

ARTICLE 8.00**SUPPLEMENTARY PROVISIONS****Section 8.1. Home Occupations**

Home occupations are occupations allowed as an accessory use clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes, carried on by the immediate family members inhabiting the dwelling unit. Typical home occupations may include but are not limited to hairdressing, accounting, home gardening, real estate and insurance sales, appliance and motor repair, and professional offices. The following conditions for home occupations shall be met.

8.1.1. General Requirements. The following requirements shall apply to all home occupations:

- A. The home occupation shall involve no more than the equivalent of one on site full time employee other than members of the immediate family residing on the premises.
- B. A home occupation shall not endanger or infringe upon the health, safety, welfare, or enjoyment of any other persons in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, electrical interference, fire hazard, traffic, or parking congestion.
- C. No structural alterations or additions which will alter the residential character of the structure in terms of the use or appearance shall be permitted to accommodate a home occupation.
- D. All home occupation activities shall be conducted indoors, except gardening which may be conducted outdoors.
- E. Only customary domestic or household equipment, or equipment judged by the Zoning Administrator not to be injurious or a nuisance to the surrounding neighborhood shall be permitted.
- F. There shall be no external evidence of such occupations except a small announcement sign as specified per Section 18.8. Plants used in a gardening home occupation may be grown outside only for the time period which is required for full growth.
- G. A family day care home as defined by this Ordinance shall be permitted as a home occupation with any Residential District provided all provisions of Section 8.1 are met.

8.1.2. Class I Home Occupations: Class I home occupations are allowed in the RAA, RA, RB, RC, WFR, NR, VC, and VR districts and do not require Planning Commission approval. In addition to the required general conditions, a Class I home occupation must also comply with the following restrictions:

- A. A Class I home occupation shall utilize no more than twenty-five (25) percent of the total floor area on site.
- B. Class I home occupations shall not have more than two customers and/or delivery vehicles on-site at one time, excluding the vehicles of the occupants of the home. Shipments or deliveries by vehicles having more than two (2) axles are prohibited.
- C. A Class I home occupation may offer for sale any article or service which is incidental to services performed or articles produced on the premises.

8.1.3. Class II Home Occupations: Class II home occupations are allowed in the RAA, RA, RB, RC, WFR, NR, VC, and VR districts after special approval per Section 3.5. In addition to the required general conditions, a Class II home occupation must also comply with the following restrictions, however the Planning Commission shall have the authority to modify or waive the general requirements in the special approval process:

- A. At no time shall the number of vehicles on the site of a Class II home occupation impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two (2) axles are prohibited.
- B. Class II home occupations may offer for sale any article or service provided that the sale of any

articles or services by a Class II home occupation shall not have a negative impact on the surrounding uses.

- C. The Planning Commission may stipulate hours of operation for a home occupation.
- D. Class II home occupations shall be located on parcels with frontage on an Arterial or Collector Road.
- E. Any parking associated with a home occupation shall be located to the side or rear of the principal building.
- F. Class II home occupations shall be required to submit an annual permit for administrative review. All annual permits shall be received by the Zoning Administrator on January 15. If the applicant received their special use between October and January 14, they shall submit their annual permit one year from January 15 of the following year.

In the event the Zoning Administrator determines that the Class II home occupation no longer complies with the provisions of this section, Section 3.5, or any conditions placed on the operation by the Township, the applicant will be required to submit a revised application for special use approval to the Planning Commission.

8.1.4. Approval Procedure for Class II Home Occupations

- A. Class II home occupations can only be approved by the Planning Commission after a public hearing and pursuant to the requirements of Section 3.5.
- B. A site plan for a home occupation does not need to be a formal site plan complying with the requirements of Articles 4.00. The applicant shall submit a plot plan and letter describing the proposed use, the portion of the dwelling or other building devoted to the home occupation use, lot identification (address and property number), size of lot, dimensions of lot lines, existing improvements, location of structures on adjacent lots within one hundred (100) feet, abutting streets, driveways, and parking areas.
- C. Prior to granting approval, the Planning Commission must determine that a proposed Class II home occupation is compatible with existing land uses in the area, would not be detrimental to the safety or convenience of vehicular or pedestrian traffic, and complies with the general conditions of Section 3.5.
- D. A home occupation approval shall be limited to the applicant and members of his or her immediate family residing in the dwelling unit. Home occupation approval shall not be transferable with sale, rental, or lease of the dwelling unit.

Section 8.2. Signs

Sign regulations have been moved to Article 18 Signs.

Section 8.3. Accessory Buildings and Structures

Accessory buildings and structures, except as otherwise provided for in this Ordinance, shall be subject to the following provisions:

8.3.1. Authorized accessory buildings may be erected as part of the principal building; may be connected to the principal building by a roofed porch, breezeway, or similar structure; or may be completely detached from the principal building.

8.3.2. All accessory buildings shall meet front and side yard requirements, except where such accessory buildings are detached and located completely to the rear of the principal building, in which case an accessory building may be located no nearer than five (5) feet to any side lot line.

On a lot that abuts a water bodies if an accessory building is located between the principal structure and the front property (the property line that abuts the street) the accessory building may be located no nearer

than fifteen (15) feet from the lot line which abuts the street and ten (10) feet from one side lot line and five (5) feet from the opposite side lot line.

If the existing structure on a lot that abuts a water body has non-conforming side yard setbacks and a side yard setback less than ten (10) feet is utilized for the accessory building, the smallest side yard setback on the accessory building shall be on the same side as the smallest side yard setback on the existing structure.

8.3.3. No accessory building shall be located nearer than five (5) feet to any rear lot line or occupy more than thirty (30) percent of any rear yard area.

8.3.4. An accessory building which is detached from the principal building shall not be located nearer than ten (10) feet to any separate building or structure on the lot.

8.3.5. On a corner lot in any Residential District, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot. In all cases, the garage entrance shall be located to allow adequate sight distance and off-street parking. When the rear lot line forms a part or all of a side lot line of an adjacent lot, a garage shall be no nearer than five (5) feet to the rear lot line.

8.3.6. In Residential Districts, private swimming pools are permitted as an accessory use, provided that:

- A. They are accessory to an existing dwelling;
- B. The pool, including all connections and appurtenances, is located either:
 - 1. Entirely within a rear yard, maintains a minimum setback of five (5) feet from the rear and side property lines and pump and filter installations are located a minimum of ten (10) feet from the adjoining property lines; or
 - 2. Entirely within a side yard or partially within a side yard and rear yard and maintains a minimum setback from any property line equal to or greater than the required minimum rear yard setback as stated in Section 7.6.1., including footnotes, for the zoning district in which it is located;
- C. A masonry wall or approved fence between four (4) and six (6) feet in height shall enclose the pool. All openings in the wall or fence shall be equipped with self-closing, self-latching gates or doors.

8.3.7. In Residential Districts abutting a water body, docks are permitted on legal lots of record that have improved roadway access and spaces for onsite parking. Such docks may be located in the water but not nearer than five (5) feet from any side lot line where the land and dock intersect.

8.3.8. Detached accessory buildings located within Residential Districts which have a roof pitch less than 8:12 shall not exceed 14 feet in height, as defined. Detached accessory buildings located within Residential Districts which have an 8:12 pitched roof or greater shall not exceed 17 feet in height, as defined. This provision shall not apply to parcels of land containing five acres or more.

8.3.9. No accessory building or structure shall be permitted prior to the construction of the main building or structure.

8.3.10. Accessory Buildings, Structures and Uses in Waterfront Districts. In the Waterfront Residential District (WFR) and the Natural River Residential District (NR), accessory garage structure(s) may be placed on a separate lot of record than the principal structure if the following provisions are met and a permit has been issued by the Zoning Administrator:

- A. The lot upon which the principal building is located must be a waterfront or riparian lot.
- B. The garage can only be constructed on a non-waterfront lot.

- C. The accessory structure(s) can be used only for a garage or storage facility. Garages or storage facilities may not exceed a combined total of 800 square feet of ground floor area. One shed may be permitted in addition to the 800 square feet of accessory buildings.
- D. There shall be common ownership between the principal building or residence and lot being used for the garage.
- E. The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the garage.
- F. The accessory structure(s) shall maintain all required front, side, rear yard setbacks and lot coverage regulations associated with a principal structure as specified in Section 7.6.1. Height shall conform with Section 8.3.8.

