.)

KEY PLAN



Lindhout Associates architects oia pc
 10000 Jackson Ave
 Suite 100
 Houston, Texas 77037
 Tel: (713) 277-5000
 Fax: (713) 277-5001
 lindhout.com

CONTRACT NO.

DATE	04/23/08
BY	JLM:JAH
CHECKED BY	JLM:JAH
APPROVED BY	JLM:JAH

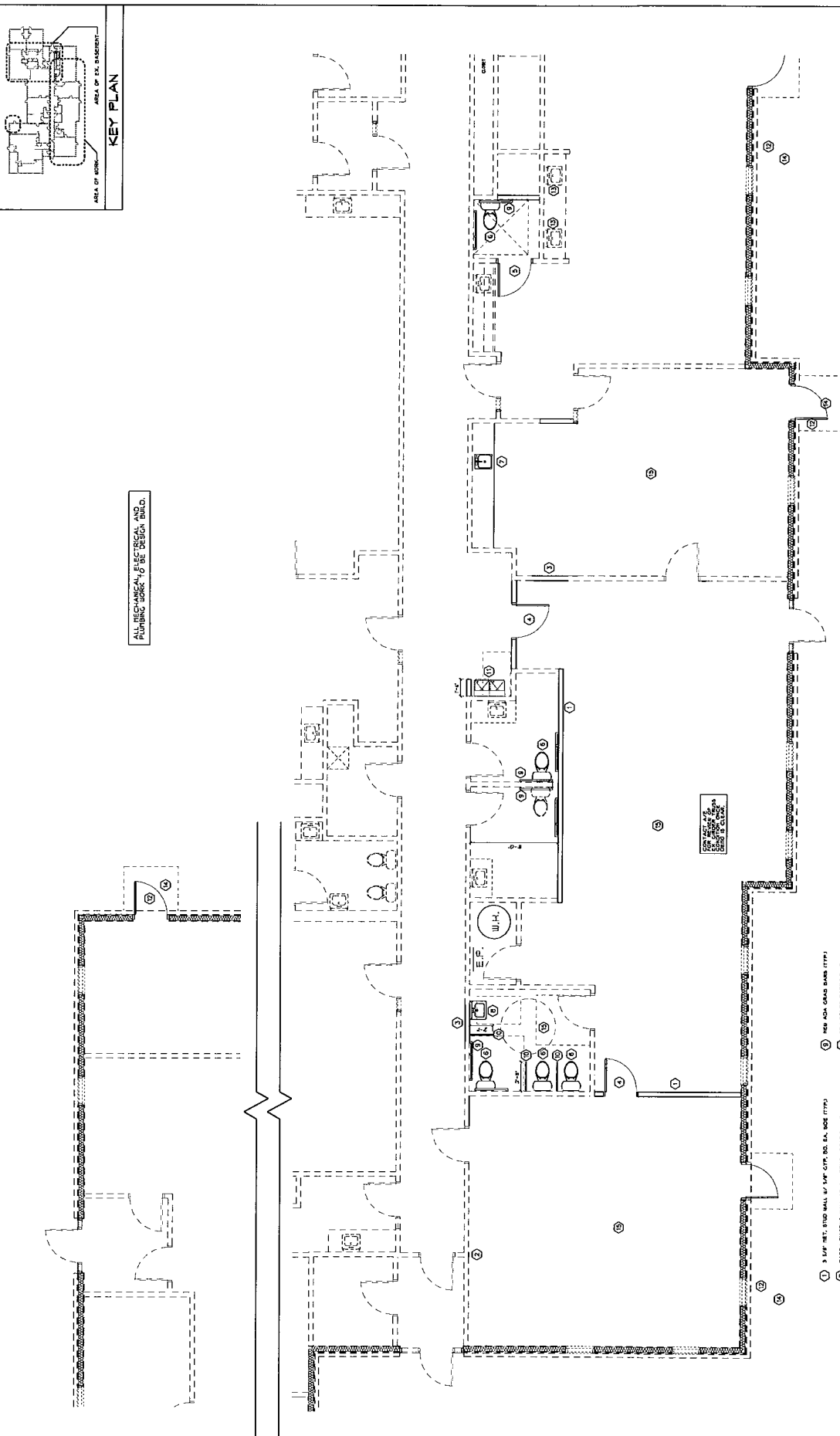
DEMO PLAN
 LKX LEARNING CENTER
 10000 Jackson Ave, Houston, TX 77037

