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

**Hamburg Township
Planning Commission
Hamburg Township Board Room
Wednesday, October 21, 2020 7:00 P.M.**

AGENDA

- 1. Call to order**
- 2. Pledge to the Flag**
- 3. Approval of the Agenda**
- 4. Approval of Minutes**
 - a) September 16, 2020 Planning Commission Meeting Minutes
- 5. Call to the Public**
- 6. New Business**
 - a) **ZTA 20-004 Riparian Frontage Regulations (Public Hearing):** Proposed Zoning Text Amendment to require minimum riparian width regulations for newly created waterfront lots and existing lots with newly created riparian frontage and to clarify the setback for docks, patios and terraces that abut a waterbody. The draft regulations would amend Article 2; Article 7, Section 7.5.1(G); Article 8, Section 8.18.9; Article 9, Section 9.5 and 9.7.
- 7. Old Business**
- 8. Zoning Administrator's Report**
- 9. Adjournment**



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

**Hamburg Township
Planning Commission
Wednesday, September 16, 2020
7:00 P.M.**

1. CALL TO ORDER:

The meeting was called to order by Vice Chairman Muir

Present: Hamlin, Leabu, Muir & Priebe

Absent: Bohn, Muck & Koeble

Also Present: Scott Pacheco, Township Planner & Amy Steffens, Planning & Zoning Administrator

2. PLEDGE TO THE FLAG:

3. APPROVAL OF THE AGENDA:

Motion by Hamlin, supported by Leabu

To approve the agenda as presented

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

4. APPROVAL OF MINUTES:

Commissioner Muir stated that he was both listed as absent and making a motion. Pacheco stated that we will review the tape and make that correction.

a) July 15, 2020 Planning Commission Meeting Minutes

Motion by Hamlin, supported by Priebe

To approve the minutes of the July 15, 2020 as corrected

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

5. CALL TO THE PUBLIC:

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

6. NEW BUSINESS:

a) ZTA20-003 (Public Hearing): Zoning Text Amendment (ZTA 20-003) to revise the Township Zoning Ordinance to allow detached accessory dwelling units (ADUs) on lots that abut a waterbody or have access

to a water body in the Water Front Residential (WFR) and Natural River (NR) Zoning District. This change would amend the regulations on Section 8.27 Accessory Dwelling Units of the Zoning Ordinance.

Vice Chairman Muir opened the public Hearing. Hearing no comment, the call was closed.

Scott Pacheco, Township Planner stated that the Commission has discussed this multiple times. The only change is to add the word “detached” under section 8.27.1 (J) so that 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. This means that “attached” Accessory Dwelling Units will be permitted in those districts. This has been noticed for a public hearing. We just need a recommendation to take it forward to the Township Board.

Commissioner Hamlin discussed the allowable gross floor area and asked if you would need a variance to exceed that amount. Planner Pacheco stated that you would, but they would probably not grant a variance. If they were to grant it to you, why would they not grant it for everybody. He stated that the reason this was created was to have a distinction between the accessory structure and the principal structure. If you wanted that, you would have to ask for a zoning text amendment to change it for everybody. Further discussion was held on the limits of square footage.

Pacheco explained and clarified the regulations as requested by Commissioner Hamlin. Discussion was held on the number of non-conforming lots that would require Planning Commission review. Pacheco stated that this would be an administrative approval by the Planning Commission, not a public hearing. Further discussion was held on why this was put in the ordinance. Pacheco stated that we could bring it up at our February joint meeting to see if the Board would be willing to let us change that.

Discussion was held on the definitions of attached and detached and how the buildings must be connected.

Discussion was held on getting this approved and then work on some of the individual requirements.

Motion Priebe, supported by Leabu

To recommend to the Township Board the Draft Zoning Text Amendment ZTA 20-003, Section 8.27 Accessory Dwelling Units of the Zoning Ordinance

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

- b)** Discussion of ZTA 20-004 Riparian Frontage Regulations (Public Hearing): Proposed Zoning Text Amendment to required minimum riparian frontage regulations for newly created waterfront lots and existing lots with newly created riparian frontage. The draft regulations would amend Article 2 and Article 9, Section 9.5 and 9.7.

Township Planner Pacheco stated that this is creating access to the water under new land divisions or boundary adjustments. He presented some examples. We currently do not have regulations to prohibit these from happening. He discussed the keyholing ordinance which does not deal with the simple ownership issues. We decided that we need to have some type of riparian frontage requirements so that if you are creating a new lot on the water frontage or boundary adjustment, you need to meet some type of requirement. He presented two options. The first option works off the requirements in the keyholing ordinance. He discussed those requirements. Option two would be that on newly waterfront lots or existing lots with newly created riparian frontage, the riparian frontage shall be the same as the lot width requirement for the zoning district in which the lot is located. This is a much stricter requirement than option one. What we want to stop are the crazy land divisions and boundary adjustments that are trying to get away from our keyholing ordinance.

Discussion was held on how the riparian frontage is measured. Discussion was held on option one having a defined number rather than figuring angles, etc. Pacheco discussed the yard encroachment section of the ordinance, Section

8.18.9 which requires that any structure shall be at least five feet from any side lot line. He discussed a situation where there is a lot at the corner. This would prohibit anyone from putting a dock to the side. That was not the intent of the ordinance. We are thinking that it should say said structure shall be at least five feet from any lot line that does not abut the water. It is intended to keep it away from the lot lines that do not abut the water. He stated that he is going to propose a text change.