8.3.11. On lots that abut a water body in any zoning district other than Natural Rivers District, accessory structures are permitted within fifty (50) feet of the ordinary high water mark of any body of water if they meet the following requirements:

- A. They are less than 144 square feet in size.
- B. They are no greater than ten (10) feet in height; and
- C. Provided all other regulations in the zoning ordinance are met.

8.3.12. All structures located within the Natural River District shall also comply with the requirements of Section 7.5.1. (G), Natural River District.

Section 8.4. Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of Article 4.00, Site Plan Review, with the exception that the Planning Commission shall only provide a written recommendation to the Township Board which shall approve, approve with conditions, or deny the site plan application for all essential services after receipt of such recommendation. Approvals, permits, and agreements required by other Township Ordinances must be obtained prior to application for site plan review. Approvals granted under other ordinances in no way constitute site plan approval. Otherwise, the construction, maintenance and alteration of essential services shall be exempt from the provisions of this Ordinance.

Section 8.5. Single-Family Dwellings, Mobile Homes, Prefabricated Housing

No single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

8.5.1. Square Footage. Hamburg Township does not have a minimum square footage requirement. The maximum dwelling size is only restricted by the lot setbacks and lot coverage regulations in Section 7.6.1. Each such dwelling unit shall comply with any state construction code requirements for minimum square footage.

8.5.2. Dimensions. Each such dwelling shall comply in all respects with the Michigan State Construction Code Commission, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.

8.5.3. Foundation. Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code Commission and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type

as required in the applicable building code. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.

8.5.4. Undercarriage. Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

8.5.5. Sewage Disposal or Water Supply. Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.

8.5.6. Storage Area. Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 sq ft, whichever shall be less.

8.5.7. Architecture. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. All homes shall have a roof overhang of not less than six inches on all sides. Steps shall also be required for exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

8.5.8. Compatibility Determination. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator. Any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) ft. of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

8.5.9. Additions. Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality, materials and workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

8.5.10. Code Compliance. Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

8.5.11. Building Permit. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

8.5.12. Exceptions. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

Section 8.6. Public or Private Elementary, Junior, or Senior High Schools, and Institutions of Higher Education

Schools and educational institutions shall be subject to the minimum requirements of the District in which they are located and the following additional standards.

8.6.1. Minimum lot size shall be five (5) acres.

8.6.2. No building shall be located nearer than one hundred (100) feet from any property line.

8.6.3. Such use shall be located with frontage on a hard surface public street having a right-of-way of at least sixty-six (66) feet.

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 smaller area is determined to be adequate through the special use permit process. The number of children permitted for child care centers and group day care homes shall be subject to the provisions of State licensing requirements.

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

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 characteristics to consider may including but are not limited to: the number and age of the children to be cared for; the number of employees; the use of the subject site and surrounding properties; and the size, location, layout, of the site improvement both on the subject site and on the surrounding properties.

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

Section 8.8. Reserved

Section 8.9. Temporary Structures

8.9.1. No structure shall be used for dwelling purposes that does not comply with the requirements of this Ordinance or applicable building codes, except as provided in this section.

Section 8.9. Temporary Buildings, Structures, and Shelters

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

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

- A. **Temporary Dwellings.** No temporary dwelling shall be erected or moved onto a lot and used for dwelling purposes except during construction of a permanent dwelling on the premises which has been issued a building permit. The reasonable date for removal of the temporary dwelling, established on the permit issued by the Zoning Administrator, shall not exceed one (1) year from the date of occupancy of the permanent structure. The temporary dwelling shall be connected to private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems. No temporary dwelling shall be erected in any lot which is a part of a platted subdivision.

- B. **Temporary Construction Structures.** Temporary buildings and/or structures used for storage of equipment and construction offices may be used only during construction of a permanent structure which has been issued a building permit. The temporary building and/or structure shall be removed from the site prior to issuance of a certificate of occupancy.
- C. **Temporary Shelters.** Temporary shelters shall only be allowed for storage. These structures are only permitted in the rear yard area on lots that do not abut a waterbody and are only allowed between the main structure and the road right-of-way on lots that do abut a waterbody in the CE, RAA, RA, WFR, and NR zoning districts. These structures shall be maintained at all times. These structures are also allowed when part of a Special Event, Temporary Use or Seasonal Sale permit.
- D. **Permits.** A temporary building or structure shall require issuance of a land use permit from the Zoning Administrator under Section 3.3 of the Zoning Ordinance. The permit shall be renewed annually if needed. Any temporary building or structures shall be placed so as to conform to all yard requirements of the zoning district in which it is located.

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

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

8.10.1. Approval Requirements. The Township Zoning Administrator may grant a temporary land use permit renewable on an annual basis for a temporary use of land and structures for special events, seasonal sales (Fireworks Stands, Farmers Markets, Farm Stands in areas where they are not a permitted use, Christmas tree sales, and other sales or seasonal items) and other temporary uses under this section. The Zoning Administrator may request the advice of the Township Engineer and Planning Consultant when considering the proposed projects. The Zoning Administrator may determine that the proposed project requires review and approval by the Planning Commission. The following conditions apply to specific temporary uses:

- A. Carnival, Circus and Musical Concert or Other Transient Entertainment or Recreational Enterprise.
1. Maximum duration: 10 days.
 2. Operator or sponsor: Non-profit entity
 3. Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- B. Sidewalk or Tent Sale or Other Similar Outdoor Sale
1. Maximum duration: 7 days.
 2. Location: In commercial districts only.
 3. Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk. ADA compliance must still be met
 4. Parking Lot Coverage: Sufficient number of parking spaces shall remain to meet the existing zoning requirements for that district.

- C. Sporting or Outdoor Recreational Event and any overnight camping associated with these events.
 - 1. Maximum duration: 10 days.
- D. Search light or other apparatus used for the projection of a high intensity light beam.
 - 1. Maximum duration: 3 Days
 - 2. Light must not be directed towards other properties.

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

- A. **Plot Plan.** A plot plan shall be submitted with all the information required under Section 4.9.3 along with a detailed description of the use or event. The description should include but not be limited to: description of use or event, dates and hours of operation, number of employees, projected number of people that will attend the use or event, any amplified noise uses how the site will be secured, the plan for proposed cleanup of the site, etc.
- B. **Standards.** In order to protect the adjacent property owners and citizens of the Township, the Zoning Administrator shall review all special events, seasonal sales and temporary uses to insure they meet the following standards:
 - 1. Adequate off-street parking and ingress and egress shall be provided.
 - 2. All uses shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
 - 3. The applicant shall specify the exact duration of the temporary use.
 - 4. Electrical and utility connections shall be approved by the Building Official.
 - 5. Adequate site and surrounding area clean up shall be done during and following the use. All Improvements shall be removed from the site at the conclusion of the project.
 - 6. Adequate restroom facilities shall be provided. A general guide for this requirement is one toilet for each 50 persons estimated to attend.
 - 7. Closure of commercial or similar activity shall be from midnight to 9:00 a.m.
 - 8. Any signage shall conform to the provisions of the District in which the use is located.
 - 9. There will be no gambling or use of alcohol or controlled substances contrary to law.
 - 10. There will be no generation of bright lights, loud noises, or strong odors at a level or intensity sufficient to create a nuisance to adjacent properties.

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

Section 8.11. Unsafe Buildings

Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

Section 8.12. Structural Damage

Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this Ordinance and other pertinent codes and ordinances or shall be restored to a safe and healthy condition with all debris removed from the site within ninety (90) days from the occurrence of such damage.

Section 8.13. Building Grades

The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

Section 8.14. Street Closures

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

Section 8.15. Fences, Walls and Screens

Section 8.15.1. All fences, walls and other protective barriers (referred to in this section as “fences”) of any nature, description located within any district of Hamburg Township shall meet all of the following regulations:

- A. All structures shall be located entirely on or within the lot lines of the lot upon which they are located; and shall not be located within any public road right-of-way or private road easement. Fences on any corner lot must also comply with the setback requirements of Section 8.16, Intersection Visibility.
- B. Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Razor wire shall not be permitted. Fences, which carry electric current shall be permitted only in conjunction with the raising and keeping of horses or other domesticated animals permitted under Section 7.7.1. Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least six (6) feet above ground.
- C. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
- D. A fence shall not be erected where it would prevent or unreasonably obstruct the use of adjacent property or the safe use of an existing driveway or other means of access to adjacent property.
- E. Fences shall be erected in a manner to allow emergency access to the rear yard of a lot by placing a gate and providing sufficient space between the building line of any structure and the fence on at least one-side of the yard.
- F. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.
- G. The height of a fence shall be measured from the point at which the fence posts, pilasters or footing intersects the ground on the lowest side of the fence to the top of the fence directly

above. Where a fence is built on top of a wall, the combined fence/wall height is measured from the lowest grade to the top of the fence directly above. A fence may slightly exceed the height limits due to minor variations in the underlying terrain as determined by the Zoning Administrator.

