

P.O. Box 157  
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**Supervisor:** Pat Hohl  
**Clerk:** Jim Neilson  
**Treasurer:** Allen Carlson  
**Trustees:** Mike Dolan  
Bill Hahn  
Chuck Menzies  
Jason Negri

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**HAMBURG TOWNSHIP BOARD OF TRUSTEES  
SPECIAL JOINT MEETING  
Hamburg Township Hall Board Room  
Wednesday, February 28, 2018  
7:00pm**

**AGENDA**

1. Call to Order
2. Pledge to the Flag
3. Roll Call of the Board
4. Call to the Public
5. Correspondence
6. Approval of the Agenda
7. Current Business:
  - A. Kathleen Kline-Hudson, Livingston County Planning, presentation of Livingston County Master Plan update
  - B. Elizabeth Saarela, Johnson, Rosati, Schultz & Joppich, P.C., presentation on the Michigan Medical Marijuana Program
  - C. Parks and Recreation Committee 2017 update
  - D. General Ordinance project update
  - E. ADA transition plan update
  - F. Planning and Zoning Department 2017 year-in-review
  - G. Zoning code enforcement 2017 year-in-review
  - H. Zoning text amendment, Zoning Department General Ordinances, and zoning ordinance codification
  - I. 2020 Master Plan Update Timeline and Process
8. Call to the Public
9. Board Comments
10. Adjournment



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**10405 Merrill Rd., P.O. Box 157**  
**Hamburg, MI 48139**  
**(810)231-1000**  
**[www.hamburg.mi.us](http://www.hamburg.mi.us)**

The Parks & Recreation Master Plan was adopted by the Township Board on Tuesday, June 27, 2017. A copy of this plan can be viewed at the following link:

[http://www.hamburg.mi.us/Lawroom/Parks%20%20Recreation%20Master%20Plan/Hamburg%20TWP%202018\\_Recreation%20Master%20Plan\\_11.2017\\_small%20v\\_.pdf](http://www.hamburg.mi.us/Lawroom/Parks%20%20Recreation%20Master%20Plan/Hamburg%20TWP%202018_Recreation%20Master%20Plan_11.2017_small%20v_.pdf)

A copy of the Hamburg Township Master Plan can be viewed at the following link:

[http://www.hamburg.mi.us/government/lawroom\\_\(ordinances\)\\_general\\_ordinances/master\\_plan.php](http://www.hamburg.mi.us/government/lawroom_(ordinances)_general_ordinances/master_plan.php)





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## MEMO

To: Township Board of Trustees  
Planning Commission  
Zoning Board of Appeals  
Parks & Recreation Committee

From: Deby Henneman, Parks & Recreation/ADA Coordinator

Date: February 20, 2018

Re: General Ordinance Project

At the beginning of 2017, the Clerk's Department started the captioned project, anticipating 3 phases. Phase 1, the organization of the records and compiling versions into one main document, has been completed. We are now in Phase 2 of this project, which includes the review of compiled document against originals, which allows the Township to determine if the ordinance is still valid or requires change.

There are a total of 95 Ordinance numbers that have been assigned. Approximately 73% of the Ordinances have been finalized. The breakdown is as follows:

- 35 – Have been reviewed and approved through the Township Board
- 34 – Have been (or were) repealed
- 26 – Remaining to be reviewed by Ordinance Project members

Of the 26 Ordinances remaining for review, the breakdown is as follows:

- 4 – Fire Department
- 1 – Police Department
- 11 – Tech Services/Utilities
- 9 – Zoning/Supervisor
- 1 – Cemetery

The goal is to have Phase 2 completed by the end of 2018, at which time, there will be discussion on how to proceed with the final Phase (3) of the project which will include codification.

**Attached to this memo:**

Codification Project Description

Pending Ordinance Assignment List

General Ordinance Index

Municipal Civil Infraction Ordinance (updated in October of 2017)

Land Division, Combinations & Boundary Adjustments Ordinance (new)

The Municipal Civil Infraction Ordinance updates affect all existing ordinances with penalty references. Violations notices for ordinances with penalty clauses that have not been reviewed/approved, may not be valid.

# General Ordinance Codification Project

## Description:

All General Ordinances will be retyped to include all approved amendments into one parent document, to later be re-approved by the Township Board. Ordinances are being reviewed and commented on for:

- Ordinance Number – Is the number shown, the most recent number that should be referenced?
- Typographical Errors – Punctuation, spelling, etc.
- Relevance – Is the Ordinance still necessary? Should parts of it be deleted or changed?
- Content – Does the language in the ordinance properly convey the intent? Does it make sense?
- Sanctions/Fines/Penalties – If the language includes provisions for fines, does it reference a policy by which those fines will be charged? If so, is the fine schedule something that is referenced and can it be changed without major changes to Ordinance?

The following will be the process that will be followed by the Clerk's staff for the General Ordinances only. Clerk staff member's duties include: Typing, Coordinating, Editing & Records Management.

1. All General Ordinance documents will be sorted, minimized to one original copy and put into chronological order. - **Completed**
2. A photo copy of all original documents will be made in order for the Typist to have a working copy of document. The original will remain in the Clerk's file and will be filed by Ordinance number in the Clerk Files. - **Completed**
3. Typist will re-type General Ordinance, merging all approved amendments into what will be known as the parent (compiled) document. Minor typographical errors, if found, will be corrected. - **Completed**
4. Typist will print a copy of the parent document, attach all of the working copy documents, and provide both to the assigned Coordinator. A digital copy of the Word document will also be submitted by the Typist to the Coordinator for retention in the V drive. - **Completed**
5. Scanned parent document and all supporting materials will be forwarded to the Editors. Editors will include Clerk & Deputy Clerk, along with any other Department head that the ordinance pertains to such as Police, Fire or Zoning. All editors will check for errors and omissions and indicate what changes, if any, need to be made. Paper copies of the ordinance with changes marked in red ink are requested. - **Completed**
6. Recommendations from the editors will be reviewed at a weekly Ordinance meeting, and discussion will take place on what changes should be included, if any, or if the Ordinance should

be repealed. Meetings will be held every Friday at 11 a.m. – **Meetings have been changed to monthly or on as needed basis.**

7. Once the changes are agreed upon, the Coordinator will arrange to have the edits included in the parent document, showing all corrections and strikeouts. Edits will be completed by a member of the Clerk staff.
8. The annotated parent document, showing all corrections and strikeouts, will be sent back to all editors who were involved in the review for final comment.
9. The Coordinator will arrange to have any final comments or feedback included in the final annotated copy.
10. The final annotated parent document, showing all corrections and strikeouts with the original attachments, will be forwarded to the Clerk for inclusion in the next available Township Board meeting. Township Counsel will be provided a copy through the Board packet. The Township Planning Consultant will receive a copy upon Township Board request.
11. The Township Board's comments, once received by the Coordinator, will be included in the final draft version of the parent document, including all corrections and strikeouts. The draft copy along with a clean version of the codified ordinance, will be forwarded to the Township Board for final approval.
12. The Zoning Administrator has confirmed that ordinances with formatting or clerical changes only, do not require publishing, but a motion to re-approve the ordinance as presented should be made. Any ordinances that have any language changes, eliminations or additions, must go through the publishing process after the motion is made.
13. Once approved, the Clerk will certify the document, with appropriate effective date, and provide an original to the Coordinator who will:
  - a. Scan and put in V drive
  - b. Post PDF to the website
  - c. Copy new "original" for placement in the General Ordinance binders
  - d. File Original in the Clerk Archive along with all prior versions of the Ordinance
  - e. Create a PDF Portfolio of all Ordinances once the project is complete
  - f. Update index and create a new General Ordinance binder once project is complete
  - g. Save clean Word version in the Clerk folder on the "V" drive
14. All future proposed ordinances will be sent to the Clerk's office for formatting, and the assignment of an Ordinance number, prior to being put in the Board packet for approval.
15. Should the recommendation be that the Ordinance be repealed, the process will be completed by the Clerk, with input from the Zoning Administrator (who may need to include some language in the Zoning Ordinance).

**HAMBURG TOWNSHIP  
GENERAL ORDINANCES INDEX**

1 & 1A	<i>Junk Yard Ordinance – (REPEALED by #93 effective 10/25/17)</i>
2	<i>Permanent Zoning Ordinance (DEFEATED November 1960)</i>
<b>3C</b>	<b>Emergency and Disaster Preparedness Ordinance</b>
4 & 4A	<i>Liquor Control Ordinance – (REPEALED by #93 effective 10/25/17)</i>
5A & 5B	<i>Stone Street Parking Ordinance – (REPEALED by #93 effective 10/25/17)</i>
6, 6A & 6B	<i>Plat Ordinance – (REPEALED by #24 effective 4/6/90)</i>
7, 7A & 7B	<i>Anti-Litter Ordinance - (REPEALED by #38C effective 2/11/18)</i>
8	<i>Mobile Home &amp; Trailer Coach Ordinance (REPEALED 1/29/82)</i>
9	<i>Zoning Ordinance (REPEALED by Referendum)</i>
10	<i>Nuisance Ordinance (REPEALED by #44B effective 2/11/18)</i>
<b>11</b>	<b>No Record of anything as of 1977</b>
12	<i>Building Ordinance (REPEALED See Ordinance 50)</i>
13 & 13A	<i>Outdoor Assembly Ordinance – (REPEALED by #93 effective 10/25/17)</i>
<b>14</b>	<b>Watercraft Control – Tamarack Channel</b> (REPEALED 14A on 8/15/17, Also see 71A & 92)
<b>15B</b>	<b>Snowmobile Ordinance</b> (15 & 15A Repealed 8/15/17)
16 *	<i>Community Antenna Television System Ordinance – (REPEALED by #93 effective 10/25/17)</i>
<b>17</b>	<b>Watercraft Control – Shan-gri-la, Bass Lake Canals</b> (REPEALS 17A on 8/15/18, Also see Ordinance 71A & 92)
<b>18</b>	<b>Water control – Little Ore</b> (REPEALED 18A on 8/15/17, Also see Ordinance 71A & 92)
19	<i>Enforcing Agency Ordinance – State Construction Code Act (REPEALED See Ordinance 50)</i>
20 & 20B	<i>Noise Ordinance (Repealed by Ordinance 94 on 8/15/17)</i>
20A	<i>Noise Ordinance (Repealed by Ordinance 94 on 8/15/17)</i>
<b>21</b>	<b>Watercraft Control Ordinance – Huron River</b> (REPEALED 21A on 8/15/17, Also see Ordinance 71A & 92)
22 & 22A	<i>Watercraft Control – Chilson Creek &amp; Chilson Pond (REPEALED 7/25/01)</i>
23	<i>State Electrical Code (REPEALED See Ordinance 50)</i>
<b>23</b>	<b>Ordinance Adopting Basic Fire Control Measures and Regulations Governing Conditions Which Could Impede or Interfere with Fire Suppression Forces</b>

- 24, 24A & 24B** **Subdivision Control Ordinance** – ASSIGNED TO ZONING/SUPERVISOR/CLERK 11/21/17  
 25 *Police Protection Ordinance (REPEALED See Ordinance 31)*  
 26 & 26A *Omnibus Penal Ordinance – (REPEALED by #93 effective 10/25/17)*  
 27 *Traffic Code (REPEALED See Ordinance 42)*
- 28E** **Private Road Ordinance** (28, 28A, 28B, 28C, 28D all REPEALED) – ASSIGNED TO ZONING/SUPERVISOR/CLERK 11/21/17
- 29B** **Gut Lake Hunting Ordinance** (Ordinance 29 & 29A repealed 8/15/17)  
 30 & 30A *Hamburg Township Parks Ordinance (REPEALED See Ordinance 88)*
- 31C** **Police Protection Ordinance** (REPEALS Ordinances 31 & 31A & 31B on 8/15/17)
- 32C** **Cemetery Ordinance** (REPEALS Ordinances 32, 32A & 32B effective 4/23/14) – 32D Draft being worked on by committee, was tabled by TB 11/9/17
- 33** **Watercraft Control Ordinance – Bishop Lake** (REPEALED 33A on 8/15/17, Also see Ordinance 71A & 92)
- 34 & 34A** **Alarm Ordinance** – ASSIGNED TO FIRE DEPT 11/21/17  
 35 & 35A *BOCA Basic Fire Prevention Code – (REPEALED by #93 effective 10/25/17)*  
 36 *Junk Vehicle Ordinance – (REPEALED by #43 effective 4/29/88)*
- 37B** **Solicitation Ordinance** (Ordinance 37 & 37A Repealed 8/15/17)
- 38C** **Anti-Blight and Anti-Nuisance Ordinance**
- 39B** **Minors-Alcohol or Drugs** (Ordinance 39 & 39B Repealed 8/15/17)
- 40F** **Burn Ordinance** (REPEALED 40, 40A, 40B, 40C & 40D, 40E)  
 41 *Ordinance Enforcement Officer Ordinance (REPEALED See Ordinance 70)*  
 42 *Uniform Traffic Code (REPEALED See Ordinance 59C & 60B)*  
 43 *Inoperable and/or Unlicensed Motor Vehicle – (REPEALED by #44 effective 7/22/88)*
- 44C** **Inoperable and/or Unlicensed Motor Vehicle and/or Inoperable Machinery**
- 45B** **Motorcycle Operation Ordinance** (Ordinance 45 & 45A Repealed 8/15/17)
- 46A** **Condominium Ordinance** (Repealed Ordinance 46) – ASSIGNED TO ZONING/SUPERVISOR 12/6/17  
 47 *Sewer Usage and Administration Ordinance (REPEALED See Ordinance 65)*
- 48D** **Parking Ordinance** (Versions 48, 48A, 48B, 48C REPEALED)