Planner Pacheco stated that this was for discussion purposes. He will go back and make those changes based on what he has heard, which is that the Commission would like to see changes to the riparian frontage so that we can have a regulation that is more exact for most properties to create a more common number across. We will then notice this for a public hearing and at that point, the Commission can discuss it again.

7. OLD BUSINESS: None

Planner Pacheco stated that the senior living facility is getting closer to completion. The question was asked when they will complete the road. Pacheco stated that have to finish it before we can give them their Certificate of Occupancy.

General discussion was held on the Village Center District development.

8. ADJOURNMENT

Motion by Leabu, supported by Priebe

To adjourn the meeting

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

The Regular Meeting of the Planning Commission was adjourned at 7:56 p.m.

Respectfully submitted,

Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected:_____

Ron Muir, Vice Chairperson

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

To: Planning Commissioners
From: Scott Pacheco, AICP
Date: October 20, 2020
Agenda Item: —
Re: ZTA20-004 Riparian Frontage Regulations (Exhibit A)

PROJECT HISTORY:

The Township Board directed staff at the 2020 joint meeting in February to propose an ordinance amendment that would add requirements for newly created lots that abut a waterbody to have minimum dimensions along the shoreline.

On September 16, 2020 the Planning Commission reviewed and discussed an initial draft of this Zoning Text Amendment (ZTA20-004) and suggested changes to the revised the wording of the ordinance. The September 16, 2020 Planning Commission staff report and minutes are attached as Exhibit B and Exhibit C, respectively.

ANALYSIS:

Staff has made the following changes to ZTA20-004 based on the comments from the Planning Commission at the September 16, 2020 meeting:

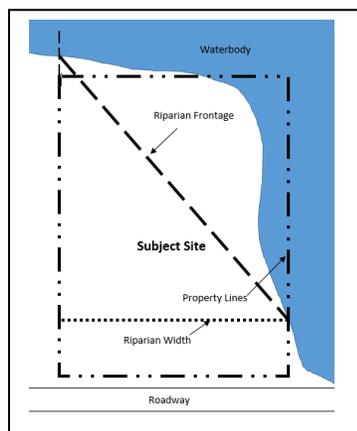
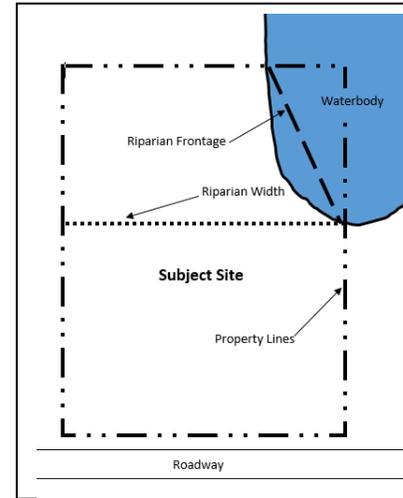
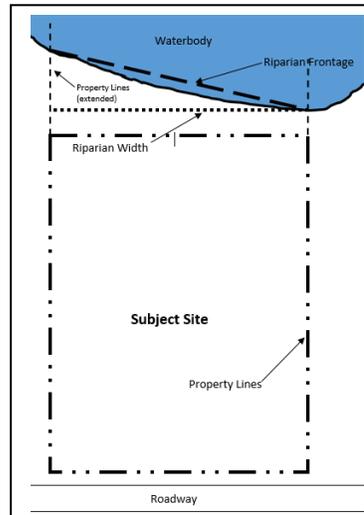
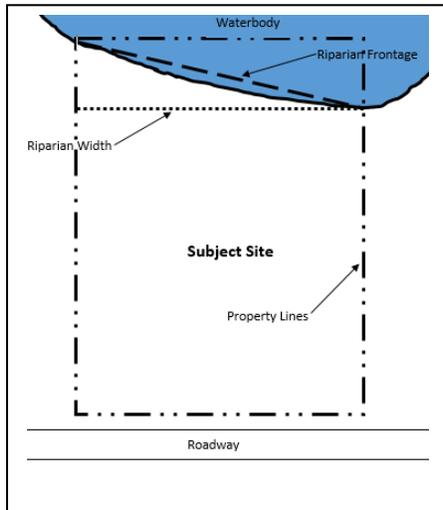
Planning Commission Comment 1: Revise the definition of the Riparian Frontage to create a more consistent dimension for the width at the shoreline.

Since the September 16, 2020 Planning Commission meeting staff has reviewed the use of riparian frontage throughout the zoning ordinance and as used in the proposed section 9.7 Regulations for Waterfront Lots. Because of this review staff has determined that the definition of “Riparian Frontage” should remain, with slight changes for clarification purposes, and an additional definition for the “Riparian Width” should be added in order to clarify the new regulations in section 9.7. Staff has also proposed some graphics to be included with the definition that show these two different measurements.