8.15.2. In addition to the standards of Section 8.15.1 all fences, walls, or other screening structures, other than necessary retaining walls, located within a single-family residential district shall not exceed the following maximum heights described herein and graphically depicted in figures 1-9.

- A. Any fence located within the front yard may not exceed a maximum height of four (4) feet. For the purposes of the fence regulations a corner lot shall be considered to have front yard along each of the roadways. All fences in the front yard shall be 50% open (examples: Split Rail, Picket, or wrought iron fences). In no case shall a fence greater than 4 feet be located in the minimum front setback for the zoning district.
- B. Any fence located outside of a front yard may have a maximum height of six (6) feet.
- C. The following are exceptions to Section 8.15.3 A and B:
 - 1. Where lots abut a water body:
 - a. No fence shall be permitted in the required lake or river setbacks in Section 7.6.1 (footnote 3) other than railings as permitted under Section 8.17.9
 - b. Any fence located between the ordinary high water mark of the water body and the principal building shall not exceed a maximum height of four (4) feet and shall be 50% open.
 - 2. No Fence shall be permitted in a wetland area but fences are permitted within the required wetland setbacks in Section 9.9.
 - 3. On all lots where the front yard of a subject lot abuts the side or rear yard of one or more adjoining lots, the height of the fence on the subject lot may be six (6) feet along that portion of the common property line. (See Figure 2).
 - 4. Wire fences used to contain livestock and farm animals are exempt from height requirements.
 - 5. Wire fences used around gardens or crops are exempt from height requirements if they are made to be 75% open materials such as soft meshing, and are over 5 feet from the closest property line.

Section 8.15.3. Figures 1-8 that graphically depict fence height and locations.

Fencing Heights, as indicated in figures below:

4 Ft. Maximum: - - - - -

6 Ft. Maximum: - - - - -

Figure 1 and Figure 2: Standard Lots

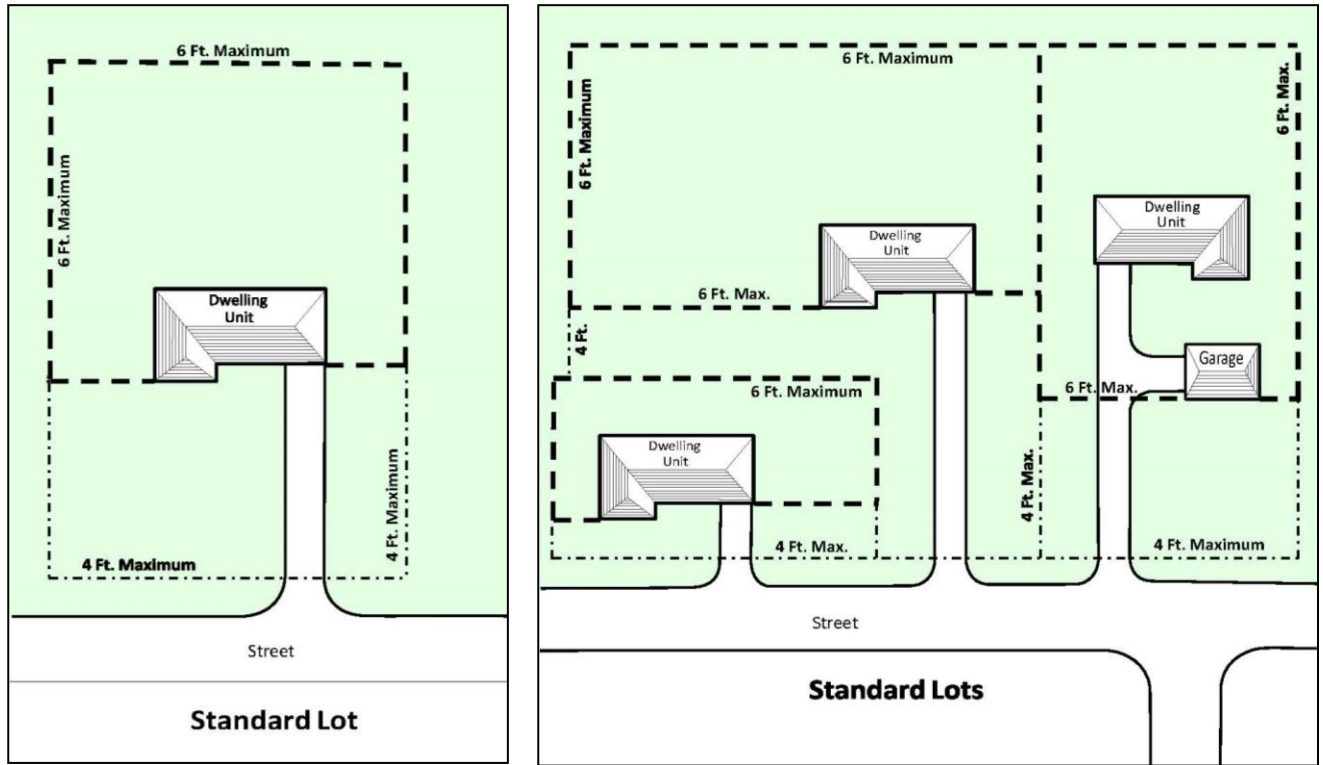
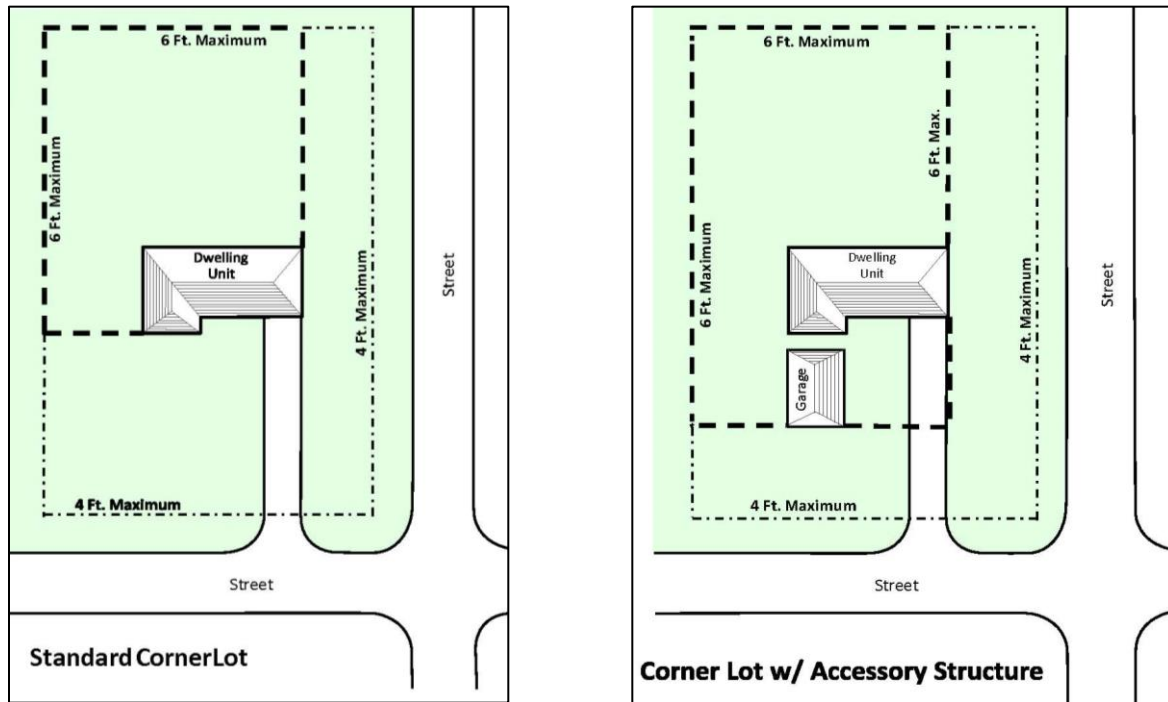


