

HAMBURG TOWNSHIP LIVINGSTON COUNTY, MICHIGAN NOTICE OF ADOPTION Zoning Text Amendment 21-003 Permitted Use Tables

Notice is hereby given that the Township Board for Hamburg Township, Livingston County, Michigan adopted Zoning Text Amendment (ZTA) 21-003, which amends the regulations in Article 2, Article 7, and Article 8 of the Hamburg Township Zoning Ordinance as summarized below:

Article 2 Definitions:

ZTA21-003 includes the addition of definitions for Adult Businesses, Farm Animals, Farm Products, and Live Work Units; revisions to the definitions of Apartments, Kennels, and Motels; and the eliminations of the definition of Single Family Attached Dwelling Unit.

Article 7 District Regulations:

ZTA21-003 includes revisions to the wording and organization in the entire Article 7. The most notable revisions to this article include but are not limited to the organization and clarification of the regulations for the specific uses into a table format, consolidation of all of the regulations for the specific uses located in the table and minor edits to these regulations when necessary to better clarify the regulations. This ZTA also considers all of the uses allowed either as a permitted use or a special use in each of the current zoning districts, consolidates the use descriptions to eliminate any duplicate uses, adds uses that were not previously considered, and verifies the uses are appropriate for each of the zoning district they are allowed under. The County Estates Single Family Residential District (CE), Multi-Family Residential District (RC) and Old Hamburg (OH) District were removed from the zoning ordinance as there are no longer any areas within the Township zoned for these districts. The words Single Family were removed from the following zoning district; Single-Family Low Density Rural Residential District (RAA); Single-Family Medium Density Residential District (RA) and Single-Family High-Density Residential District (RB) to reduce the confusion in describing these residential districts and the intent of the PPFR district was added.

Article 8 Supplementary Provisions:

ZTA21-003 moved the regulation regarding the following items in Article 8 to Article 7 home occupations, essential services; single family dwellings, mobile homes, prefabricated housing; public or private elementary, junior, or senior high schools, and institutions of higher education; group day care homes, child care centers, and day care centers; continued conformance with regulations; firewood sales; apartments in the NS, CS, and OH Zoning Districts; bed and breakfast inn development standards; adult foster care and/or small group home; accessory dwelling unit; showroom and sales of new and used automobiles and motorcycles; agricultural commercial/tourism business; and collection bins. The regulations regarding the continued conformance with regulations have been removed and the regulations for the following items remained under the amended Article 8; accessory buildings and structures; temporary buildings, structures, and shelters; special events, seasonal sales and other temporary uses; unsafe buildings; structural damage; building grades; street closures; fences, walls and screens; intersection visibility; access to a street; yard encroachments; supplementary height regulations; and garage sales, rummage sales, and similar activities.

A copy of the full text of the new Zoning Ordinance Amendment may be inspected or purchased at the Township Offices (10405 Merrill Road, Whitmore Lake, MI 48189). The new Zoning Ordinance Amendment will also be posted on the Township's website at <http://www.hamburg.mi.us>. The adopted amendment shall become effective on October 11, 2023 unless referendum procedures are initiated under MCL 125.3402 within seven (7) days after publication of this notice of adoption. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.

Hamburg Township Planning Commission Public Hearing: November 17, 2021

Livingston County Planning Commission Public Hearing: December 15, 2021

Hamburg Township Board Adoption: September 5, 2023

Publication Date: September 11, 2023

Effective Date: October 11, 2023

ARTICLE 2.00

DEFINITIONS

For the purpose of this Ordinance, certain words and terms are herewith defined. Words not herein defined shall have the meaning customarily assigned to them.

ADULT BUSINESS. Establishments which are distinguished or characterized by entertainment, devices, or services which are sexually explicit in nature.

APARTMENT: A multi-family dwelling owned by an individual entity and leased to residents that do not own the dwelling.

FARM ANIMAL: An animal used to produce a farm product or that is a farm product itself.

FARM PRODUCT: those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

KENNEL: A kennel shall be construed as an establishment wherein or whereon three (3) or more animals, other than farm animals, are confined and kept for sale, boarding, breeding, training, or sporting purposes, for remuneration.