Red is the original proposed wording and **green** is the newly added wording:

RIPARIAN FRONTAGE: Is the dimension on a waterfront lot measured by a straight line which intersects each **side lot line at the water's edge (if the lot is adjacent to the water but does not intersect the water's edge the measurement shall be taken as if the **side** lot lines where extended in a straight line to the water's edge). Artificially created shoreline may not be used to increase the calculated riparian frontage.**

RIPARIAN WIDTH: Is the dimension on a waterfront lot measured by a straight line between the side property lines at a 90 degree angle at the closest point where the lot intersect the water's edge (if the lot is adjacent to the water but does not intersect the water's edge the measurement shall be taken as if the side lot lines were extended in a straight line to the water's edge). Artificially created shoreline may not be used to increase the calculated riparian frontage.



Planning Commission Comment 2: Use option 1 which required that newly created lots have a minimum width at a waterbody similar to the riparian frontages required in the common use Section 9.

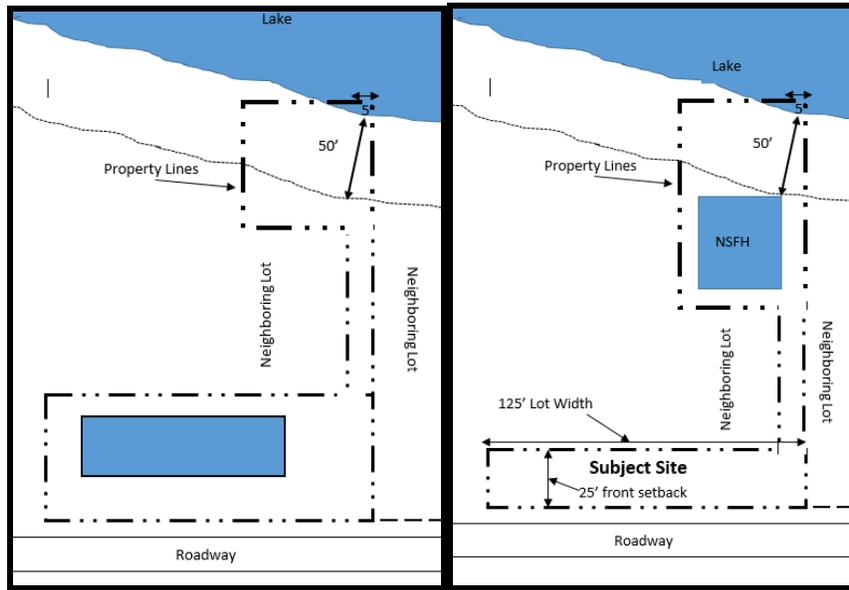
Since the September 16, 2020 Planning Commission meeting staff has reviewed the wording of option 1 and has made the necessary changes to add the Riparian Width requirements for the creation of these lots. Also staff has proposed another option that may better address the concerns with these creation of oddly shaped lots created only to allow more access to a waterbody.

Option A (This was the wording that was originally proposed):

B. The lot width from the riparian frontage to the required setback from the ordinary high water mark shall be no less at any point than the required riparian width in Section 9.7 (A).

This wording would require that a newly created lot or an existing lot with newly created riparian frontage to have a riparian width of 50', 100', or 75' for a depth of 50 or 125 feet from

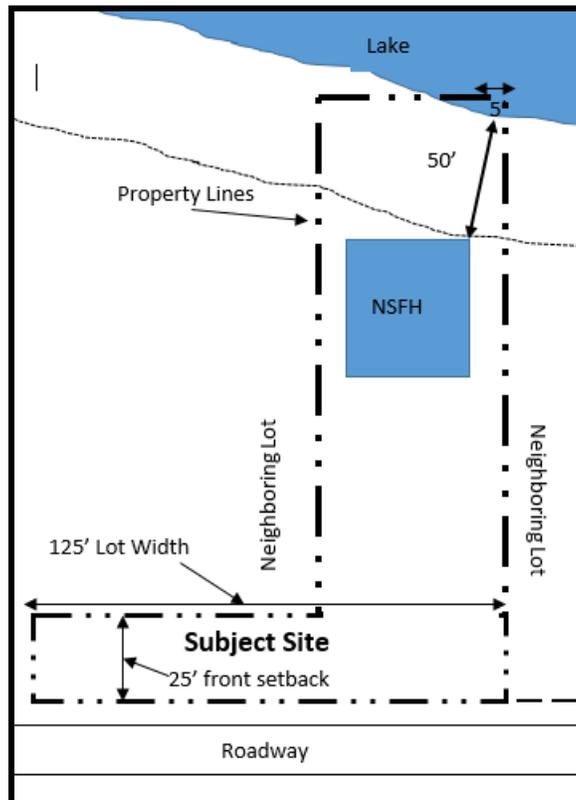
the shoreline depending on the zoning district and if the property abuts a lake or river. See worst case lake scenario examples below.



Option B

B. The lot width from the property line adjacent to the waterbody shall at no point be less than the required riparian width in section 9.7(A)

This wording would require that at no point the lot width would be less than 50', 100' or 75' depending on what zoning district it is within. See worst case lake scenario examples below.