Figure 3, Figure 4, and Figure 5: Corner Lots



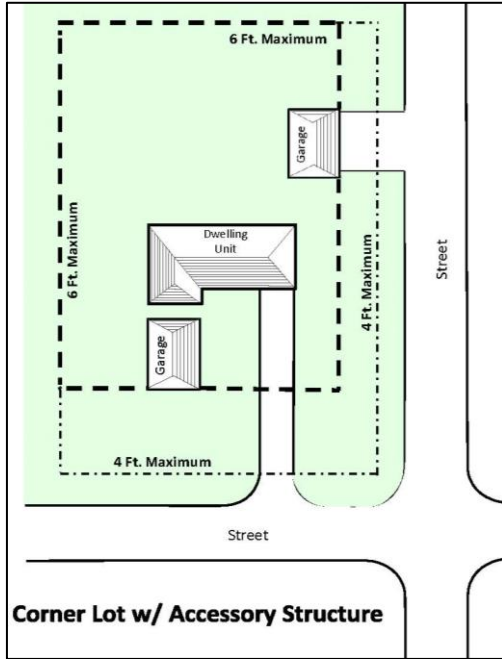


Figure 6: Waterfront Lots

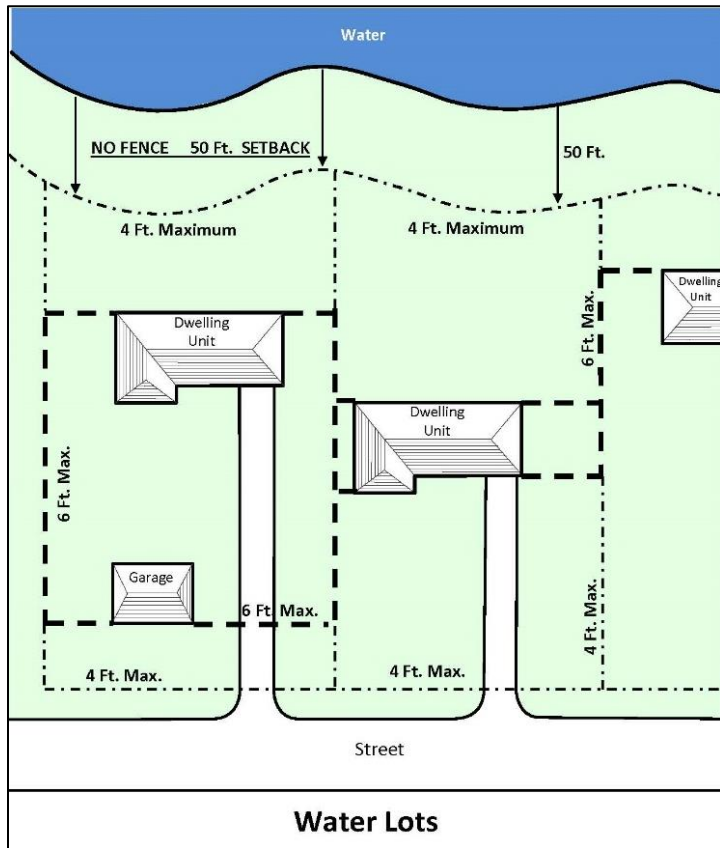
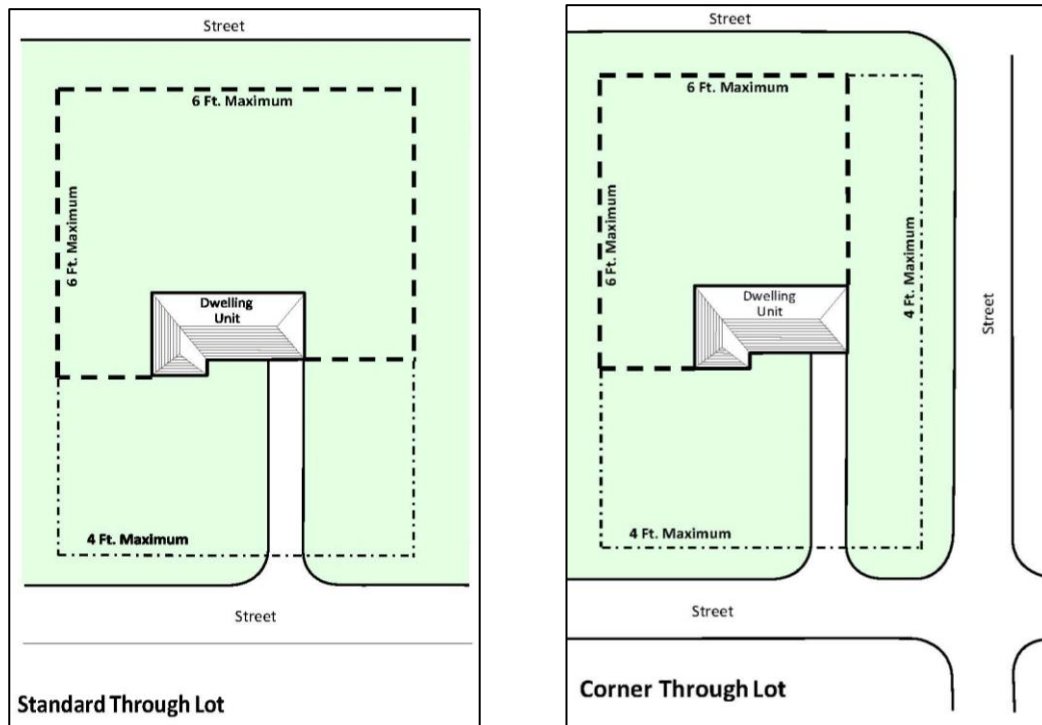


Figure 7 and Figure 8: Through Lots**Section 8.16. Intersection Visibility**

On any corner lot in any District having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet in an area measuring thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines.

Section 8.17. Access to a Street

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width and meeting the requirements of Section 10.8. Access to commercial, industrial, or recreational uses shall not be designed so as to pass through residential neighborhoods.

Section 8.18. Yard Encroachments

The following shall apply to all buildings and structures, whether temporary or permanent.

8.18.1. Decks, Terraces and patios may project into a required yard provided that such structures are:

- A. Unroofed and without walls or other continuous enclosure.
- B. That no such structure shall be permitted nearer than five (5) feet to any lot line.
- C. That such areas and structures may have open railings or fences not exceeding three (3) feet in height.
- D. That such structures may have non-continuous windbreaks, visual screens, or walls not exceeding eight (8) feet in height in a rear yard, or four (4) feet in height in a front or side yard, and not enclosing more than one-half the perimeter of said deck, terrace, patio, or similar structure.

8.18.2. Elevated decks and balconies may project into a required yard a distance not to exceed six (6) feet, provided:

- A. That such structure shall not be permitted within eight (8) feet of any lot line.
- B. That no building shall have more than one (1) such elevated deck or balcony in any one (1) yard.
- C. That such areas and structures may have open railings or fences not exceeding three (3) feet in height.
- D. That such structures may have non-continuous windbreaks, visual screens, or walls not exceeding eight (8) feet in height in a rear yard, or four (4) feet in height in a front or side yard, and not enclosing more than one-half the perimeter of the elevated deck or balcony.

8.18.3. Unenclosed or enclosed porches and other enclosed appurtenances to a principal building shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.

8.18.4. Chimneys, flues, belt courses, sills, pilasters, bay windows, awnings, approved signs, window air conditioners, cornices, eaves, gutters, and similar features may project into any required yard a maximum of twenty-four (24) inches.

8.18.5. Unenclosed and unroofed fire escapes, outside enclosed or unenclosed stairways, and excavated stairways may project into any required yard a maximum of five (5) feet.

8.18.6. Accessory structures and buildings, including gazebos, decks, terraces, patios and similar features, which are not attached to a principal building, shall comply with the requirements of Section 8.3, Accessory Buildings and Structures.

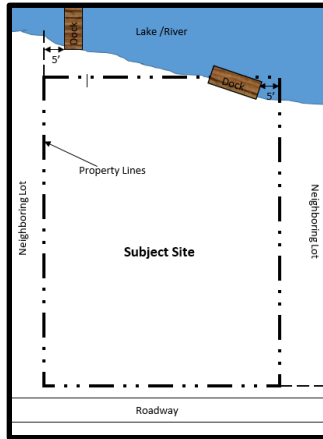
8.18.7. Access drives may be placed in the required front, side, or rear yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.

8.18.8. Stoops or steps must lead to an exterior entrance to a building and shall not encroach into any required yard more than five (5) feet.

