

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



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

**HAMBURG TOWNSHIP BOARD OF TRUSTEES
SPECIAL JOINT MEETING
Hamburg Township Hall Board Room
Wednesday, February 27, 2019
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
 - B. Parks and Recreation Committee Parks Master Plan update
 - C. Planning and Zoning Department 2018 year in review
 - D. 2018 Code enforcement year in review
 - E. Zoning Amendments 2018-2019
 - F. 2020 Master Plan Update Timeline and Process
8. Call to the Public
9. Board Comments
10. Adjournment



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GENERAL ORDINANCE STATUS REPORT

To: Township Board of Trustees
HT Department Heads

From: Deby Henneman, Parks & Recreation/ADA Coordinator

Date: February 20, 2019

Re: General Ordinance – 3 Phase Compile & Codification Project

Eliminating the Ordinances that will be addressed at the Township Board meeting today, there are a total of 16 General Ordinances that are in need of review. Those hi-lighted in yellow are pending review by the TB. Those that are italicized are Ordinances that I have been told are being worked on or have been bounced back for clarification on the penalty reference. The breakdown is as follows:

| Ordinance | Department | Status |
|--|---------------------------|---------------------|
| <i>24 – Subdivision Control (Fee Ref)</i> | <i>Zoning/Supervisor</i> | <i>In Process</i> |
| <i>28 – Private Road (Penalty Ref)</i> | <i>Zoning/Supervisor</i> | <i>In Process</i> |
| 51 – Portage Base Lakes (Penalty Ref) | Randazzo/Utilities | Review |
| 55 – Sewer Use to 51 (Penalty Ref) | Randazzo/Utilities | Review |
| 56 – Group Insurance Coverage | Clerk/Human Resources | Review |
| <i>63 – Hazardous Spill (Rewrite to 98)</i> | <i>Fire Department</i> | <i>To TB 3/5/19</i> |
| 64 – Establishment of Enterprise Fund | Randazzo/Supervisor | Review |
| 66 – WWTP Bond Sale | Randazzo/Supervisor | Review |
| 69F & 69G – WWTP Admin | Randazzo/Utilities | Review |
| 73 – Water Use & Rate | Randazzo/Supervisor | Review |
| <i>76 – International Fire Code (76A Pending)</i> | <i>Fire Department</i> | <i>To TB 3/5/19</i> |
| <i>78 – Emergency Response (Rewrite to 98)</i> | <i>Fire Department</i> | <i>To TB 3/5/19</i> |
| 79 – WWTP Revenue Ref Bonds | Clerk/Supervisor | Review |
| <i>80 – Video Service (DA bounced back, has penalty ref)</i> | <i>Technical Services</i> | <i>Pending</i> |
| 82A – Brine Discharging | Utilities | 82B to TB 3/5/19 |
| <i>83 – LCWA Water Use (Penalty ref okay?)</i> | <i>Supervisor</i> | <i>Pending</i> |

Of the 16 Ordinances remaining for review, the breakdown is as follows:

- 3 – Fire Department/Supervisor – (63 & 78 to be repealed by new Ordinance 98 to TB 3/5/19, 76 to TB 3/5/19)
- 8 – Tech Services/Utilities/Supervisor
- 2 – Zoning/Supervisor
- 3 – Clerk/Supervisor

Ordinances with penalty references, indicated as (Penalty Ref), should be made a priority as they are **not enforceable as of 10/10/17** due to the passing of Ordinance #71A.

Should the Ordinances be okay as is, or require repeal, a memo to that effect must be submitted to the Clerk's office. An email will also suffice for this purpose.

Anything that requires change, can be done using the Track Review function through Word and submitted to the Clerk for further action. **Departments will also be responsible for issuing summaries for the required newspaper publications.**

All documents ready for consideration should be sent to Deby prior to being included in a Township Board packet for approval. This will allow us to properly coordinate the publications and index notation requirements.

Based on the current number of Ordinances on the books, we are at **84% completion** for this phase of the project.

Upcoming Dates:

March 5, 2019 – Department Head meeting to review final status of revisions. Deadline for all Ordinance revisions and Publication Summaries.

March 19, 2019 – All Ordinances in final form to be submitted to the Township Board for approval. Publication Summaries to Deputy Clerk.

April 1, 2019 – All publications and signed originals to be posted on the website. Completion of project in preparation of Phase 4 – Codification & RFP.

Hamburg Township

Planning Commission Zoning Board of Appeals Planning & Zoning Department



2018 Annual Report

Prepared by: Planning & Zoning Department Staff
February 27, 2019

Introduction

Planning Commission

- **Purpose**
- **Members**
- **Meetings**

Zoning Board of Appeals

- **Purpose**
- **Members**
- **Meetings**

Planning & Zoning Department

- **Staff**
- **Land Use Permits**
- **Floodplain Activity**
- **CRS Activity**
- **DEQ Activity**
- **Land Splits, Combos, etc.**
- **Code Enforcement**
- **Staff Training**

Zoning Text Amendments

- **Zoning Ordinance**
- **General Ordinances**

Master Plan Update (2020)

- **Steering Committee**
- **History**
- **Schedule**

Planning Commission

Purpose

The Hamburg Township Planning Commission reviews and approves site plans, special use permits, planned unit developments, zoning text and map amendments, and master plans. The Planning Commission advises the Township Board concerning site plans, zoning text and map amendments, and the Master Plan.

Members

Chair: Fred Goetz

Township Board Representative: Annette Koeble

ZBA Representative: Joyce Priebe

Member: Ron Muir

Member: John Hamlin

Member: Victor Leabu

Member: Jeff Muck

Meetings

In 2018, the Planning Commission held three (3) special meetings and eight (8) regular meetings. A full account of the PC’s activity in 2018 is shown in the table below.

In 2017, the Planning Commission held two (2) special meetings and nine (9) regular meetings. The PC approved one (1) accessory dwelling unit (ADU) and recommended approval on three (3) zoning text amendments, two (2) zoning map amendments, three (3) site plan reviews (wireless communications facility, Regency Village, and commercial structure in Village Center) and an amendment to the Mystic Ridge PUD.

2018 PC Meetings

| <u>PC Case Number</u> | <u>Applicant/Parcel ID/Address</u> | <u>Project Description Considered</u> | <u>Result / Status</u> |
|---|------------------------------------|--|------------------------|
| January 17, 2018 | | | |
| <u>ZTA 17-006</u> | N/A | ZTA: 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. This amendment also includes new definitions in Article 2. | Approved |
| February 21, 2018 | | | |
| <u>ZTA 18-001</u> | N/A | ZTA: To Article 9, Section 9.2.4., “Standards for Agricultural, Scenic or Recreational Ponds” to remove Planning Commission approval for the creation of ponds. | Approved |
| February 28, 2018 - Special Joint Meeting (TB & ZBA) | | | |
| N/A | N/A | Publish the intent to prepare the Master Plan as presented by Scott Pacheco. | Approved |
| March 21, 2018 | | | |
| No PC Meeting - Cancelled - No Agenda | | | |
| April 18, 2018 | | | |
| No PC Meeting - Cancelled - No Agenda | | | |

| May 16, 2018 | | | |
|---|---|---|-------------------------------------|
| <u>SPA 17-002</u> | Applicant: TowerCo Owner: Hamburg Twp. 6400 M-36 (4715-23-300-028) | Request for twelve-month extension of final site plan review approval for wireless communications facility. | Approved; Permit Issued |
| <u>SPA 16-004</u> | Mazur Holdings LLC 9495 Chilson Rd. (Now: 5759 E. M-36) (4715-22-200-073) | Amendment to site plan approval to allow for changes to the approved freestanding sign and allow a sign waiver from the requirements in Article 18, Section 18.11. | Approved; Permit Issued |
| June 20, 2018 | | | |
| No PC Meeting - Cancelled - No Agenda | | | |
| July 12, 2018 - Special Meeting | | | |
| <u>SP 18-001</u> | Applicant: PRT Growing Services, LTD Owner: Michigan DNR 5995 Chilson Rd. (4715-04-100-004) | Site Plan Review: To consider a commercial nursery. The site of the nursery will be on 13.95 acre area of the 457.94 acre owned by the DNR. The leased 13.95 acre area is near the corner of Chilson Road and Bishop Lake Road. | Approved; Permit Issued |
| July 18, 2018 | | | |
| <u>PMSP 18-002</u> | Mystic Ridge Development Rich-Rob Dev. Jim Haeussler Strawberry Lake Rd. (4715-34-400-009) | Amendment to the Mystic Ridge Planned Unit Development approved by the Township Board on May 21, 2002. The proposed amendment requests will change the common space improvements as follows: (1) Remove more than 50% of the proposed walking paths within the Mystic Ridge Development; (2) Change the surface of the walking paths from the previously-approved gravel to mowed grass; (3) Eliminate the outdoor amphitheater, picnic area and tables, horseshoe pits, volleyball court, tot lot, baseball diamond, and soccer field. | Approved; Improvements Installed |
| August 15, 2018 | | | |
| <u>PMSP 18-003</u> | Applicant: Todd Borek Owner: Bell Borek Funeral Home 7425 E. M-36 (4715-25-200-036) | Waiver to the sign regulations to permit two 7-foot, 8-inch tall, 50-square foot freestanding signs, at a 90-degree angle, in the ROW of M-36. | Approved; Permit Issued |
| September 19, 2018 | | | |
| <u>MSP 18-004</u> | Applicant: Allied Signs, Inc. Owner: GND Hamburg LLC 7420 E. M-36 (4715-25-100-102) | Waiver to the sign regulations to permit a 73-inch tall freestanding monument sign (72-inch freestanding monument permitted, Section 18.4.Q.), and the installation of two 33.08-square foot wall signs with 22.5-inch tall channel letters (26.4-square foot wall signs permitted; 18-inch tall channel letters permitted, Section 18.10.D.1.). | Approved; Permit Issued |
| October 17, 2018 | | | |
| No PC Meeting - Cancelled - No Agenda | | | |
| November 28, 2018 | | | |
| <u>SP 18-005</u> <u>SUP 18-001</u> | Owner: Genoa Group, LLC Applicant: CEI Agent: Kristine Lindsey 7750 East M-36 (4715-25-200-065) | Site Plan and Special Use Permit Applications to consider a 4,800 square foot addition to the existing 6,720 square foot shop building on the southeast corner of the property at 7750 East M-36 (4715-25- 200-065). The project is considered a major amendment to the Special Use Permit granted in 2014 which allowed CEI an architectural sheet metal and roofing company, to be located on the subject property because the proposed addition will increase the buildings usable floor area by more than twenty five percent (25%) (Section 3.5.8 (A)(1)).The proposed addition is also considered a major amendment to the original approved site plan the addition because the project is larger than 2,000 square feet. (Section 4.9.4 (B)(1)). | Approved; Permit Issued |