- 49** **Watercraft Control Ordinance – Tamarack Lake** (REPEALED 49A on 8/15/17, *Also see Ordinance 71A & 92*)
- 50** **Repeal Ordinances** (REPEALS 12 (*Building Ordinance*), *Ordinance 19 (Plumbing Codes)*, and *Ordinance 23 (Electrical Code)*)
- 51 & 51A** **Portage-Base Lakes Sewage Disposal Ordinance** (See *Ordinance 55 for Amendments*) –  
**RANDAZZO**
- 52 & 52A** **Hamburg Village Plaza Parking Ordinance** – ASSIGNED TO  
POLICE/SUPERVISOR 12/6/17
- 53 & 53A** **Property Identification Ordinance** –**ZONING/SUPERVISOR/ASSESSING**
- 54 \*** **Land Division and/or Combination Ordinance** –**ZONING/SUPERVISOR** to  
investigate possible combination with #95
- 55, 55A, 55B, 55C, 55D, 55E, 55F, 55G, 55H, 55I** –**RANDAZZO/UTILITIES**  
Sewer Use Ordinance Amendment (to Ordinance 51)
- 56** **Hamburg Township Group Insurance Coverage Ordinance**
- 57** *Ordinance to Adopt Regulations and Procedures for Basic Cable TV Rate Regulation –  
(REPEALED by #93 effective 10/25/17)*
- 58** **Consumers Power Gas Company Franchise Ordinance**
- 59D** **Traffic Code Ordinance** (REPEALED Versions 59 & 59A, 59B, 59C)
- 60B** **Motor Carriers Ordinance** (REPEALED 60, 60A Repealed 8/15/17)
- 61** **Watercraft Control Ordinance – Cordley Lake** (REPEALED 61A on 8/15/17, *Also see Ordinance 71A & 92*)
- 62 & 62A** **Stormwater Drainage Ordinance** – ASSIGNED TO ZONING/SUPERVISOR  
12/6/17
- 63** **Hazardous Spill Cost Recovery Ordinance** –Assigned to Fire Dept 11/21/17
- 64 & Schedule 1** **Establishment of a Township Sewer Enterprise Fund**
- 65** *Sewer Usage and Administration – Replaced Ordinance 47 (REPEALED See Ordinance 69)*
- 66** **Wastewater Treatment Plant Revenue Bond Sale Ordinance**
- 67** **Special Watercraft Control Ordinance – Gill/Gut Lake** (REPEALED 67A on 8/15/17, *Also see Ordinance 71A & 92*)
- 68** *Transfer of Franchise/Cable Television System Ordinance – (REPEALED by #93 effective 10/25/17)*
- 69, 69A, 69B, 69C, 69D, 69E**  
*Wastewater Treatment and Administration Ordinance (REPEALED See Ordinance 69F)*

- 69F                    **Wastewater Treatment and Administration Ordinance –  
RANDAZZO/UTILITIES**
- 69G                    **Wastewater Treatment and Administration Ordinance Amendments to 69F –  
RANDAZZO/UTILITIES**
- 70                      *Ordinance Enforcement Officer Ordinance (REPEALED by 71A on 8/15/17)*
- 71A                    **Civil Infractions Ordinance** *(REPEALED 71 on 8/15/17)*
- 72A                    **Watercraft Control Ordinance for Appleton Lake** *(Also see Ordinance 71A & 92)*
- 73                      **Water Use and Rate Ordinance –RANDAZZO/UTILITIES**
- 74                      *Telecommunications – (REPEALED by #93 effective 10/25/17)*
- 75                      *Pesticides & Manufactured Fertilizers (REPEALED See Ordinance 75A)*
- 76                      **International Fire Code Ordinance – Assigned to Fire 11/21/17**
- 77                      **Uniform Addressing and Road Naming Ordinance –ZONING/SUPERVISOR**
- 78                      **Emergency Response Cost Recovery – Assigned to Fire 11/21/17**
- 79                      **WWTP Revenue Refunding Bonds Authorizing Ordinance –  
RANDAZZO/UTILITIES**
- 80                      **Video Service Provider Right-of-Way Management Ordinance – ASSIGNED TO  
TECH SERVICES – Draft pending**
- 81                      **Ordinance Addressing Floodplain Management Provisions of the State  
Construction Code –ZONING/SUPERVISOR**
- 82                      **Brine Discharging Water Softening Appliance Use Regulation Ordinance –  
RANDAZZO/UTILITIES**
- 83                      **LCWA Water Use & Rate Ordinance**
- 84A                    **Grass and Noxious Weeds Ordinance** *–(REPEALED Version 84)*
- 85A                    **Dangerous/Abandoned Buildings** *–(REPEALED Version 85)*
- 86                      **Confirmation of Planning Commission Board – ZONING/SUPERVISOR**
- 87A                    **Domestic Animal Control Ordinance** *(REPEALS 87 on 8/15/17)*
- 88B                    **Hamburg Township Parks Ordinance** *(REPEALS Ordinance 88 effective June 23, 2013, 88A 8/15/17)*
- 89A                    **Hamburg Township Substance Abuse Ordinance** *(REPEALS 89 on 8/15/17)*
- 90A                    **Commercial Vehicle Parking and Storage Ordinance** *(REPEALS 90 on 8/15/17)*
- 91A                    **Coal Tar Ordinance** *(REPEALS 91 on 8/15/17)*

- 92** **Marine Safety Ordinance** (Amends: 14, 14A, 17, 18, 18A, 21, 21A, 33, 33A, 49, 49A, 61, 61A, 67, 67A, 72A)
- 93** **Repeal Ordinances** (*REPEALS: 1, 1A, 4, 4A, 5A, 5B, 13, 13A, 16, 26, 26A, 35, 35A, 57, 68 & 74 on 10/25/17*)
- 94** **Breach of Peace Ordinance** (Replaces 20 & 20B, 20A)
- 95** **Land Division, Combinations & Boundary Adjustments** (Also see Ordinance 54)

**Yellow Hi-lighted Ordinances have penalty references or are pending**

**Green Hi-lighted Ordinances are scheduled for repeal**

**Purple Hi-Lighted Ordinances are adopted/completed**

**Ordinances in Bold, are all current and require review**

*Ordinances in Italics are repealed*

**When assignments are made, we are looking for recommendation from the Department on how to proceed, either:**

- **Adequate as drafted**
- **Repeal with the specific reasons to support that action**
- **Or Update Ordinance, by providing updated language including repeal language for any/all ordinances being updated, in red-lined version of a Word Document.**

**All Ordinance hi-lighted in Yellow have references to penalty fees, that may or may not be affected by the most recent repeal and reissue of Civil Infraction Ordinance 71. The new language (Ordinance 71A) was approved by the Township Board 8/15/17, is being published 9/10/17, and will go into effect October 10, 2017. If an Ordinance with a penalty has been assigned to you, please review it as soon as possible to ensure that all penalty references are still enforceable, or if changes will need to be made.**

**Thank you!**

## Pending Ordinances as of 2/20/18:

<b>Ordinance #/Name</b>	<b>Department/Person assigned to:</b>
24, 24-A & 24-B Subdivision Control	Assigned: Zoning/Supervisor 11/21/17
28-E Private Road	Assigned: Zoning /Supervisor 11/21/17
32-C Cemetery	Cemetery Committee – Pending
34 & 34-A Alarm Ordinance	Assigned: Fire/Police/Supervisor 11/21/17
46 & 46-A Condominium Ordinance	Assigned: Zoning/Supervisor 12/6/17
52-A Hamburg Village Plaza Parking	Assigned: Police/Supervisor 12/6/17
62 – Storm Water Drainage	Assigned: Zoning/Supervisor 12/6/17
63 Hazardous Spill Cost Recovery	Assigned: Fire/Police/Supervisor 11/21/17
76 International Fire Code Ordinance	Assigned: Fire/Police/Supervisor 11/21/17
78 Emergency Response Cost Recovery	Assigned: Fire/Police/Supervisor 11/21/17
80 Video Service Provider Right of Way Mgt	Assigned: Tech Services – Working on Revisions

<b>Next Recommended Ordinances:</b>	<b>Assign To:</b>
53 – Property Identification Ordinance (Has penalty reference)	Assessing/Supervisor
54 – Land Division and/or Land Combination (Has specific penalty listed, should list 71-A?)	Treasury/Supervisor/Clerk/Zoning
51 & 51A – Portage-Base Lakes Sewage Disposal	Randazzo/Campbell/Supervisor
55-55I – Sewer Ordinance Amendment to 51	Randazzo/Campbell/Supervisor
69-69G – WWTP Administration	Randazzo/Campbell/Supervisor

**Hamburg Township  
Ordinance 71-A  
Municipal Civil Infraction Ordinance**

An Ordinance adopted pursuant to Public Act 236 of 1961, as amended, to provide for the enforcement of certain Hamburg Township Ordinance violations through the issuance of municipal civil infraction citations, to establish the office of Ordinance Enforcement Officer and to provide the penalties for violations of certain Ordinances where such violation is designated by the ordinance as a municipal civil infraction.

**Section 1.0. Title**

This Ordinance shall be known and be cited as the Hamburg Township Municipal Civil Infraction Ordinance.

**Section 2.0. Definitions**

- a. **Act** means Public Act 236 of 1961, as amended.
- b. **Authorized Township Official** means Township personnel authorized by this Ordinance and appointed to serve in the capacity of an Ordinance Enforcement Officer to enforce Township ordinances, investigate violations of Township ordinances and issue municipal civil infraction citations.
- c. **Civil Infraction** means an act or omission that is prohibited by law and is not a crime under that law or that is prohibited by an Ordinance and is not a crime under that Ordinance, and for which civil sanctions may be ordered.
- d. **District Court** means the 53th District Court, Livingston County, Michigan.
- e. **Municipal Civil Infraction** means a civil infraction involving a violation of a Township ordinance.
- f. **Municipal Civil Infraction Action** means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- g. **Municipal Civil Infraction Citation** means a written complaint or notice prepared by an Authorized Township Official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- h. **Ordinance Enforcement Officer** means person(s) appointed by the Township Board of Trustees to enforce the provisions of Township ordinances.
- i. **Township** means the Township of Hamburg, Livingston County, Michigan.
- j. **Trailway Municipal Civil Infraction** means a municipal civil infraction involving the operation of a vehicle on a recreational trailway at a time, in a place or in a manner prohibited by Ordinance.

- k. ***Trailway Municipal Civil Infraction Action*** means a civil action in which the defendant is alleged to be responsible for a trailway municipal civil infraction.

### **Section 3.0. Municipal Civil Infraction Action: Commencement**

A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of a municipal civil infraction citation directing the alleged violator to appear in District Court.

### **Section 4.0. Municipal Civil Infraction Citations: Issuance and Service**

Municipal civil infraction citations shall be issued and served by authorized Township officials as follows:

- a. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- b. The place for appearance specified in a citation shall be the 53rd District Court, 300 S. Highlander Way, Howell, MI 48843.
- c. Each citation shall be numbered consecutively and shall be in the form approved by the state court administrator. The original citation shall be filed with the Court; the first copy shall be retained by the Township; the third copy shall be issued to the alleged violator.
- d. A citation for a municipal civil infraction signed by an authorized Township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- e. An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- f. An authorized Township official may issue a citation to a person if:
  - 1. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - 2. Based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance or chapter, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the Township Attorney approves in writing the issuance of the citation.

- g. Municipal civil infraction citations shall be served by an authorized Township official as follows:
  - 1. Except as provided by subsection G(2), an authorized Township official shall personally serve the third copy of the citation upon the alleged violator.
  - 2. If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy of the citation on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.

**Section 5.0. Municipal Civil Infraction Citations: Contents**

- a. A municipal civil infraction citation shall contain the name of the plaintiff, the name and the address of the defendant, the municipal civil infraction alleged, the date of the alleged violation, the location of the alleged violation, the place where the defendant shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- b. The municipal civil infraction citation shall inform the defendant that he or she may do one of the following:
  - 1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  - 2. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or in person or by representation.
  - 3. Deny responsibility for the municipal civil infraction by doing either of the following:
    - a. Appearing in person for an information hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.
    - b. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
    - c. The citation shall also inform the defendant of all of the following:



1. If the defendant desires to admit responsibility "with explanation" in person or by representation, the defendant must apply to the Court in person, by mail, by telephone, or by representation, within the time specified for appearance and obtain a scheduled date and time for an appearance.
  2. If the defendant desires to deny responsibility, the defendant must apply to the Court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
  3. A hearing shall be an informal hearing unless a formal hearing is requested by the defendant or the Township.
  4. At an informal hearing, the defendant must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
  5. At a formal hearing that defendant must appear in person before a judge with the opportunity of being represented by an attorney.
- c. The citation shall contain a notice in boldfaced type that the failure of the defendant to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in the entry of a default judgment against the defendant on the municipal civil infraction.