In addition to the Planning Commission Comments 1 and 2 above staff has also made the following two changes from what was reviewed on September 16, 2020 by the Planning Commission

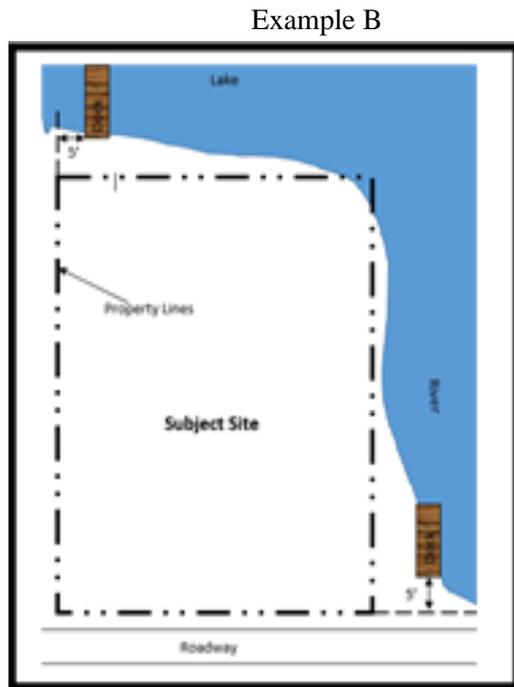
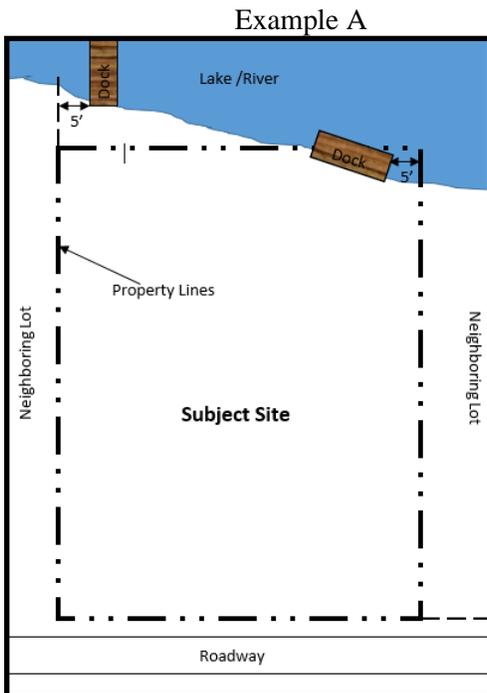
- 1) Revised Section 7.5.1 (G) NR-Natural Rivers (E, 1) to be consistent with the newly created riparian width requirements in Section 9.7

E. Setbacks

1. Setbacks and Lot Width. Unplatted lots, new subdivisions, and condos in the NR District shall accommodate the building setbacks as set forth in this Ordinance, and shall have a minimum ~~riverfront lot~~ riparian width of 150-100 feet. Septic systems are required to be set back a minimum of 125 feet from the ordinary high water mark of the Huron River.

- 2) Added graphics to section 8.18.9 (D) to further clarify the required setback for docks, Patios, and Terraces that abut a waterbody. (See new graphics below)

D. Said structures shall be at least five (5) feet from any ~~side lot line~~ that is not adjacent to a waterbody. See Example A and B



The zoning amendment would limit the number of properties that can be created abutting a waterbody. The proposed zoning amendment would require lots to be have more organized designs that would have less impact on the neighboring properties and on the township waterbodies. The ZTA would also be consistent with the 2020 Master Plan Goals to preserve the natural and historic character of Hamburg Township by accommodating a reasonable amount of development, but ensuring the development is in harmony with the natural features and the unique environmental requirements of the Township and to protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township.

RECOMMENDATION:

Staff suggests that the Planning Commission consider the proposed zoning text amendment (ZTA 20-004) 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 should than make a recommendation on the proposed zoning text amendment to the Township Board.

Example Recommendation:

The Planning Commission recommends that the Township Board approved ZTA20-004 as discussed at tonight meeting and as presented in the Staff Report because the proposed amendment will help reduce the impacts of future development on the community and complies with the goals and objectives of the Township's Master Plan.