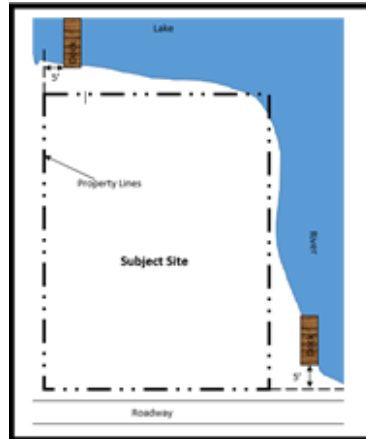
8.18.9. Decks, Patios, and Terraces may abut a waterbody and the following conditions shall apply:

- A. Said structures shall not exceed 12 inches in height above the average surrounding grade.
- B. Yard coverage shall not exceed 30 percent for all structures on the lot including the principal building.
- C. The horizontal distance of said structures shall not exceed 50 percent of the width of the lot line that abuts the waterbody.
- D. Said structures shall be at least five (5) feet from any lot line that is not adjacent to a waterbody. See Example A and B.

Example A



Example B



- E. Said structures shall not extend over the water more than 24 inches. This provision shall not apply to seasonal docks.
- F. Railings shall not exceed three (3) feet in height and shall not obstruct view by more than 30 percent.

8.18.10. Mechanical Equipment on residential properties such as ground mounted air conditioners, full house generators, and similar machines, may project into any required yard a maximum of four (4) feet provided:

- A. The noise regulations of Section 9.5.A of the Zoning Ordinance and General Ordinance 94-A, Breach of Peace, shall be met;
- B. The said mechanical equipment shall be located closer to the subject building than buildings on surrounding properties; and
- C. The said mechanical equipment shall be sufficiently screened from offsite views by either a vegetated screen or visual screen, as deemed appropriate by the Zoning Administrator.

Section 8.19. Supplementary Height Regulations

8.19.1. The following structural appurtenances shall be permitted to exceed the height limitations for authorized uses in any district.

- A. Those purely ornamental in purpose such as church spire, belfries, domes, cupolas, ornamental towers, flagpoles, and monuments.
- B. Those necessary to mechanical or structural functions such as chimneys, smoke stacks, water tanks, elevator and stairway penthouses, ventilators, bulkheads, aerials, and antennas, electronic devices, heating and cooling units, and fire towers.
- C. Those necessary to proper building design such as cornices and parapet walls, which shall not exceed the height limitations by more than five (5) feet and shall have no window openings.

8.19.2. The foregoing permitted exceptions may be authorized only when the following conditions are satisfied:

- A. No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or commercial purposes.
- B. Any structure permitted as an exception to a height limitation shall be erected no higher than such height as may be necessary to accomplish the purpose for which it is intended to serve.
- C. Structures permitted as exceptions to height limitations shall not occupy more than twenty (20) percent of the gross roof area of any building upon which they may be located.

Section 8.20. Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

Section 8.21. Garage Sales, Rummage Sales, and Similar Activities

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential Zoning District subject to the following conditions:

8.21.1. Any garage sale, rummage sale or similar activity shall be allowed without a land use permit for a period not to exceed four (4) days within a six (6) month period. Such activities in operation for a period of time in excess of four (4) days shall require a temporary land use permit from the Zoning Administrator. In no instance shall more than two (2) garage sales, rummage sales or similar activity be held in any one location within any twelve (12) month period.

8.21.2. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.

8.21.3. All such sales shall be conducted a minimum of twenty (20) feet from the front lot line of the premises of such sale.

8.21.4. Overnight outside storage of goods or merchandise offered at such sale is prohibited.

8.21.5. No signs advertising a garage sale or similar activity shall be placed upon public property. Two signs advertising a garage sale are permitted to be placed upon private property with the consent of an owner of said property and shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

Section 8.22. Firewood Sales

The sale of firewood shall be considered permitted uses in the RAA, RA, NS, and CS Districts subject to the following conditions:

8.22.1. A land use permit renewable on an annual basis shall be secured from the Township Zoning Administrator.

8.22.2. In the RAA and RA Districts, storage of firewood shall be restricted to the side and rear yards.

8.22.3. All sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.

8.22.4. Adequate parking and ingress and egress to the premises shall be provided.

8.22.5. Signs shall conform to the provisions of the District in which firewood sales are located.

Section 8.23. Apartments in the NS, CS, and OH Zoning Districts

The following conditions shall apply to all buildings containing residential uses in the NS, CS, and OH Districts:

8.23.1. One-Family Dwellings, Two-Family Dwellings, and buildings consisting solely of Multiple Family Dwelling are prohibited.

8.23.2. The gross square footage available for apartments within a building or structure shall not exceed the gross square footage available for business occupancy within the building.

8.23.3. All construction within the building shall comply with adopted building and fire codes for mixed use buildings.

8.23.4. When a building is used for both business and residential occupancy, the uses shall be located as follows:

- A. Apartments may only occupy areas above the first story and shall not be located on the same story as a business, office or parking use.
- B. No business, office or parking use shall be located on the same story or above any story that contains a residential use.

8.23.5. Each building that contains a business and a residential use shall provide and maintain an enclosed entrance to the interior for the exclusive use of the occupants of the residential portion of the building that is separate from the access commonly used for business activity.

8.23.6. All accessory structures, such as garages or storage sheds, related to the apartments shall be so designated on the site plan and subject to approval by the Planning Commission.

8.23.7. A parking area shall be reserved on the same lot or parcel as the principal building and designated for the exclusive use of the apartment occupants. Two (2) parking spaces shall be required for each apartment.

8.23.8. Modifications to a building or a site that includes residential uses are subject to the requirements for site plan review as stated in Article 4.0 of this Ordinance.

8.23.9. The conversion of an approved apartment to a use permitted for the zoning district in Section 7.5.1 shall not require special use approval. The conversion of an approved apartment to another use shall be considered an immediate and a complete abandonment of the residential use. No residential occupancy shall be allowed following such a conversion unless a special use approval is approved by the Township.

Section 8.24. Bed and Breakfast Inn Development Standards

- A. Bed and Breakfast Inn establishments shall be located in residential buildings that have frontage on a roadway which is capable of safely accommodating the additional traffic, as determined by the Planning Commission. Bed and Breakfast Inn establishments with access from a private road shall have the approval of the association or representative of all lots that have rights of access or maintenance responsibility.
- B. Use
 1. Residential buildings proposed as bed and breakfast inn operations shall require a building inspection by the Zoning Administrator, Fire Chief and Building Inspector prior to any approval or uses as a bed and breakfast inn operation. Any code violation(s) shall be corrected prior to approval or uses as a bed and breakfast operation.
 2. The dwelling unit which the bed and breakfast inn takes place shall be the principal residence of the owner and said owner shall be on the premises when the bed and breakfast inn operation is active.
 3. Dining facilities for the purpose of serving meals shall not exceed a seating capacity of two and a half (2.5) times the number of sleeping rooms in the bed and breakfast establishment. No restaurant shall be permitted. Food service shall be limited to continental breakfast served to at no extra cost to the transient tenants.
 4. The sale and/or display of merchandise, other than souvenirs of the inn, is prohibited.
 5. Each operator shall keep a log of the names of all persons staying at the bed and breakfast in operation. The log shall show the name, arrival and departure dates of all guests. Such log shall be available for inspection by Township Officials at any time.
 6. The maximum stay for any guests/occupants of bed and breakfast inn establishments shall be twenty-one (21) days.

7. Bed and breakfast inns may not offer boating amenities, such as docking facilities, boat rental or boating tours, to guests. This provision shall not preclude the resident owner from docking or utilizing a boat for their own personal use.
8. Bed and breakfast inns may offer wedding and indoor concert events if approved as a part of their Special Use Permit.

C. Site Development

1. A structure utilized for a bed and breakfast inn must be located at least 200 feet from any adjacent residence, measured between principal structures.
2. A structure utilized for a bed and breakfast inn that is within 500 feet from the shoreline of any lake or river must be connected to a public sanitary sewer. A structure utilized for a bed and breakfast inn that is further than 500 feet from the shoreline of any lake or river must meet all of the following conditions:
 - a. A sanitary septic system must be provided which has been reviewed by the Livingston County Health Department and approved for the number of rooms proposed in the bed and breakfast inn.
 - b. The sanitary septic system must be located further than 500 feet from a body of water. Ponds which are completely contained within the subject parcel and not contiguous to any off site body of water may be within 500 feet of the structure utilized for a bed and breakfast inn and/or the sanitary septic system.
3. A structure or premise utilized for a bed and breakfast inn must have at least two (2) exits to the outdoors from such structure or premise, and rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room.

