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

1. CALL TO ORDER:

The meeting was called to order by Chairman Muck

Chairman Muck stated that he would like to recognize that we lost a member of this Commission, Trustee Annette Koeble who recently passed away suddenly. She was very passionate about the Township and will be greatly missed. The Commission recognized a moment of silence in honor of Trustee Koeble.

Present: Bohn, Hamlin, Leabu, Muck, Muir & Priebe

Absent: (1 Vacancy)

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

2. PLEDGE TO THE FLAG:

3. APPROVAL OF THE AGENDA:

Chairman Muck stated that he would like to add New Business b) ZTA 20-006 to revise the regulations regarding Floodplain Development.

Motion by Priebe, supported by Leabu

To approve the agenda as revised by adding New Business b)

Voice Vote: Ayes: 6 Nays: 0 Absent: 0 1 Vacancy MOTION CARRIED

4. APPROVAL OF MINUTES:

a) September 16, 2020 Planning Commission Meeting Minutes

Motion by Hamlin, supported by Priebe

To approve the minutes of the September 16, 2020 as presented

Voice Vote: Ayes: 5 Nays: 0 Abstain: 1 Absent: 0 1 Vacancy MOTION CARRIED

5. CALL TO THE PUBLIC:

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

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.

Chairman Muck opened the public hearing. Hearing no comment, the public hearing was closed.

Scott Pacheco, Township Planner, stated that we discussed this at our last meeting. This will put some regulations in place when you have new lots created that have water frontage. There is also language included to clarify the dock regulations that are currently in our ordinance. At the last meeting, there were some suggestions by the Planning Commission. He reviewed all of the proposed options. He stated that 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. One of the reasons we are doing these amendments is to try to enact the goals of the Master Plan. He believes that this amendment would do that.

Commissioner Priebe asked Amy Steffens, Planning & Zoning Administrator, if this is user friendly enough for her to administer or if there is anything she would like changed. Steffens stated that as with any ordinance change, the first few times you apply it, it can be more difficult, but she is sure that it will be fine. It was stated that the graphics will help people and explain how to take those measurements.

Commissioner Leabu discussed the property that would be available that some of this applies to. He stated that he does not know if there are any developments left where this would apply. Pacheco stated that this would be mostly on the Huron River and there are some properties on Hamburg Lake as well that could be split. He further discussed some of the larger parcels on the major lakes that are marshy that someone could try to develop on the high land and access through the marsh.

Discussion was held on the keyholing ordinance.

Pacheco stated that the Commission can direct him to make any revisions or make a recommendation to the Township Board for approval of a zoning text amendment. He stated that staff's recommendation is option B because it allows for a more orderly design to the lots. It requires the property to be no less wide than the riparian width at any point.

Further discussion was held on the two options.

Motion by Hamlin, supported by Bohn

To recommend approval to the Township Board of the Zoning Text Amendment ZTA 20-004 Riparian Frontage Regulations amendment Article 2; Article 7, Section 7.5.1(G); Article 8, Section 8.18.9; Article 9, Section 9.5 and 9.7 as outlined as Option B in the Staff's Recommendation dated October 20, 2020

Voice Vote: Ayes: 6 Nays: 0 Absent: 0 1 Vacancy MOTION CARRIED

- b) ZTA 20-006 - Floodplain Development.Regulations revision

Amy Steffens, Planning & Zoning Administrator stated that Hamburg Township participates in the National Flood Insurance Program which allows homeowners who purchase homes using a federally backed mortgage to purchase flood insurance in the floodplain. We also voluntarily participate in the Community Rating