LIVE/WORK UNITS: A dwelling unit or sleeping unit in which a portion of the space includes a non-residential use that is operated by the tenant. An internal connection between the dwelling unit and non-residential space may be included. Examples of live/work units include the following types:

A. The Fully Integrated Type: The dwelling unit and the non-residential space occupy the same area.

B. The Live-Above Type: The non-residential space is below the dwelling unit.

C. The Live-Behind Type: The non-residential space is in front of the dwelling unit.

D. The Live-In-Front Type: A single-family house where the workplace is typically behind the living quarters, The house is intended to be fully compatible with a dwelling unit, with freestanding work quarters suitable for restricted uses. The separation between the two functions may be complete, meaning there may be a door separating the spaces. However the commercial section cannot be leased independently from the house.

MOTEL: A building, boat, recreation vehicle, group of buildings, part of a building, dwelling or dwelling unit used for overnight accommodation of transient guest for compensation on a short term basis (i.e, stays generally shorter than thirty consecutive days). The term shall include any building, group of buildings, part of a building, dwelling or dwelling unit designated as a lodging house, hotel, resort, short-term rental or by any other title

intended for providing lodging for compensation on a transient basis, but shall not include Bed and Breakfasts or Campgrounds, as defined in this ordinance.

ARTICLE 7.00

DISTRICT REGULATIONS

Section 7.1. Establishment of Districts

The Township is hereby divided into the following zoning districts as shown on the Zoning District Map:

RAA	-	Low Density Rural Residential District
RA	-	Medium Density Residential District
RB	-	High Density Residential District
WFR	-	Waterfront Residential District
NR	-	Natural River Residential District
MHP	-	Mobile Home Park Residential District
NS	-	Neighborhood Service District
CS	-	Community Service District
LI	-	Limited Industrial District
GI	-	General Industrial District
MD	-	Mixed Development District
VC	-	Village Center District
VR	-	Village Residential District
PPFR	-	Public and Private Recreational Facilities District

Section 7.2. Zoning District Map

7.2.1. Identified. The zoning districts as provided in Section 7.1. are bounded and defined as shown on the map entitled "Zoning District Map of Hamburg Township." The Zoning district Map, along with all notations, references, and other explanatory information, shall accompany and be made part of this Ordinance.

7.2.2. Authority. Regardless of the existence of purported copies of the Zoning District Map which may be published, a true and current copy of the Zoning District Map available for public inspection shall be located in the office of the Township Clerk. The Clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township.

7.2.3. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.
- B. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.

- D. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
- E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
- F. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
- G. A boundary indicated as parallel to, or an extension of, features in paragraphs A-F preceding shall be so construed.
- H. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map or any other circumstances not covered by A-H preceding, the Board of Appeals shall interpret the location of the zoning district boundary.
- J. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this Ordinance, the Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 7.3. Application of District Regulations

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules or regulations, ordinances, deed restrictions, or covenants, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner:

7.3.1. No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this Ordinance. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

- A. **Permitted Uses.** Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses. All other uses are prohibited.
- B. **Accessory Uses and Buildings.** Accessory uses are permitted as listed in the various zoning districts or as similar to such listed uses, and only if such uses are clearly incidental to the permitted principal uses. Other accessory uses not listed are permitted if customarily incidental

to any principal use. In addition to any provisions applied to a specific accessory use, the provision of Section 8.1 must also be met.

- C **Special Uses.** Special uses are permitted as listed or if similar to the listed special uses. In addition to any provisions applied to a specific special use, the provisions of Section 3.5 must also be met.

7.3.2. No building shall hereafter be erected or altered except by appeal as herein described by this Ordinance, to:

- A. Exceed the height limit specified for the district in which such building is located.
- B. Occupy a greater percentage of lot area than is specified for the district in which such building is located.
- C. Intrude upon the required front, rear, or side yards, as specified for the district in which such building is located.
- D. Accommodate or house a greater number of families than is specified for the district in which such building is located.
- E. Provide less living space per dwelling unit than is specified for the district in which such building is located.

7.3.3. No lot area shall be so reduced or diminished that yards and other open spaces shall be smaller than specified, nor shall the density of population be increased in any manner except in conformity with the area regulations, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which such lot is located.

7.3.4. No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

7.3.5. Every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of approved multiple dwelling, commercial, and industrial developments, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any district.