Planning Commission

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|--|---|--|---|
| <p><u>OSPUD 18-001</u></p> | <p>Owner: M. Eleanor Forlenza Applicant: Pine Cove Building Co. Agent: Midwestern Consulting (4715-14-400-008 & 4715-23-100-002)</p> | <p>Preliminary Site Plan Application for an Open Space Planned Unit Development to allow construction a 154 unit single family housing development on the properties at 4715-14-400-008 (8.5 Acres) and 4715-23-100-002 (77.19 Acres). This development proposes a mix of property sizes and types that will be clustered on the site in order to help preserve the existing wetlands and other sensitive areas of the site.</p> | <p>Tabled (Dec. 12, 2018)</p> |
| <p>December 12, 2018 - Special Meeting</p> | | | |
| <p><u>OSPUD 18-001</u></p> | <p>Owner: M. Eleanor Forlenza Applicant: Pine Cove Building Co. Agent: Midwestern Consulting (4715-14-400-008 & 4715-23-100-002)</p> | <p>Public hearing to continue the review of the preliminary site plan application for an Open Space Planned Unit Development, commonly known as Waters Edge Village. This project was tabled at the November 28, 2018 Planning Commission hearing.</p> | <p>Recommended denial to Township Board; Township Board sent back to Planning Commission for further review;</p> |
| <p>December 19, 2018</p> | | | |
| <p><u>SUP 18-002</u> <u>SP 18-001</u></p> | <p>Scott & Lauren Tharp 5550 Strawberry Lake Road (4715-34- 200-003)</p> | <p>Special Use Permit and Site Plan Review applications to consider allowing a major agricultural commercial/tourism business on the 98-acre property at 5550 Strawberry Lake Road. The proposed business will include a u-pick apple orchard, u-pick pumpkin patch, corn-maze, raised gardens, nature-based kid play area, hiking trail, a sign, a farm market retail/restaurant structure, a 300-person wedding barn, and other agricultural based amenities. The project applicants are requesting that the Planning Commission allow the following waivers to the Agricultural Commercial/Tourism Business regulations, as permitted in Section 8.29.8 of the zoning ordinance: 1) The main sign is proposed to be 20 square feet and attached to the entry gate at 13 feet above grade where the regulations require that a nonresidential sign in a residential district be either a wall or monument sign and be a maximum of 20 square feet in size. Monument signs are restricted to 6 feet in height. 2) A temporary sign (vinyl and attached to the front farm fence) is proposed to be approximately 15 square feet but may be allowed at any time during the year where the regulations allow a 20 square foot temporary signs to be up a maximum of 45 days. 3) The number of attendees of an event in the event barn shall be limited to 300 people where the regulations limit maximum number of attendees for an event to 150 persons, or the maximum occupancy of the space where the event is held, whichever is less (Section 8.29.7 (D)(3)), and the number of events in the barn shall be limited to 30 events per calendar year where the regulations limit the maximum number of events to no more than 20 events per calendar year (Section 8.29.7.(D)(1)). 4) No yearly approval and review of the special land use permit shall be required where the regulations require yearly review of the special land use permit by the Zoning Administrator and if deemed necessary the Planning Commission (Section 8.29.7 (D)(7)).</p> | <p>SUP 18-002: Approved SP 18-001: Tabled</p> |

Zoning Board of Appeals

Purpose

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 and hear appeals of the activities of the Zoning Administrator. 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.

Members

Chair/PC Representative: Joyce Priebe

Township Board Representative: Jim Nielson

Member: Ken Watson

Member: Paul Bohn

Member: Cliff Auxier

Alternate: Bill Rill

Alternate: Jim Hollenbeck

Meetings

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 2018. The ZBA considered 35 variance applications in 2015, 26 in 2016, 20 in 2017, and 12 in 2018. 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 12 variance applications heard by the ZBA in 2018, 10 were approved, and 2 were denied. The table below presents a summary of variance applications considered in 2018. In 2018, the most heard variance requests were for reduced setbacks for the following Zoning Ordinance requirements: 25-foot front yard setback required, Section 7.6.1.; 30-foot rear yard setback required, Section 7.6.1.; and 50-foot setback from the ordinary high water mark required, Section 7.6.1.

2018 ZBA Meetings

| <u>ZBA Case Number</u> | <u>Owner/Applicant/Parcel ID/Address</u> | <u>Project Description/Variance Requested/Appeal</u> | <u>Result / Status</u> |
|--|--|--|----------------------------|
| January 10, 2018 | | | |
| No ZBA Hearing held - Meeting Cancelled - No Agenda | | | |
| <u>ZBA 17-0022</u> | Laurence and Irene Gauthier/ David and Jennifer Howard/ Scott and Denise Landis/ and Michael Andrews. Gallagher Blvd. (4715-27-301-185/ -186/ - 193/ -194/ -195) | Variance: Seasonal dockage with boardwalk access on lots in Strawberry Point Bluffs subdivision without improved roadway access and space for onsite parking (improved roadway access and space for on-site parking required, Section 8.3.7). The boardwalk access will be located within a wetland (50-foot setback from delineated wetlands required, Section 9.9.3.) | Withdrawn |
| February 14, 2018 | | | |
| <u>ZBA 18-0001</u> | Michael Mulvihill 3686 Colonial (4715-29-403-021) | Variance: Construction of a second-story addition to a non-conforming dwelling. The second-story addition will have a 4-foot east side yard setback (10-foot side yard setback required, Sections 7.6.1. and 11.3.2.) to match the non-conforming east side yard setback of the existing dwelling. | Approved, Permit Issued |
| <u>ZBA 18-0002</u> | Timothy Hutchins 11272 Algonquin Dr. (4715-31-102-011) | Variance: Construction of a 426-square foot addition to the east façade of an existing dwelling and a 6-foot by 7-foot detached roofed structure between the addition and existing detached garage. The addition will have a 4.8-foot separation and the roofed structure will have a zero-foot separation from the existing garage (an accessory building which is detached from the principal building shall not be located nearer than 10 feet to any separate building or structure on the lot, Section 8.3.4.). | Approved, Permit Issued |
| February 28, 2018 - Special Joint Meeting (TB & PC) | | | |
| N/A | N/A | Publish the intent to prepare the Master Plan as presented by Scott Pacheco. | Approved |
| March 14, 2018 | | | |
| <u>ZBA 18-0003</u> | Michael and Karen Basile 8606 Riverside Dr. (4715-13-403-003) | Variance: Construction of a 2,208-square foot dwelling with a 46.2-foot setback from the ordinary high water mark of Ore Lake (50-foot setback from the ordinary high water mark required, Section 7.6.1.). | Approved, Permit Issued |
| April 11, 2018 | | | |
| <u>ZBA 18-0004</u> | Stephen and Catherine Boston 9658 Zukey Dr. (4715-22-301-001) | Variance: Partial demolition of an existing dwelling and the reconstruction of a 3,873-square foot dwelling. The proposed dwelling will have a 34.5-foot setback from the ordinary high water of Zukey Lake (50-foot setback from the ordinary high water required, Section 7.6.1.) and an 11-foot north side front yard setback from the platted right-of-way of Petty's Drive (25-foot front yard setback required for corner lot, Section 7.6.1.fn4.). | Denied |
| | | Variance: Addition to an existing non-conforming detached garage. The addition will have a 2.7-foot south side yard setback (five-foot side yard setback required, Sections 8.3.2. and 11.3.2.). A pergola attached to the garage will have a 9.4-foot east front yard setback (25-foot front yard setback required, Section 8.3.2.). | Denied |
| May 9, 2018 | | | |

Zoning Board of Appeals

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|--|---|--|---|
| <u>ZBA 18-005</u> | Daniel and Kristin Hall 5150 Redding Dr. (4715-22-300-047) | Variance: Construction of a 732-square foot attached garage with a 3.9-foot east front yard setback (15-foot front yard setback required, Section 8.3.2.). | Tabled (June 13, 2018) |
| June 13, 2018 | | | |
| <u>ZBA 18-005</u> | Daniel and Kristin Hall 5150 Redding Dr. (4715-22-300-047) | Variance: Continued from May 9, 2018: Construction of a 576-square foot attached garage with a 9.9-foot east front yard setback (15-foot front yard setback required, Section 8.3.2.). – Denied as presented, ZBA approved 24'x24' garage with 9.9' setback. | Approved, Expired - No Permit Issued |
| <u>ZBA 18-006</u> | Tim and Diane Comperchio 5591 Seney Circle N. (4715-34-401-007) | Variance: Allow an enclosed sunroom to encroach 9 feet 11 inches into the required 35-foot rear yard setback (Section 7.6.1.). | Approved, Permit Issued |
| July 11, 2018 | | | |
| No ZBA Hearing held - Meeting Cancelled - No Agenda | | | |
| August 8, 2018 | | | |
| No ZBA Hearing held - Meeting Cancelled - No Agenda | | | |
| September 12, 2018 | | | |
| <u>ZBA 18-0007</u> | Lynda Chaney 6203 Hiawatha Ave. (4715-23-306-001) | Variance: Construction of a new dwelling with a 1,309 square foot footprint, a 1,200 square foot walk out basement, and a 618 square foot attached garage. The proposed home will have a 13.2-foot west front yard setback from the right-of-way of M-36 (25-foot front yard setback required, Section 7.6.1), a 7.89-foot north rear yard setback (30-foot rear yard setback required, Section 7.6.1), and an 82 square foot elevated deck with a 4.32-foot north rear yard setback. (Elevated deck may project into required yard not to exceed 6 feet; 24-foot setback required, Section 8.17.2). | Approved, Permit Issued |
| <u>ZBA 18-0008</u> | Richard Olson 8772 Rushside Dr. (4715-17-402-028) | Variance: Construction of a 982 square foot second story addition to the existing non-conforming dwelling. The addition will have a 7.1-foot south side yard setback, resulting in an aggregate side yard setback of 12.4 feet (15-foot aggregate side yard setback required, Section 7.6.1 fn. 4). | Approved, Permit Issued |
| <u>ZBA 18-0009</u> | Jason Muller 2260 Mumford Dr. (4715-31-102-001) | Variance: Construction of a 2,240-square foot pole barn, with a 4/12 pitch resulting in a height of 17.3 feet (detached accessory buildings located within residential districts which have a roof pitch less than 8/12 shall not exceed 14 feet in height, Section 8.3.8.), and a 10-foot west rear yard setback (30-foot rear yard setback required, Section 7.6.1.). | Denied |
| October 10, 2018 | | | |
| <u>ZBA 18-0010</u> | Richard Mancik 5229 Post Dr. (4715-27-105-039) | Variance: Demolition and reconstruction of a 1,053-square foot dwelling, with a walkout basement and partially constructed 729-square foot attached garage. The proposed dwelling would have a 7-foot, 3-inch north side yard setback (10-foot side yard setback required, Section 7.6.1.), and a 576-square foot elevated deck with a 6-foot, 6-inch north side yard setback (8-foot setback required, Section 8.17.1.). | Approved, Permit not yet issued |
| <u>ZBA 18-0011</u> | Timothy Hutchins 11272 Algonquin Dr. (4715-31-102-011) | Variance: Plans approved from ZBA 18-0002 (February 14, 2018) show a detached covered open walkway between structures, owner requests to remove this from plans. | Withdrawn - No Hearing Necessary ZBA determined - Revised permit |
| <u>ZBA 18-0012</u> | David and Sharon Gauntlett 2105 Cardinal Ct. (4715-31-302-020) | Variance: Construction of an 875-square foot second-story addition to an existing dwelling. The addition will have a 24.1-foot south front yard setback along Cardinal Court and a 20.5-foot west front yard setback along Algonquin Drive (25-foot front yard setback required along both street frontages, Section 7.6.1.fn4.). | Approved, Permit not yet issued |

Zoning Board of Appeals

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| | | Variance: Construction of a 1,166-square foot, two-story addition to the north façade of the dwelling. The addition will have a 16-foot west front yard setback along Algonquin Drive (25-foot front yard setback required, Section 7.6.1.fn4.) and a 15-foot north rear yard setback (30-foot rear yard setback required, Section 7.6.1.). | Approved, Permit not yet issued |
| November 14, 2018 | | | |
| <u>ZBA 18-0013</u> | Steven and Kimberlie Darling 11644 Portage Lake Ave. (4715-31-301-006) | Variance: Construction of an 852-square foot second-story addition to an existing dwelling. The addition will have a 28-foot west rear yard setback (30-foot rear yard setback required, Section 7.6.1.) and a 38-foot setback from the ordinary high water mark of a Portage Lake lagoon (50-foot setback from the OHM required, Section 7.6.1. fn.3). | Approved, Permit Issued |
| December 12, 2018 | | | |
| No ZBA Hearing held - Meeting Cancelled - No Agenda | | | |