D1
 18049

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



- 9 RES ADA GRAB BARS (TYP)
- 10 RES TOILET PARTITION PANEL
- 11 RES DUAL LEVEL DRINKING FOUNTAIN
- 12 RES EXTERIOR SCREENS DOOR
- 13 MISCIT CONC BLAD AND RE-ROUTE SANITARY
PUMPING LINE BELOW
- 14 RES ASBESTOS: 750 SQ YARDS OF WALL, 1,000
SQ YARDS OF FLOOR, 100 SQ YARDS OF
CEILING OF FOOTING OF THE BELOW SPACE
- 15 RES PLOUING PER OWNERS SELECTION



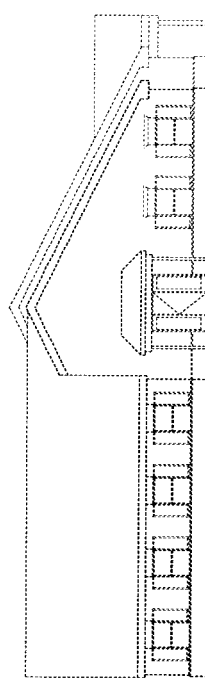
KEY PLAN

ALL MECHANICAL, ELECTRICAL AND PLUMBING WORK TO BE DESIGN BUILD.

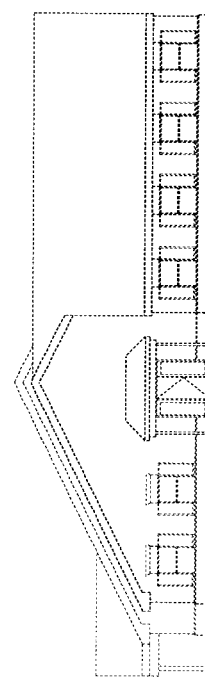
DATE PRINTED: 4/3/2004 PLOTTED BY: jcd
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LINE LEGEND	
————	NEW CONSTRUCTION
- - - -	EXISTING TO REMAIN

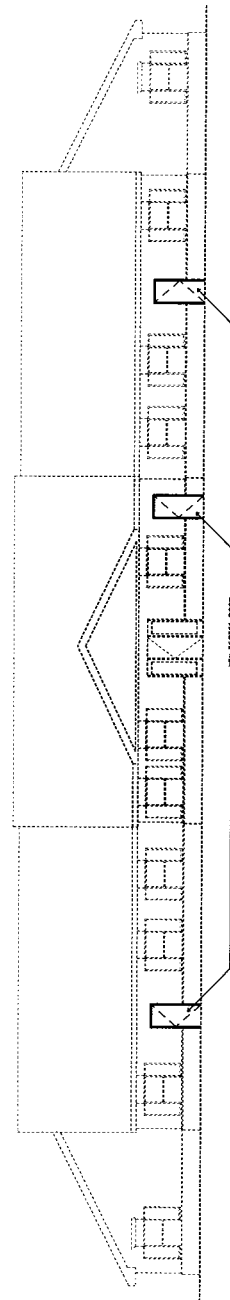
EAST ELEVATIONS



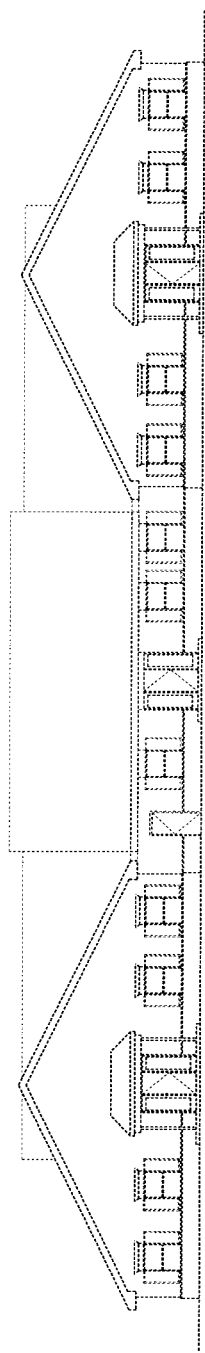
WEST ELEVATIONS



SOUTH ELEVATIONS



NORTH ELEVATIONS



EXPLORATION AND INNOVATION /
LX LEARNING CENTER
10000 Professional Centre Dr., Houston, TX 77036
EXISTING ELEVATIONS

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10298 • J. Neurosci., July 26, 2006 • 26(30):10293–10298

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**Michigan
Rehabilitation
Specialists**