#### **Section 6.0. Sanctions for Violations**

- A. All Ordinances having penalties adopted by the Township Board of Trustees, with the exception of those Ordinances listed in subsection (I) of this section, shall specifically declare in the Ordinance if violation of said Ordinance is to be a municipal civil infraction, make a determination as to the civil fine to be assessed for a violation of the ordinance using the class code described in subsection B of this section, and include reference to this Ordinance.
- B. Any person or other entity who violates any provision of a Township Ordinance where such violation has been specifically designated a municipal civil infraction as defined by this ordinance and state law is subject to a civil fine in accordance with the following schedule:

Class A Municipal Civil Infraction:     \$1000.00

Class B Municipal Civil Infraction:	\$500.00
Class C Municipal Civil Infraction:	\$250.00
Class D Municipal Civil Infraction:	\$125.00
Class E Municipal Civil Infraction:	\$75.00

- C. Any person who shall be found responsible for a municipal civil infraction for violating the same Ordinance two times within any one-year time period, as determined by the date of offenses, shall be deemed to be a repeat offender and shall be assessed a fine in the amount of twice the fine listed for the Ordinance which was violated.
- D. In addition to the civil fines prescribed in this Ordinance, the District Court may assess any additional costs, damages, expenses or other sanctions as authorized by state law.
- E. If the defendant in a municipal civil infraction action is determined responsible for a municipal civil infraction, the judge or district court magistrate, in addition to any fine costs, and assessment imposed under Section 8727 of the Act, as amended, may assess additional costs incurred in compelling the appearance of the defendant, which costs shall be returned to the general fund of the Township.
- F. All costs ordered by the court shall be in addition to the fines ordered under Subsection B of this section and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction in accordance with Section 8727 of the Act, provided that costs of no more than \$500 shall be ordered.
- G. Each day on which any violation of this chapter or any Ordinance or chapter continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- H. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this chapter or any Township Ordinance.
- I. The sanctions for violations enumerated in this section shall not apply to the Hamburg Township Vehicle Code Ordinance or Hamburg Township Motor Carrier Ordinance, said Ordinances having specifically adopted the penalties provided by the provisions of the state laws adopted by reference within the respective Ordinances.

**Section 7.0. Ordinance Enforcement Officer**

- A. **Establishment.** There is hereby established the office of Ordinance Enforcement Officer within Hamburg Township, Livingston County, Michigan.

- B. **Appointment.** The Township Board is hereby authorized to appoint by motion/resolution any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said motion/resolution and for such compensation as the Township Board may determine. The Township Board may further, by motion/resolution, remove any person from said office, in the discretion of the Board.
  
- C. **Authority.** Ordinance Enforcement Officers are hereby authorized to enforce all ordinances of the Township, whether heretofore or hereafter enacted, and whether such Ordinances specifically designate a different enforcing official or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this Ordinance, and the authority of the Ordinance Enforcement Officer shall be in addition and supplementary to the authority granted to such other specific officer. An Ordinance Enforcement Officer shall in the performance of the officer's duties be subordinate and responsible to the Township Supervisor or such other Township Board members as the Township Board may from time to time designate.
  
- D. **Duties.** The Ordinance Enforcement Officer's duties shall include the following: Investigations of Ordinance violations; issuing and serving Ordinance violation notices; issuing and serving appearance tickets as authorized under Public Act 147 of 1968, as amended (MCL 764.9c); issuing and serving Municipal Ordinance violation notices and municipal civil infraction citations as authorized under Public Act 12 of 1994 (MCL 600.8701, et seq); appearance in court or other judicial or quasi-judicial proceedings to assist in the prosecution of Ordinance violators; such other Ordinance enforcing duties as may be delegated by the Township Board, Township Supervisor or assigned by the Township Attorney.

#### **Section 8.0. Authorized Township Officials**

Upon appointment by the Township Board to their respective positions, the following personnel are hereby also appointed to serve the Township as Ordinance Enforcement Officers to enforce all ordinances of the Township, whether heretofore or hereafter enacted, including, but not limited to, the issuance of citations and notices pursuant to this ordinance:

- A. Planning/Zoning Administrator
  
- B. Assistant Zoning Administrator
  
- C. Code Enforcement Officer
  
- D. Any duly-appointed and sworn Hamburg Township police officer
  
- E. Department of Public Works Administrator

**Section 9.0. Availability of Other Enforcement Options**

Nothing in this Ordinance shall be deemed to require the Township to initiate its Municipal Civil Infraction Ordinance Enforcement activity through the issuance of an Ordinance Violation notice or warning. As to each Ordinance violation determined as a Municipal Civil Infraction the Township may, at its sole discretion, proceed directly with the issuance of a Municipal Civil Infraction citation or take such other enforcement action as is authorized by law.

**Section 10.0. Severability**

The sections of this Ordinance shall be deemed to be severable, and should any section, clause or provision of this Ordinance to be declared by any court of competent jurisdiction to be invalid or unenforceable, the same will not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

**Section 11.0. Repeal**

This Ordinance shall, upon its effective date, specifically repeal all provisions contained within Hamburg Township Ordinances No. 70 and No. 71. All other ordinances and parts of ordinances in conflict or inconsistent with the provisions of this ordinance are also hereby repealed.

**Section 12.0. Effective Date**

Pursuant to MCL 41.184 sec 4(1), this Ordinance will take effect 30 days after its publication.

**Certification**

I, Michael Dolan, duly appointed Clerk of Hamburg Township, Livingston County, Michigan, do hereby certify that the foregoing Hamburg Township Ordinance No. 71-A was adopted at a regular meeting of the Hamburg Township Board held on August 15, 2017 at which the following members were present: Dolan, Hohl, Hahn, Menzies, Koeble, Neilson, and Negri.



Original signed by:

Michael Dolan  
Hamburg Township Clerk

**Hamburg Township**  
**Ordinance 95**  
**Land Division, Combinations and Boundary Adjustments Ordinance**  
**(also see Ordinance 54)**

**Section 1.0. Land Divisions, Combinations and Boundary Adjustments**

Land Divisions, Combinations and Boundary Adjustments can be applied for by the Property Owners or the Township if deemed necessary.

**Section 2.0. Recorded Plats**

- a. **Statement of Purpose:** No divisioning or partitioning of any parcel in a recorded plat is permitted unless specifically approved by the Township Staff in accordance with Section 560.263 of Act 288, P.A. of 1967, as amended, and the provisions of this Ordinance.
- b. Where the application states that the purpose is to add to adjoining existing building sites and not to create separate building sites, the Township Staff may approve the application. When a separate building site is created by division of a recorded lot in a plat, no approval of the application by the Township Staff shall be given until assurance is provided that the septic system and well can be installed in accordance with the standards of the Livingston County Health Department.
- c. No lot in a recorded plat shall be divided into more than four (4) parts.
- d. No application shall be approved unless the minimum requirements of this Ordinance are met.

**Section 3.0. Unplatted Land**

- a. **Statement of Purpose.** This Section is intended to establish an orderly procedure and standards of review for divisions of land within the Township in a manner consistent with the Master Plan, the purpose of this Ordinance, the protection of property values, to ensure adequate vehicular access to lots and as a means to promote compliance with the Hamburg Township Subdivision Control Ordinance.
- b. **Applicability.** This Section regulates divisions of land or lease of more than one (1) year, or for building site development, for any parcel of unplatted land proposed to be divided into not more than four (4) parcels each containing ten (10) acres or less, or into additional parcels each containing more than ten (10) acres. A combination of unplatted lots shall be in accordance with the same standards and procedures.

c. **Procedures**

1. The applicant shall submit an application requesting to divide, combine or transfer property including the information listed in Section 3(d).
2. The application shall be submitted to the Township Assessor or other official designated by the governing body. As a part of the application the applicant shall receive verification from the Township Assessor that lot splits are available on the subject lot.
3. The application shall be reviewed by the Township Treasurer. The applicant shall also receive verification from the Township Treasurer and any other taxing agencies that all taxes have been paid on the lot or lots in question.
4. The application shall be reviewed by the Zoning Administrator. The applicant shall receive verification from the Zoning Administrator that the project meets the required zoning regulations and the lot has adequate access.
5. The application shall be reviewed by the Township Utilities Department.
6. The application shall be reviewed by the Supervisor.
7. The Township Staff may request review and comment from public safety agencies, the fire department, the Township Engineer and Township Planner.
8. Once all the reviews are complete the Township Supervisor or his designee shall either approve, approve with conditions or deny the requested land divisions. If denied, the reasons for denial shall be written into a letter and sent to the applicant.
9. If the land division is approved, Township Assessor or other official designated by the governing body shall prepare the required documentation and record the land division information with the Livingston County Register of Deeds.

d. **Submittal Requirements.** Three (3) copies of a plan shall be submitted to the Assessor or other official designated by the governing body. The submittal shall include all of the following:

1. A completed application on such written form as the Township provides and payment of the applications fee.
2. Proof of ownership interest in the land which is subject to the proposed application.
3. A statement indicating any restrictions and/or covenants which apply to or run with the land having bearing upon the proposed division.

4. If access is along a public road, the applicant shall provide documentation from the Livingston County Road Commission stating the proposed lot(s) has adequate sight distance.
  5. Where easements are needed, written documentation of their availability shall be provided.
  6. Any due or unpaid taxes or special assessments upon the property shall be paid before the division of land is given final approval.
  7. When a separate building site is created by division the applicant shall provide a letter from the Livingston County Health Department that states a septic system and well can be installed in accordance with the required standards if needed.
  8. When determined to be necessary by the Assessor's Office: A survey and plan of the lot to be divided, accurately drawn at a scale of not smaller than one-inch equals one hundred feet (1" = 100'), prepared by a Registered Land Surveyor or Civil Engineer licensed to practice in the State of Michigan. The plan shall show:
    - a. All existing buildings and structures on the site and located on abutting property within fifty (50) feet of the lot to be divided;
    - b. Driveways on the lot to be divided and within two hundred fifty (250) feet of any lot frontage (on both sides of the roadway);
    - c. Boundaries of any water body or wetland over two (2) acres in size;
    - d. All proposed divisions, with complete dimensions and area of each proposed resultant parcel;
    - e. Proposed easements locations, with dimensions;
    - f. Proposed limits within which principal structure and accessory building shall be confined on such parcel, with dimensions.
  9. When determined to be necessary by the Assessor's Office: An adequate and accurate legal description of each resulting parcel.
  10. The time period for approval shall not commence until all of the requirements for an application have been completed.
- e. **Standards for Review.** In reviewing a requested land division regulated by this Ordinance, the following shall be considered:
1. The proposed division, together with any previous division of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under the Land Division Act.

2. The depth to width ratio of any parcel created by the proposed division, exclusive of access roads, easements or non-developed sites, shall not exceed one to four.
  3. **Easements:** Any lot or parcel created shall include adequate provision or easements for current or future public utilities and franchised utilities.
  4. **Access:** No lot or parcel shall be created unless accessibility is provided either by a public street or private road within a permanent easement. All public roads shall meet the standards of the Livingston County Road Commission. All private roads shall be designed and constructed according to the Hamburg Township Private Road Ordinance. The number, spacing, location and design of driveways meet the standards contained in Section 10.8 of the Zoning Ordinance.
- f. **Duration of Approval** A decision approving of a land division, adjustment, or merger application shall be effective for up to 1 year, unless either of the following requirements are satisfied within that one (1) year period:
1. A deed or other recordable instrument of conveyance, accurately describing the resulting parcels, other than the remainder of the parent parcel or parent tract retained by the applicant, shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Township Assessor's Office; or
  2. A survey, accurately showing the resulting parcels, shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the township Assessor's Office. Such survey shall comply with the minimum requirements of Public Act No. 132 of 1970 (MCL 54.211 et seq.).
  3. If the requirements of subsection (F)(1) or (2) are not satisfied within one year of the approval, such land division approval shall, without further action of the Township, be deemed revoked.

#### **SECTION 4.0. Severability**

The provisions, sections and terms of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining terms and conditions of this Ordinance shall continue in full force and effect.



**SECTION 5.0. Effective Date**

This Ordinance will become effective immediately upon publication in a newspaper as required by law following its adoption by Hamburg Township.

**Certification**

I, Michael Dolan, being the duly elected Clerk of the Township of Hamburg, Livingston County, Michigan hereby certify that: (1) foregoing is true and complete copy of the Ordinance duly adopted by the Township Board at a meeting of the Board held on Tuesday, July 25, 2017, at which a meeting quorum was present and remained throughout; (2) the original thereof is on file in the records of the Clerk's office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267. Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required by thereby.

Original signed by:



Michael Dolan  
Hamburg Township Clerk





Hamburg Township Offices  
10405 Merrill Rd., P.O. Box 157  
Hamburg, MI 48139  
(810)231-1000  
[www.hamburg.mi.us](http://www.hamburg.mi.us)

In 2016, Hamburg Township conducted an ADA Audit and developed a transition plan. This plan covers all Township owned and operated facilities, including the parklands and trails. The Transition Plan will be presented to the board and level one priorities should be the first barrier removals to be completed. The level descriptions are as follows:

- Priority Level One: Parking Spaces/Sidewalks/Paths: Provide accessible route from the parking space connecting to an accessible route, up to and through entrance to public space. Includes outdoor facilities.
- Priority Level Two: Programming/Services: Provide access to all programs and services including arranging for accommodations for website/meetings.
- Priority Level Three: Restrooms: Provide access into and through the restroom and its elements, including access to portable toilets in parklands/trailheads.
- Priority Level Four: Remaining Elements: Provide access to remaining elements not previously covered such as drinking fountains, telephones, etc.