2017 ZBA Meetings

| <u>ZBA Case Number</u> | <u>Address</u> | <u>Project Description/Variance Requested/Appeal</u> | <u>Result / Status</u> |
|--|-------------------|--|------------------------|
| - | - | - | |
| January 11, 2017 | | | |
| No ZBA Hearing held - Meeting Cancelled - No Agenda | | | |
| February 8, 2017 | | | |
| <u>ZBA 17-001</u> | 2513 Melvin Dr. | 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). 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.). | Approved |
| <u>ZBA 17-002</u> | 5260 Edgelake Dr. | 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.). 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.). | Tabled |
| <u>ZBA 17-004</u> | 8892 Lagoon Dr. | 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). 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.). | Approved |
| February 22, 2017 - Special Joint Meeting (TB & PC) | | | |

Zoning Board of Appeals

| March 8, 2017 | | | |
|--------------------------|-----------------------|---|----------|
| <u>ZBA 17-005</u> | 9646 Fairway Drive | 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.). | Approved |
| <u>ZBA 17-006</u> | 9676 Zukey Drive | <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>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> | Approved |
| April 12, 2017 | | | |
| <u>ZBA 17-002</u> | 5260 Edgelake | <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> | Tabled |
| <u>ZBA 17-007</u> | 8886 Lagoon | <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>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> | Approved |
| <u>ZBA 17-008</u> | 10884 Bob White Beach | 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.). | Approved |
| May 10, 2017 | | | |
| <u>ZBA 16-003</u> | 3338 Apache Trail | <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> | Approved |
| <u>ZBA 17-002</u> | 5260 Edgelake | 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.). | Approved |

Zoning Board of Appeals

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|---------------------------|------------------------------|--|----------|
| | | <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> | |
| <u>ZBA 17-010</u> | 10766 Bob White Beach | 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). | Approved |
| <u>ZBA 17-011</u> | 11423 Algonquin | 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). | Approved |
| <u>ZBA 17-012</u> | 5983 Winans Drive | 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). | Approved |
| <u>ZBA 17-013</u> | 11208 Hall Road | 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). | Approved |
| June 14, 2017 | | | |
| <u>ZBA 17-014</u> | 8707 Rushside Drive | 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). | Approved |
| July 12, 2017 | | | |
| <u>ZBA 17-015</u> | 6209 Winans Drive | <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> | Approved |
| August 9, 2017 | | | |
| <u>ZBA 17-016</u> | vacant lot on Baudine Street | 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.). | Approved |
| September 13, 2017 | | | |
| <u>ZBA 17-017</u> | 8735 Riverside Drive | 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.). | Approved |
| <u>ZBA 17-018</u> | 5125 Burton Drive | 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). | Approved |

Zoning Board of Appeals

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|--|--------------------------------|--|----------|
| <u>ZBA 17-019</u> | 10260 Langley | 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). | Approved |
| October 11, 2017 | | | |
| <u>ZBA 17-020</u> | 8381 Hillpoint | 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.). 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.). | Approved |
| November 8, 2017 | | | |
| <u>ZBA 17-021</u> | 5351 Gallagher Boulevard | 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.). | Approved |
| December 15, 2017 | | | |
| No ZBA Hearing held - Meeting Cancelled - No Agenda | | | |

Planning & Zoning Department

Staff

Zoning Administrator (part-time): Amy Steffens

Zoning Coordinator (full-time): Brittany Stein

Code Enforcement Officer / Permit Tech. (part-time): Mike Sumeracki¹

Township Planner (part-time): Scott Pacheco

1.) In October 2018, Mike Sumeracki was hired in to replace Genal Pratt. She left to take on a new position with another community.

Land Use Permits

Land use permits are issued by the Township Zoning Department to certify that a project or use meets the standards of the Zoning Ordinance. Land use permits are required for the following projects, including, but not limited to: the erection of a new building, accessory structure or the alteration of an existing structure (i.e.: house, garage, shed, deck, fence, interior remodel, patio, gazebo, porch, pool, generator, etc.), the excavation, alteration or filling of land, a new use or change in use of land or an existing building, home occupations, seasonal sales, and signs. The replacement of a door, window, siding, roof, and gutter work require a land use permit waiver.

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

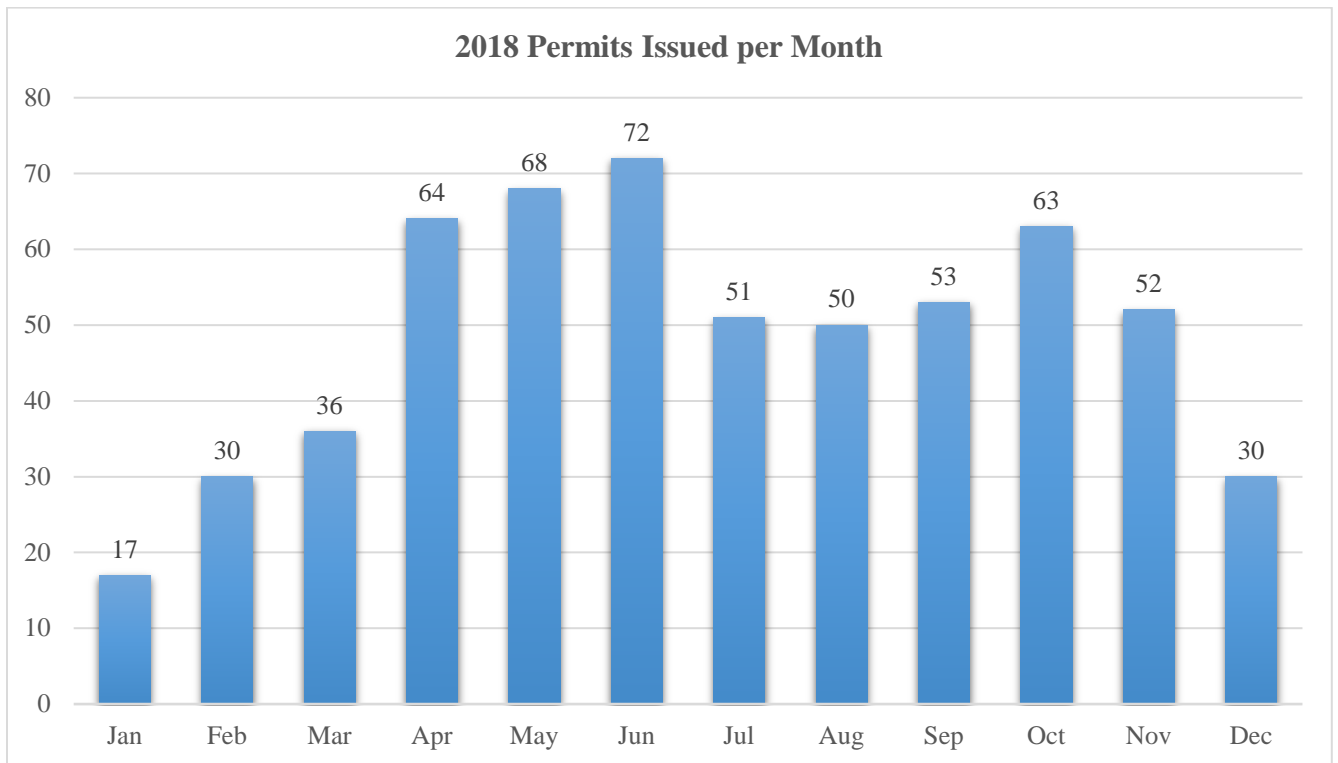
1. A completed land use permit application is submitted to the Planning and Zoning Department (either in person, or via email or mail), along with three copies of project construction plans and three copies of the site plan. The site plan must accurately show property boundaries, location of grinder 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. (Repairs, such as siding, windows, and roofs, do not require an inspection prior to issuing the land use permit waiver).
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.
5. 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.

2018 Land Use Permits

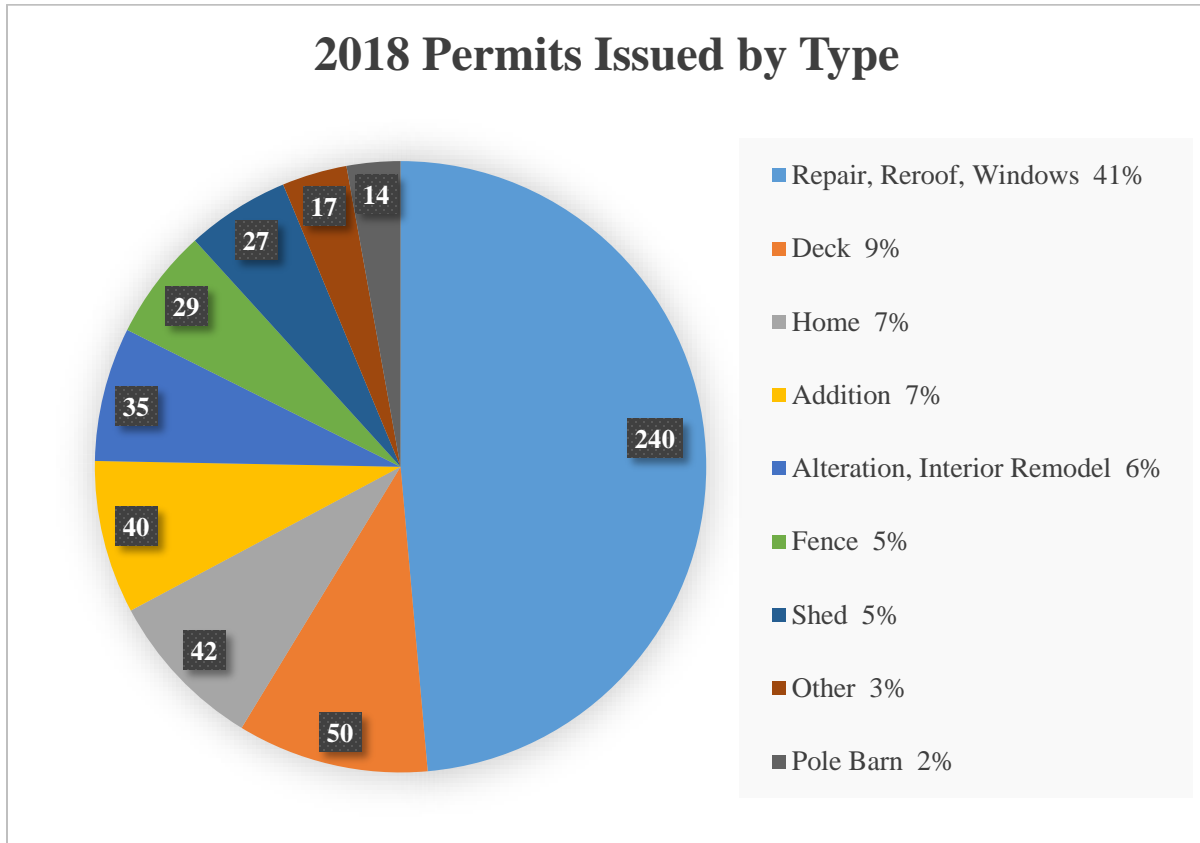
Hamburg Township issued 586 land use permits in 2018. The following table shows how many permits were issued per month by permit type.