HEEN: PROTECT

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

ISSUE DATES
2011-25
CONSTRUCTION
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DESIGN	CREATED
DATE	DATE
BY	BY
CHECKED	APPROVED
DATE	DATE
BY	BY
DRAWING NO.	
AS-200	

EXISTING - FOR REFERENCE ONLY

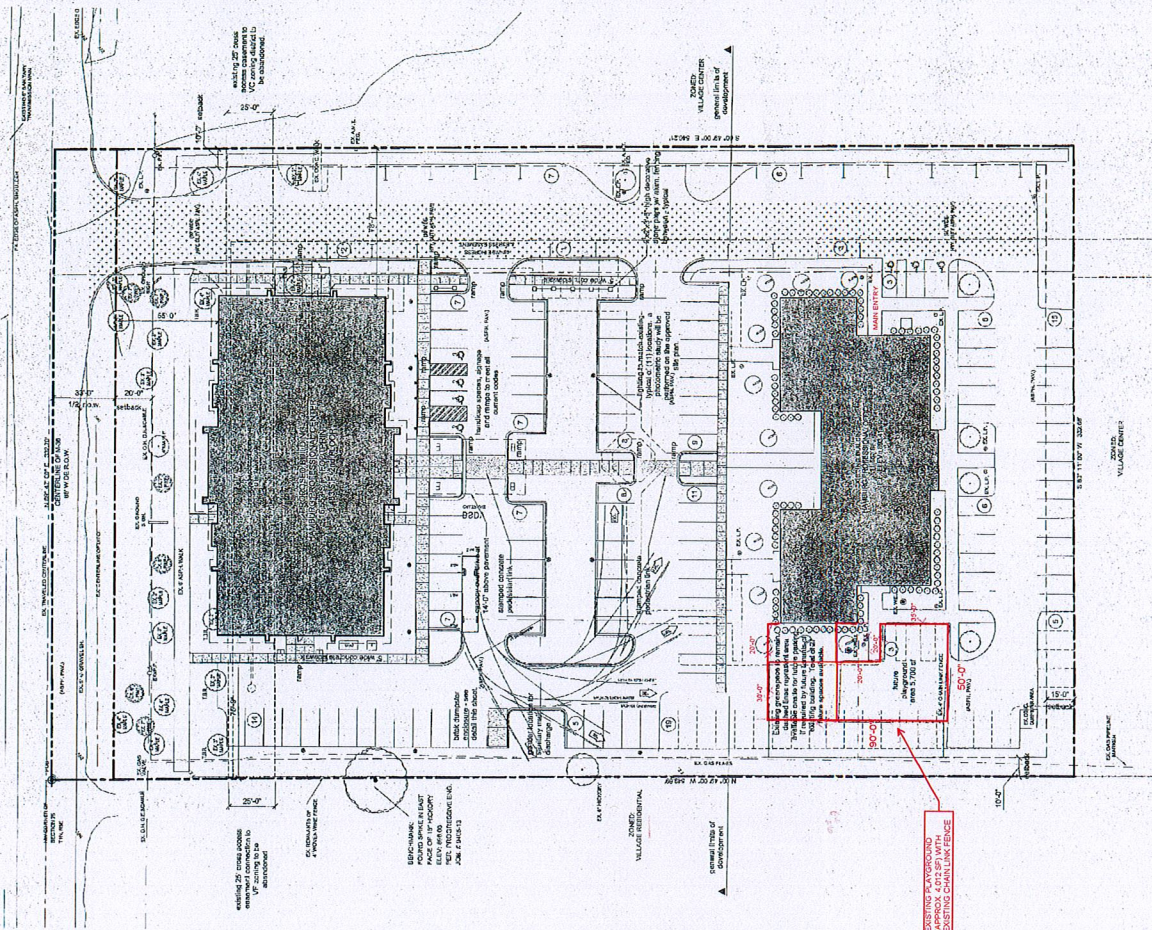
DESCRIPTION OF UTILITY SERVICES:

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 TRAIL WILL BE EXPANDED WITHIN THE EXISTING EASEMENT AND UPGRADDED TO MEET ALL NEW LIVINGSTON COUNTY STANDARDS, INCLUDING THE ADOPTION OF A "C" GRADE.