Section 7.4. Intent of Districts

The intent and purpose of each district are set forth as follows:

7.4.1. RAA-Low Density Rural Residential District. The purpose of this district is to provide open land areas for residential and agricultural properties of a rural character that are presently without public water and sewerage facilities and are likely to remain without such services for an extended period of time. It is also the purpose of this District to protect and stabilize the essential characteristics of these

areas in order to promote and encourage suitable environments for low density family life, until such time as it may be in the public interest to promote urban development of a greater intensity requiring higher levels of public services and utilities. The requirements of this district are designed to permit the safe and healthful use of on-site water supply and waste disposal.

7.4.2. RA-Medium Density Residential District. The purpose of this district is to provide a stable and sound environment for single-family detached dwellings with suitable open space at a medium density. The requirements of this District are designed to protect the medium density residential character of development by restricting uses and activities which are not beneficial or appropriate in such an area, and by permitting construction and occupancy of single-family dwellings on fringes of higher density urban development and may be served by public sewerage systems and other appropriate urban facilities and services in the future. However, the requirements of this district are designed to permit the safe and healthful use of on-site water supply and waste disposal. There is no intent to promote by these regulations a district of lower quality and desirability than in the RAA-Residential District, although a higher density of population is permitted herein.

7.4.3. RB-High Density Residential District. The purpose of this district is to provide a stable and sound environment with suitable open space at a high density. The requirements of this district are designed to protect the single-family residential character of development by restricting those uses and activities, which are not beneficial or appropriate in such an area, and to promote high density development by permitting the construction and occupancy of single-family dwellings on relatively small-sized lots. These districts will generally be located adjacent to the highest concentrations of urban development and shall be served by public water and sewerage systems and other appropriate urban facilities and services. There is no intent to promote by these regulations a district of lower quality and desirability than other single-family residential districts, although a higher density of population is permitted herein.

7.4.4. WFR-Waterfront Residential District. The purpose of this district is to accommodate all types of single-family housing, including seasonal homes, and other permitted use on or near waterfront, woodland, or other resort or vacation areas. The requirements of this district are established to allow development to be located on, near, or in these areas only when streets, utilities and other necessary public services are provided at adequate urban standards.

7.4.5. NR-Natural River Residential District. Refer to Section 7.8.1

7.4.6. MHP-Mobile Home Park Residential District. The purpose of this district is to provide for the development of mobile home parks which are an asset to the community. The requirements of this district are established to allow the use of mobile homes located in a mobile home park regulated by the Mobile Home Commission Act, P.A. 419 of 1976, and this Ordinance. All uses permitted in MHP-Mobile Home Park Residential District shall comply with the Mobile Home Commission Act, P.A. 419 of 1976 and the current Mobile Home Code adopted by the Mobile Home Commission. In addition to the rules and standards of the Mobile Home Code, supplemental conditions shall apply to all uses permitted in the district by this Ordinance.

7.4.7. NS-Neighborhood Service District. It is the purpose of this district to provide for convenient retail and personal service establishments which cater to the day-to-day needs of families residing within immediately accessible neighborhoods. The requirements of this district are designed to accommodate a major portion of existing neighborhood commercial development, but at the same time to limit future

commercial development to centers which can be economically supported by adjacent neighborhoods, and which have a minimum impact upon the residential character of surrounding development. It is the basic intent of this district to encourage future commercial development within planned centers and community service districts rather than in scattered locations through the residential area, but also to provide for those necessary services which are most appropriately and conveniently located in close proximity to residential neighborhoods.

7.4.8. CS-Community Service District. The purpose of this district is to accommodate the wide range of retail, business, and personal service establishments which are intended to serve a number of neighborhoods, an entire community, or larger geographical areas of the Township. The provisions for this district are designed to encourage commercial development of various related types of centers which can be economically supported by the community and the surrounding area. These districts will be conveniently located in relation to the highest concentrations of urban development and on or near major thoroughfares to provide access to the outlying areas which they will serve. Planned community and regional shopping centers with adequate circulation and off-street parking facilities will be encouraged.