All new construction, including upgrades, must meet the [2010 Americans with Disabilities Act Standards for Accessible Design](#) and that the ADA Coordinator serves as the point of contact for the Township. As such, the Coordinator is responsible for signing off on all Township projects as relates to ADA compliance. A form will be developed to track all items which are completed on the list, or to notify the coordinator of new projects are planned for.

[Outdoor Developed Areas](#) developed in 2004 were amended to include trails in 2014. This should be kept in mind when trail systems connecting neighborhoods and businesses to the Lakelands Trail are considered.

[Type here]

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



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

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## MEMORANDUM

**Item:** 7F  
**To:** Township Board, Planning Commission, Parks and Recreation Committee and Zoning Board of Appeals  
**From:** Amy Steffens, AICP  
Planning and Zoning Administrator  
**Date:** February 28, 2018  
**Subject:** 2017 Permits, Zoning Board of Appeals, and Planning Commission year-in-review

### LAND USE PERMITS (LUP)

When an applicant applies for a land use permit, the following process is followed:

1. A completed land use permit application is submitted to the Planning and Zoning Department (either in person, or via email or mail), along with three copies of project construction plans and three copies of the site plan. The site plan must accurately show property boundaries, location of grinder pump, well, septic field, and all existing and proposed improvements. The site and project footprint must be staked prior to the submittal of the land use permit.
2. After the application is reviewed for completeness, zoning staff conduct a site inspection, if necessary depending on the project, to verify the information on the plans.
3. The land use permit must be approved by the Assessing, Treasury, and Utilities Departments prior to the Zoning Department issuing the permit. Once the permit is approved and issued, the applicant is contacted to pay for and pick-up the approved plans and permit.
4. If required, the applicant files for permits from the Livingston County Building Department.

Upon project completion, the applicant must contact the Planning and Zoning Department for a final inspection. Staff will visit the site to verify that the project appears to be built to plan and that all final zoning compliance requirements, such as final grading, removal of construction debris, or drainage management, are complete. Once the inspection is complete, staff contacts the building department to inform them that the final zoning inspection has been approved.

## 5. Table 1: Land use permits issued 2015

HAMBURG TOWNSHIP ZONING DEPARTMENT													
LAND USE PERMITS ISSUED													
YEAR: 2015													
TYPE	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Additions	1	1	3	5	3	6	8	7	4	2	0	1	41
Alterations	2	2	6	1	8	4	2	3	8	3	0	2	41
Commercial	1	0	0	1	0	0	0	0	0	0	0	0	2
Demolitions	0	0	1	3	0	1	0	0	0	1	1	0	7
Fences	0	0	0	4	5	5	5	1	3	3	2	3	31
Garages	1	0	1	3	1	0	3	2	1	1	0	0	13
New Houses	2	3	1	8	6	13	3	4	0	7	1	2	50
HO	0	0	0	0	0	0	0	0	0	0	0	0	0
Decks	1	1	3	4	8	16	4	4	5	0	2	5	53
Sheds	0	0	1	1	2	3	4	1	2	3	0	0	17
Other	1	0	0	2	1	3	2	5	3	0	0	2	19
Pole Barns	0	0	1	2	3	2	1	6	0	2	1	0	18
Signs	0	0	1	1	1	2	2	2	2	3	1	0	15
Swimming Pools	0	0	1	1	2	1	1	0	0	0	0	0	6
Seawalls	0	0	0	0	0	0	0	0	0	0	1	0	1
Renewal	0	0	1	0	0	0	0	0	0	0	0	0	1
Repairs	9	7	13	24	26	89	141	92	97	52	30	10	590
WFR													0
<b>TOTAL</b>	<b>18</b>	<b>14</b>	<b>33</b>	<b>60</b>	<b>66</b>	<b>145</b>	<b>176</b>	<b>127</b>	<b>125</b>	<b>77</b>	<b>39</b>	<b>25</b>	<b>905</b>

**Table 2: Land use permits issued 2016**

Hamburg Township Zoning Department													
Land Use Permits Issued													
Year: 2016													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
	0	0	0	0	0	0	0	1	0	0	0	0	1
Addition	1	3	1	5	7	3	5	5	2	7	2	2	43
Alteration	1	4	5	8	5	0	2	5	2	3	3	1	39
Bed and Breakfast	0	0	0	0	1	0	0	0	0	0	0	0	1
Commercial Parking	0	1	0	0	0	0	0	0	0	0	0	0	1
Commercial Sign	0	0	0	1	2	0	0	0	0	0	0	0	3
Comm Tenant Improve	2	0	0	1	1	0	1	1	0	0	0	1	7
Deck	0	0	4	7	9	6	7	7	5	5	1	0	51
Demolition	1	0	1	1	1	0	0	1	0	0	0	1	6
Fence	2	1	1	2	3	4	3	1	1	5	2	2	27
Firewood Sales	0	0	0	0	0	0	0	0	0	1	0	0	1
Garage	2	0	2	0	5	2	1	2	0	3	3	0	20
Grading	0	0	1	0	0	1	0	0	0	0	0	1	3
Home	1	3	2	7	8	5	7	7	7	2	3	1	53
Home Occupation	0	0	0	0	0	0	0	0	0	1	0	0	1
Mechanical equipment	0	0	0	0	0	0	0	1	1	2	0	0	4
Mobile Home	0	0	0	0	0	0	1	0	0	0	1	0	2
Other	0	1	0	1	0	1	0	6	0	1	1	0	11
Peripheral: patio, terrace	0	0	0	1	0	3	0	0	0	0	0	0	4
Pole Barn	0	1	1	2	1	3	1	0	0	0	0	1	10
Pool, inground	0	0	0	0	0	0	0	2	0	0	0	0	2
Repair, Reroof	10	11	25	20	39	26	19	26	24	28	13	9	250
Seasonal Sales	1	0	0	0	0	1	1	0	0	0	0	0	3
Seawall	3	0	1	1	0	0	1	0	0	1	0	0	7
Shed	0	1	2	0	4	5	3	1	1	3	4	1	25
Sign	0	0	3	2	0	2	0	4	1	0	1	1	14
Swimming Pool	0	0	0	3	2	1	0	0	0	0	0	0	6
Temporary Sign	1	0	1	0	0	0	0	1	0	0	0	0	3
Temporary Use	0	0	0	0	0	3	0	0	0	0	0	0	3
WCF	0	1	0	0	0	1	0	0	0	0	0	0	2
<b>TOTALS</b>	<b>25</b>	<b>27</b>	<b>50</b>	<b>62</b>	<b>88</b>	<b>67</b>	<b>52</b>	<b>71</b>	<b>44</b>	<b>62</b>	<b>34</b>	<b>21</b>	<b>603</b>

**Table 3: Land use permits issued 2017**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Issued
	1	1	0	0	0	0	1	0	0	1	0	0	4
Accessory Dwelling Unit	0	1	1	0	0	2	0	0	0	0	0	0	4
Addition	2	2	3	3	4	4	4	1	9	8	3	1	44
Alteration	3	1	4	2	3	3	2	1	5	1	2	1	28
Bed and Breakfast	0	0	0	1	0	0	0	0	0	0	0	0	1
Commercial New Construction	0	1	0	0	0	0	0	0	0	0	0	0	1
Commercial Parking	0	0	0	0	0	0	0	1	0	0	0	0	1
Commercial Tenant Improvement	1	2	0	0	0	0	0	0	0	1	0	0	4
Deck	1	1	1	12	4	9	4	3	4	2	3	2	46
Demolition	3	1	1	1	0	1	0	0	1	3	2	0	13
Fence	0	0	1	3	4	4	0	4	2	1	1	2	22
Firewood Sales	0	0	0	0	0	0	0	0	0	1	0	0	1
Garage	1	1	1	5	2	0	1	0	1	1	0	0	13
Home	5	1	1	8	9	3	2	5	3	2	2	1	42
Home Occupation	0	0	0	0	0	0	0	0	0	0	1	0	1
Mechanical equipment	0	0	3	2	3	1	1	1	1	2	2	0	16
Mobile Home	0	0	0	0	0	0	0	2	0	0	0	0	2
Other	1	0	0	1	0	1	1	0	1	1	0	2	8
Pole Barn	0	1	2	0	1	1	1	2	3	1	1	1	14
Pool, above-ground	0	0	1	0	0	1	0	0	0	0	0	0	2
Pool, inground	0	0	0	0	2	0	1	1	1	0	1	0	6
Repair, Reroof	5	15	17	23	27	25	26	23	32	26	36	7	262
Repair, windows	1	0	0	0	0	0	0	0	0	0	0	0	1
Seasonal Sales	0	1	0	0	0	2	0	1	0	0	0	0	4
Seawall	0	0	0	0	0	0	0	0	0	0	1	1	2
Shed	0	0	1	1	4	8	2	0	2	2	1	0	21
Sign	1	1	1	4	1	0	0	1	0	0	0	0	9
Temporary Use	0	0	1	0	0	0	0	0	0	0	0	1	2
Wireless Communication Facilities	0	0	0	0	1	1	0	0	0	2	0	0	4
<b>TOTALS:</b>	<b>25</b>	<b>30</b>	<b>39</b>	<b>66</b>	<b>65</b>	<b>66</b>	<b>46</b>	<b>46</b>	<b>65</b>	<b>55</b>	<b>56</b>	<b>19</b>	<b>578</b>

From 2015 to 2016, there was 33 percent decrease in the number of land use permits issued and from 2016 to 2017 a four percent decrease. As seen in tables 1, 2, and 3 repair permits account for the majority of permits issued. (In 2015, there was a hail storm that caused severe roof damage in the township, which contributed to the 65 percent of all issued permits being repair or reroof permits, while in 2016 and 2017 repair permits accounted for 42 and 46 percent, respectively, of issued permits.)

Staff expects that two large residential projects, the Crossings at Lakeland Trail apartment complex and Regency Village PUD, will begin construction in 2018 thereby increasing the total number of permits issued in 2018. However, staff expects a modest five percent increase in the number of permits issued in 2018 for projects other than those two residential developments.

In 2016, the Planning Department implemented BS&A's building module. The program allows staff to maintain a digital record of permits, plans, code enforcements, variances, land divisions, site plan reviews, and floodplain information, all of which aids in work flow and customer services efficiency. BS&A also allows the departments that must approve a land use permit (assessing, treasury, utilities, and planning) prior to its issuance to leave an electronic record of approvals, denials, and comments. BS&A has proven to be a valuable tool in streamlining work flow.

## ZONING BOARD OF APPEALS

Variance approval from the Zoning Board of Appeals is necessary when a proposed project does not comply with the bulk and setback standards of the ordinance. The ZBA may also issue interpretations of the Zoning Ordinance. Below is a summary of the variance process:

1. The variance or ordinance interpretation application and project plans are submitted to the Planning and Zoning Department at least four weeks prior to the ZBA hearing.
2. After review to ensure the application is complete, staff prepares legal notices that are mailed to adjoining property owners and occupants within 300 feet of the subject site; legal notice is published in the Press and Argus. Legal notice must be made 15 days prior to the hearing.
3. Staff prepares the report and exhibits. The staff report packet is published 10 days prior to the hearing; board members and applicants receive the packet via email.
4. Staff prepares the meeting room and attends the board meeting.
5. After hearing, staff prepares memorialization of findings for board approval at next hearing.

The number of variance applications per year has fluctuated based on multiple factors such as the health of the economy, the constrained size of waterfront lots available for residential construction, code enforcement activity, and staff working with homeowners to design a project that would comply with the ordinance. There has been a steady decline in the number of variance applications filed from 2015 to 2017. The ZBA considered 35 variance applications in 2015, 26 in 2016, and 20 in 2017. Recent zoning text amendments, namely amendments to Section 11.3. (the “50 percent market value rule”), Section 8.3.2. (allowing an accessory structure to have reduced side and front yard setbacks), and Section 8.17. (allowing decks less than 24-inches above grade to encroach into the required setbacks, provided the deck was five feet from a property line) have benefited property owners and resulted in fewer variance requests.

Of the 20 variance applications heard by the ZBA in 2017, all 20 were approved. Table 4 below presents a summary of variance applications considered in 2017.