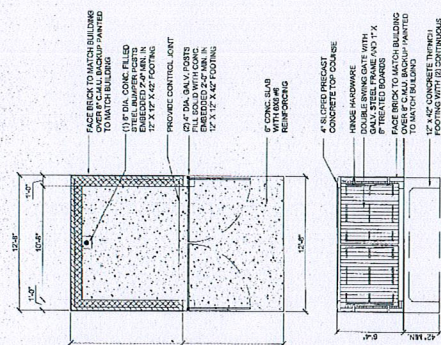
sanitary. The developed portion of the parcel currently utilizes an existing septic system. If the proposed development is approved, the new facility and the current facility will be tapped into the new sanitary sewer located on the north side of M-33. The existing septic system will be relocated. A grinder pump station will be installed in a landscaped island near the west property line to ultimately discharge into the sewer.

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 LOCATION. LIST SOME OF THE PROPOSED

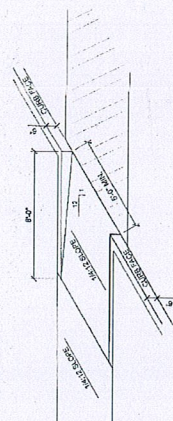
ALL WORK DESCRIBED HEREIN SHALL BE PERFORMED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF HAMBURG TOWNSHIP, LIVINGSTON COUNTY, AND THE STATE OF MICHIGAN.



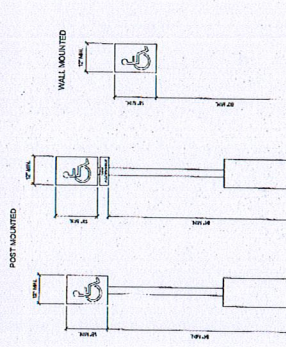
1 ARCHITECTURAL SITE PLAN
AS-200 SCALE: 1" = 30'-0"



2 DUMPSTER ENCLOSURE DETAIL
SCALE: 3/16" = 1'-0"



3 TYPICAL H.C. RAMP DETAIL
3-200 SCALE: 3/4" = 1'-0"



4 TYPICAL H.C. SIGN DETAIL
SCALE: 1/2" = 1'-0"

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.

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Exhibit B

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 coeres 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.

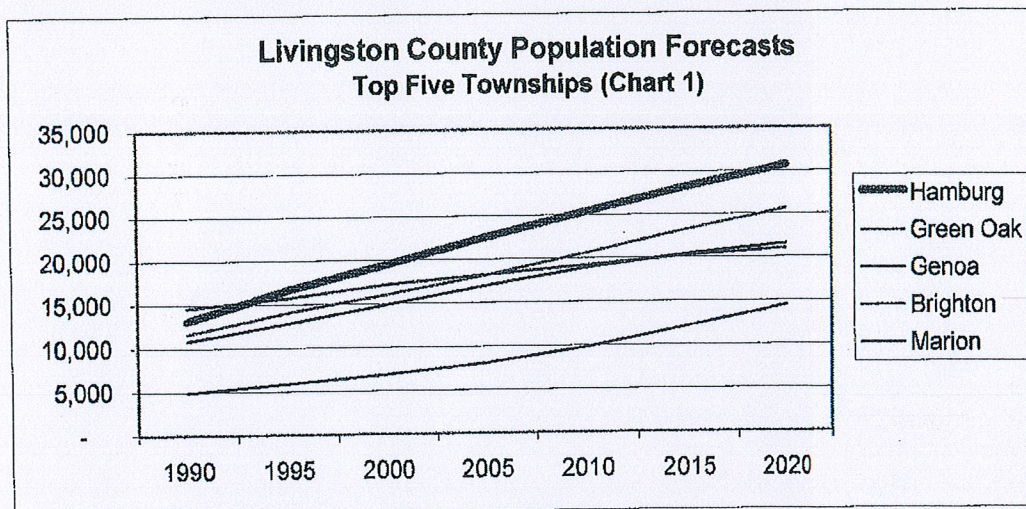
For more than half of preschool children with employed mothers, the primary childcare provider is not related to the child: 32 percent of children are in center-based child care arrangements; 16 percent are in family child care; and 6 percent are regularly cared for by a babysitter or nanny in the child's 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 (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 the fastest going 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

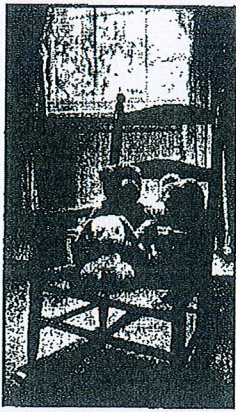
I. Conclusion

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.