Planning & Zoning Department

| Category | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Issued |
|-----------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| Accessory Dwelling Unit | - | - | - | - | - | - | - | - | - | - | - | - | 0 |
| Addition | 2 | 2 | 5 | 3 | 2 | 5 | 3 | 3 | 4 | 7 | 3 | 1 | 40 |
| Alteration, Interior Remodel | 2 | 6 | 3 | 5 | 5 | 2 | 2 | 5 | - | 1 | 3 | 1 | 35 |
| Bed and Breakfast | - | - | - | 1 | - | - | - | - | - | - | - | - | 1 |
| Change of Use | - | - | 1 | - | - | - | 1 | - | - | - | - | - | 2 |
| Commercial New Construction | - | - | - | - | - | - | - | - | - | 1 | - | - | 1 |
| Commercial Tenant Improvement | 1 | - | - | 2 | 1 | - | - | - | 1 | - | - | - | 5 |
| Deck | 1 | 2 | 1 | 6 | 4 | 12 | 6 | 3 | 4 | 4 | 5 | 2 | 50 |
| Demolition | - | 1 | - | - | 1 | 1 | - | 1 | 2 | 1 | 1 | 1 | 9 |
| Fence | - | 1 | 2 | 6 | 4 | 3 | 3 | 1 | 1 | 3 | 2 | 3 | 29 |
| Garage | - | - | - | 4 | - | 1 | 1 | - | - | 3 | - | - | 9 |
| Grading | - | - | - | 1 | 1 | 2 | - | 1 | - | 2 | - | - | 7 |
| Home | - | 1 | 3 | 6 | 4 | 6 | 4 | 5 | 2 | 4 | 4 | 3 | 42 |
| Home Occupation | - | - | - | - | - | - | - | - | - | - | 1 | - | 1 |
| Mechanical equipment | 1 | 1 | - | - | 2 | - | - | 3 | 1 | 1 | - | 1 | 10 |
| Mobile Home | - | - | - | - | 1 | - | - | 1 | - | - | 2 | 1 | 5 |
| Other | - | - | - | 1 | 1 | 1 | - | 3 | 3 | 4 | 2 | 2 | 17 |
| Patio | - | - | - | - | 2 | - | 1 | - | 1 | - | 1 | - | 5 |
| Pole Barn | - | - | - | 1 | 4 | 3 | 1 | - | 2 | 1 | 2 | - | 14 |
| Pool, above-ground | - | 1 | - | 1 | 2 | - | - | - | - | - | - | - | 4 |
| Pool, inground | - | - | - | - | - | 1 | - | - | - | - | - | - | 1 |
| Porch | - | - | - | 1 | - | 1 | - | - | - | - | - | - | 2 |
| Repair, Reroof, Windows | 7 | 13 | 19 | 23 | 24 | 30 | 24 | 21 | 25 | 24 | 19 | 11 | 240 |
| Seasonal Sales | - | - | - | - | 2 | 1 | - | - | - | - | - | - | 3 |
| Seawall | 2 | 2 | - | - | - | - | 1 | - | 1 | 1 | 3 | 1 | 11 |
| Shed | - | - | 2 | 3 | 6 | 1 | 3 | 1 | 4 | 3 | 1 | 3 | 27 |
| Sign | - | - | - | - | - | 2 | 1 | 2 | - | 2 | 1 | - | 8 |
| Temporary Building or Use | 1 | - | - | - | 1 | - | - | - | 2 | 1 | 1 | - | 6 |
| Wireless Communication Facilities | - | - | - | - | 1 | - | - | - | - | - | 1 | - | 2 |
| TOTAL: | 17 | 30 | 36 | 64 | 68 | 72 | 51 | 50 | 53 | 63 | 52 | 30 | 586 |



The following chart shows some of the types of permits that were issued the most in 2018. The top most issued permits were: Repair, reroof, siding, windows (240 permits; 41%), decks (50 permits; 9%), new homes (42 permits; 7%), additions (40 permits; 7%), interior remodels (35 permits; 6%), fences (29 permits; 5%), sheds (27 permits; 5%), other (including solar panels, hot tubs, etc.) (17 permits; 3%), pole barns (14 permits; 2%).



Land Use Permits Issued per Year:

2017

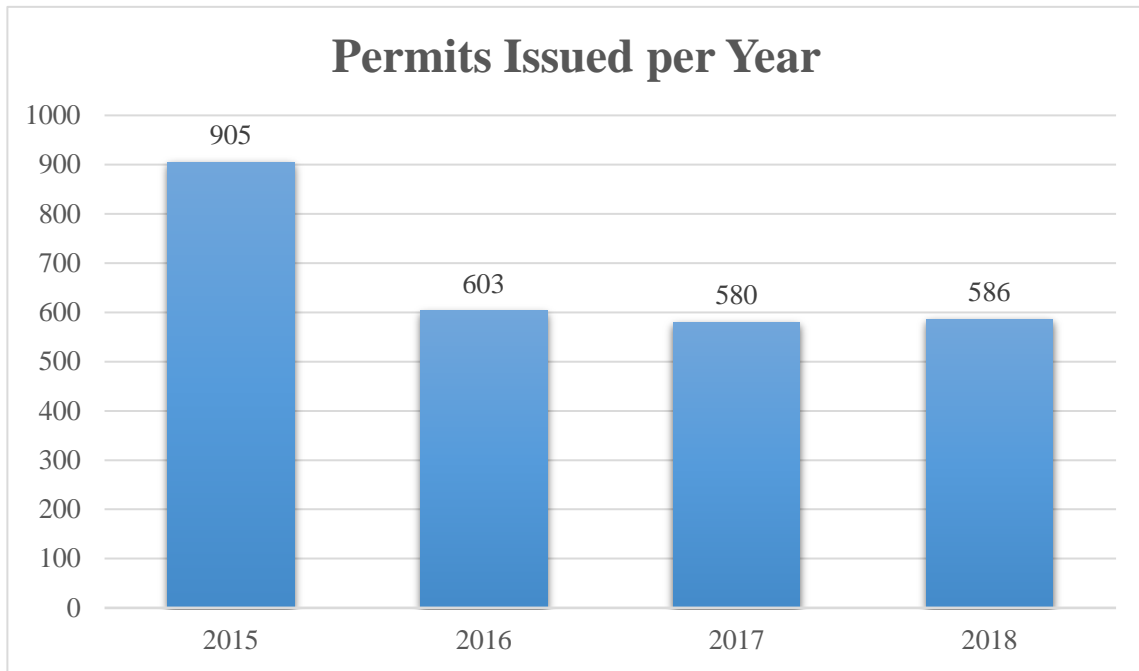
| Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|
| 25 | 30 | 39 | 66 | 65 | 66 | 46 | 46 | 65 | 56 | 57 | 19 | 580 |

2016

| Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|
| 25 | 27 | 50 | 62 | 88 | 67 | 52 | 71 | 44 | 62 | 34 | 21 | 603 |

2015

| Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Total |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|
| 18 | 14 | 33 | 60 | 66 | 145 | 176 | 127 | 125 | 77 | 39 | 25 | 905 |



From 2015 to 2016, there was a 33 percent decrease in the number of land use permits issued. From 2016 to 2017 there was a four percent decrease (23 less permits), and from 2017 to 2018 a one percent increase (increase in 6 permits). Each year 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, 2017, and 2018 repair permits accounted for 42, 46, and 41 percent, respectively, of issued permits.)

Staff expects that Regency Village, will begin constructing dwellings in 2019 thereby increasing the total number of permits issued in 2019. Staff expects a modest five percent increase in the number of permits issued in 2019.

Floodplain Activity

When property owners ask the township whether or not a property is in the floodplain, typically what they want to know is whether they will be required to purchase flood insurance. Flood insurance is required for structures in the floodplain that carry a federally back mortgage. However, for insurance requirements for these mortgages, FEMA cares only about the floodplain they have identified--the special flood hazard area (SFHA). FEMA defines the SFHA as that area that will be inundated by a flood event having a one percent chance of being equaled or exceeded in any given year; this area is commonly referred to as the 100-year flood or the base flood.

FEMA’s Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study (FIS) identify the 100-year flood zones and the base flood elevations for the flood zones. FEMA defines the base flood elevation (BFE) as “the computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure’s elevation determines the flood insurance premium.”

Section 9.6., Regulation of Floodplain Areas, of the township Zoning Ordinance provides for the regulation of development in the floodplain areas of the township and for the administrative duties in carrying out floodplain development review. Section 9.6.4.B., below, specifies the requirements that are most germane to the day-to-day activities of the Planning and Zoning Department:

- B. The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area.
 - 1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated at least one (1) foot above the base flood level.
 - 2. All new construction and substantial improvements of nonresidential structures shall have either:
 - a. The lowest floor, including basement, elevated at least one (1) foot above the base flood level.
 - b. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure.

FEMA adopted the SFHA maps, or the 100-year flood zone maps, for Hamburg Township in 2008; the 2008 maps replaced maps that were originally adopted in 1986. The township relies heavily on the FIRM and the FIS to determine the BFE and if further floodplain information is required by the property owner. The scale of FEMA's maps is 1:1,000, making using the maps at the parcel level nearly impossible. When there is a question as to whether or not the structure or property is within the SFHA, staff asks for a topographical survey. A topographical survey shows the elevations of the existing structure, the lowest adjacent grades to the structure, the finished floor elevation, and most importantly, the limit of the BFE. If it clear from the FEMA map that the structure is located in the SFHA, we require that an elevation certificate be submitted. The elevation certificate is a FEMA document that is filled out by a surveyor or engineer and provides critical information about the structure's location in or out of the floodplain.

There is another consideration for administration of floodplain development standards of which most home owners are unaware: the floodplain that lies outside of FEMA's identified SFHA. For example, FEMA might have identified the BFE of a waterbody as 856.2. The BFE is based on hydrologic modeling so FEMA says that in a flooding event, flood waters will reach an elevation of at least 856.2. The problem is that FEMA cannot definitively say where 856.2 actually lies. The BFE is a function of hydrologic modeling, not site-specific elevations or conditions. When a surveyor shoots the elevations for a property, the survey will show site-specific elevations.

Sometimes we find that FEMA has incorrectly identified the floodplain line. If FEMA is incorrect and the structure is not in the SFHA, the property owner can petition FEMA for a Letter of Map Amendment (LOMA) to remove the structure from the SFHA because the structure was inadvertently mapped into the SFHA. A LOMA applies only to the structure as it is at the time the LOMA was issued and must be re-applied for if there are footprint changes to the structure. A LOMA means that flood insurance is not required for the structure, although the Michigan Residential Building Code requirements for lateral additions in the floodplain still apply.

Staff has seen an increase in the number of home owners who were told that their homes are not in the floodplain but a subsequent topographical survey shows that their entire property is in the floodplain. For example, a homeowner on Riverside Drive came to the township in 2018 for a permit to re-roof, install new windows, and do interior renovations to the existing home. He had a certificate from his lender showing that he was out of the floodplain. However, staff had previously worked with a homeowner adjacent and knew that the entire area was in the floodplain. He contacted a surveyor who confirmed that his entire property was in the floodplain. Not only was his property in the floodplain but his structure did not comply with the Michigan Residential Building Code requirement of being elevated one foot above the BFE. Because what he was proposing was defined as a significant improvement by FEMA (more than 50 percent of the market value of the structure), he would have had to elevated his entire home in order to make the planned improvements to the home. He received incorrect information from his lender and as a result was facing improvements to his home that were beyond his financial capabilities. Lenders bear the responsibility for ensuring that the structure they are issuing a mortgage for is not in the floodplain, and should be requiring an elevation certificate as proof. Unfortunately, many lenders use a Texas-based company that feeds an address into their system and within minutes makes a determination if a property is in or out of the SFHA. The form they return to the client says “FEMA” and looks like an elevation certificate. The form is useless and cannot be relied upon for floodplain determination activities. If the lender does require an elevation certificate prior to extending the mortgage, and the FEMA maps show a BFE of 856.2 as right at the water's edge but the elevation certificate shows that 856.2 is in the middle of the house, FEMA would not consider the house to be in the floodplain because it is not in the SFHA. The lender could still require flood insurance because now they are aware that the structure is in the floodplain and their level of risk just went way up.