**Table 4: 2017 ZBA Hearings**

<b>Hearing date, case number, address</b>	<b>Project Description</b>	<b>A: approve, D: deny, T: table</b>
<b>January</b>	Hearing cancelled	
<b>February</b>		

<p><b>ZBA 17-001 at 2513 Melvin Drive</b></p>	<p>Variance application to allow for the construction of a 1,260-square foot, two-story addition onto an existing non-conforming dwelling. The addition will have a 41.2-foot setback from the ordinary high water mark of Tioga Lake (50-foot setback from ordinary high water mark required, Section 7.6.1.fn3).</p>	<p><b>A</b></p>
	<p>The existing dwelling has a 39-foot setback from the ordinary high water mark (50-foot side yard setback required, Section 7.6.1.fn3.), and has a 23-foot front yard setback (25-foot front yard setback required, Section 7.6.1.). Because the project will exceed 50 percent of the market value of the existing non-conforming dwelling a variance to allow the non-conforming dwelling setbacks to remain is required (Section 11.3.2.).</p>	
<p><b>ZBA 17-002 at 5260 Edgelake</b></p>	<p>Variance application to allow for the construction of a 966-square foot, one and a half story addition which will attach onto existing non-conforming dwelling and non-conforming detached garage. The addition will have a 4.5-foot east side yard setback (10-foot side yard setback required, Section 7.6.1.) and a 20.3-foot front yard setback (30-foot front yard setback required, Section 7.6.1.).</p> <p>The existing dwelling has a 4.5-foot east side yard setback (10-foot side yard setback required, Section 7.6.1.); the existing garage has a 2-foot front yard setback (30-foot setback required, Section 7.6.1.). Because the project will exceed 50 percent of the market value of the existing dwelling a variance to allow the non-conforming dwelling and garage setbacks to remain is required (Section 11.3.).</p>	<p><b>T</b></p>



<p><b>ZBA 17-004 at 8892 Lagoon Drive</b></p>	<p>Variance application to allow for the reconstruction of a 1,485-square foot dwelling, with an attached two-car garage, that suffered 100 percent loss due to a fire. The proposed dwelling would be reconstructed in the same footprint as the previous dwelling, with a 20-foot front yard setback (25-foot front yard setback required, Section 7.6.1.), a 14.6-foot rear yard setback (30-foot rear yard setback required, Section 7.6.1.), and 7-foot and 6-foot west and east side yard setbacks, respectively (10-foot side yard setbacks required, Section 7.6.1.). The proposed lot coverage would be 75 percent (40 percent lot coverage permitted, Section 7.6.1. fn 7).</p>	<p><b>A</b></p>
	<p>Because the dwelling's damage exceeds 50 percent of the market value of a non-conforming building, variance approval is required to reconstruct the dwelling in a non-conforming location (Section 11.3.2.).</p>	
<p><b>March</b></p>		
<p><b>ZBA 2017-005 at 9646 Fairway Drive</b></p>	<p>Variance application to allow for the placement of a 30-foot tall golf ball barrier netting, running for 125 linear feet, along the parcel's south side yard property boundary (six-foot tall fence permitted in a side yard, Section 8.14.2.).</p>	<p><b>A</b></p>
<p><b>ZBA 17-006 at 9676 Zukey Drive</b></p>	<p>Variance applications to allow new second story additions to the main structure and detached garage and a complete remodel of both buildings. The project also include a 40 square foot main level addition to the entry area and a new wrap around covered porch off of the north and south side of the main structure.</p>	<p><b>A</b></p>

	<p>The project is requesting three variances for the main structure and one variance to the garage structure. The variances to the main structure include: a variance to allow the structure to have a 5 foot north side yard setback where 10 foot is required (Section 7.6.1(F)); a variance to allow the structure to have a 4.83 foot south side yard setback where 10 foot is required (Section 7.5.1 (F)); and a variance to allow the structure to have a 29.21 foot setback from the ordinary high water mark of Zukey Lake where 50 foot is required (Section 7.5.1 footnote 3). The detached garage requires a variance because it is 1.8 feet from the front (east) property line where 15 feet is required (Section 8.3.2). Because the cost of the projects will be more than 50% of the market value of these non-conforming structures prior to the start of construction a variance is required (section 11.3.2).</p>	
<p><b>April</b></p>		
<p><b>ZBA 17-002 at 5260 Edgelake</b></p>	<p>Variance application to allow for the construction of a 982.6-square foot, two story addition which will attach onto existing non-conforming dwelling and non-conforming detached garage. The dwelling will have a 5-foot, 6-inch east side yard setback and a 22-foot north front yard setback (10-foot side yard setback and 30-foot front yard setback required, Section 7.6.1.). The proposed storage and work shop space would have an 11-foot north front yard setback and a 5-foot 9-inch west side yard setback (15-foot north side front yard setback required and 10-foot west side yard setback required, Section 7.6.1. and Section 8.3.).</p> <p>The existing dwelling has a 7.0-foot, 10-inch east side yard setback (10-foot side yard setback required, Section 7.6.1.); the existing garage has a 1-foot north front yard setback and 5-foot, 9-inch west side yard setback (15-foot front yard setback and 10-foot side yard setback required, Section 7.6.1.). Because the project will exceed 50 percent of the market value of the existing dwelling a variance to allow the non-conforming dwelling and garage setbacks to remain is required (Section 11.3.).</p>	<p><b>T</b></p>

<p><b>ZBA 17-007 at 8886 Lagoon</b></p>	<p>Variance application to allow for the reconstruction of the existing 2,952 square foot, two story dwelling that suffered 100 percent loss from a fire in 2016. The new dwelling will be constructed in the same footprint as the previous fire-damaged dwelling but will include a new 576-square foot second story area over the garage. The new structure would be 3,528 total square feet.</p>	<p><b>A</b></p>
	<p>Because the existing footprint is 1.5 feet from the east property line where 10 feet is required (Section 7.6.1) and the cost of the project will be greater than 50 percent of the market value of the structure prior to the fire damage a variance is needed from Section 11.3.6 (B).</p>	
<p><b>ZBA 17-008 at 10884 Bob White Beach</b></p>	<p>Variance application to allow a roofed patio area off of the northeast corner of the existing dwelling. The covered porch will be 3 feet from the north property line where 10 feet is required (Sections 7.6.1. and 8.17.3.).</p>	<p><b>A</b></p>
<p><b>May</b></p>		
<p><b>ZBA 16-003 at 3338 Apache Trail</b></p>	<p>Variance application to allow the partial demolition, reconstruction and additions to an existing non-conforming single-family dwelling. The proposed additions do not encroach into the setbacks; however, the existing non-conforming structure has a west side yard setback of 6 feet, 1.75 inches and an east side yard setback of 5 feet, 5.25 inches where 10-foot side yard setbacks are required (Section 7.6.1.) Because this project will cost more than 50% of the existing market value of the structure, a variance to allow these non-confining setbacks to remain is required (Section 11.3).</p>	<p><b>A</b></p>
<p><b>ZBA 17-002 at 5260 Edgelake</b></p>	<p>Variance application to allow for the construction of a proposed 885-square foot first-floor addition that will attach onto an existing non-conforming dwelling and non-conforming detached garage. The proposed 483-square foot second-story living space addition would have a 5-foot east side yard setback and a 22-foot north front yard setback (10-foot east side yard and 25-foot north front yard setbacks required, Section 7.6.1.).</p>	<p><b>A</b></p>

	<p>The proposed storage and work shop space would maintain the 3-foot north front yard setback approved per ZBA 1995-31 and the required 10-foot west side yard setback (15-foot north side front yard and 10-foot west side yard setbacks required, Sections 7.6.1. and 8.3.).</p> <p>The existing dwelling has a 7.0-foot, 10-inch east side yard setback (10-foot east side yard setback required, Section 7.6.1.); the existing garage has a 1-foot north front yard setback and 5-foot, 9-inch west side yard setback (15-foot north front yard and 10-foot west side yard setbacks required, Section 7.6.1.). Because the project will exceed 50 percent of the market value of the existing residential structures a variance to allow the non-conforming dwelling and garage setbacks to remain is required (Section 11.3.).</p>	
<b>ZBA 17-010 at 10766 Bob White Beach</b>	Variance Application to allow the removal of the existing structure and the reconstruction of a new single family home that is 7.1 feet from the northeast and southwest side property line where 10 feet side yard setback are required (Section 7.6.1).	<b>A</b>
<b>ZBA 17-011 at 11423 Algonquin</b>	Variance Application to allow a new 728 square foot main level addition and a 584 square foot upper level addition. Main level addition include a 505 square foot garage that encroaches 1.83 feet into the required 15 foot front setback for garages on lots that abut a water (Section 8.3.2) and an entry area that encroaches 2 feet into the required 25 foot front yard setback (Section 7.6.1). The 584 square foot upper level master bedroom addition over the proposed garage encroaches 11.83 feet into the required 25 foot front yard setback for living space (Section 7.6.1).	<b>A</b>
<b>ZBA 17-012 at 5983 Winans Drive</b>	Variance Application to allow a new 8 foot by 18 foot addition to the front entry way of the house. This addition will encroach three foot into the required 10 foot east side yard setback were 10 foot is required (Section 7.6.1).	<b>A</b>
<b>ZBA 17-013 at 11208 Hall Road</b>	Variance application to allow for the construction of a 186 square foot sun room addition. The new addition will be 14.4' from the ordinary high water mark of Hamburg Lake where 50 feet is required (Section 7.6.1 Footnote 3).	<b>A</b>

<b>June</b>		
<b>ZBA 17-014 at 8707 Rushside Drive</b>	Variance application to allow the construction of a 1,457 square foot addition, that will meet all the required setback, to an existing 1,920 square foot structure. The existing structure is 5 feet from the south side yard and is therefore considered an existing non-conforming structure. Because this project will cost more than 50% of the existing market value of the existing structure, a variance to allow the non-confining setbacks to remain is required (Section 11.3.2).	<b>A</b>
<b>July</b>		
<b>ZBA 17-015 at 6209 Winans Drive</b>	<p>Variance application to allow for the construction of 455-square feet of second-story living space over a proposed 620-square foot garage on the south façade of an existing dwelling. The second-story living space addition would have a 6.2-foot east side yard setback (10-foot side yard setback required, Section 7.6.1.)</p> <p>The proposed addition, in conjunction with the approved interior remodel work, will be more than 50 percent of the market value of the existing structure. Because the existing dwelling's setbacks are nonconforming, variance approval is required (Section 11.3.).</p>	<b>A</b>
<b>August</b>		
<b>ZBA 17-016 at vacant on Baudine Street</b>	Variance application to permit the construction of a new 1,699-square foot single-story dwelling with an attached 6690-square foot garage. The dwelling will have a 23.9-foot setback from the ordinary high water mark of a Rush Lake canal (50-foot setback from the ordinary high water of a waterbody required, Section 7.6.1.fn3) and a 23.9-foot rear yard setback (30-foot rear yard setback required, Section 7.6.1.).	<b>A</b>
<b>September</b>		
<b>ZBA 17-017 at 8735 Riverside Drive</b>	Variance application to permit the construction of a 10-foot by 16-foot enclosed porch on the front façade of an existing dwelling. The porch would have a six-foot west side yard setback (10-foot side yard setback required, Section 7.6.1.).	<b>A</b>

<b>ZBA 17-018 at 5125 Burton Drive</b>	Variance application to permit the construction of a 528-square foot garage addition with an attached 548-square foot shed. The garage and shed additions are proposed to encroach 30.4 feet into required fifty (50) foot wetland setback (9.9.3).	<b>A</b>
<b>ZBA 17-019 at 10260 Langley</b>	Variance application to permit major reconstruction and a 72 sq. ft. addition to nonconforming residential dwelling. A variance is required because the cost of the project will exceed fifty (50) percent of the market value of the existing non-conforming structure prior to the time that work is started (Section 11.3.5) and the proposed addition is 7.8 feet from property line (10 foot side yard setback required; Section 7.6.1).	<b>A</b>
<b>October</b>		
<b>ZBA 17-020 at 8381 Hillpoint</b>	<p>Variance application to permit the construction of an 8-foot by 13.5-foot addition onto the north façade of the existing non-conforming dwelling. The addition would have a 5.5-foot north side yard setback and a 23.25-foot west front yard setback (10-foot side yard setback and 25-foot front yard setbacks required, Section 7.6.1.).</p> <p>In addition, the project includes an interior remodel and construction of a 7-foot by 30-foot addition onto the east façade of the existing non-conforming dwelling. Because the proposed two additions and interior remodel will exceed 50 percent of the market value of the existing structure, variance approval is required (Section 11.3.2.).</p>	<b>A</b>
<b>November</b>		
<b>ZBA 17-021 at 5351 Gallagher Boulevard</b>	Variance application to permit the construction of a 24-foot by 35-foot detached accessory structure with an eight-foot setback from the boundary or edge of a regulated wetland (50-foot setback from the boundary or edge of any regulated wetland required, Section 9.9.3.B.).	<b>A</b>
<b>December</b>		
	Hearing cancelled	

**PLANNING COMMISSION:**

In 2016, the Commission held three special meetings and nine regular meetings. The Commission approved three special use permits and recommended approval on five zoning text amendments, one zoning map amendment, and four site plan reviews. The Commission discussed but did not act on drainage and grading permits or the intersection visibility ordinance. In 2017, the Commission held two special meetings and nine regular meetings. The Commission approved one accessory dwelling unit (ADU) and recommended approval on three zoning text amendments, two zoning map amendments, three site plan reviews (wireless communications facility, Regency Village, and commercial structure in Village Center) and an amendment to the Mystic Ridge PUD.

Table 5 below presents a summary of the 2017 Commission hearings.