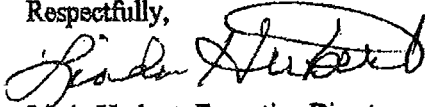
The Michigan 4C Association provides a state-wide focus to support the work of the local/regional 4C offices by conducting research, coordinating services and managing business, foundation and government contracts. Local and regional 4C offices work in all areas of the state to support families with 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

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
Total Score		40	29	33	29	28	30	29	30
Openings (age)									
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

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

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>
Total:	12.5 credits

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 Hastings 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



Attachment G.

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

PHONE: (248) 669-8800 • FAX: (248) 669-0850
www.schonsheck.com

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.

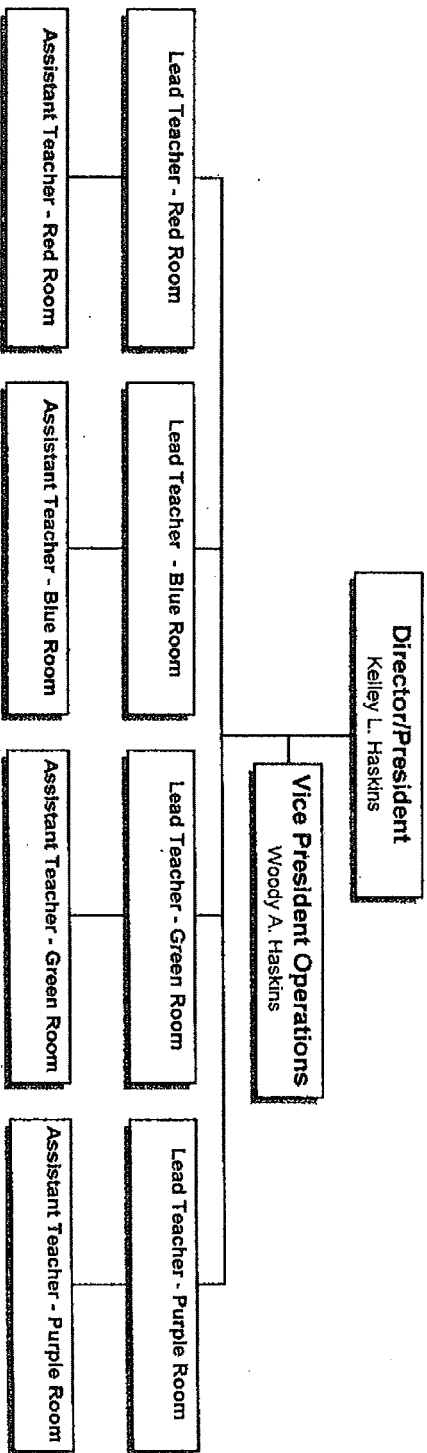
We look forward to the opportunity of working with you on this project.

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

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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 upbringing 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.

Class	IXL Learning Center Ratios	State Requirements	Age Ranges
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" manner. We give children the opportunity to learn proper eating habits, acceptable table manners 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 scheduled Movie & Popcorn night for those families enrolled in our program. This will allow 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 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 1st of the month and 15th of each month. If the 1st or 15th falls on a weekend or holiday, payments are then due on the last day IXL Learning Center is open prior to the 1st or 15th.
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 charged 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

3:15 to 4:15	Snack/Story/Free Choice	climbing outside. Toddlers choose stories from the bookshelf that they wish the teacher to read. They may freely choose activities to explore.
4:15 to 4:30	Music & Movement	Toddlers gain practice in large motor skill through movement activities to a variety of music.
4:30 to 5:15	Outdoor Activities	Toddlers gain practice in large motor activities through running and climbing outside.
5:15 to 6:00	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:

6:30 to 8:00	Breakfast/Sensory	Children are offered breakfast or they can do a quiet activity.
8:00 to 8:30	Outdoor Activities	Children focus on large muscle and social skills.
8:30 to 8:40	Story Time	The concept of "taking turns" is practiced. Children choose stories from the bookshelf that they wish the teacher to read.
8:40 to 9:00	Music & Movement	Children gain practice in large motor skills through movement activities to a variety of music.
9:00 to 9:15	Small Group Activity	Children participate in a teacher directed writing, language, and math or science project geared towards problem solving or deductive reasoning.
9:15 to 10:00	Art/Free Choice/Snack*	Children may choose to do child initiated activities from the various centers offered. Teachers are available for assistance.
10:00 to 10:45	Outdoor Activities	Children focus on large muscle and social skills.
10:45 to 11:10	Circle Time	The concept of "taking turns" is practiced. Children sing songs, participate in a learning activity, group games, and practice counting & language skills.
11:10 to 11:40	Outdoor Activities	Children play teacher directed group games outside.
11:40 to 11:50	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.
11:50 to 12:15	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.
12:15 to 12:30	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.
12:30 to 12:40	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> .
12:40 to 2:30	Nap	Children not needing rest are offered quiet activities to do during this time.
2:30 to 3:00	Outdoor Activities	Children are awakened. After they put their bedding away, they may choose to go outside or find a quiet