EXHIBITS

Exhibit A: Draft Zoning Text Amendment 20-004 Riparian Frontage Regulation

Exhibit B: September 16, 2020 PCSR

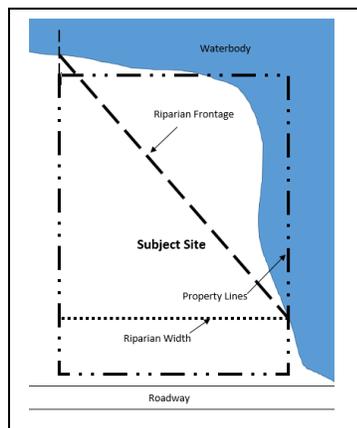
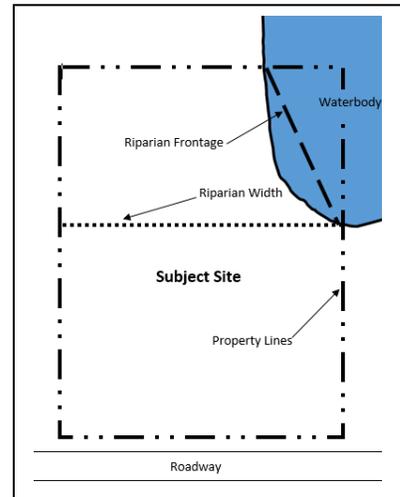
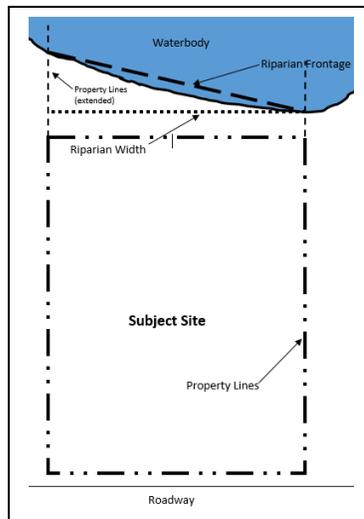
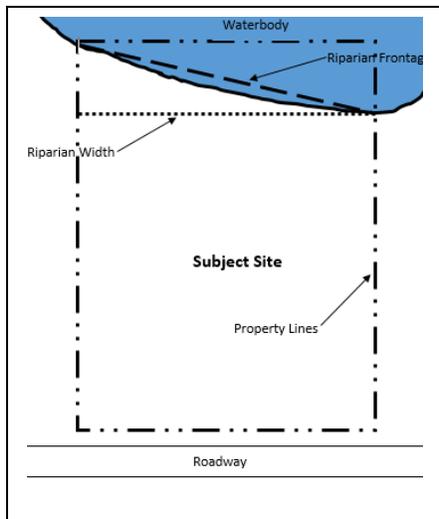
Exhibit C: September 16, 2020 Minutes

**DRAFT
ZTA (20-004)**

**ARTICLE 2
DEFINITIONS**

RIPARIAN FRONTAGE: Is the dimension on a waterfront lot measured by a straight line which intersects each **side** lot line at the water's edge (if the lot is adjacent to the water but does not intersect the water's edge the measurement shall be taken as if the **side** lot lines where extended in a straight line to the water's edge). Artificially created shoreline may not be used to increase the calculated riparian frontage.

RIPARIAN WIDTH: Is the dimension on a waterfront lot measured by a straight line between the side property lines at a 90 degree angle at the closest point where the lot intersect the water's edge (if the lot is adjacent to the water but does not intersect the water's edge the measurement shall be taken as if the side lot lines where extended in a straight line to the water's edge). Artificially created shoreline may not be used to increase the calculated riparian frontage.



ARTICLE 7
DISTRICT REGULATIONS

Section 7.5.1. Schedule of Use Regulations
(G) NR-Natural River District

E. Setbacks

1. Setbacks and Lot Width. Unplatted lots, new subdivisions, and condos in the NR District shall accommodate the building setbacks as set forth in this Ordinance, and shall have a minimum ~~riverfront lot~~ riparian width of ~~150~~ 100 feet. Septic systems are required to be set back a minimum of 125 feet from the ordinary high water mark of the Huron River.

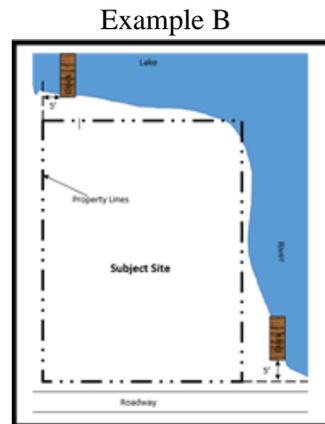
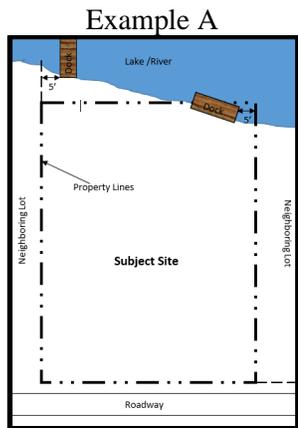
2. Building Setbacks. New buildings and appurtenances on the Huron River mainstream will be required to set back a minimum of 125 feet from the ordinary high water mark. Further,
 - a. New buildings and appurtenances must be setback at least 100 feet from the top of a bluff.
 - b. No buildings shall be placed on land that is in a floodway or a wetland

**ARTICLE 8
SUPPLEMENTARY PROVISIONS**

Section 8.18 Yard Encroachments

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 **side lot line that is not adjacent to a waterbody**. See Example A and 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.

ARTICLE 9 ENVIRONMENTAL PROVISIONS

Section 9.5 Performance Standards

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

9.5.1 Fire and Explosion Hazards. All buildings, storage and handling of flammable materials and other activities shall conform to Township building and fire ordinances and to any applicable state and federal regulations or requirements. No use or building shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street. Any activity involving the use or storage of flammable material shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

9.5.2 Smoke. It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 on the Ringlemann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods, aggregating four (4) minutes in any thirty (30) minutes. For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with Ringlemann's Chart.

9.5.3 Dust, Dirt, and Fly Ash. No person, firm, or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, methods, device or contrivance to reduce the quantity of gasborne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grain per cubic foot of the charring medium at the temperature of five hundred (500) degrees Fahrenheit. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent of full load. The foregoing requirements shall be measured by the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the preventions and elimination of dust, dirt, and fly ash have been made.

9.5.4 Odor. The emission of odors which are generally agreed to be obnoxious to any considerable number of persons at their place of residence shall be prohibited.