**Table 5: 2017 Planning Commission Hearings**

Projects considered	A=Approved; RA=recommended approval to Township Board; T=tabled
<b>January 18 Meeting cancelled</b>	
<b>February 15 Meeting cancelled</b>	
<b>February 22</b>	
ZTA 17-001: The proposed Zoning Map Amendment is to change the zoning on the vacant property at 4715-02-100-010, which is directly east of 5960 Cunningham Lake Road, from Public and Private Recreation Facilities (PPRF) to Water Front Residential (WFR).	RA
ZTA 17-002: The proposed Zoning Map Amendment is to change the zoning on the east portion of the property at 15-52-200-062 from General Industrial (GI) to Village Residential (VR). The applicant has submitted a lot line adjustment to split parcel 15-52-200-062 into two Parcels. Parcel A is a 29,141.64 square foot site on the east portion of the property. This is the parcel that is proposed to be rezoned as a part of this application. Parcel B is a 1.64 acre site that encompasses the west portion of the site and is part of the Crossing at Lakelands Trial Planned Unit Development. No zoning change is proposed for this site as a part of this application.	RA
Review and make a decision on the accessory dwelling unit application to allow a 952-square foot ADU on the second story of a new 2,192-square foot attached garage addition at 11025 Hamburg Road within the WFR district.	A

Review and make decision on a sign permit application for a new 32-square foot freestanding monument sign at 7440 E M-36.	A
land division (PLD 17-001) to divide parcel 15-25-400-062 into two parcels. Parcel A on the west side of the site accessed off of Hall Road would be 0.669 acres and Parcel B which is part of the Crossings at Lakeland Trail apartments PUD would be 1.640 acres.	A
Joint meeting with Township Board, ZBA, Parks and Recreation <b>March 15, 2017</b>	
land division at parcel number 15-01-100-007 accessed off Hamburg Road (Attachment A). The request is to split the existing 15.31 acre site into four (4) sites; Parcel 1 will be a 4.38 acres site on the north part of the parent parcel; Parcel 2 will be a 2.17 acre site that will share access from Hamburg road with Parcel 1; Parcel 3 will be a 4.33 acre site and Parcel 4 will be a 4.43 acre site on the south part of the parent parcel.	A
<b>April 19, 2017</b>	
lot combination for parcels 15-25-300-016 (developed 0.29 acre) and -018 (vacant 1.18 acre) into a single parcel.	A
land division to divide 7644 Maltby Road into four parcels	A
Review draft ZTA 17-001 to add Agricultural Commercial/Tourism Business uses to the RAA and CE zoning districts (Article 8, Section 8.29 Agricultural Commercial/Toursim Businesses and Article 2 Definitions).	Review
Review draft ZTA 17-002 to revise and streamline the process required for land divisions, combinations, and boundary adjustments in Article 8 Section 8.8. of the township zoning ordinance.	Review
<b>May 17, 2017</b>	
Preliminary and final site plan review for a 665-sqaure foot addition to an existing 1,574-square foot structure at 7252 Stone Street (TID 15-25-101-013)	RA
Preliminary and final site plan review for a wireless communications facility to include a 197-foot tall monopole and associated accessory equipment within a 91-foot by 64-foot leased area at 6400 M-36 (TID 15-23-300-003).	RA
Public hearing for ZTA 17-001, Agricultural Commercial/Tourism Businesses within CE and RAA and allow community supported agricultural businesses within the CE, RAA, and RA districts by right.	RA



Public hearing for ZTA 17-002, remove from Section 8.8. "divisions of lots in recorded plats and division of unplatted parcels" and create a general ordinance to regulate land divisions, combinations, and boundary adjustment.	RA
<b>June 21, 2017</b>	
Public hearing to review and discuss the Open Space PUD to allow a 70-unit single family housing development on 15-16-400-011 (27.7 acres) and 15-21-200-019 (24 acres). This development proposes a unique mix of housing types that will be clustered on the south portion of these lots to preserve the existing wetlands and other sensitive areas of the site.	T
Review draft ZTA 17-005 to revise Section 11.3. "non-conforming buildings and structures) in Article 11 (50 percent market value rule).	Review
<b>7/11/2017 (special)</b>	
Public hearing to review and discuss the preliminary site plan approval for an Open Space PUD to allow a 70-unit single family housing development on 15-16-400-011 (27.7 acres) and 15-21-200-019 (24 acres). This development proposes a unique mix of housing types that will be clustered on the south portion of these lots to preserve the existing wetlands and other sensitive areas of the site.	A
<b>August 16, 2017</b>	
Public hearing on ZTA 17-005 to add graphical representations of the regulations regarding expansion, repair, and replacement of residential buildings and structures, revising the requirements regarding the expansion, repair or replacement of an existing nonconforming building structures, and revising the side yard setback regulations in WFR district.	RA
<b>September 20, 2017</b>	
Public hearing on OSPUD 17-002: Amendment to the Mystic Ridge Planned Unit Development approved by the Township Board on May 21, 2002. The amendment requests will:  1) Change the configuration of the picnic tables and bases, remove the amphitheater, reconfigure the walking path, change the walking path surface to grass from asphalt and remove the walking path through the wetlands in the common area east of Sanctuary Ridge Trail,	RA

<p>2) Change the original approval language for the PUD from requiring Scully Road to be open for public automobile traffic prior to issuance of 98 land use permit for single family homes or by June 1, 2006; to just requiring Scully Road be open for automobile traffic prior to issuance of 98 land use permits for single family homes.</p>	
<p><b>October 18, 2017</b></p>	
<p>Public hearing for final site plan approval for an Open Space PUD to allow a 70-unit single family housing development on 15-16-400-011 (27.7 acres) and 15-21-200-019 (24 acres). This development proposes a unique mix of housing types that will be clustered on the south portion of these lots to preserve the existing wetlands and other sensitive areas of the site.</p>	<p>RA</p>
<p><b>November 15, 2017</b></p>	
<p>Meeting cancelled</p>	
<p><b>December 20, 2017</b></p>	
<p>Review draft ZTA 17-006 to streamline the site plan review requirements for minor projects (Article 4), streamline the review regulations regarding Temporary Buildings, Structures and Uses (Section 8.9.) and Seasonal Sales Permits (Section 8.21.) and revise the enforcement section of the zoning ordinance (Article 5) to comply with the new Civil Infractions Ordinance 71A.</p>	<p>Review</p>

**LAND DIVISIONS, BOUNDARY ADJUSTMENTS, AND COMBINATIONS**

In 2017, staff processed applications for 21 lot combinations, three land divisions, and four boundary adjustments. However, there are some applications that are still pending, either for incorrect legal descriptions or for delinquent taxes. In 2017 the regulations on Land Divisions was removed from the Zoning Ordinance Article Supplementary Provisions, Section 8.8 Division of Lots in Recorded Plats and Division of Unplatted Parcels and was replaced with General Ordinance 95 Land Divisions, Lot Mergers and Boundary Adjustments. General Ordinance 95 streamlined the review process for land divisions, boundary adjustments and combination applications..

The process for applying for a land division, combination, or boundary adjustment now follows a simplified process:

1. An application for a division, combination, or adjustment is submitted to the Planning and Zoning Department.
2. Planning staff reviews the application to ensure that it complies with G.O. 95 and the Land Division Act (for land divisions).
3. Planning staff distributes the application materials to the Assessing, Utilities, Treasury, and Accounting Departments.

4. Once the departments have signed off on the application, planning staff gives the approved application to the Assessing Department for processing, which includes assignment of a property identification number and preparation of final paperwork.
5. The Assessing Department staff sends an approval letter and necessary paperwork to the applicant.

## **STAFFING CHANGES**

In 2017, the zoning department underwent a staff realignment. In June at the request of Scott Pacheco, the Planning and Zoning Director/ Administrator his hours were decreased from full time (40 hours per week) to part-time (20 hours per week). This change was on a temporary trial period for three month in order to review the department staffing and make recommendation on what was best for the department moving forward. In October, Amy Steffens was promoted to part time Planning and Zoning Director while Scott filled the role as part time Township Planner and the intern, Mike Beck, was promoted to full-time Zoning Coordinator. Mike Beck left the township in January, 2018. On February 26, 2018, Brittany Jacobs will become the new full-time zoning coordinator. Brittany comes to the township from Dexter Township, where she was the code enforcement officer. She has a Bachelor of Science in geography and sustainable planning from Grand Valley State University. During 2017, Genal Pratt remained constant as the part-time Code Enforcement Officer.

## **STAFF TRAINING AND PROFESSIONAL ACTIVITIES**

The planning department attended the following training and continues to be involved in the following professional activities:

**Scott attended the trainings and participated in professional activities listed below:**

- February 28 and March 1, 2017- Attended 2017 Michigan Stormwater and Floodplain Association annual conference
- March 14, 2017- Attended and Helped Organize the Joint Training at Dexter Township about Open Meetings, Public Involvement and Legal Issues
- March 23, 2017- Worked Hamburg Township Booth at the U of M Career and Networking Fair
- March 31, 2017- Mentor at the Michigan Association of Planners(MAP) Student Conference
- May 16, 2017- Attended MAP Spring Institute
- June 7, 2017- Presented at LCPC Brown Bag Lunch, Discussion on Agricultural Tourism and ADU regulations
- October 2017- December 2017- Amy and I split the MSU Citizen Planner Course
- December 13, 2017-Attended NCI Boot-camp
- Jan 25, 2018- Attended Webinar Current Issues Affecting Michigan Local Governments: Tourism and the Sharing Economy in Michigan
- February 2, 2018- Mentor at the MAP student Conference
- February 8, 2018- Attended the MAP Transportation Bonanza

**Amy attended the trainings and participated in professional activities listed below:**

- Achieved AICP Certification
- December 13th attended National Charrette Institute Boot Camp in Lansing
- served on the Northfield Township Zoning Board of Appeals and appointed to the Northfield Township Planning Commission in January, 2017 (appointed as PC representative to ZBA)
- August 22-25 attended FEMA's Community Rating System training in Indianapolis
- October – December MSU Citizen Planner Course
- Amy spoke to the Pinckney middle school students about planning as part of their Future City Competition in October
- February 21-22 2018 Michigan Stormwater-Floodplain Association Conference
- March 2018 will attend UM Taubman College Fair

**Genal attended the trainings and participated in the professional activities listed below:**

- began as code enforcement officer December 8, 2016
- attended the citizen planner webinar and zoning administrator certification classes, both presented by MSU
- trained with ticket supervisor at the 53rd district court on process and submittal
- became a member of MACEO Michigan Association of Code Enforcement Officers
- became the code enforcement officer for Northfield Township in November 2017
- went on site with the MDEQ for multiple violation issues on inland lakes and streams including docks and building in the wetlands
- setting up training with Livingston County Building Department to train on their inspection process from rough to final
- plan on attending BS&A training in 2018

**UPCOMING TRAINING OPPORTUNITIES**

- Michigan Township Association annual conference and expo, April 23 to 28, 2018 in Grand Traverse
- Michigan Association of Planning spring institute, April 26, 2018, Lansing
- Michigan Economic Development Corporation has on-going trainings for re-development ready communities, various locations and dates in March and April; <https://www.miplace.org/communities/rrc/>
- Michigan Association of Planning has on-going trainings on Planning and Zoning Essentials; <https://www.planningmi.org/>
- MSU Extension has on-going trainings; <http://msue.anr.msu.edu/topic/events/community>

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**Clerk:** Mike Dolan  
**Treasurer:** Al Carlson  
**Trustees:**  
Bill Hahn  
Chuck Menzies  
Jason Negri

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## MEMORANDUM

**Item:** 7G  
**To:** Township Board, Planning Commission, Parks and Recreation Committee and Zoning Board of Appeals  
**From:** Genal Pratt, Code Enforcement/ Permit Technician  
**Date:** February 28, 2018  
**Subject:** 2017 Code enforcement year-in-review & 2018 Goals

### Code Enforcement:

I joined Hamburg Township as the Planning and Zoning Department's new Code Enforcement Officer in December of 2016. Since my arrival I have re-inspected all of the code complaints that were outstanding prior to my hire date.

Total number of complaints logged for 2017 was 131. Of those, 28 were for Blight, 27 were for Building without a Permit, 19 were for Needing a DEQ Permit, and 15 were for Unlicensed and Inoperable Vehicles. Most of the tickets issued result in code compliance and fees paid.

Many of these code enforcement cases require multiple trips to the subject property to inspect, take pictures, and post notices. Other cases require meetings with the property owners and neighbors to educate them on what our ordinances are, and why they are in place.

Early in the year I met with the supervisor of Civil Infractions at the 53<sup>rd</sup> District Court to get a better understanding of how we can work in conjunction with them to improve the Civil Infraction Ticket process. However, since then, we have updated and streamlined the ticket process this year and it goes directly to the police station where it is entered as an E-Ticket and violators pay at the 53<sup>rd</sup> district court instead of at the township. The fees have increased as well, and that helps with the violators that are motivated by a monetary penalty. Fees are now based on the violation classification assigned per the updated Civil Infraction Ordinance #71.

To be successful in this role it is important to recognize that there are two "parties" that require my time and service; the complainant and the violator. I enforce the code in a consistent and unbiased manner. The complainant's grievance is important and personal to them, but my role is to acknowledge their frustration, while educating them on what the township can enforce and what it cannot.

I try to make residents aware of their responsibilities as home and land owners as well as the impacts they have on their neighbors with regards to how they manage their property. Listening to them, and educating them builds a relationship that both sides benefit from.

Some townships might have the sense that code enforcement does not provide a value to the community and its residents. But in many instances the only interaction residents have with the township at all, is with code enforcement. (Either they made the complaint, or they were reported) Their issue may seem petty, but to that resident, their issue is the most important thing to them at that time. A positive, or at the very least, a fair experience with us using the best practices of code enforcement ensures Hamburg Township a reputation of integrity and fairness.