3:00 to 4:30	Snack/Free Choice	activity from the various activity centers. Children focus on large muscle and social skills. Group games may be offered during this time.
4:30 to 5:30	Outdoor Activities	Children play group games outside and practice their large motor skills.
5:30 to 6:00	Quiet Activities /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 Applesauce Water	Salisbury Steak w/roll Potato Smiles Orange Slices Milk	Yogurt 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

LICENSING RULES FOR CHILD CARE CENTERS

Effective January 2, 2014



**State of Michigan
Department of Human Services
Bureau of Children and Adult Licensing**

www.michigan.gov/michildcare

Exhibit C

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APPENDICES

- A Promulgation Process/Suggested Changes
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(3) Emergency telephone numbers, including 911, fire, police, and the poison control center, and the facility's physical address and 2 main cross streets, shall be conspicuously posted immediately adjacent to all center telephones.

History: Eff. Jan. 2, 2014

R 400.8167 Indoor space.

Rule 167. (1) The required square footage of indoor space per child shall be at least the following:

(a) Fifty square feet for infants and toddlers.

(b) Thirty-five square feet for preschoolers and school-agers.

(2) The following indoor space is excluded from the required square footage:

(a) Hallways.

(b) Bathrooms.

(c) Reception and office areas.

(d) Kitchens.

(e) Storage areas and cloakrooms.

(f) Areas used exclusively for resting, sleeping, or eating, except for infants and toddlers.

(3) A center shall provide a floor plan of all child use areas to the department at initial licensure and before making structural changes or adding any child use space. Only space that has received prior approval for child use by the department may be used for child care.

History: Eff. Jan. 2, 2014

R 400.8170 Outdoor play area.

Rule 170. (1) As used in this rule:

(a) "Certified playground safety inspector" means an individual certified by the National Playground Safety Institute or the National Program for Playground Safety to conduct playground safety inspections.

(b) "Natural playground" means an outdoor play area that blends natural materials, features, and vegetation.

(2) The outdoor play area shall be considered an outdoor classroom and an extension of the learning environment.

(3) A center operating with children in attendance for 3 or more continuous hours per day shall provide daily outdoor play, unless prevented by inclement weather or other weather conditions that could result in children becoming overheated or excessively chilled.

(4) A center operating with children in attendance for 3 or more continuous hours a day shall have an outdoor play area that has at least 1,200 square feet. More than 1,200 square feet of outdoor play area may be required when the minimum amount is not adequate for the number of children for which the center is licensed.

(5) If outdoor space is not available adjacent to the center, then a center may use a park or other outdoor facility. All of the following shall apply:

(a) The area shall be easily accessible by a safe walking route.

(b) The play area shall be inspected before each use to ensure that no hazards are present.

(c) The location of the alternative outdoor play area shall be specified in writing to the department.

(6) There shall be a shaded area to protect children from excessive sun exposure, when necessary.

(7) The outdoor play area shall be in a safe location.

(8) The outdoor play area shall be protected from hazards, when necessary, by a fence or natural barrier that is at least 48 inches in height.

(9) Children shall only use age-appropriate equipment.

(10) An outdoor play area and any equipment located on the center's premises shall be maintained in a safe condition and inspected daily before use to ensure that no hazards are present.

(11) The playground equipment, use zones, and surfacing in the outdoor play area shall be inspected by a certified playground safety inspector and an approval granted for playground equipment and areas used before issuance of an original provisional license, upon request of the department, and before using any newly added playground equipment. The center shall provide documentation of the inspection to the department upon request and shall keep it on file at the center.

(12) Loose-fill surfacing material shall not be installed over concrete or asphalt.

(13) The depth of the loose-fill surface material shall be restored to its required depth when it has moved or becomes otherwise compromised.

(14) If children's wheeled vehicles and pull toys are used, then a suitable surface shall be provided for their use.

(15) Materials used on a natural playground shall not be in the use zones for other playground equipment.

(16) The elevated playing surface of materials used on a natural playground shall not exceed 30 inches.