Each sleeping room used for the bed and breakfast inn operation shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast inn operation. In no case shall there be less than one (1) lavatory and bathing facility for each four (4) sleeping rooms.
4. Bed and breakfast inn operations shall be limited to eight (8) guest sleeping rooms.
5. Applicants shall submit a site plan, landscape plan and a floor plan of the residential dwelling unit illustrating that the proposed operation meeting the requirements of Article 4.00 of the Zoning Ordinance.
6. Minimal outward modification of the structure may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which the bed and breakfast inn is located. Any modifications are subject to architectural review by the Planning Commission at the time of Special Use permit review.
7. Parking shall meet the requirements of Article 10.00 for boarding and lodging houses. The parking areas shall not be located with the required yard setbacks. Landscape buffer strip, designed in accordance with Section 9.3, shall be provided between the parking lot and all adjacent residentially zoned land.
8. Signs for a bed and breakfast establishment shall meet the requirements for Section 8.2 for the district in which it is located.
9. Bed and breakfast inn operations that want to hold wedding and indoor concert events shall meet the following regulations:

- a. **Maximum duration:** No more than 20 events shall be allowed on a site per calendar year.
- b. **Location:** Events shall not be allowed on property in or adjacent to any developed residential areas except on bed and breakfast sites greater than 2 acres.
- c. **Noise:** Events shall be required to meet the regulations of the Hamburg Township Noise Ordinance.
- d. **Hours of Operation:** Events shall only take place between 8:00 am and 11 pm. No amplified music shall be allowed after 10 pm; setup and cleanup of the event and workers and attendees to the event shall not arrive or leave the site before or after the hours of operation.
- e. **Number of Attendees:** Events shall be limited to a maximum of 150 persons, or the maximum occupancy of the space where the event is held, whichever is less.
- f. **Distance to neighboring structures:** If an event is held outdoors all temporary structures and outdoor venues shall be at least 200 feet from an adjacent residential structure.
- g. **Parking:** Parking may be provided, either on or off-site, and shall meet the requirements under Section 10.3.1 (7). If parking is provided off-site, a shuttle service must be provided.
- h. **Clean-Up.** Adequate site and surrounding area clean-up shall be done within 48 hours following the event.
- i. **Lighting.** All exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall any lighting become a nuisance as regulated in the Township Nuisance Ordinance. Lighting shall meet the applicable requirements under Section 9.11 Outdoor Lighting.
- j. **Temporary Sign:** One temporary sign may be allowed in addition to the signs allowed for bed and breakfast establishments in Section 18 for the district in which they are located. The sign shall not exceed 8 square feet in size, shall only be placed on the private property where the event is being held, shall only be erected the day of the event and shall be removed within 24 hours following the event.
- k. **Yearly Approval:** In addition to the initial Special Land Use Permit, the owners of the establishment shall submit a land use permit application on a yearly basis which includes the following information for the Zoning Administrator to review. Should the Zoning Administrator deem necessary, the yearly application may be sent to the Planning Commission for consideration.
 - i. A list of the approximate dates that the bed and breakfast will be used for events, including the type of event.
 - ii. a plot plan that depicts the location of all event venues, bathroom facilities, parking, drop off areas, and any other information deemed by the Zoning Administrator to be necessary in the review of the project.
 - iii. The name and phone number of a contact person that will be at the events.

- iv. A signed agreement with the property owner of any land to be used for off-site parking.
1. Any of the requirements in a-k above may be altered, as necessary, to meet the requirements of the special use permit process. (Section 3.5).

Section 8.25. Wireless Communication Facilities

Wireless Communication Facilities have been moved to Article 19 Wireless Communication Facilities.

Section 8.26. Adult Foster Care Large and/or Small Group Home

- A. The lot shall be at least 1,500 feet from any other state licensed residential facility.
- B. Minimum lot size shall meet the requirement of the district, but in no case shall be less than one acre in size.
- C. The required buffer zone "C", as described in Section 9.4.6 (E), shall be provided around the perimeter of the property.
- D. The applicant shall demonstrate to the satisfaction of the Planning Commission that adequate off-street parking will be provided.

Section 8.27. Accessory Dwelling Unit

Intent To address the identified need of providing and preserving affordable and secure housing for all the population of the Township, while preserving the appearance and character of the Township's residential areas; by permitting, as an accessory use, the creation of a separate self-contained dwelling unit within, incidental and subordinate to, an existing single-family residence. The creation of such accessory dwelling units will promote the general welfare of the Township, without increasing the number of residential buildings, by allowing all the population to continue to live in the Township, either in their present home or in the accessory dwelling units permitted hereunder.

8.27.1 The following regulations shall apply to all accessory dwelling units whether on conforming or non-conforming lots:

- A. The principal dwelling or the accessory dwelling unit must be declared the main residence of the owner of the property.
- B. The accessory dwelling unit shall be a maximum of forty (40) percent of the gross floor area of the principle structure, not to exceed 1,000 square feet.
- C. The number of off-street parking spaces for the accessory dwelling unit shall be not less than one (1) and shall not block the required parking for the main residence.
- D. The accessory dwelling unit shall have a maximum of two bedrooms.
- E. The occupancy of the accessory dwelling unit shall be no more than two (2) persons.
- F. Accessory dwelling units and the principal structure must be connected to sewer if available.
- G. Access to an attached accessory dwelling unit shall be limited to a common entrance foyer or exterior entrance to be located on the side or rear of the building;
- H. Detached accessory dwelling must be located closer to the principal residence on the subject site than the principal residence on an adjacent property.
- I. The principal residence and the accessory dwelling unit shall share the same vehicular access to the property.
- J. Detached Accessory Dwelling Units shall not be permitted on lots within the Waterfront Residential and Natural Rivers Districts that abuts a waterbody or have access to a waterbody.
- K. All zoning district bulk and setback requirements shall apply to the site.

- L. Accessory dwelling units are allowed on conforming lots of record in the following circumstances (See Table 1):
 - 1. In the Single Family Low Density Residential (RAA), Single Family Medium Density Residential (RA), Village Center (VC), and Village Residential (VR) zoning districts with review and approval by the Zoning Administrative under 8.27.1 (N).
 - 2. Attached units in the Waterfront Residential (WRF) and Natural Rivers (NR) districts with review and approval by the Zoning Administrative under 8.27.1 (N).
 - 3. Detached units in the Waterfront Residential (WRF) and Natural Rivers (NR) districts on lots greater than two (2) acres with review and approval by the Zoning Administrative under 8.27.1 (N).
 - 4. Detached units in the Waterfront Residential (WRF) and Natural Rivers (NR) districts on lots less than two (2) acres with review and approval by the Planning Commission under Section 8.27.1 (N).

- M. Accessory dwelling are allowed on a non-conforming lots of record in the following circumstances (See Table 1):
 - 1. In the Single Family Low Density Residential (RAA), Single Family Medium Density Residential (RA), Village Center (VC), and Village Residential (VR) with Planning Commission review and approval under Section 8.27.1 (M).
 - 2. In Waterfront (WFR) and Natural River (NR) with the following requirements:
 - a. Attached accessory units with Planning Commission review and approval under Section 8.27.1 (N).
 - b. Detached units shall require Special use approval under Section 3.5.
 - c. Accessory dwelling units are subject Section 9.8, Common Use (Keyhole) Ordinance.
 - d. The accessory dwelling unit must meet the requirements under Section 8.27.1 (N).

Table 1: ADU Reviewing Body

ZA: Zoning Administrator
 PC: Planning Commission
 SUP: Special Use Permit

Zoning District	Conforming Lots	Non-conforming Lots
Country Estates (CE)	ZA	PC
Single Family Low Density Residential (RAA)	ZA	PC
Single Family Medium Density Residential (RA)	ZA	PC
Water Front Residential (WFR)	ZA/PC*	PC/SUP**
Natural Rivers (NR)	ZA/PC*	PC/SUP**
Village Center (VC)	ZA	PC

Village Residential (VR)	ZA	PC
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*ZA approval for attached ADUs on conforming lots and detached ADUs on conforming lot greater than 2 acres

** PC approval of attached ADUs on Non-conforming lots and SUP approval of Detached ADUs on non-conforming lots.

- N. Accessory dwelling units shall be reviewed to ensure compliance to the following standards:
1. Architectural design, style and appearance of the principal residential building must be maintained; In considering this factor the existing facade, roof pitch, building materials, colors and windows of an attached or detached accessory dwelling unit shall be consistent with the principal structure;
 2. The proposed development does not impair the existing views, block access to light and air, or infringe on the privacy of neighbors in a substantial fashion. In considering this factor, decision makers shall balance the importance of minimizing impacts on neighboring properties and the applicant's ability to develop the property.
 3. The proposed development is compatible with existing land uses in the area, would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.
- O. If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory dwelling unit shall be subject to the approval of the County Health Department. The accessory dwelling unit shall comply with all applicable housing, building, fire and health code requirements.
- P. The Zoning Administrator may defer a decision on an ADU application to the Planning Commission for any reason. A decision by the zoning administrator on an ADU application is appeals to the Planning Commission.
- Q. Private restrictions on the use of property shall remain enforceable and take precedence over these additional district regulations. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

8.27.2. Application Procedure

- A. The applicant shall submit the following information for review:
1. A plat plan showing the location of the proposed accessory dwelling unit, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements on the lot, location of structures on adjacent lots, abutting streets, driveways, and parking areas.
 2. Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.
 3. Interior floor plans showing the floor area of the proposed accessory dwelling unit and the primary dwelling.
 4. Any additional information deemed necessary by the township for review.
- B. Prior to granting approval, the approving body must determine that a proposed accessory dwelling unit meets the standards in Section 8.27.1 (M).