9.5.5 Gasses. SO₂, as measured at the property line, shall not exceed an average of 0.3 ppm over a 24-hour period; provided, however, that a maximum concentration of 0.5 ppm will be allowed for a one-hour period out of a 24-hour period; H₂S shall not exceed 0.1 ppm; fluorine shall not exceed 0.1 ppm; nitrous fumes shall not exceed 5 ppm; CO shall not exceed 15 ppm.

9.5.6 Airborne Matter, General. In addition to 9.5.1.through 9.5.4. above, there shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health, or safety of persons or which cause injury or damage to business or property.

9.5.7 Glare and Radioactive Materials. Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electro magnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

9.5.8 Noise. The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be controlled so as not to become a nuisance to adjacent uses.

9.5.9 Vibration. Machines or operations which cause vibration shall be permitted in industrial districts, but no operation shall cause a displacement exceeding 0.003 of one (1) inch as measured at the property line.

9.5.10 Waste Disposal. All solid, liquid, and sanitary waste shall be treated and disposed in accordance with the standards of the Township of Hamburg, Livingston County Health Department, Michigan Department of Natural Resources and Michigan Department of Public Health and other applicable agencies.

9.5.11 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.

9.5.12 Engineering. Proposed development shall conform to the adopted Hamburg Township Engineering and Design requirements. These requirements are intended to help protect the health, safety, and environmental resources of the Township.

Section 9.7. ~~Engineering and Design Standards Regulations for Waterfront Lots~~

~~Proposed development shall conform to the adopted Hamburg Township Engineering and Design Standards. These standards set minimum design requirements intended to help protect the health, safety, and environmental resources of the Township.~~

- A. Newly created waterfront lots or existing lots with newly created riparian frontage shall provide the following riparian width requirements:

Zoning District	Riparian width per lot served
WFR	50 feet/lot
NR	100 feet/lot
All other districts	75 feet/lot

Option a

- B. The lot width from the property line adjacent to the waterbody to the required setback from the ordinary high water mark shall be no less at any point than the required riparian width in Section 9.7 (A).

Option b

- B. The lot width from the property line adjacent to the waterbody shall at no point be less than the required riparian width in section 9.7(A)

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

To: Planning Commissioners
From: Scott Pacheco, AICP
Date: September 16, 2020
Agenda Item: 6b
Re: ZTA20-004 Riparian Frontage Regulations

PROJECT HISTORY:

The Township Board directed staff at the 2020 joint meeting in February to propose an ordinance amendment that would add requirements for newly created lots that abut a waterbody to have minimum dimensions along the waterbody.

ANALYSIS:

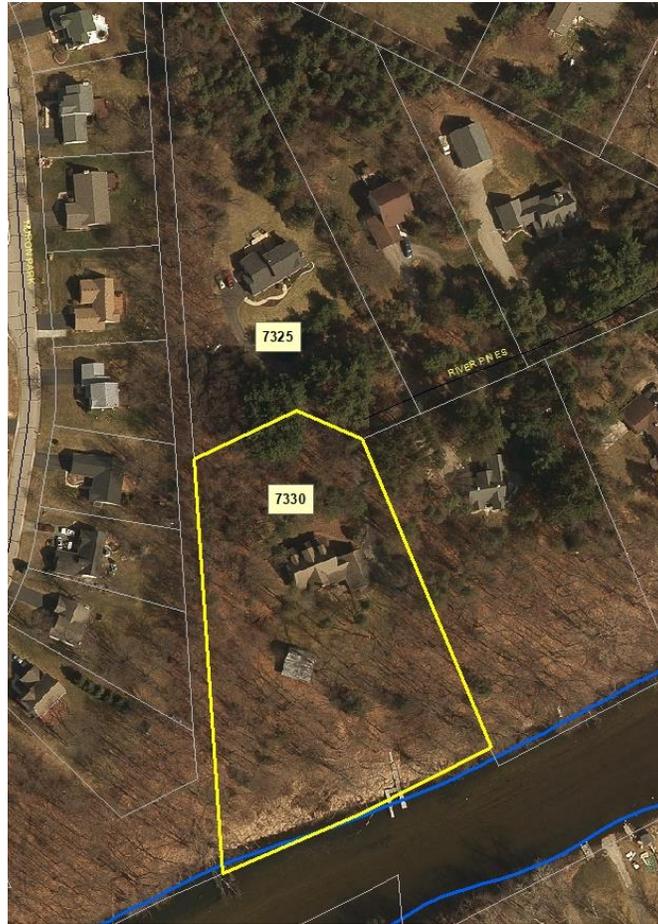
Lake Frontage for Newly Created Properties: Planning and Zoning Staff has made the following observation that during exempt land divisions and boundary adjustment that the Township currently has very little control over property owners creating oddly shaped lots to create access to the Townships Lakes and Rivers.