Michigan Residential Building Code regulates floodplains based on elevations and not the SFHA and requires that a home in the floodplain be elevated at least one foot above the BFE; this elevation is called one-foot freeboard. The one-foot freeboard requirement applies to new construction as well as lateral additions to existing homes. (An accessory structure, because it has a different insurance rating than a home, has different elevation requirements.)

There is only one way to determine if a structure is truly in the floodplain based on elevations and that requires a topographical survey. Once the determination has been made that the structure is in the floodplain—whether by the mapped SFHA or by elevations—an elevation certificate is required at three points during the construction process: prior to receiving a land use permit; when the foundation is installed and prior to vertical construction; and prior to final certificate of occupancy.

Hamburg Township property owners are able to purchase flood insurance policies because we participate in the National Flood Insurance Program (NFIP). The NFIP underwrites flood insurance coverage only in communities that adopt and enforce floodplain management regulations through an ordinance that meets or exceeds NFIP criteria. Because we participate in the NFIP, it is essential that the township enforce our floodplain ordinance for every property in the SFHA.

Our ordinance mirrors the Michigan building requirement that all substantial improvements of residential structures shall have the lowest floor elevated at least one foot above the BFE. FEMA defines a substantial improvement as any improvement of a structure, the cost of which exceed 50 percent of the market value of the structure prior to commencement of the improvement. Some Michigan communities have adopted a “cumulative value” ordinance to set the value of the project starting at a definite date, over a set period of years, and if the value of the project exceeds 50 percent of the market value of the structure the structure must meet the one-foot freeboard requirement. The township should consider directing staff to research the necessity and impact of adopting a similar ordinance into the floodplain regulations.

CRS Activity

The township voluntarily participates in NFIP’s Community Rating System. CRS is an incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Because of our participation in the CRS and because we undertake additional regulatory activities, such as the one-foot freeboard requirement, Hamburg Township property owners are able to purchase flood insurance at a discounted premium rate. Every part of our participation in the CRS program is administrative—residents do not know that we undertake these activities on their behalf to reduce their flood insurance premiums.

The township earns points for various administrative activities, such as sending floodplain informational letters to lenders, realtors, and insurers; sending informational letters to homeowners in the repetitive loss areas of the township; maintaining elevation certificates for every project in the SFHA; updating our flood maps; and ensuring that projects in the SFHA are properly permitted.

FEMA audits CRS communities on a five-year cycle. Hamburg Township was last audited in 2012 and a number of residential projects were identified at that time as potentially being incorrectly permitted. Common mistakes in the permitting process include having an incomplete or incorrect elevate certificate submitted by the property owner, not requiring adequate flood vents, or allowing a substantial improvement without meeting the freeboard requirement. Because of few of these properties were still in question in 2018, FEMA would not allow the township to have its scheduled audit. We have worked in earnest with Donna Cervelli of the DEQ to close out these problematic properties and have made sufficient progress that FEMA has scheduled our audit for April 9, 2019.

DEQ Activity

In 2018, staff received notice of 26 permits issued by the Michigan Department of Environmental Quality for projects such as seawalls, dredging of a waterbody, wetlands activity, and development in the floodplain. Township staff follows up on DEQ permits with a letter to the property owner that specifies what type of township land use permit is required.

Land Divisions, Boundary Adjustments, and Combinations

In 2018, staff processed applications for eight (8) lot combinations, two (2) land divisions and six (6) boundary adjustments. However, there are some applications that are still pending, either for incorrect legal descriptions or for delinquent taxes.

In 2017, staff processed applications for 21 lot combinations, three (3) land divisions, and four (4) boundary adjustments.

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 95A Land Divisions, Lot Mergers and Boundary Adjustments. General Ordinance 95A streamlined the review process for land divisions, boundary adjustments and combination applications.

This is the process for applying for a land division, combination, or boundary adjustment:

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. 95A 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.

Code Enforcement

Mike Sumeracki, Code Enforcement Officer

2018 Code enforcement year-in-review & 2019 Goals:

Being relatively new to the position, I would like to introduce myself and provide a little background. I began my employment with Hamburg Township in mid-October 2018. I retired after 25 years from the Wayne Police Department. Since then, I have held teaching positions with Schoolcraft Community College, Ferris State University, contract position with the FBI, and Asset Protection Manager for Meijer, Lansing Distribution Complex. As you can see I am bringing a host of life's experiences to the position which will enable me to deal with a variety of personalities which exist in the Township.

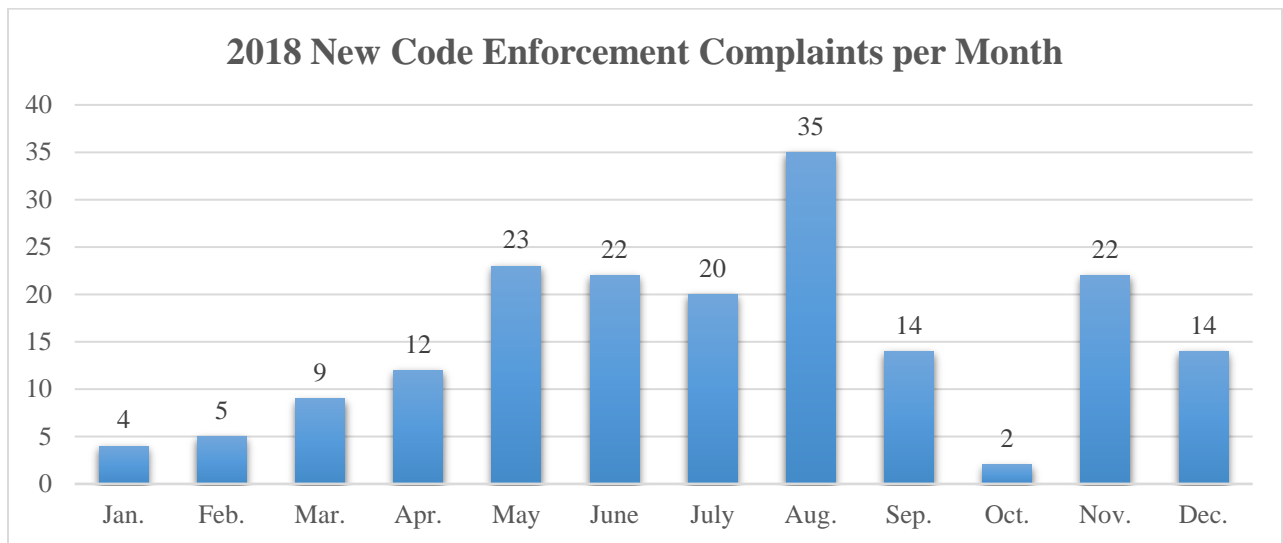
Back in 1982 James Wilson and George Kelling conducted a criminological study called "Broken Windows" which has had an impact on the way I view my position with the Township. Simply stated, if we ignore complaints for blight, an abandoned car, or piles of refuse, these issues will not go away but will continue to deteriorate and will spread to other buildings, blocks, and neighborhoods. If we address those conditions in their infancy there is less of a chance that the "respectable residents" will not flee the area to other jurisdictions nor will the blight spread to other areas. If the neighborhoods appear orderly there is less chance of criminal activity taking hold.

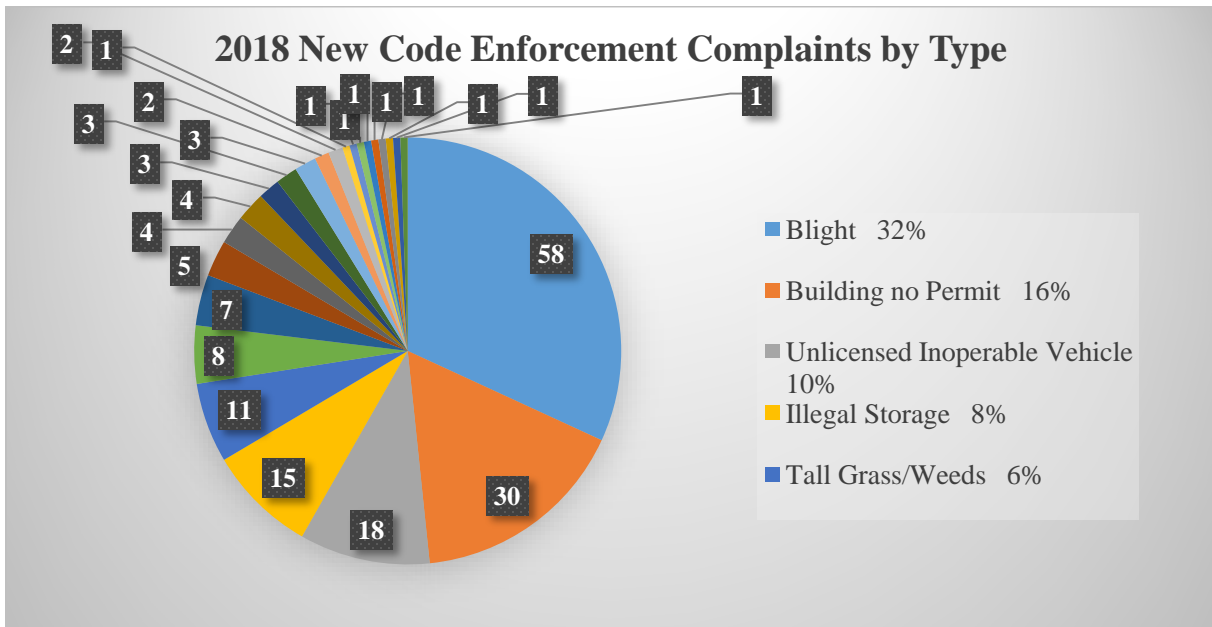
Though I have been in governmental service for a good portion of my life the area of Planning & Zoning is new requiring me to "sink or swim". Since my arrival I have re-inspected, reissued letters, wrote violations, and made court appearances relative to cases which predated my hire.

2018 New Code Enforcement Complaints

In 2018, there were 181 new complaint cases, and 150 cases were closed in 2018. There are a number of remaining open cases from 2018 and prior that are in various stages of the clean-up process, but most are making positive improvements. Majority of 2018 complaints were able to also be closed in 2018. For example, some residents were illegally storing boats and were given until May 1st to remove the boats from their property.