7.4.9. LI-Limited Industrial District. The purpose of this district is to provide for the location of light manufacturing, wholesale activities, warehouses, research and development centers, office facilities, and accessory activities. Uses permitted in this district generate minimal noise, glare, odor, dust fumes, heat radiation, vibration, air and water pollutants, or other harmful or obnoxious matter. Uses permitted in this district are characterized by minimal use, storage, collection or by-production of toxic or hazardous materials; minimal use and storage of on-site fuels; minimal use of water; minimal combustion activities, ovens or vats; and minimal use of large processing equipment and bulk products. Uses which involve the storage or handling of explosive or highly inflammable gases or liquids are not intended in this district. The district is designed to create a low density development with spacious yards to provide attractive settings as well as to help insure compatibility with nonindustrial neighboring lots

7.4.10. GI-General Industrial District. The purpose of this district is to provide for a broad range of manufacturing, wholesale activities, warehouses, research and development centers, office facilities, and accessory activities. While uses permitted in this district could create greater environmental disturbances than uses permitted in limited industrial districts, it is the intent of this district to protect neighboring properties and the Township as a whole. The district is designed to permit more intensive industrial uses on larger lots than in limited industrial while still insuring compatibility with non-industrial neighboring lots. Outdoor storage of materials and equipment is often a characteristic of these uses

7.4.11. MD-Mixed Development District. The purpose of this district is to provide for various types of commercial, office, industrial, research, warehousing, and housing uses that are compatible with one another. The lands included in this district are those suited for uses characterized by low land coverage, the absence of objectionable external effects, large setbacks, attractive building architecture, and large landscaped park-like areas. The purpose of the district is to provide suitable sites for such uses, while making certain that such uses will be compatible with adjacent or surrounding districts. To these ends, development is limited to a low concentration, external effects are minimized, and permitted uses are limited to those which are adapted to an environment of this nature. The regulations are also designed to stabilize and protect the essential characteristics of the district by excluding uses which would have a detrimental effect upon the orderly development and functioning of the district.

7.4.12. VC Village Center District. The purpose of this district is to encourage development and redevelopment which is consistent with the traditional architecture, mixture of uses and compact layout of a traditional village. The requirements of this District are designed to permit a variety of retail, office, housing, and service uses which are subject to review by the Planning Commission. More specifically, the Village Center Zoning District is intended to achieve the following objectives:

- A. Implement recommendations of the Master Plan including the M-36 Corridor Plan the Hamburg Village Plan, and other sub area plans;
- B. Encourage development which is consistent with the density and design of existing Old Hamburg Village development;
- C. Provide a land use transition between the village area and the more rural areas of the township;
- D. Establish a complimentary and integrated mixture of employment, shopping, entertainment and civic uses which create a walkable village with less reliance on automobile travel;
- E. Create a distinct community center and focal point in the township;
- F. Help ensure a consistent architectural theme without restricting innovative design;
- G. Integrate public gathering places;
- H. Promote long term viability in the established village area;
- I. Reduce traffic conflict points along M-36 by using a system of internal streets and access;
- J. Permit narrower streets and on-street parking on internal streets not intended to function as through streets;
- K. Enable development and redevelopment to occur in a manner that will be compatible with the existing and new village environment; and,
- L. Promote a concentration of commercial uses and other higher intensity non-industrial uses rather than permitting extending a commercial strip along M-36 with all its inherent traffic congestion, compromise of public safety environmental threats and poor aesthetics.

7.4.13. VR Village Residential District. The purpose of this district is to encourage development and redevelopment which is consistent with the historic architecture, and compact layout of a traditional neighborhood. The requirements of this District are designed to permit a variety of residential densities and housing types. More specifically, the Village Residential Zoning District is intended to achieve the following objectives:

- A. Implement recommendations of the Master Plan including the M-36 Corridor Plan the Hamburg Village Plan, and other sub area plans;
- B. Encourage development which is consistent with the density and design of existing Old Hamburg Village development;
- C. Provide a land use transition between the village area and the more rural areas of the township;

- D. Create a distinct community center and focal point in the township;
- E. Help ensure a consistent architectural theme without restricting innovative design;
- F. Integrate public gathering places;

- G. Promote long term viability in the established village area;
- H. Reduce traffic conflict points along M-36 by using a system of internal streets and access;
- I. Permit narrower streets and on-street parking on internal streets not intended to function as through streets; and,
- J. Enable development in a manner that will be compatible with the existing and new village environment.

7.4.14. PPFR Public and Private Recreational Facilities District The purpose of this district is to encourage preservation of property for public and private recreational uses.