8.27.3. Duration and Revocation

- A. The approval of an accessory dwelling unit shall expire within one (1) year after the date of such approval, unless a Land Use Permit has been issued and construction has commenced.

B. The permit and any other form of approval for an accessory dwelling unit issued shall be subject to revocation by the Township upon a finding by the Township or its lawfully authorized designee, that there is in fact noncompliance with the conditions and requirements contained in Section 8.27.

8.28. Showroom and Sales of new and used Automobiles and Motorcycles. The sale of Automobiles and Motorcycles in the CS and VC Districts shall be subject to the following conditions:

8.28.1. Uses are subject to site plan review as outlined in Article 4, Site Plan Review

8.28.2. Site for uses shall not exceed 40,000 square feet in size in the VC district.

8.28.3. Sales of vehicles and motorcycles shall be in conjunction with an indoor showroom and sales office.

8.28.4. Sites shall be limited to one access drive unless the site provides frontage on more than one street. Access may be provided through rear access drives in addition to a preliminary entrance.

8.28.5 Parking and display areas shall be hard surfaced and shall be graded and drained to dispose of storm water without negatively impacting neighboring property. The Township Planning Commission may recommend a gravel surface for part of the display or storage area for low intensity activities.

8.28.6. All loading and truck maneuvering shall be accommodated on site.

8.28.7. No storage or display of vehicles shall be permitted in any landscape greenbelt area.

8.28.8. Display pods shall be prohibited.

8.28.9. Site and display lighting shall be shielded and meet the requirements of Section 9.11.

8.28.10. Uses within the village shall use lighting as specified by the Planning Commission for uniformity within the Village Center District.

8.28.11. Banners, flags and pendants shall be prohibited except for grand opening advertisements. Such advertisements shall be temporary and require a permit. Such permit shall be for a duration not to exceed fourteen (14) days.

8.28.12. Signage shall meet the requirements of Article 18 and General Requirements.

8.28.13. Sites must provide adequate off street parking as defined in Section 10.3.

8.28.14. Sites must provide a landscape buffer as outlined in Section 9.4.6.

8.28.15. Sites must provide a 20 foot greenbelt along M-36, and provide for pedestrian circulation along frontage of arterial streets as outlined in the Village Center Plan.

8.28.16. Plans shall include the layout for parking of display vehicles, and customer parking. Parking spaces shall include bumper blocks for the preservation of all greenbelt areas.

8.28.17. Loudspeakers and paging systems shall be prohibited.

8.28.18. The sales showroom building may include an area for vehicle repair, provided that the repair activity is incidental to the primary sales of vehicles. All work shall be constructed within a completely enclosed building.

8.28.19. All washing of vehicles shall take place on site within an area that captures all runoff for treatment on site within an approved storm water management system approved by Hamburg Township.

Section 8.29. Agricultural Commercial/ Tourism Business

8.29.1. Intent. It is the intent of the Township to allow, as a permitted use or with a special land use permit, uses of a commercial/tourism nature that are complementary and accessory to the primary agricultural land use in the CE and RAA Zoning District. It is also the intent to:

A. Promote and maintain local farming and the provision of open space within the Township.

- B. Maintain both an agricultural heritage and rural character.
- C. Encourage new agriculturally based businesses that contribute to the general economic conditions of the Township and surrounding region.

8.29.2. Purpose. The purpose of this designation is to provide a clear understanding of the expectations for agricultural commercial/tourism businesses for operators, local residents, other businesses, and local officials.

8.29.3. Minor Agricultural Commercial/Tourism Business Type Allowed. The following Agricultural Commercial/Tourism Businesses may be permitted after review by the Zoning Administrator, pursuant to Section 3.3.

- A. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
- B. Direct marketing of agricultural products or agricultural related products at a Farm Market, on-site farm market.
- C. U-pick Operations, Pumpkin patches and Christmas tree lots.
- D. Stables with up to 6 horses.
- E. Greenhouses
- F. The processing, storage, and retail or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation if at least fifty percent (50%) of the stored, processed, or merchandised products are produced by the farm operator.
- G. Organized meeting space for weddings, parties, or events with attendance 40 or less.
- H. Uses 1 through 7 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained.
 - 1. Value-added agricultural products or activities such as educational tours of processing facilities, etc.
 - 2. Bakeries selling baked goods containing some products grown on site
 - 3. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - 4. Petting farms, animal display, and pony rides.
 - 5. Wagon, sleigh, and hayrides.
 - 6. Nature trails.
 - 7. Open air or covered picnic area with restrooms.
 - 8. Educational classes, lectures, seminars.
 - 9. Historical agricultural exhibits.
 - 10. Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least 25% produce grown on site.
 - 11. Gift shops for the sale of agricultural products and agriculturally related products. Gift shops for the sale of non-agriculturally related products such as antiques or crafts, are limited to twenty-five percent (25%) of gross sales.

8.29.4. Major Agricultural Commercial/Tourism Business Type Allowed. The following Agricultural Commercial/Tourism Businesses may be permitted after special land use review, pursuant to Section 3.5 Special Use Permits of this Ordinance.

- A. All uses allowed in 8.29.3.

- B. Cider mills or wineries.
- C. Stables with more than 6 horses.
- D. Restaurant operations related to the agricultural use of the site.
- E. Small scale entertainment venue or amphitheater.
- F. Family Oriented animated events (e.g., fun houses, haunted houses and hay rides, or similar uses)
- G. Organized meeting space for weddings, parties, or events with attendance greater than 40.
- H. Overnight Facilities

8.29.5. Supplemental Regulations – All Agricultural Commercial/Tourism Business Types. The following supplemental regulations are required for all Major and Minor Agricultural Commercial/Tourism Business Type uses in Sections 8.29.3 and 8.29.4:

- A. Must be an accessory use to a residential use of the property.
- B. Buffer plantings may be required along the property line where there is an abutting residentially zoned property. Greenbelt transition strips are intended to screen views of the proposed operation from the adjacent home or property. Buffer plantings shall meet the standards of Section 9.4.6 Greenbelts and Buffer Zones.
- C. Must provide off-street parking to accommodate use as outlined in Article 10 Off Street Parking and Loading.
 - 1. Parking facilities may be located on a grass or gravel area for seasonal uses such as farm markets, u-pick operations, and agricultural mazes.
 - 2. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.
 - 3. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
 - 4. Paved or unpaved parking areas shall not be located in required setbacks or buffer areas.
 - 5. Paved or gravel parking areas must meet all storm water management design and landscape screening requirements as set forth in this Zoning Ordinance.
- D. Hours of operation shall be limited to between 8:00 am and 11 pm. No amplified music shall be allowed after 10 pm; setup and cleanup of the event and workers and attendees to the event shall not arrive or leave the site before or after the hours of operation.
- E. Signs must meet the regulations for the zoning district. (Article 18)
- F. All other local, state, and federal regulations apply.

8.29.6. Supplemental Regulations – Minor Agricultural Commercial/Tourism Business Types. The following supplemental regulations are required for all Minor Agricultural Commercial/Tourism Business Type uses in Section 8.29.3:

- A. Minimum lot area of ten (10) acres.
- B. All uses permitted by this section shall be accessed on any public road within the Township with the approval of the Livingston County Road Commission of MDOT for ingress and egress to the site.
- C. A fifty (50)-foot open buffer shall be provided on all sides between the nearest location of the activity to the nearest adjacent residential property. Agricultural Commercial/Tourism Business activities shall not be allowed within this buffer area. Where possible, crops shall remain within this buffer area to help maintain the agricultural character of the site.