To further explain I would like to start with some examples of what township staff has seen:

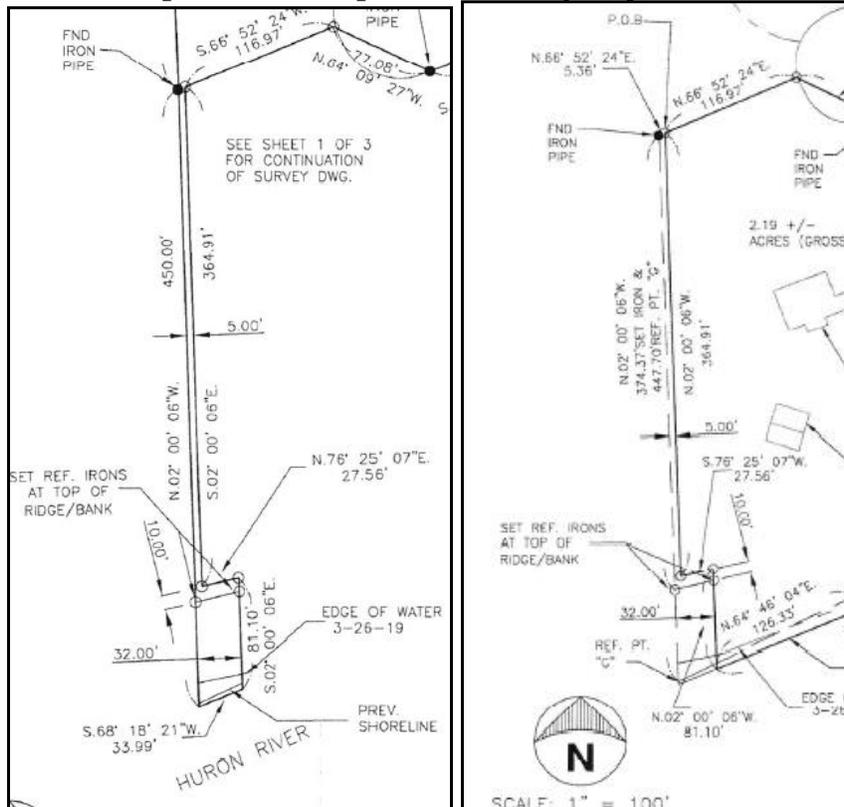
1) Boundary Adjustment: River Pines Trail

The Existing two sites are shown in **Map 1** and both properties access off the end of River Pines. The boundary adjustment allowed the property to the north at 7325 River Pines to take a 5 foot strip of land from the west side of the property to the south at 7330 River Pines. This five foot strip then widens out when it reaches the river to allow enough room for a dock (**Maps 2 and 3**).

Map 1: Existing Properties



Maps 2 and 3 Proposed Boundary Adjustment



2) Land Divisions: Cedar Bend

This land division took one lot (Map 4) and created 4 lots (Map 5) each of the 4 new lots proposed would have had an 8 foot strip to Whitewood Lake that would have expanded at the lake to 15 feet to be able to put a dock in.

Map 4: Existing Lot



Map 5 Proposed 4 lots



After review of the Hamburg Township Zoning Ordinance it appears that regulations regarding riparian frontage regulations would be most appropriate in *Article 9 Environmental Provisions*. Along with the regulations regarding Riparian Frontage Staff would also suggest that the following definition of Riparian Frontage be added to *Article 2 Definitions*.

RIPARIAN FRONTAGE shall be measured by a straight line which intersects each side lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian frontage.

This is the definition of Riparian frontage that can be found in the *Section 9.8 Common Use (Keyhole) Ordinance*.

Along with the amendment to add regulations regarding Riparian Frontages, the zoning text amendment suggests moving the Engineering Standards in *9.7 EGINEERING DESIGN STANDARDS* to *9.5 Performance Standards (Section 9.5.12 Engineering)* and using Section 9.7 for the Regulations for Waterfront Lots.

Staff has proposed the following two options for the Riparian Frontage regulations:

Option 1:

- A. Newly created waterfront lots or existing lots with newly created riparian frontage shall provide the following riparian frontage requirements:

Zoning District	Riparian frontage per lot served
WFR	50 feet/lot
NR	100 feet/lot
All other districts	75 feet/lot

- B. The lot width from the riparian frontage to the required setback from the ordinary high water mark shall be no less at any point than the required riparian frontage in Section 9.7 (A).

Option 2:

- A. On newly waterfront lots or existing lots with newly created riparian frontage, the riparian frontage shall be the same as the lot width requirement for the zoning district in which the lot is located.
- B. The lot width from the riparian frontage to the required setback from the ordinary high water mark shall be no less at any point than the required riparian frontage in Section 9.7 (A).

The zoning amendment would limit the number of properties that can be created abutting a waterbody. The proposed zoning amendment would be consistent with the 2020 Master Plan Goals to preserve the natural and historic character of Hamburg Township by accommodating a reasonable amount of development, but ensuring the development is in harmony with the natural features and the unique environmental requirements of the Township and to protect, preserve,

and enhance whenever possible the unique and desirable natural amenities of Hamburg Township.

RECOMMENDATION:

Staff suggests that the Planning Commission discuss and review the proposed zoning text amendment (ZTA 20-004) and direct staff to make any recommended changes and notice the ZTA for a public hearing.