### **CE Process:**

The following is the brief description of the code enforcement process:

- 1) Receive Code Compliance Request Form via in person, phone or email.
- 2) Create a code enforcement file in the system and assign it a number. Visit the site, take pictures, verify the violation to code, write, file and mail a warning letter to the owner of said property. (allow 14 days for compliance depending on how involved the violation is)
- 3) Revisit site after the 14 days have passed. If the violation still exists, take additional pictures, prepare second notice of violation and send it to the property owner and record it in system. (allow 10 days for compliance depending on how involved the violation is)
- 4) Revisit site after 10 days. If the violation still exists, take additional pictures if need be, prepare first civil infraction notice (CIN), and send it to the property owner and record it in the system. (allow 10 days for compliance.)
- 5) Revisit site after 10 days. If violation still exists write a civil infraction ticket and mail to homeowner via certified mail.
- 6) Revisit site after 10 days and if the violation still exists, and the ticket is unpaid then the second civil infraction ticket is written and is to be paid at the 53<sup>rd</sup> District Court.
- 7) If applicable set a hearing date with the Courts.

In 2018, the zoning department will be continuing to process code enforcement for several open enforcement cases for violations to the keyholing ordinance on Edgelake, boardwalks in the wetlands, unpermitted businesses on M-36, and violations to the zoning and general ordinances on Industrial Drive.

### **Goals/Projects for 2017**

Created a sign ordinance pamphlet for the commercial business on allowed advertising practices within the township. **COMPLETED**

Create a Blight handout that includes contacts and phone numbers of places that can help them remove blight, garbage and inoperable cars from their property at little or no cost to them. **COMPLETED**

2017 Newsletter topics addressed-  
Permits  
Blight

### **Goals/Projects for 2018**

Change the current code from a zoning ordinance enforcement of a misdemeanor to a civil infraction.

Joined MACEO (Michigan Association of Code Enforcement Officers) and will become certified. Meet with surrounding CEO's on current issues, and best practices to resolve code issues in a timely, efficient and cost effective manner.

Continue training in Citizen Planner and Zoning Administrator classes and workshops.

Crosstrain with the Livingston County Building Department on building inspections; including footings, rough building, and final inspections.

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**To:** Township Board, Planning Commission, Zoning Board of Appeals, and Parks and Recreation Commission

**From:** Scott Pacheco, AICP  
Township Planner

**Date:** February 28, 2018

**Agenda Item:** 7H

**Subject:** 2017 and 2018: Zoning Text Amendments, Zoning Department General Ordinances, and Zoning Ordinance codification

#### **ZONING TEXT/MAP AMENDMENT 2017**

In 2017 six zoning text amendments and two zoning map amendments were approved and enacted. The following is a list of the approved amendment, the dates the amendment was approved, and a brief description of the amendment:

- **ZTA16-004** HERB Regulations, approved January 3, 2017  
The zoning text amendment revised the zoning ordinance to eliminate the reference to the Hamburg Environmental Review Board (HERB) and replace it with the ability to use an engineering consultant when it is deemed necessary by the Township and replaced the reference to the MDEQ and the MDRN with the more generic terms for these state agencies.
- **ZTA16-005** Accessory Structure regulations, approved January 3, 2017  
The zoning text amendment revised the accessory structure regulations in the zoning ordinance to restrict the size of an accessory structure within 50 feet of a water body, allow reduced setbacks for all accessory structure located between the front property line and the principle building on lot that abut a water body, and allows docks on vacant sites as long as the site has improved access and on-site parking.
- **ZMA 17-001** Zoning Map Amendment, Approved May 2, 2017  
Rezone parcel number 15-02-100-010 along Cunningham Lake Road from Public and Private Recreational Facilities (PPRF) to Water Front Residential (WFR).
- **ZMA 17-002** Zoning Map Amendment, approved May 2, 2017  
Rezone parcel number 15-25-200-108 at 10480 Hall Road from General Industrial (GI) to Village Residential (VR).



- **ZTA 17-003** Agricultural Commercial/ Tourism Businesses, approved July 25, 2017  
Amendment to Article 2, Article 7 Section 7.5.1 and Article 8 to allow Agricultural Commercial/ Tourism Businesses in the CE and RAA district with regulations.
- **ZTA 17-004** Division of Lots, approved July 25, 2017  
Removal of Article 8 Supplementary Provisions, Section 8.8 Division of Lots in Recorded Plats and Division of Unplatted Parcels and replace it with General Ordinance 95 Land Divisions, Combinations, and Boundary Adjustments.
- **ZTA 17-005** Non-Conforming/ 50% rule revisions, approved November 9, 2017  
Amendment to Article 11 Nonconforming Lots, Buildings, Structures, Uses and Sites; Section 11.3 Non-conforming Buildings and Structures and Article 7 District Regulations; section 7.6.1 Schedule of Area, Height, and Bulk Regulations of the Zoning Ordinance, Footnote 4. This amendment clarifies the wording to the permitted expansion of residential buildings and adds diagrams to better clarify the intent of section 11.3 of the code, revises the definition of a permitted repair of a non-conforming structure to a project that removes less than 50% of the exterior perimeter walls of a structure, allows for replacement and repair of a non-conforming building and its accessory structures damaged by natural disaster or by vandalism, requires replacement of a non-conforming building removed by any other means to obtain proper Zoning Board of Appeals approvals; and allows lots in the Water Front Residential(WRF) Zoning District to have reduced side yard setbacks if the lot width is 60 feet or less. The side setbacks are reduced to a 5-foot minimum setback and a 15-foot aggregate setback.
- **ZTA 17-006** Stream line Section 4.9, 8.9, and 8.21 and Civil Infractions, Township Board has not yet approved, PC approved January 17, 2018 and LCPC approved Feb 21, 2018  
Streamline the Site Plan Review requirements for Minor Projects (Article 4), streamline the review regulations regarding Temporary Buildings, Structures and Uses (Section 8.9) and Seasonal Sales Permits (Section 8.21), and revise the enforcement section of the zoning ordinance (Article 5) to comply with the new Civil Infractions Ordinance 71A

### **GENERAL ORDINANCE AMENDMENTS 2017**

In working on the Codification of the Township Municipal Code staff has been attempting to clean up the General Ordinances. In 2017 Zoning staff work on the following:

- **Ordinance 1** Junk Yard Ordinance was repealed
- **Ordinance 6** Anti-Litter Ordinance was repealed and replaced with wording put into Ordinance 38 Anti-Blight and Anti-Nuisance Ordinance
- **Ordinance 7** Nuisance Ordinance was repealed and replaced with wording put into Ordinance 44 Inoperable and/or Unlicensed Motor Vehicle and/or Inoperable Machinery Ordinance.
- **Ordinance 38** was amended to include the new civil infraction regulations
- **Ordinance 44** was amended to include the new civil infraction regulations and regulations regarding storage and repaired of vehicles on properties within the Township.

## **ZONING TEXT AMENDMENTS 2018**

In 2018 Township Planning and Zoning Staff will be looking to make more changes to the zoning regulations.

The following are recommended Zoning Text Amendments for Staff to work on in 2018:

### **Possible New Zoning Ordinances**

#### **1. Senior Housing Ordinance (Overlay District)**

The population of Hamburg Township is aging and one of the concerns we have heard from the citizens is that there are no senior housing facilities in the Township. Therefore, if a current resident of the Township can no longer maintain their existing homes and need to move into a senior facility they are forced to move out of the immediate area.

To attract senior housing, staff suggests the Township create a Senior Housing Overlay District to allow senior housing facilities in a specific areas of the Township. An overlay District is a regulatory tool that creates a zoning district to sit on top of the base zoning district. The overlay district can match existing zoning district boundaries or it can cut across multiple zoning districts. A Senior Housing Overlay District may be appropriate in the Village Center, at multiple spots along M-36, and at key nodes along primary arterials throughout the Township. The district may include regulations regarding both uses and development standards that can be used to either restrict development (such as in sensitive environmental areas) or encourage development (such as a relaxation of building height in a downtown district). Staff believes an overlay district would work well to address the coming need for senior housing in the township. The overlay could encourage a variety of housing types for people 55 years old and older, allow for additional density options, and promote flexible land uses. If it is determined appropriate the overlay district could create regulations that allow for multiple housing types and densities on a single parcel (detached single family, assisted living, and medical related uses); reduce minimum dwelling sizes, parking requirements, and setbacks; and increase maximum heights and maximum lot coverages. Additional regulations or flexible standards could also address utilizing different modes of transportation and adding recreational amenities to the project. The items listed above are just a few of the regulations, requirements or standard that may be included in an senior overlay district. More comprehensive research and outreach on the goals, needs and wants of the community would be required during the review and preparation of this overlay district.

Currently senior housing is address in the Township's Zoning Ordinance in the following two ways. First there are relaxed requirements through the ECHO housing regulations however these regulations appear to be directed and more useful for single family dwelling, lower density, smaller scale senior housing projects. Examples or regulations in the ECHO zoning that would impact a larger project are, requiring 2 parking spaces per ECHO unit and only allowing a maximum of 20 ECHO unit on one site. Second, convalescent and nursing homes are only allowed as a special use in the RAA zoning district.

## 2. PUD (Articles 13-17) Revisions

In an attempt to streamline the development process and to make our code more understandable and easier to use staff suggests that the Township review the five articles of the ordinance regarding PUD's and research other municipality's ordinance regarding PUD's to create a more broad set of standards for Planned Unit Developments.

Staff is concerned that the current Planned Unit Development regulations are too narrowly tailored to be easily used for multiple type of PUD projects.

## 3. Village Center Zoning District Revisions

During the Master Plan Review and Update process staff should be thinking about ways to implement the regulations created in the Village Center Master Plan. Once the Master Plan is reviewed staff can start process changes to the Village Center and Village Residential zoning district regulations that enact the Master Plan objectives.

Example: Allowing for a more mixed uses on a single property. Allowing for densities and uses that are more consistent with the VCMP.

Other Zoning regulations that the Township may wish to address in 2018 are Short Term Rental Uses, Tiny Houses, and Medical Marijuana (Regulations on the original MMMA 2008).

**Short Term Rental Uses:** In a quick review of the AirBnB and VRBO websites there are currently 17 properties within Hamburg Township that are marketed as vacation rental. Most of these properties are on the chain of lakes. This topic was discussed initially by the Board in September 2015. The outcome of that discussion was to not change any of the code regulations but to consider the rental of a property for less than 8 days at a time as a commercial use and therefore this use would not be allowed in residential zoning districts. Just as a reminded the Township has taken a reactive approach to code enforcement and therefore Township Staff only issues code violations on projects where we have received a complaint. In 2015 there were two properties that the Township had received multiple complaints on. Both of those properties have changed their rental policies to only allow rental of their properties for more than 7 day at a time.

With the "sharing economy" becoming more popular it is becoming easier to share your home as a vacation destination. We are also seeing this happen with other produces such as Docks, Automobiles, and Bikes. There are sites set up to share (rent from the owner) almost anything. A time goes by a more properties become available for short term rental it will be harder to regulate these uses. If the Township desires to allow or not allow this type of use staff would suggest creating regulations that state the Township's desires.

**Tiny Houses:** The Township regulations currently restricts the minimum size of a new single family house within the township to 1,000 square foot in many of the residential zoning districts. The Township did approve Accessory Dwelling Units to be built on many properties throughout the township in 2016. However, and ADU must be located on a site with a primary structure. With the popularity of Tiny Houses some municipalities have looked into removing the size

minimums on properties, or they have created regulations for tiny houses and allowed them in certain zoning districts as allowed uses.

**Medical Marijuana Regulation:** The attorney from Elizabeth Saarla, Johnson, Rosati, Schultz & Joppich, P.C will be discussing the Michigan Medical Marihuana Act of 2008 (MMMA) and the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016 regulations in depth at the Joint Meeting.

The MMMA made it legal for patients and care givers to grow and distribute medical marijuana. Patients can grow up to 12 plants and Care Givers can grow up to 72 plants for 5 different patients. However, the MMMA does not regulate how the local municipalities can regulate the allowed uses. Some municipalities have been creating zoning regulations restricting Care Givers to specific zoning districts or requiring permits for these types of uses.

The MMFLA allowed for the following five types of medical marijuana facilities; dispensaries, growers, processors, testing facilities, and transporters. The MMFLA also states that local municipalities can allow any mixture of the allowed facilities or none of the allowed facilities. *“NO ACTION is required if a municipality doesn’t want a medical marijuana facility in your township. You don’t need to adopt a moratorium, pass a resolution or approve an ordinance in order to keep these facilities out. Whether you know you don’t want a provisioning center, grow operation or other facility, or you just aren’t sure yet, your best bet is to simply do nothing.”*<sup>1</sup>

### **GENERAL ORDINANCE AMENDMENTS 2018**

In 2018 to continue with the Codification of the Township Municipal Code Planning and Zoning Staff will review and make the necessary changes to the following General Ordinances 24, 28, 46, 53, 54, 62, 77, 81, and 86. Due to the nature of some of the General Ordinances, review from an engineering consultants will be require to make sure that all the necessary regulations are being safe and appropriate. All of the section on enforcement and fines in the following Ordinances need to be revised to meet the new Ordinance 71 regulations.