(17) Materials used on a natural playground with elevated playing surfaces shall not be installed over concrete or asphalt.

(18) Surfacing materials are not required under elevated playing surfaces on a natural playground.

(19) School-age centers operating in school buildings approved by the Michigan department of education are exempt from subrule (11) of this rule, provided the licensee informs parents, in writing at the time of enrollment, if the center plans to use a public school's outdoor play area and equipment that does not comply with this rule.

History: Eff. Jan. 2, 2014

R 400.8173 Equipment.

Rule 173. (1) A center shall not use equipment, materials, and furnishings recalled or identified by the United States consumer product safety commission (www.cpsc.gov) as being hazardous.

(2) The current list of unsafe children's products that is provided by the department shall be conspicuously posted in the center, as required by section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065.

(3) Play equipment, materials, and furniture, shall be all of the following:

(a) Appropriate to the developmental needs and interests of children as required by R 400.8179.

(b) Safe, clean, and in good repair.

(c) Child-sized or appropriately adapted for a child's use.

(d) Easily accessible to the children.

(4) Sufficient materials and equipment shall be available to provide a minimum of 3 playspaces per child in the licensed capacity.

(5) A minimum of 2 playspaces shall be accessible per child in attendance on any given day during child-initiated activity time.

(6) Children shall have access to equipment and materials in the following areas on a daily basis:

(a) Large and small muscle activity.

(b) Sensory exploration.

(c) Social interaction and dramatic play.

(d) Discovery and exploration.

HAMBURG TOWNSHIP ZONING ORDINANCE ZONING TEXT AMENDMENT 19-003

An ordinance amending Hamburg Township Zoning Ordinance, Article 7 District Regulation: Section 7.5.1. Schedule of Use Regulations (O) VC-Village Center District and Article 8, _____, Section 8.7 to allow Child Care Centers as a Special Use to the Village Center Zoning District and to allow the Planning Commission discretion over the size of the parcel and the size of the fenced in play area when a Special Use Permit is required for the Child Care:

ARTICLE 7 DISTRICT REGULATION: SECTION 7.5.1. SCHEDULE OF USE REGULATIONS (O) VC-VILLAGE CENTER DISTRICT is amended to read as follows:

Permitted Uses

1. Single family detached dwellings.
2. Duplexes and townhouses.
3. The following non-residential uses up to five thousand (5,000) square feet of gross floor area, without drive-through service or outdoor retail sales/display, and in locations designated for the use in the Hamburg Village Master Plan:
 - a. Retail stores for the sale of such products as art/office supplies, computer equipment, hardware, appliances, sporting goods, clothing, drugs, notions, gifts, books, and home entertainment supplies and rental.
 - b. Food and beverage stores for the sale of groceries, fruit and meat; baked goods; dairy products; beverages and liquor.
 - c. Food and beverage service establishments such as restaurants, dairy bars, and taverns; including outdoor cafes.
 - d. Personal service establishments such as barber shops, beauty salons, and laundry pick-up.
 - e. Banking and financial institutions.
 - f. Repair shops for bicycles, appliances, shoes, jewelry, small motors, and other such items but not motor vehicles.
 - g. Funeral homes.
 - h. Music/dance studios and technical or vocational training facilities.
4. Business and professional offices such as administrative, legal, architecture, engineering, financial, insurance, real estate, accounting, medical, dental, governmental and other similar offices up to ten thousand (10,000) square feet of gross floor area and in locations designated for the use in the Hamburg Village Master Plan.

5. Signs subject to the provisions of Article 18.
6. Accessory Dwelling Units subject to the provisions of Section 8.27.
7. Accessory buildings, structures and uses subject to the provisions of Section 8.3.
8. Essential services subject to the provisions of Section 8.4.
9. Family Care Homes as provided in Article 2.0, and State Licensed Residential Facilities, except for adult foster care facilities for care and treatment of persons released from or assigned to adult correctional facilities.

Special Uses

1. Apartments. 2. Bed and breakfast inns. 3. The permitted non-residential uses that are greater than five thousand (5,000) square feet of gross floor area, or with drive-through service, or outdoor retail sales/display, or in locations not designated for the use in the Hamburg Village Master Plan.
4. The permitted business and professional offices greater than ten thousand (10,000) square feet of gross floor area, or in locations designated not for the use in the Hamburg Village Master Plan.
5. Banquet Halls, private clubs and fraternal halls.
6. Indoor recreation centers such as fitness and health clubs, batting cages, bowling alleys, skating rinks, and athletic courts.
7. Gas stations and minor vehicle repair. 8. Showroom and sales of new and used automobiles and motorcycles, and repair of same when performed in conjunction with a showroom and sales of units thereof. Such uses shall be subject to the provisions of Section 8.28.
9. Automobile repair facilities, tires sales and service facilities and similar uses without outdoor storage, display or activities.
10. Churches and other buildings associated with religious worship, but not including housing for religious personnel.
11. Child care center or day care center, subject to the provisions of Section 8.7.