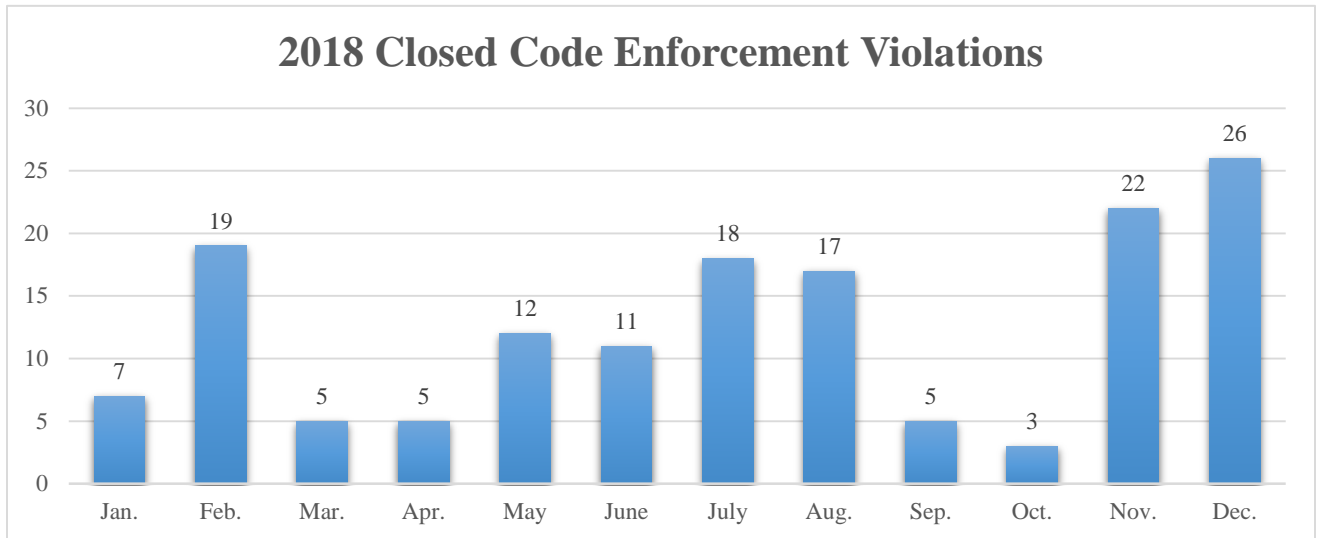
| Type | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sep. | Oct. | Nov. | Dec. | Total |
|-------------------------------------|----------|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|----------|-----------|-----------|------------|
| Accessory Structure | - | - | - | - | - | - | - | - | - | - | 1 | - | 1 |
| Animals | - | - | - | - | - | - | - | - | - | - | 1 | - | 1 |
| Blight | 1 | 2 | 7 | 2 | 2 | 4 | 8 | 7 | 6 | - | 11 | 8 | 58 |
| Building no Permit | 1 | 1 | - | 3 | 5 | 5 | 3 | 2 | 3 | 1 | 4 | 2 | 30 |
| Business – not permitted | - | - | - | 2 | 2 | - | 1 | 1 | - | - | 1 | - | 7 |
| Grading – no permit | - | - | - | - | 2 | - | - | - | 2 | - | - | - | 4 |
| Commercial vehicles – not permitted | - | - | - | - | - | - | 1 | - | 2 | - | - | - | 3 |
| DEQ Permit required | 1 | - | - | - | 2 | 1 | - | - | - | 1 | - | - | 5 |
| Dumping | - | - | - | 1 | 1 | 2 | - | - | - | - | - | - | 4 |
| Fence Violation | - | - | - | 1 | 1 | - | 1 | - | - | - | - | - | 3 |
| General Nuisance | - | 1 | - | - | 1 | - | - | - | - | - | - | - | 2 |
| Illegal Storage | - | - | - | - | 1 | 2 | 1 | 11 | - | - | - | - | 15 |
| Illegal Temp. Structure | - | - | - | - | - | 1 | - | - | - | - | - | - | 1 |
| Illegal Yard Sale | - | - | - | - | - | - | - | 1 | - | - | - | - | 1 |
| Lighting Violation | - | - | - | - | - | - | - | - | 1 | - | - | - | 1 |
| Other | - | - | - | - | - | - | - | 1 | - | - | - | - | 1 |
| Outside Storage | - | - | - | - | 1 | - | - | - | - | - | - | - | 1 |
| Seawall Permit Req. | - | 1 | - | - | - | - | - | - | - | - | - | - | 1 |
| Sign Violation | - | - | - | 1 | - | 1 | - | 1 | - | - | - | - | 3 |
| Structure in ROW | - | - | - | - | 1 | - | 1 | - | - | - | - | - | 2 |
| Tall Grass/Weeds | - | - | - | - | 1 | 1 | 2 | 7 | - | - | - | - | 11 |
| Temporary Structure | - | - | - | 1 | - | - | - | - | - | - | - | - | 1 |
| Unlicensed Inoperable Vehicle | 1 | - | 1 | - | 1 | 5 | 1 | 1 | - | - | 4 | 4 | 18 |
| Unsafe Structure | - | - | 1 | 1 | 2 | - | 1 | 3 | - | - | - | - | 8 |
| Total | 4 | 5 | 9 | 12 | 23 | 22 | 20 | 35 | 14 | 2 | 22 | 14 | 182 |





2018 Closed Code Enforcement Violations

| Type | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sep. | Oct. | Nov. | Dec. | Total |
|-------------------------------------|----------|-----------|----------|----------|-----------|-----------|-----------|-----------|----------|----------|-----------|-----------|------------|
| Blight | 1 | 3 | 3 | 3 | 1 | 1 | 4 | 2 | 1 | 1 | 6 | 14 | 40 |
| Building no Permit | 2 | 2 | - | 2 | 2 | 4 | 4 | 2 | 1 | 1 | 4 | 4 | 28 |
| Business – not permitted | - | - | - | - | 2 | 2 | - | 1 | 1 | - | 1 | - | 7 |
| Grading – no permit | - | - | - | - | 1 | - | - | - | 1 | 1 | - | - | 3 |
| Commercial vehicles – not permitted | - | - | - | - | - | - | - | 1 | 1 | - | - | - | 2 |
| DEQ Permit required | - | 13 | 1 | - | - | - | 1 | - | - | - | - | 1 | 16 |
| Dumping | - | - | - | - | 2 | - | - | - | - | - | - | - | 2 |
| Fence Violation | - | - | - | - | 1 | - | - | 1 | - | - | - | - | 2 |
| General Nuisance | - | - | 1 | - | - | - | - | - | - | - | - | - | 1 |
| Illegal Storage | - | - | - | - | - | - | 1 | 4 | - | - | 7 | 1 | 13 |
| Illegal Temp. Structure | - | - | - | - | - | - | - | 1 | - | - | - | - | 1 |
| Illegal Yard Sale | - | - | - | - | - | - | - | - | - | - | 1 | - | 1 |
| Other | 1 | - | - | - | - | - | 1 | - | - | - | - | - | 2 |
| Outside Storage | - | - | - | - | - | - | 1 | - | - | - | - | - | 1 |
| Seawall Permit Req. | - | 1 | - | - | - | - | - | - | - | - | - | - | 1 |
| Sign Violation | - | - | - | - | 1 | - | - | 1 | - | - | - | - | 2 |
| Structure in ROW | - | - | - | - | - | - | 1 | - | - | - | - | - | 1 |
| Tall Grass/Weeds | - | - | - | - | - | 1 | 2 | 3 | - | - | 1 | 3 | 10 |
| Temporary Structure | - | - | - | - | 1 | - | - | - | - | - | - | - | 1 |
| Unlicensed Inoperable Vehicle | 3 | - | - | - | 1 | 2 | 3 | 1 | - | - | 2 | 2 | 14 |
| Unsafe Structure | - | - | - | - | - | 1 | - | - | - | - | - | 1 | 2 |
| Total | 7 | 19 | 5 | 5 | 12 | 11 | 18 | 17 | 5 | 3 | 22 | 26 | 150 |



The position of code enforcement is much more labor intensive requiring multiple trips to the subject property, inspect/confirm, take photographs, meet with the property owners, meet with neighbors, post notices/send letters, if necessary prepare violations and lastly, when necessary, court appearance. The existing policy in Planning & Zoning is complaint based meaning I respond when a resident/passers-by feels aggrieved. There are complaint forms at the front desk or we take phone complaints and many are also received through emails. We also accept and investigate anonymous complaints. There are two exceptions to the complaint required code enforcement action: building without a permit and activity in the wetlands. I will investigate building without permits because unpermitted construction could constitute a danger to public safety and welfare, and is more expensive for the property owner to correct after-the-fact. Unpermitted activity in the wetlands not only could constitute a drainage or flooding hazard for adjacent properties but is also extremely expensive to remediate after-the-fact if the activity does constitute a violation of local and state laws. In 2018, the township responded to a code complaint regarding unpermitted wetland clearing. We found that the property owner had installed approximately 200 linear feet of a crushed asphalt trail through the wetlands. The DEQ was contacted, and they required the property owner to remove the trail and remediate the vegetation that was removed. Had the township been aware of the activity before the trail was installed, we might have been able to prevent the wetlands clearing and expense of removal and remediation.

Issuing violations are a last resort as residents are given a minimum of three warnings before a violation is written. Please note, that each progressive step necessitates a separate trip to the property to check on compliance. In my experience, thus far, residents eventually conform to the ordinance after a letter or meeting. Others will string you along until the final warning is issued. Some are closed quickly with an educational meeting related to the ordinance and why it is in place and the impact it has on one's quality of life. Pursuing frequent violators is expensive if we must engage our township attorney to begin court proceedings. I work with the property owner to comply, which results in a more positive outcome for the owner and the township.

One must remember, that the complainant is also typically a township resident. Many times a resident/complainant does not like the lifestyle of their neighbor and wants to impose their life's standard on the neighbor. This is where diplomacy is important. Acknowledging the frustration of the complainant, while educating them about the ordinance and the limits of my enforcement arm. Some complaints simply are not enforceable.

In a sense, the Code Enforcement Officer is an ambassador. For a moment, think about how many times a typical resident has some sort of interaction with a township representative. I am sure many of you reading this memo, can articulate every detail about your last interaction with a police officer, fire marshal, zoning official, building inspector. They do not occur very often and should have a positive impact on the resident. For the complainant, it was important enough to take time out of their day to file a complaint, even though, may appear very petty. For the violator, you may be asking them to remove/dispose their personal property, rearrange their yard which may be conceived as violating their personal space.

Code Enforcement Process

- 1) Received Code Compliance Request Form via in person, written, phone or email
- 2) Create a code enforcement file in BS&A where it is assigned a number. Visit the site, speak with homeowner, (if they answer the door), verify a code violation, and take pictures. Return to the office and write warning letter, file scan letter and update BS&A file. Typically, a resident is given 14 days to rectify the violation.
- 3) Revisit site after the 14 days have passed. If the violation still exists, more pictures may be warranted, another attempt to speak with the resident, a second notice is prepared and mailed and the computer is updated. Typically, the time frame is reduced to 10 days.
- 4) Revisit site after the 10 days have passed. If the violation still exists, more pictures may be warranted, another attempt to speak with the resident, a second notice is prepared and mailed and the computer is updated.
- 5) Revisit the site after the time has passed. If the conditions have not approved or worsened a third and final letter is prepared giving 7-10 days. This letter is sent as certified mail with return receipt. The letter clearly indicates this is the **final** warning.
- 6) After the time period has elapsed, a civil infraction violation is prepared as an E-ticket by the police department. If personal service cannot be made a copy is mailed first-class mail and an additional copy is posted on the property per the Civil Infraction Ordinance #71.
- 7) Once the court appearance date has passed and the property owner has not addressed the initial violation the ordinance does provide for another violation to be written. The second violation assesses the fine at twice the listed amount in the ordinance.
- 8) Prior to any court proceeding, another pass is made by the location in question where pictures are taken depicting the condition of the property.

2019 Goals

First and foremost, learn the position particularly the Zoning Ordinance. The Zoning Ordinance is not something you can read and remember. It actually requires a process of doing and learning. Though I am familiar with the operation of government, the area of building and zoning has a learning curve.

Secondly, as I alluded that the position is that of an ambassador it also pertains to other government entities. I would like to strengthen our ties with the state departments, county offices, and local police and fire departments. It is paramount that all government entities pull in the same direction. So many of the planning and zoning responsibilities overlap into the other government entities mentioned.