Section 7.5. Uses in Districts

Permitted, accessory, and special uses for each district are set forth in the Permitted Use Tables in Section 7.5.1, of this Ordinance. Unless otherwise stated, minimum area, height, and bulk regulations for each permitted or special use are set forth in Section 7.7.1.

7.5.1. Permitted Use Table

A. Residential Use Table

Residential Uses	RAA	RA	WFR	NR	RB	MHP	PPRF	NS	CS	LI	GI	MD	VC	VR	Use Standards
Single-family dwelling	P	P	P	P	P			S	S				P	P	7.6.1/7.6.4
Accessory Dwelling Units	P	P	P	P	P								P	P	7.6.2
Farming	P	P					P								7.6.3
Roadside Farm Stand	P	P					P								
Community Supported Agricultural	P	P													
Raising of horses	P	P	P	S			P								7.6.3
Raising of Poultry	P	P	P	S			P								7.6.3
Two Family Dwellings		S			S			S	S				P	S	7.6.4
Multi-Family Dwellings								S	S			S	P	S	7.6.4
Apartments								S	S			S	S	S	7.6.4
Mobile Home Parks						P									7.6.5
Live Work Unit								P	P			P	P	S	7.6.6

B. Public/Institutional/Recreational Use Table

Public/ Institutional/Recreation Uses	RAA	RA	WFR	NR	RB	MHP	PPRF	NS	CS	LI	GI	MD	VC	VR	Use Standards
Government Buildings	S	S	S	S	S			P	P			P	P	S	
Schools	S	S	S	S	S				P				P	S	7.6.7
Public and private cemeteries	S						S								7.6.8
Radio or television stations or transmitters	S						S								7.6.9
Airfields and Helipads	S						S								7.6.10
Public or private golf courses	S	S	S	S			S								7.6.11
Public or private recreation clubs	S	S	S	S			S								7.6.11
Religious Institutions	S	S	S	S				P	P				S	S	
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	7.6.12
Hospitals and Medical Centers	S														
Nursing or Convalescent Homes	S												S		
Public and Private Parks and Open Space	S	S	S	S	P										
Collection Bins								P	P	P	P		P		7.6.13
Private Indoor and Outdoor Recreation Facilities							S		P				P		7.6.14
Private and Public Campground and Lodges	S						S								7.6.15
Gun/Archery Ranges and Hunt Clubs							S								7.6.16
Off-road vehicle and go-cart courses							S								7.6.16

C. Commercial Use Table

Commercial Uses	RAA	RA	WFR	NR	RD	MHP	PPRF	NS	CS	LI	GI	MD	VC	VR	Use Standards
Home Occupations	P	P	P	P	P								P	P	7.6.17
Minor Agricultural Commercial and Tourism Use	P														7.6.18
Major Agricultural Commercial and Tourism Uses	S														7.6.18
State Licenced Child Family Day Care Home	P	P	P	P	P									P	
State licensed Adult Family Care Home	P	P	P	P	P									P	
Group day care homes	S	S	S	S	S									S	7.6.19
Small and Large Adult Foster Care	S	S	S	S	S			S	S					S	7.6.20
Child Care or Day Care Centers								S	S				P		7.6.19
Kennels	S							S	S						7.6.21
Bed and Breakfast	S	S	S	S	S			S	S			S	S	S	7.6.22
Firewood Sales	P	P						P	P						7.6.23
Outdoor Drive-in Theaters	S														7.6.24
Wholesale Stores									P	P					
Department Stores									P						
Retail Stores								P	P			P	P		
Food and Beverage Stores								P	P			P	P		
Restaurants w/o drive thru								P	P			P	P		
Service Businesses								P	P			P	P		
Business and Professional Offices								P	P	P	P	P	P		
Banks and Financial Institutions w/o drive-thru								P	P	P	P	P	P		
Small Repair Shop								P	P	P	P		P		
Open Air businesses								S	S						7.6.25
Dry Cleaner								S	P				P		7.6.26
Laundry Mat								S	P				P		7.6.27
Drive-thru Establishments								S	S				S		7.6.28
Gasoline Service Station								S	S	P	P		S		7.6.29
Marinas								S	P						7.6.30
Boat Sale and Service								S	P	P	P		P		7.6.31
Motor Vehicle Sales									S	P	P	S	S		7.6.32
Motor Vehicle and Trailer Rental									S	P	P	S	S		7.6.33
Service Studio (music, dance, matial arts, yoga ecx..)								P	P				P		
Funeral Homes/Mortuaries									P	P	P		P		
Auto and Truck Washes									S				S		
Minor Automobile Repair									S	P	P		S		7.6.34
Major Automobile Repair									S	P	P		S		7.6.34
Lumber Yard and Building Suplies									S	P	P				
Greenhouses/ Nursery/Garden or Feed Center								S		P		S	S		
Apartments								S	S			S	S	S	7.6.4
Motels									P				P		