EXHIBITS

Exhibit A: Draft Zoning Text Amendment 20-004 Riparian Frontage Regulation



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PHONE 810-231-1000

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

**Hamburg Township
Planning Commission
Wednesday, September 16, 2020
7:00 P.M.**

1. CALL TO ORDER:

The meeting was called to order by Vice Chairman Muir

Present: Hamlin, Leabu, Muir & Priebe

Absent: Bohn, Muck & Koeble

Also Present: Scott Pacheco, Township Planner & Amy Steffens, Planning & Zoning Administrator

2. PLEDGE TO THE FLAG:

3. APPROVAL OF THE AGENDA:

Motion by Hamlin, supported by Leabu

To approve the agenda as presented

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

4. APPROVAL OF MINUTES:

Commissioner Muir stated that he was both listed as absent and making a motion. Pacheco stated that we will review the tape and make that correction.

a) July 15, 2020 Planning Commission Meeting Minutes

Motion by Hamlin, supported by Priebe

To approve the minutes of the July 15, 2020 as corrected

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

5. CALL TO THE PUBLIC:

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

6. NEW BUSINESS:

a) ZTA20-003 (Public Hearing): Zoning Text Amendment (ZTA 20-003) to revise the Township Zoning Ordinance to allow detached accessory dwelling units (ADUs) on lots that abut a waterbody or have access

to a water body in the Water Front Residential (WFR) and Natural River (NR) Zoning District. This change would amend the regulations on Section 8.27 Accessory Dwelling Units of the Zoning Ordinance.

Vice Chairman Muir opened the public Hearing. Hearing no comment, the call was closed.

Scott Pacheco, Township Planner stated that the Commission has discussed this multiple times. The only change is to add the word “detached” under section 8.27.1 (J) so that 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. This means that “attached” Accessory Dwelling Units will be permitted in those districts. This has been noticed for a public hearing. We just need a recommendation to take it forward to the Township Board.

Commissioner Hamlin discussed the allowable gross floor area and asked if you would need a variance to exceed that amount. Planner Pacheco stated that you would, but they would probably not grant a variance. If they were to grant it to you, why would they not grant it for everybody. He stated that the reason this was created was to have a distinction between the accessory structure and the principal structure. If you wanted that, you would have to ask for a zoning text amendment to change it for everybody. Further discussion was held on the limits of square footage.

Pacheco explained and clarified the regulations as requested by Commissioner Hamlin. Discussion was held on the number of non-conforming lots that would require Planning Commission review. Pacheco stated that this would be an administrative approval by the Planning Commission, not a public hearing. Further discussion was held on why this was put in the ordinance. Pacheco stated that we could bring it up at our February joint meeting to see if the Board would be willing to let us change that.

Discussion was held on the definitions of attached and detached and how the buildings must be connected.

Discussion was held on getting this approved and then work on some of the individual requirements.

Motion Priebe, supported by Leabu

To recommend to the Township Board the Draft Zoning Text Amendment ZTA 20-003, Section 8.27 Accessory Dwelling Units of the Zoning Ordinance

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

- b)** Discussion of ZTA 20-004 Riparian Frontage Regulations (Public Hearing): Proposed Zoning Text Amendment to required minimum riparian frontage regulations for newly created waterfront lots and existing lots with newly created riparian frontage. The draft regulations would amend Article 2 and Article 9, Section 9.5 and 9.7.

Township Planner Pacheco stated that this is creating access to the water under new land divisions or boundary adjustments. He presented some examples. We currently do not have regulations to prohibit these from happening. He discussed the keyholing ordinance which does not deal with the simple ownership issues. We decided that we need to have some type of riparian frontage requirements so that if you are creating a new lot on the water frontage or boundary adjustment, you need to meet some type of requirement. He presented two options. The first option works off the requirements in the keyholing ordinance. He discussed those requirements. Option two would be that on newly waterfront lots or existing lots with newly created riparian frontage, the riparian frontage shall be the same as the lot width requirement for the zoning district in which the lot is located. This is a much stricter requirement than option one. What we want to stop are the crazy land divisions and boundary adjustments that are trying to get away from our keyholing ordinance.

Discussion was held on how the riparian frontage is measured. Discussion was held on option one having a defined number rather than figuring angles, etc. Pacheco discussed the yard encroachment section of the ordinance, Section

8.18.9 which requires that any structure shall be at least five feet from any side lot line. He discussed a situation where there is a lot at the corner. This would prohibit anyone from putting a dock to the side. That was not the intent of the ordinance. We are thinking that it should say said structure shall be at least five feet from any lot line that does not abut the water. It is intended to keep it away from the lot lines that do not abut the water. He stated that he is going to propose a text change.

Planner Pacheco stated that this was for discussion purposes. He will go back and make those changes based on what he has heard, which is that the Commission would like to see changes to the riparian frontage so that we can have a regulation that is more exact for most properties to create a more common number across. We will then notice this for a public hearing and at that point, the Commission can discuss it again.

7. OLD BUSINESS: None

Planner Pacheco stated that the senior living facility is getting closer to completion. The question was asked when they will complete the road. Pacheco stated that have to finish it before we can give them their Certificate of Occupancy.

General discussion was held on the Village Center District development.

8. ADJOURNMENT

Motion by Leabu, supported by Priebe

To adjourn the meeting

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

The Regular Meeting of the Planning Commission was adjourned at 7:56 p.m.

Respectfully submitted,

Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected:_____

Ron Muir, Vice Chairperson