Staff Training & 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:

- Jan. 25, 2018: Short Term Rental Webinar MSU Best Practices
- Feb. 2, 2018: MAP Student Conference Mentor
- Feb. 8, 2018: MAP Transportation Bonanza
- May 11, 2018: SEMCOG Informational Training at Green Oak
- April 22-25, 2018: MTA Annual Conference and Expo; Traverse City
- June 27, 2018: Livingston County Planning Brown Bag Lunch –Solar Ordinances; Hartland Township
- Sept. 20-22, 2018: MAP Annual Conference; Grand Rapids
- Oct. 24, 2018: Livingston County Planning Brown Bag Lunch: topic: Right to Farm Act
- Nov. 9, 2018: National Charrette Institute (MSU): Placemaking & Public Engagement; Adrian
- Dec. 5, 2018: Livingston County Planning Brown Bag Lunch - Transportation Coalition presentation of LCTMP; Howell

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

- Feb. 21-22, 2018: Michigan Stormwater and Floodplain Association Annual Conference; Lansing
- April 6, 2018: DEQ Brownfield Redevelopment Program training; Lansing
- April 26, 2018: MAP Spring Institute; Lansing
- May 30, 2018: Livingston County Planning Brown Bag Lunch: topic: Parks and Recreation initiatives; Oceola Township Hall
- Sept. 20-21, 2018: MAP Annual Conference; Grand Rapids

Brittany attended the trainings and participated in the professional activities listed below:

- Joined MAP as a member
- April 26, 2018: MAP Spring Institute; Lansing
- May 30, 2018: Livingston County Planning Brown Bag Lunch: topic: Parks and Recreation initiatives; Oceola Township Hall
- Nov. 9, 2018: National Charrette Institute (MSU): Placemaking & Public Engagement; Adrian
- Dec. 5, 2018: Livingston County Planning Brown Bag Lunch - Transportation Coalition presentation of LCTMP; Howell
- Becoming a Notary Public – online training webinar: Feb. 28, 2019

Mike attended the trainings and participated in the professional activities listed below:

- Joined MACEO and MAP as a member

Upcoming 2019 Training Opportunities

- Cultivating Local Farm Economies: Planning, Zoning, and Farm Preservation through Diversification March 21, 2019; Ann Arbor
- Michigan Stormwater and Floodplain Association Annual Conference, March 13-15, 2019; Ann Arbor
- Michigan Township Association Annual Conference and Expo, April 1-4, 2019; Grand Rapids
- Michigan Association of Planning - Spring Institute, April 25, 2019, Lansing

- Michigan Association of Planning Annual Conference, September 25-27, 2019; Kalamazoo
- Livingston County Planning – Monthly Brown Bag Lunch (Lunch & Learn) Presentations
<https://www.livgov.com/plan/Pages/lunch-and-learn.aspx>
- 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>

Zoning Text Amendments

Zoning Text Amendments 2018

In 2018 six (6) zoning text amendments and two (2) 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:

ZTA 17-006

This zoning text amendment streamlined the Site Plan Review requirements for Minor Projects (Article 4), streamlined the review regulations regarding Temporary Buildings, Structures and Uses (Section 8.9) and Seasonal Sales Permits (Section 8.21), and revised the enforcement section of the Zoning Ordinance (Article 5) to comply with the new Civil Infractions Ordinance 71A. This amendment was recommended for approval by the Planning Commission on January 17, 2018 and the Livingston County Planning Commission on Feb 21, 2018. The Township Board approved this amendment on March 6, 2018.

ZTA 18-001

This zoning text amendment removed the requirements for Planning Commissions review for the creation of ponds from Article 4 Site Plan review Section 4.3. Applicability and from Article 9 Environmental Provisions, Section 9.2.4 Standards for Agricultural, Scenic, or Recreational Ponds. This amendment was recommended for approval by the Planning Commission on February 21, 2018 and the Livingston County Planning Commission on April 18, 2018. The Township Board approved this amendment on May 15, 2018.

Zoning Text Amendments 2019

In 2019 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 2019:

- **Fence Revisions:** In March of 2016 the Township Board approved revisions to the fence regulations to clarify the measurements for the height of a fence and where specific types and size fences can be located on a property. Through continued use of the fence regulations it has been discussed by staff that the fence regulations once again be reviewed. Staff suggests to better clarify the fence requirements in regards to location and size, allowing 8 foot fences on residential properties should be eliminated.
- **Wireless Revisions:** In September of 2016 the Township Board approved revisions to the regulations regarding Wireless Communication Facilities. These revisions were made so the Township's regulations would comply with the 2012 regulations required by the state legislation (PA 143), as well as 2013 changes to the WCF rules.

In December 2018, the Small Wireless Communications Facilities Deployment Act (SWCFDA), Act No. 365 of the Public Acts of 2018 (PA365). The purpose of this act is to accelerate and encourage deployment of small wireless infrastructure in the public right-of-way and provide a framework for review by municipalities. A companion act was also enacted, Act No. 366 of the Public Acts of 2018 (PA366) which amends the Michigan Zoning Enabling Act to incorporate PA 365.

SWCFDA provides requirements for municipalities to process applications by wireless providers. The SWCFDA allows for municipal regulation through a permitting process and a zoning ordinance; however there are restrictions on the municipality regarding these items. The SWCFDA allows for some limited design criteria requirements and institutes deadlines and fee limits for municipal review of any applications.

- **Planned Unit Development (PUD) Revisions:** The currently regulations regarding PUD's are broken out into Articles 13 through 17. In an attempt to streamline and to clarify the PUD development process staff suggests that the Township review these regulations and research other municipality's ordinance

regarding PUD's to create a clearer set of regulations and standards regarding PUDs. The revised ordinance should also better identify the parameters for developments that the Township desires to consider with future PUD development submittals.

Staff is concerned that the current PUD regulations are confusing, do not match the intent of the regulation, and are sometimes too broad and sometimes too narrowly tailored to be easily used for multiple types of PUD projects.

Staff believes that this text amendment should be a priority of the Township in 2019. Hopefully the amendments to the PUD regulations will have many benefits including; clarifying the intent of the regulations, better directing future development to meet the township needs, and improving the perception of the Township both from its citizens and outside interests.

- **Wind and Solar Farms:** Michigan has seen a recent growth of renewable energy partially due to Public Act 295 of 2008 and Public Act 342 of 2016. The 2008 Act required Michigan's energy providers to maintain at least 10% of their energy from renewable energy sources. The 2016 Act increases this requirement, mandating that an energy provider's portfolio be 12.5% renewable energy by 2019, with a later increase to 15% in 2021 and the goal is to have 35% of electric needs met through energy waste reduction and renewable energy by 2025. To meet these requirements, utility companies have undertaken a rapid expansion in developing Michigan's renewable energy sources, including wind and solar power. This expansion has increases the development pressures for these type of uses within local municipalities.

Currently the Township zoning regulations do not address solar or wind energy facilities. Zoning Department Staff has been addresses these type of use as follows; if the wind turbine or solar panels are uses to support the energy needs of the structures on a residential property and does not create more energy than needed for the structure on the subject site than these items are considered either accessory structure if they are not attached to another structure or as part of the structure if they are attached to a structure and can be approved with a Land Use Permit. If the wind turbines or solar arrays are created to provide more energy than needed on the subject property, they are considered a commercial uses and only allowed in industrial districts.

Solar or wind ordinances are comprehensive regulations of solar or wind energy within the Township, including what types of solar or wind energy systems are permitted, where they may be located, and what limitations apply to them. These ordinances are often written to address small and large wind and solar facilities differently. A well-drafted solar ordinance protects the Township's interests while also ensuring that it does not run into exclusionary zoning issues.

At a minimum staff suggest that the Planning and Zoning staff should consult with the Township Attorney and review if the current regulations and procedure protect the township for any future lawsuits.

- **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.

In the past few years township staff and elected official have work to create more senior housing opportunities within the community by; creating the ECHO housing regulations, allowing accessory dwelling units by right on many properties throughout the Township, requiring developers to incorporate smaller single story homes within their developments, and by creating a RFP and working with a developer to develop a large scale senior housing facility on a township owned property.

To attract additional senior housing, staff suggests the Township create a Senior Housing Overlay District to allow senior housing facilities in specific areas of the Township. These areas would be areas served by public unities and with easy access to main roads and Township services. A Senior Housing

Overlay District may be appropriate within the Village Center area, at multiple spots along M-36, and at key nodes along primary arterials throughout 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. 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. Staff believes an overlay district would work well to address the coming need for senior housing in the Township.

The district may include regulations regarding both uses and development standards that can be used to either restrict development or encourage development. If it is determined appropriate the overlay district could create regulations that allow for multiple housing types and densities on a single parcel; 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 projects to allow for reduced parking or lot size requirements. The items listed above are just a few of the regulations, requirements or standard that may be included in a 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.

- **Short Term Rental Uses:** In a quick review of the AirBnB and VRBO websites there are approximately 20 properties marketed as vacation rentals within Hamburg Township, all lake properties. This topic was discussed initially by the Board in September 2015. The outcome of that discussion was to not revise the code to address these short term rentals but instead to consider the rental of a property for less than 8 days at a time as a commercial use. Therefore, this commercial use would not be allowed in residential zoning districts. Just as a reminder 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 about short term rentals. Since that time the Township has not received any further complaints about short term rental properties.

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. As time goes by and 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.

Also the Michigan State Legislature has been contemplating what to do with short term rentals for a while now, most recently with House Bill 4046. Prior to HB 4046 there was Senate Bill 329 and HB4503 in 2017. These bills would, by amending the Michigan Zoning Enabling Act, remove the power of local municipalities to regulate short term rentals as a land use, by requiring that local municipality allow short-term rentals in all residential zones by right. The state representatives that have put these bills together and that support these bills claim that the bills are created to preserve private property rights. This claim is valid however it also appears to only be considering the property rights of the person that owns the rental unit and not the adjacent property owners. Also it is a question about who should be regulating land uses the state of local municipal government. The Michigan Zoning Enabling Act is set up to allow local governmental unit to regulate their own land uses. The Michigan Township Association has opposed these bills because of this reason.

There are positive and negative aspects to allowing or not allowing this type of use in a residential district.

At a minimum staff suggests that the Planning and Zoning staff consult with the Township Attorney and review if the current regulations and procedure protect the township for any future lawsuits.

- **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 (excluding lots that have access to a waterbody or are directly adjoining a waterbody) 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.
- **Village Center Zoning District Revisions:** During the current 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.

- **Collection Drop Boxes:** Several collection drop boxes have been installed at multiple location in the township. The zoning ordinance does not address this use. Staff would have concerns over the placement of the drop boxes if the boxes are located in required parking spaces, such as at CVS, in required landscape buffers, vacant lots, or on township-owner property. The drop boxes could become a nuisance if they are not properly maintained or emptied, causing blighted conditions.

In 2015, the federal Sixth Circuit Court of Appeals struck down the City of St. Johns ordinance banning such collection drop boxes (*Planet Aid v. City of St. Johns*, 782 F.3d 318). The court found that the collection drop boxes are protected under the First Amendment right to free speech. Similar to the 2015 *Reed v. Town of Gilbert* United States Supreme Court ruling on content-based signage, the *Planet Aid* ruling would allow municipalities to regulate the size, location, and operation of a collection drop box. The Township should consider directing staff to work with the township attorney to draft an ordinance that would address collection drop boxes.