- **Ordinance 24** Subdivision Control Ordinance: This ordinance needs to be reviewed under the Michigan Subdivision Control Act which is not the Michigan Land Division Act. The regulations should be reviewed and streamlined to reduce confusion on inaction of the Ordinance.
- **Ordinance 28** Private Road Ordinance: In reviewing this ordinance staff should consider review of the County Road Standards and AASHTO Standards and make any necessary changes to allow variation in future road design. This ordinances should be reviewed by an Engineering Consultant to make sure all regulations are appropriate and safe.
- **Ordinance 46** Condominium Ordinance: This ordinance needs to be reviewed to assure compliance with the Michigan Condominium Act.
- **Ordinance 53** Property Identification Ordinance: This ordinance sets regulations regarding addressing of properties. More than likely, this ordinance will be repealed and the ordinance, if not already included, will be added to Ordinance 77 the Uniform Addressing and Road Naming Ordinance.

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<sup>1</sup> Clearing the haze on medical marijuana, Feb 2017 Township Focus

- **Ordinance 54** Land Division and/or Combination Ordinance: This Ordinance requires that all taxes and special assessment be paid to the Treasury Department prior to allowing approval of a Land Division and/or Combination application. Staff will likely suggest repealing this ordinance and, if not already included, will be added the regulations to Ordinance 95 Land Division, Combinations & Boundary Adjustments Ordinance.
- **Ordinance 62** Stormwater Drainage Ordinance: Staff will work with the Township Engineer and the Livingston County Drainage Commission to make sure this ordinance meets best engineering management practices for stormwater drainage.
- **Ordinance 77** Uniform Addressing and Road Naming Ordinance: This ordinance will be review and the regulation in Ordinance 53 will be added.
- **Ordinance 81** Ordinance Addressing Floodplain Management Provisions of the State Construction Code: This code adopts the 2008 FEMA maps for the purpose of the Michigan Building Code. This ordinance will not need to be revised until new FEMA flood maps come out.
- **Ordinance 86** Confirmation of Planning Commission Board: This ordinance address setting up the Planning Commission pursuant of the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008. There have been no changes to this section of the MPEA or the Township Planning Commission Bylaws since this ordinance was enacted. It is unlikely that this ordinance will need to be revised.

## **ZONING ORDINANCE CODIFICATION**

The current Hamburg Township Zoning Ordinance was readopted in 2009. Since then, multiple zoning text amendments have been made but have not been properly codified into the entirety of the zoning ordinance. For example, the ordinance adopted in 2009 did not permit the raising and keeping of poultry on residentially-zoned properties, but through a zoning text amendment adopted in 2014 raising and keeping of poultry is now permitted in multiple residential districts. The amendment was never inserted into the applicable sections of code (in this case, Article 2, definitions; Section 7.5.1., schedule of use regulations; and Section 7.7.1. additional district regulations) but instead the amendment is a separate document unto itself, causing confusion for anyone looking for the regulations.

Below is a partial list of zoning text amendments that have been adopted since 2009:

- Poultry ordinance
- Bed and breakfast, wedding, and indoor concert events
- Application of district regulations
- Showroom and sales of new and used automobiles and motorcycles
- Nonconforming lots, buildings, structures, uses, and sites
- Procedures for text amendments
- Mechanical equipment yard encroachments
- Major and minor automobile repair
- Fences, walls, and screens
- Lot coverage

- Signs
- Wireless communications facilities
- Hamburg Environmental Review Board
- Nonconforming lots, structures, and waterfront residential setback standards
- Accessory buildings and structures setbacks
- Decks, elevated decks, patios, and porches yard encroachments
- Agricultural tourism
- Site plan review, temporary uses, seasonal sales, and civil infraction ordinance

Several attempts have been made in the last two years to do a thorough review of the ordinance and to codify the amendments. Because the summer interns from 2016 and 2017 worked on creating a single, codified ordinance, the planning department is able to move forward with codification in 2018. Each planning staff member will review the codified document prior to the Planning Commission reapproving the codified zoning ordinance. Through this process, we will be able to clean up any grammatical errors and ensure that the internal references to other sections of the ordinance are accurate.

Staff would like for the Planning Commission to hold a public hearing at their June, 2018 meeting to review and make a recommendation on the codified ordinance. For future zoning text amendments, there is the option of working with an outside company, such as Municode or American Legal Publishing Corporation, to do the review and maintenance of the ordinance.



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**To: Township Board, Planning Commission and Zoning Board of Appeals**  
**From: Scott Pacheco, AICP Township Planner**  
**Date: February 28, 2018**  
**Agenda**  
**Item: 7I**  
**Subject: 2020 Master Plan Update**

**BACKGROUND:**

The Master Plan is a document which creates policies to guide the future development of the Township. This plan is necessary prior to creating the municipalities zoning ordinance. The difference between a Master Plan and the Zoning Ordinance is that the master plan is a policy document that expresses the intent of the Township and the zoning ordinance is law with penalties and consequences for not following it.

The Michigan Planning Enabling Act of 2008 (MPEA) requires municipalities to review and update their master plans every 5 years. On September 16, 2015 the Planning Commission approved the 5-year review of the 2010 Hamburg Township Master Plan with no changes to the existing plan. As a part of the approval of the 5-year review process, the Planning Commission directed staff to prepare a timeline for the 2020 comprehensive update to the Master Plan. In 2017 the Planning Commission approved the update to the Parks and Recreation Master Plan.

The MPEA requires that the Master Plan “make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions” Section 31(2)(a)). This includes information such as demographic and housing data and conditions within a community such as existing environmental and transportation information. This information is the background data, studies and resources that are used to help create the goals and objectives of the master plan. In newer master plan this information is put into a “fact book” and included by reference in the Master Plan. This allows the Master Plan document to be more streamlined and easier to use by reducing the overall size of the document and only including the more important information in the actual Plan.

MPEA also requires “A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission’s recommendations for the physical development of the planning jurisdiction” (Sec. 33(1)). This information also can mostly be found in the fact book.

In addition to this required information MPEA also states that the Master Plan shall include the following subjects if they are considered in determining the future development of the Township:

- 1) A land use plan that includes a classification and allocation of land for various uses (Sec. 33(2)(a));
- 2) Recommendations on infrastructure including transportation for all users of roadways (Sec. 33(2)(b));
- 3) Recommendations for redevelopment or rehabilitation of blighted areas (Sec. 33(2)(c));
- 4) For a local unit of government that has adopted a zoning ordinance, a zoning plan (Sec. 33(2)(d)) and
- 5) Recommendations for implementing any of the master plan's proposals (Sec. 33(2)(e)).

MPEA (Sec 7(2)(d)) suggest that the Master Plan also include “among other things, promotion of or adequate provision for one or more of the following:

- 1) A system of transportation to lessen congestion on streets and provide for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians, and other legal users.
- 2) Safety from fire and other dangers.
- 3) Light and air.
- 4) Healthful and convenient distribution of population.
- 5) Good civic design and arrangement and wise and efficient expenditure of public funds.
- 6) Public utilities such as sewage disposal and water supply and other public improvements.
- 7) Recreation.
- 8) The use of resources in accordance with their character and adaptability.”

Those are all of the requirements in the MPEA regarding the contents of a master plan. The lack of information about what is required in a master plan makes it challenging when it comes to preparing the plan. This brings up questions such as what should and what should not be included in the Township's Master Plan? Instead of thinking of this lack of information as a difficulty let's think of it as making the process easier. This lack of requirements leaves the door wide open to the Township to determine what they want to include in their Master Planning document.

A basic approach to organizing a master plan is to create two major part of the plan; 1) the actual master plan that is the main part of the document including the goals, objectives and policies that guide the physical development of the community and 2) the background information that provides data and analysis that support the plan which as stated above can be located in a separate document.

The Township will review the existing Master Plan and will determine what information needs to be updated and what information can be reused without changes.

### **PROCESS AND SCHEDULE:**

The following section of this report will discuss the process and overall schedule necessary to move forward with the required review and update of the M-36 Corridor Plan, Village Center Master Plan and the Hamburg Township Master Plan.

The M-36 Corridor Plan, Village Center Master Plan and the Hamburg Township Master Plan will all be review at the same time. The review of each plan may require separate public meetings and/or public outreach/participation to gather information but this process will be conducted as a single review. To kick off the master planning process staff would like to create a Master Planning Committee to oversee the review and to engage people in the update process at the early stages of review and to continue to have them engaged through to the final approvals.



This will bring ownership to the document and make it more useful in the future. This Committee should include the following member's two Township Board members, one Planning Commissioner, one commercial property owner or business owner, one citizen at large, and one person from the county planning department. The Township Planning Director and I will staff this committee. This group will help review the existing master plan for deficiencies, create the public outreach process, review the public comments and direct staff on the preparation of the updates to the master plan documents. Creating a Master Planning Group will also increase involvement at all levels on this Update.

Attached to this report is a proposed schedule and timeline for the Master Plan update process (Exhibit A). As you can see from the attached timeline the process is proposed to start at the beginning of March 2018 and Finish in June of 2019. This is an aggressive timeline for such a large review but I believe with the Master Plan Committee and Staff working together that this process will be successful.

The MPEA requires the following steps in the Master Plan Process

- 1) Notice of intent to plan,
- 2) Planning Commission review of Draft Master Plan,
- 3) Township Board of approval to Distribute the Draft Master Plan,
- 4) Distribution of the Draft Master Plan,
- 5) Public Review Periods of 65 days for the Public and interested agencies and 95 day for the County,
- 6) Public Planning Commission Hearing and approval of the Master Plan, and
- 7) Distribution of the Approved Master Plan.

As you can see in the attached schedule there are additional tasks proposed as a part of the Hamburg Township Master Plan update. The additional tasks will help the Master Plan be more comprehensive and directed towards specific future needs of Hamburg Township. The process will be to review the existing master plan, identify the areas that need to be updated, collect public input to verify the Master Plan is directing growth and meeting the needs of Hamburg Township, and preparing the updates.

**Next Steps:**

At tonight's meeting the Planning Commission should direct staff to prepare and send out the Notice of Intent to Plan to the required agencies under section 39 (2) of the Michigan Planning Enabling Act.

Exhibit A: Draft Master Plan Update Schedule

Exhibit B: Notice of intent to plan

## Schedule for Master Plan Update

Step	Task	2018				2019	
		Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun
1	Prepare and Send Notice of Intent to Plan *	3/1/18-3/2/18					
2	Create Master Plan Committee	3/1/18-3/15/18					
3	Kick of Meeting with all interested parties		4/2/1/-4/6/18				
4	Review and identify deficiencies and key stakeholders		4/9/18-5/7/18				
5	Meeting of Master Plan Committee discuss review and public outreach		5/7/18-5-11/18				
6	Prepare Survey		5/14/18-6/4/18				
7	Make Survey Public		6/4/2018				
8	Public Outreach Meeting and Events		6/4/2018	8/3/2018			
9	Meeting of the Master Plan Committee to discuss public input			8/6/18-8/10/18			
10	Compile Data and Prepare Revisions to All Documents		6/4/2018		10/5/2018		
11	Meeting of Master Plan Committee to review draft Master Plan				10/8/18-10/12/18		
12	Prepare report for Planning Commission				10/15/18-11/13/18		
13	Planning Commission Meeting on Draft Master Plan *				11/21/2018		
14	Prepare report for Township Board				11/22/18-11/27/218		
15	Township Board to approve distribution of the Draft Master Plan*				12/4/2018		
16	Distribute Draft Master Plan*				12/7/2018		
17	Public Review Period *				12/7/2018	2/9/2019	
18	County Review Period *				12/7/2018	3/11/2019	
19	Meeting of Master Plan Committee to review and address comments					3/11/19-3/17/19	
20	Make necessary changes to Draft Master Plan and Prepare Report for Planning Commission					3/17/2019	4/12/2019
21	First Meeting for Planning Commission Review of Final Draft Master Plan						4/17/2019
22	Prepare revisions to Fianl Draft Master Plan based on PC comments						4/18/19-5/10/19
23	Hold Public Hearing for Planning Commission Review of Final Draft Master Plan *						5/15/2019
24	Prepare Report of Township Board						5/16/19-6/12/19
25	Hold Township Board Review of Final Draft Master Plan *						6/18/2019
26	Send necessary agencies copy of approved Master Plan *						6/19/19-6/25/19
27	Implement Master Plan						Next 20 years
	Master Plan Subcommittee Meeting						
	Planning Commission Meeting						
	Township Board Meeting						

\* These tasks are required by the MPEA

## Exhibit A

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Hamburg, Michigan 48139-0157

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## NOTICE OF INTENT TO PREPARE A MASTER PLAN

Hamburg Township, in Livingston County, Michigan, announces its intent to start the process to review and prepare a new edition of the Hamburg Township Master Plan and related documents (M-36 Corridor Plan, Village Center Master Plan) and requests the cooperation of, and comments from, the recipients of this notice.

The notice has been sent to local government agencies (adjacent municipalities and Livingston County planning commissions); public utility companies, railroad companies, and public transportation agencies owning or operating within the township; and the county road commission and the state transportation department as required by Section 39 of the Michigan Planning Enabling Act (MCL 125.3839).

Hamburg Township intends to utilize electronic mail and its website for future required submittals regarding the development and approval of the Master Plan Update. If your agency does not want to Township to send future submittals via electronic mail and would rather receive a hard copy of the submittal, your agency may respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge as allowed in Section 39 of the Michigan Planning Enabling Act (MCL 125.3839)

If you have any question or concerns please contact the Hamburg Township Planning and Zoning Direct, Amy Steffens at [asteffens@hamburg.mi.us](mailto:asteffens@hamburg.mi.us).

Exhibit B