- D. No structure used for the indoor commercial aspect of the approved uses shall have an indoor commercial space larger than 1000 square feet except stables.

8.29.7. Supplemental Regulations – Major Agricultural Commercial/Tourism Business Types.

The following supplemental regulations are required for all Major Agricultural Commercial/Tourism Business Type uses in 8.29.4:

- A. Minimum lot area of 40 acres
- B. All uses permitted by this section shall be accessed on a public Arterial roadway within the Township with the condition that the increase in traffic shall not create a nuisance, to nearby residents by way of traffic or noise or increase the public cost in maintaining the roadway.
- C. A one hundred (100)-foot open buffer shall be provided on all sides between the nearest location of the activity to the nearest adjacent residential property. Agricultural Commercial/Tourism Business activities shall not be allowed within this buffer area. Where possible, crops shall remain within this buffer area to help maintain the agricultural character of the site.
- D. Agricultural Commercial/Tourism Business that hold weddings, outdoor and indoor concerts and other events with attendance greater than 40 people shall meet the following regulations:
1. Maximum duration: No more than 20 events shall be allowed on a site per calendar year.
 2. Noise: Events shall be required to meet the regulations of the Hamburg Township Noise Ordinance.
 3. Number of Attendees: Events shall be limited to a maximum of 150 persons, or the maximum occupancy of the space where the event is held, whichever is less.
 4. Distance to neighboring structures: If an event is held outdoors all temporary structures and outdoor venues shall meet the open buffer setback listed above.
 5. Clean-Up. Adequate site and surrounding area clean-up shall be done within 48 hours following the event.
 6. Lighting. All exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall any lighting become a nuisance as regulated in the Township Nuisance Ordinance. Lighting shall meet the applicable requirements under Section 9.11, Outdoor Lighting.
 7. Yearly Approval: In addition to the initial Special Land Use Permit, the owners of the establishment shall submit a land use permit application on a yearly basis which includes the following information for the Zoning Administrator to review. Should the Zoning Administrator deem necessary, the yearly application may be sent to the Planning Commission for consideration.
 - a. A list of the approximate dates that the venue will be used for events including the type of event,
 - b. A plot plan that depicts the location of all event venues, bathroom facilities, parking, drop off areas, and any other information deemed by the Zoning Administrator to be necessary in the review of the project,
 - c. The name and phone number of a contact person that will be at the events.
 - d. A signed agreement with the property owner of any land to be used for off-site parking.

- e. Any of the requirements in a-d above may be altered, as necessary, to meet the requirements of the special use permit process. (Hamburg Zoning Ordinance, Section 3.5).

8.29.8. Planning Commission Waiver the Planning Commission shall have the ability to waive or modify any of the regulations in this section, provided that the following criteria are met. A waiver granted under this section shall apply for the lifespan of the business in question, but shall not be transferable to any other business or premises.

- A. The applicant provides all requested information and pays all applicable application and review fees, to be determined by the Township Board Fee Schedule.
- B. The proposed Commercial/ Agricultural Tourism Business does not endanger the public health, safety, and welfare of the community.
- C. A Commercial/ Agricultural Tourism Business that meets the required regulations of this Article would not meet the needs of the use on the subject site.
- D. The Commercial/ Agricultural Tourism Business utilizes a well thought out layout, high quality materials and design.
- E. The Commercial/ Agricultural Tourism Business shall be in harmony and consistent with the architecture of the surrounding building and relate to the features of these building in terms of location, scale, size, color, lettering, materials, and texture.
- F. The Commercial/ Agricultural Tourism Business shall be consistent with the character of the surrounding area.
- G. The Commercial/ Agricultural Tourism Business shall not be a nuisance to any residential uses.

8.29.9. Application requirements:

- A. The following additional operation information must also be provided as applicable:
 - 1. Ownership of the property.
 - 2. Months (season) of operation.
 - 3. Hours of operation.
 - 4. Anticipated number of retail customers.
 - 5. Maintenance plan for disposal, etc.
 - 6. Any proposed signs.
 - 7. Any proposed lighting.
 - 8. Maximum number of employees at any one (1) time.
 - 9. Restroom facilities.
 - 10. Verification that all outside agency permits have been granted, i.e. federal, state and local permits.
 - 11. Plot Plan showing all areas of the property to be used, including all structures and parking areas on site must be clearly identified.

The Planning Commission has the authority to require that a special land use permit or a waiver granted for an agricultural commercial or tourism business may be reviewed annually by the Planning Commission at a regularly-scheduled meeting. The evaluation will review any violations of the special use permit or waiver, other zoning violations, whether the violations have been resolved or are recurring, and complaints by neighboring property owners. If violations of the special use permit or waiver continue the approvals may be revoked by the Planning Commission. To ensure that the special land use or activity authorized shall continue to be:

1. Compatible with adjacent uses of land, the natural environment, the capacities of public services and facilities affected by the land use, and
2. Consistent with the public health, safety, and welfare of the local unit of government.

Section 8.30. Collection Bins

8.30.1. Intent. It is the intent of the Township to allow collection bins as a permitted use if specific regulations are met. These regulations are created to promote the general health, safety, and welfare of Hamburg Township citizens by providing minimum standards for the placement, operation, and maintenance of collection bins within the Township to ensure that the bins remain clean and safe, do not create hazards to pedestrians or to vehicular traffic, and remain free of graffiti, blight, and the accumulation of material outside the collection bin.

8.30.2. Purpose. The purpose of these regulations is to provide a clear understanding of the expectations for collection bin operators, local residents, other businesses, and local officials.

8.30.3. Application. Collection Bins are allowed in the NS, CS, VC, LI and GI zoning districts with approval of a Land Use Permit (Section 3.3).

8.30.4. Regulations. The following regulations apply to all collection bins:

- A. Collection bins shall be fabricated of durable and waterproof materials.
- B. Collection bins are required to be placed on a paved or concrete surface.
- C. Collection bins must be level and stable.
- D. Collection bins shall be locked with a tamper resistant locking mechanism so contents cannot be accessed by anyone other than those responsible for retrieval of the contents. Collection bins shall be tightly covered at all times to prevent the harboring of rodents and the scattering of debris.
- E. Collection bins shall be maintained in good condition and appearance with no structural damage, holes, visible rust, or graffiti. The area surrounding the bin shall be maintained free from any overflow items, furniture, rubbish, debris, hazardous materials, and noxious odors.
- F. Collection bins shall be no larger than 84 inches high, 60 inches wide and 60 inches deep.
- G. No more than two collection bins shall be allowed per property.
- H. Collection bins shall not be permitted:
 1. On any unimproved lot or parcel that is not currently used or occupied or where the principal building or structure has been closed or unoccupied for more than thirty (30) days.
 2. Within a landscaped area.
 3. Within the required main building setbacks for the zoning district.
 4. Within a parking space required as a part of the approved site plan or required to meet the parking requirements for the principal building or structure.
 5. Within one thousand (1,000) feet of another collection bin on a separate property as measured along a straight line from one bin to the other.
 6. Within five hundred (500) feet from the property line of any lot used or zoned for residential purposes or within fifty (50) feet of any entrance driveway.
 7. Within a designated fire lane, or adjacent to a handicap parking space.
- I. Collection bins shall not cause a visual obstruction to vehicular or pedestrian traffic as determined by the township, or block access to required parking, emergency vehicle routes,

building entrances or exits, easements, pedestrian walkways and dumpsters or trash enclosure areas.

- J. Collection bins located in the VC district shall only be located on properties with direct access to M-36.
- K. Collection bins shall prominently display the following information in at least one-half inch typeface and no larger than one inch typeface:
1. Name, address, email, and 24-hour telephone number of the person responsible for servicing and maintaining the collection bin.
 2. The type of material that may be deposited.
 3. The frequency of pickup.
 4. A notice that no materials shall be left outside the collection bin.
 5. If the collection bin is owned and operated by a for-profit or a not for profit company.
- L. Collection bins may include a 6 square foot sign on two sides of the collection bin in addition to the information required in 8.30.3 (K). The sign must be flat, either painted directly on the bin or affixed flat to the bin and projecting no more than 2 inches from the side of the bin.

8.30.5. Violations. Collection bins in violation of these regulations shall be addressed as stated in Article 5, Enforcement. Fines and penalties for these violations shall be issued to the owner of the property where the collection bin is located and the owner or operator of the bin.