System Program (CSR program). It does not change the material we collect, the zoning requirements or development requirements. It is all administrative work. Because of this program, we can undertake some activities, some of which are required to be in the program, such as collecting elevation certificates at the end of a project constructed within a flood plain, and a number of things we do throughout the year. The more points you get, the higher you move up in the classification. We are at a Class Eight, which is where we have been since we started the program. Class Eight communities receive a 10% discount on their flood insurance. It is nice because flood insurance can be costly. Even though we have a number of structures within the floodplain, there are very few that carry flood insurance. FEMA audits the Township through its CRS program every five years. Our last audit was in April 2019. We were told in early summer that in order to remain a Class Eight community in the CRS program, we have to adopt changes to our Zoning Ordinance. We need to adopt a 1-foot freeboard requirement. Freeboard is how we describe the elevation above the base-flood elevation. FEMA sets the base flood elevation. The freeboard is adopted within the residential building code, but it is a State requirement, not a FEMA requirement. The states can adopt higher regulatory standards than what FEMA prescribes. The State requires that you go one foot above the base flood elevation rather than at that elevation. The CRS program says that you have to adopt a one-foot freeboard requirement including for equipment for mechanical items for all residential buildings constructed, substantially improved and/or reconstructed due to substantial damage throughout the floodplain area. FEMA already tells FIP communities that when a structure goes through a substantial improvement, not related to a flood, when that substantial improvement is more than 50% of the market value, you have to bring the entire structure up to floodplain standards. Steffens further discussed how those structures could be brought into compliance. We did not have some of those requirements in our ordinance. What is before the Commission now are the needed changes that are required for the CSR program as well as some administrative changes. She explained the proposed changes. She discussed the maps of the floodplain panels that we have available. She discussed the removal of structures from the floodplain by FEMA. She further discussed the proposed changes. She stated that she has sent these changes to both the Livingston County Building Official and the State NFIP Coordinator for comments. Livingston County has indicated that this language will be more restrictive in terms of mechanical equipment from what the Residential Building Code currently requires. We do not have to adopt this, but if we wish to remain a Class Eight community with the 10% premium discount, we need to make these changes. We would remain in the CRS program, but could not progress past a Class 9, which gives a 5% discount on the flood insurance premium. She is looking for comments, questions, concerns or suggested changes by the Commission. It will be brought back at the next meeting for a public hearing.

Discussion was held on the base flood elevation. Steffens stated that there is not just one base flood elevation for the Township. It varies depending on where you are in the Township. Discussion was held on the elevations along the Huron River.

Steffens stated that Hamburg Township, Green Oak Township along with the Army Corp of Engineers conducted a flood inundation study. They were looking mostly at Ore Lake and Little Ore Lake because when there is a flood in the Township, it hits there. It did look upstream and downstream as well. They surveyed the elevations of all of the homes in the area, and most of them are below the base flood elevation for that section of the river. There is a map online, and it is quite a tool. We cannot use it to change our map, but we know that FEMA does not have it correct in that area.

Discussion was held on basements and crawl spaces. Steffens stated that a crawl space can be below the base flood elevation if it is properly vented.

Discussion was held on mechanical equipment. Right now, it has to be at or above and protected from infiltration of flood waters. She stated that this is not the last amendment to the floodplain ordinance. The ordinance does need an overhaul. One of the things discussed at the February joint meeting was either requiring a higher standard of freeboard or do we look at the 500-year flood area or maybe both, which would be a big change. This will be coming back to the Planning Commission within the next few months. It was stated that the changes before the Commission now is so that we can remain a Class Eight community.

Steffens stated that the flood insurance premium is based on a number of things, and one of them is where is the grade in relation to the house and the base flood elevation.

Discussion was held on the addition of a generator. It was stated that a new generator would have to be one foot above base flood elevation.

7. **OLD BUSINESS:** None

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

The question was asked what they are doing near the round-about on Winan's Lake Road. Steffens stated that the County created a new drain district to handle the flooding in that area. They are doing some major work.

9. **ADJOURNMENT**

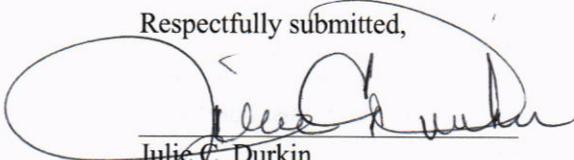
Motion by Muir, supported by Leabu

To adjourn the meeting

Voice Vote: Ayes: 6 Nays: 0 Absent: 0 1 Vacancy MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 7:57 p.m.

Respectfully submitted,



Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected: _____



Jeff Muck, Chairperson