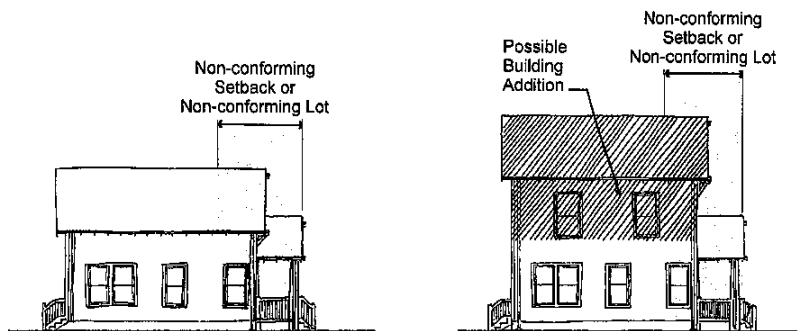
- **Public Hearing Notification Requirements:** A project that requires a public hearing is noticed under MCL 125.3103: (1) notice is published in the newspaper of general circulation not less than 15 days before the date of the hearing and (2) owners of property within 300 feet of the site under consideration are mailed a legal notice not less than 15 days before the date the request will be considered. There were two public hearings in 2018 that were the focus of much public interest and the Planning Commission expressed concern that interested residents who were not entitled to notice under MCL 125.3103(2) were not aware of the public hearing. Staff was asked to explore on-site notification options. Neither the Zoning Enabling Act nor the township's zoning ordinance currently has an on-site notification requirement. Staff has concerns about requiring legal notices being posted on-site as a condition of going forward with the public hearing. If posting the legal notice on site is a requirement of the ordinance and the notice blows away or is removed by the property owner or a disgruntled neighbor, the hearing body would have to table the project until such time that the on-site posting requirement is met. It would be costly to require the applicant to pay for a re-hearing fee, if required, and it would be an inconvenience to the applicant, neighbors, interested parties, and hearing body to have to table the application.

Staff suggests making on-site notification an administrative function of the zoning department. The zoning staff currently prepares the legal notice for publication and mails the legal notice to affected property owners. Staff could also post a notice on the subject site as a part of the legal notice preparation, with no requirement that the notice remain continuously posted on the property for 15 days prior to the hearing. The on-site notice would apply to any project that requires a public hearing, including PC and ZBA hearings. Two options for legal notices would be a pre-printed stock notice that directs interested people to the township or a project-specific notice printed on letter-sized paper.

- Section 11.3., Expansion of Non-conforming Structures:** On August 17, 2017, the Planning Commission recommended approval of a zoning text amendment to Section 11.3.1., Permitted expansion of residential buildings. The Zoning Board of Appeals has asked staff to clarify the amendment to Section 11.3.1. and verify that the Planning Commission intended to require second-story additions conform to all setback requirements. Below is an excerpt from the minutes from the August 17 PC meeting:

Planning & Zoning Administrator Pacheco stated that we discussed this text amendment at our June 21, 2017 meeting. This amendment is to Section 11.3 Non-conforming Buildings and Structures in Article 11 which we refer to as our 50% rule. It eliminates the 50% rule in regards to expansion of a residential buildings. In reviewing this further, he feels that we can also eliminate items A & B under 11.3.1. Livingston County already requires approval of well and sanitary sewer. And, we have another section that says that we do not consider the size or street frontage as a non-conformity in these types of actions. What this now says is that you can expand an existing, non-conforming residential use as long as it meets the required setbacks. He has also provided some diagrams to help clarify what this actually means. He reviewed each diagram.

Diagram F: Addition of a second story to a non-conforming structure



This addition will require a variance from the Zoning Board of Appeals

Based on the information provided to the Planning Commission for their consideration of the zoning text amendments, it appears that the Planning Commission did take second-story additions into account when contemplating amendments to Section 11.3.1. and did intend for vertical additions to comply with the setback standards of the zoning district. If the Planning Commission would like to reconsider the amendment to Section 11.3.1, they should direct staff to draft a zoning amendment to address these concerns.

GENERAL ORDINANCE AMENDMENTS

In working on the Codification of the Township Municipal Code staff has been attempting to clean up the General Ordinances.

In 2017 staff worked on the following:

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

In 2018 and 2019 staff worked on the following:

- **Ordinance 46:** Condominium Ordinance was amended to include the new civil infraction regulations and to consolidate the site plan review process with the Zoning Regulations.
- **Ordinance 53:** Property Identification Ordinance was repealed and the necessary wording was incorporated into Ordinance 77 the Uniform Addressing and Road Naming Ordinance.
- **Ordinance 54:** Land Division and/or Combination Ordinance was repealed and the necessary regulations were incorporated into Ordinance 95 Land Division, Combinations & Boundary Adjustments Ordinance.
- **Ordinance 62:** Stormwater Drainage Ordinance was amended to include the new civil infraction regulations from Ordinance 71.
- **Ordinance 77:** Uniform Addressing and Road Naming Ordinance was amended to include the new civil infraction regulations and to incorporate the necessary regulations from Ordinance 53.
- **Ordinance 86:** Ordinance Confirming Creation of the Hamburg Township Planning Commission was amended to make minor corrections in the wording.
- **Ordinance 95:** Land Division, Combinations & Boundary Adjustments Ordinance was amended to allow Hamburg Township greater flexibility in making determination on land divisions by creating standards that allow properties to be divided with a lot depth to width ratio of greater than 4:1 and to incorporate the regulations regarding land divisions, combinations and boundary adjustments in Ordinance 54.

General Ordinances that still need to be reviewed in 2019:

- **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. This ordinance is currently being review by the Township Planner and all revisions will be completed by March of 2019.
- **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 ordinance is currently being reviewed by the Township's Engineering Consultant to make sure all regulations are appropriate and safe.

ZONING ORDINANCE CODIFICATION

The Planning Commission held a public hearing on the codified Zoning Ordinance at the February 20, 2019 meeting.

The Township is considering contracting with an outside company, such as Municode or American Legal Publishing Corporation, to do the review and maintenance of the ordinance and codification of any future zoning text amendments. ``

Master Plan Update (2020)

Steering Committee

Jim Neilson: Township Board

Annette Koebler: Township Board

Victor Leabu: Township Planning Commission

Joyce Priebe: Township Zoning Board of Appeals

Katherine Kline-Hudson: Livingston County Planning Department

Michelle Brunner: Hamburg Township Residential Property Owner

Lauren Tharp: Hamburg Township Resident and Commercial Business Owner

Stephen Pugsley: Hamburg Township, Village Center Resident

History

Last year at the February 28, 2018 Joint Meeting updating the Township's Master Plan was discussed. At that time, it was determined that the Township Staff would start the process for updating the Townships Master Plan.

In March of 2018 the Township Board directed staff to create and send a Notice of Intent to prepare the 2020 Master Plan. This notice was sent to the interested agencies as required in Section 39 of the Michigan Planning Enabling Act (MPEA) (MCL 125.3839).

After the notice of intent to prepare the Master Plan was sent the Township formed a Steering Committee to guide the creation of the Plan. The Steering Committee is made up of three citizens of the Township, one of which was a local business owner, and one member of the Township Board, Planning Commission, Zoning Board of Appeals, and Livingston County Planning Department.

On April 12, 2018 the Steering Committee and Township Staff held the official kick-off meeting for the 2020 Master Plan update. Representatives from governmental and quasi-governmental agencies that are key contributors and users of the new Master Plan were invited to this meeting. The process for the update of the Plan, how these agencies could stay involved throughout the update process, and the proposed timeline for the process were discussed at this meeting.

The Steering Committee and Township staff then worked on the public outreach to collect information from the community on what the Master Plan should address. A website dedicated to the Master Plan Update was created (<https://visionhamburgmi.wixsite.com/hamburgmasterplan>), a survey was created and distributed throughout the community, the Township staffed an informational booth at the Hamburg Family Fun Festival, and Steering Committee members visited many commercial businesses throughout the Township to solicit more input from the Business Community.

On August 22, 2018, Steering Committee and Township Staff held an Ice Cream Social Open House as the final meeting of the public outreach efforts. This meeting was attended by approximately 100 people.

At the beginning of October the Steering Committee and Staff held a meeting to discuss the information gathered through the public outreach efforts. From these efforts it became clear that in general the community believed the quality of life within the Township was above average and that the things they enjoyed about the community such as the waterbodies, natural areas, and outdoor recreation options should be preserved. It also became clear that the community's goals and objectives had not changed dramatically since the 2011 Master Plan and that the scope of this update would be mostly limited to updating the data used in the creation of the Plan, revising the format of

the Plan to make it more user friendly, and by adding discussions of the new items required by MPEA (i.e.: zoning map and complete streets).

After this meeting with the Steering Committee, Township staff was tasked with preparing a draft 2020 Master Plan to be reviewed by the Steering Committee. Drafting of the 2020 Master Plan has been slowed due to multiple projects submitted to the Township for review (Waters Edge, Mystic Ridge, Senior Housing RFP, Strawberry Creek Farms, CEI, and Stiggy's Dogs).

NEXT STEPS

Staff is currently working on the final review of their draft first three sections of the 2020 Master Plan update; Introduction, Executive Summary, and Land Use. In March 2019 staff will send these draft sections to the Steering Committee for review and comment.

Staff has started drafting the Transportation section, which will likely incorporate most of the information in the M-36 Corridor Plan in order to consolidate these two documents, and will need to start work on the Environmental section over the next two months. Staff will then send the draft of these final two sections to the Steering Committee for review and comment.

Once the Steering Committee has reviewed and made any necessary changes to all five sections of the draft 2020 Master Plan update, staff will forward the draft Plan to the Planning Commission for review and a recommendation to the Township Board. The Township Board will then need to review the draft document and make a motion to distribute the Draft Master Plan for review.

Once this document is distributed for review and the comment period is exhausted the Planning Commission will hold a public hearing to review the comments and make any changes that may be necessary to the draft 2020 Master Plan and approve the document.

Updated Draft Master Plan Schedule

**2020 Hamburg Township Master Plan
Task Schedule**

| Step | Task | 2018 | | | | 2019 | |
|------|--|----------------|----------------|-----------|---------|-----------|-----------------------|
| | | Mar | Apr-Jun | Jul-Sep | Oct-Dec | Jan-April | May-Sep |
| 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 off Meeting with all interested parties | | 4/12/18 | | | | |
| 4 | Review and identify deficiencies and key stakeholders | | 4/12/18-5/7/18 | | | | |
| 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 | | 6/4/18 | | | | |
| 8 | Public Outreach Meeting and Events | | 6/4/18 | 8/3/18 | | | |
| 9 | Meeting of the Master Plan Committee to discuss public input | | | 10/3/2018 | | | |
| 10 | Compile Data and Prepare Revisions to All Documents | | 6/4/18 | | | 4/30/19 | |
| 11 | Meeting of Master Plan Committee to review draft Master Plan | | | | | | 5/1/2019-5/10/2019 |
| 12 | Prepare report for Planning Commission | | | | | | 5/11/2019 - 5/15/2019 |
| 13 | Planning Commission Meeting on Draft Master Plan * | | | | | | 5/22/19 |
| 14 | Prepare report for Township Board | | | | | | 5/23/2019-5/29/2019 |
| 15 | Township Board to approve distribution of the Draft Master Plan* | | | | | | 6/4/19 |
| 16 | Distribute Draft Master Plan* | | | | | | 6/5/2019 |
| 17 | Public Review Period * | | | | | | 6/5/2019-8/5/2019 |
| 18 | County Review Period * | | | | | | 6/5/2019-8/5/2019 |
| 19 | Meeting of Master Plan Committee to review and address comments | | | | | | 8/5/2019-8/9/2019 |
| 20 | Make necessary changes to Draft Master Plan and Prepare Report for Planning Commission | | | | | | 8/11/2019-8/16/2019 |
| 21 | First Meeting for Planning Commission Review of Final Draft Master Plan | | | | | | 8/21/19 |
| 22 | Prepare revisions to Final Draft Master Plan based on PC comments | | | | | | 8/22/2019-9/13/2019 |
| 23 | Hold Public Hearing for Planning Commission Review of Final Draft Master Plan * | | | | | | 9/18/19 |
| 26 | Send Township Board and necessary agencies copy of approved Master Plan * | | | | | | 9/20/2019-9/21/2019 |
| 27 | Implement Master Plan | | | | | | Next 20 years |
| | Master Plan Subcommittee Meeting | | | | | | |
| | Planning Commission Meeting | | | | | | |
| | Township Board Meeting | | | | | | |

* These tasks are required by the MPEA