ARTICLE 8 SUPPLEMENTARY PROVISIONS, SECTION 8.7 GROUP DAY CARE HOMES, CHILD CARE CENTERS, AND DAY CARE CENTERS is amended to read as follows:

Group day care homes, child care centers, and day care centers shall be subject to the minimum requirements of the District in which they are located, State licensing requirements, and the following additional standards.

Exhibit D

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 special use permit is required.** The number of children permitted for **Child Care Centers** and group day care homes shall be subject to the provisions of State licensing requirements.

8.7.2 A fenced play area of one hundred (100) square feet per child shall be provided, **unless a special use permit is required.** 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.

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 size, location, and layout of the site improvement both on the subject site and on the surrounding properties, and the use of the neighboring properties

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

ADOPTED this _____ day of _____ 20____

HAMBURG TOWNSHIP BOARD

ATTEST:

Mike Dolan
Hamburg Township Clerk

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

(810) 231-1000 Office
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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, Township Planner
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

**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 B

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 B

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.

Exhibit B

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 14.7.1.**

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~~

Underlying Zoning District Parallel Plan Minimum Lot Size (square feet)			
Zoning District	Original	Meeting Open Space Regulations	Meeting Open Space Regulations with Pubic Sewer
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

Exhibit B

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

H. Open Space Requirements.

Exhibit B

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.

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:

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- i. Recorded deed restrictions,
 - ii. Covenants that run perpetually with the land, or
 - iii. A conservation easement established 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 plant 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.**
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 4.4.3, is reduced by at least ten percent (10%).

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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 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,

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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 ~~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~~

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~~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 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. ~~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, the benefit or impact the element/elements will provide to the Township, and/or the cost of the element/elements to the applicant.~~

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~~

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on common open space areas, 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.

iv. 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.

v. 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 exc..), common buildings (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.

ix. public water is provided

x. 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 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.

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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.

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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)**. 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

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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.

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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	10,000 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

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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, any dimension:	14 feet
Minimum gazebo:	60 square feet
Distance between roof 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 10 ft. side and rear lot lines 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.

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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.

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

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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 Covenant provisions for the maintenance of the common open space, including landscaping maintenance, snow removal and repairs to building exteriors.

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.

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- 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.

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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

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Maximum CHPUD unit floor area:	1200 square feet
Maximum building height:	2 story
Minimum building width, any dimension:	12 feet
Distance between walls of 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 10 ft. side and rear lot lines 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.

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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.

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D. Common Area and Unit Maintenance. The CHPUD shall include in the Master Deed, Community Bylaws and Covenant provisions for the maintenance of the common open space, including landscaping maintenance, snow removal and repairs to building exteriors.

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~~GPUD.

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~~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 ~~CG~~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. **~~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,

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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 ~~CG~~PUD 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 ~~CG~~PUD 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 ~~CG~~PUD, with the exception that residential uses as described in the Village Center (VC) shall not be permitted in a ~~CG~~PUD located outside the Village Center (VC) ~~or Village Residential (VR)~~ zoning districts. Upon the determination that the inclusion of residential uses shall aid the ~~CG~~PUD in meeting the eligibility criteria stated in Section 17.03, residential uses

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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:~~

- ~~A. — Sidewalks/Pedestrian Circulation~~
- ~~B. — Parking/Loading Areas~~

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- 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~~PUD 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~~PUD shall result in a higher quality of development than could be achieved under conventional zoning.

C. A ~~CG~~PUD 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~~PUD 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~~PUD or by some other means deemed acceptable to the Township Board.

E. Creation of a ~~CG~~PUD shall establish land use patterns which are compatible with and protect existing or planned use

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

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

H. A ~~CG~~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 (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 OSPUD 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 OSPUD 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.

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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.

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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. Minor 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 will not adversely affect the initial basis for granting approval;
2. Such minor changes will not adversely affect the overall PUD in light of the intent and purpose of such development as set forth in this Article; and

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3. Such changes shall not result in the reduction in the benefits and amenities the PUD provides to the community.