D. Industrial Use Table –

Industrial Uses	RAA	RA	WFR	NR	RB	MHP		NS	CS	LI	GI	MD	VC	VR	Use Standards
Motor Freight Depots and Terminals											S				7.6.35
Warehouses and Distribution Centers										P	P	P			
Manufacturing/Processing/ Assembly of goods										P	P	S			
Printing/ Publishing and Related Activities										P	P	S			
Research and Testing Facilities										P	P	S			
Landscaping/Building and Other Contractor's Establishments											P				
Construction and Farm Equipment Sales											P				
Manufacturing of stone or tile											P				
Concrete or concrete products manufacturing											S				
Asphalt of Other Bituminous Plant											S				
Storage of Petroleum, chemical products, flammable liquids or gases											S				
Landfills, Incinerators, or Junk yards											S				
Quarries and Sand and Gravel Pits											S				
Storage Facilities											P				
Outdoor Storage associated with a allowed use										S	S				
Adult Businesses											S				7.6.36

Section 7.6 Specific Use Regulations. The following are supplemental regulations for specific uses.

7.6.1 Single-Family Dwellings: Single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision.

- A. Hamburg Township does not have a minimum square footage requirement. The maximum dwelling size is only restricted by the lot setbacks and lot coverage regulations in Section 7.7.1. Each such dwelling unit shall comply with any state construction code requirements for minimum square footage.
- B. Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code Commission. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.
- C. Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- D. Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- E. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. All homes shall have a roof overhang of not less than six inches on all sides. Steps shall also be required for exterior door areas or to porches connected to said areas with doors where there is a difference in elevation. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator. Any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) ft. of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- F. Additions to such dwelling unit shall be constructed with similar quality, materials and workmanship as the original structure.

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

7.6.2 Accessory Dwelling Units:

- A. The principal dwelling or the accessory dwelling unit must be declared the main residence of the owner of the property.
- B. The accessory dwelling unit shall be a maximum of forty (40) percent of the gross floor area of the principle structure, not to exceed 1,000 square feet.
- C. The number of off-street parking spaces for the accessory dwelling unit shall be not less than one (1) and shall not block the required parking for the main residence.
- D. The accessory dwelling unit shall have a maximum of two bedrooms.
- E. The occupancy of the accessory dwelling unit shall be no more than two (2) persons.
- F. Accessory dwelling units and the principal structure must be connected to sewer if available.
- G. Access to an attached accessory dwelling unit shall be limited to a common entrance foyer or exterior entrance to be located on the side or rear of the building;
- H. Detached accessory dwelling must be located closer to the principal residence on the subject site than the principal residence on an adjacent property.
- I. The principal residence and the accessory dwelling unit shall share the same vehicular access to the property.
- J. Detached Accessory Dwelling Units shall not be permitted on lots within the Waterfront Residential and Natural Rivers Districts that abuts a waterbody or have access to a waterbody.
- K. All zoning district bulk and setback requirements shall apply to the site.
- L. Accessory dwelling units are allowed on conforming lots of record in the following circumstances (See Table 1):
 - 1. In the Low Density Residential (RAA), Medium Density Residential (RA), Village Center (VC), and Village Residential (VR) zoning districts with review and approval by the Zoning Administrative under 7.6.2 (N).
 - 2. Attached units in the Waterfront Residential (WRF) and Natural Rivers (NR) districts with review and approval by the Zoning Administrative under 7.6.2 (N).
 - 3. Detached units in the Waterfront Residential (WRF) and Natural Rivers (NR) districts on lots greater than two (2) acres with review and approval by the Zoning Administrative under 7.6.2 (N).
 - 4. Detached units in the Waterfront Residential (WRF) and Natural Rivers (NR) districts on lots less than two (2) acres with review and approval by the Planning Commission under Section 7.6.2 (N).
- M. Accessory dwelling are allowed on a non-conforming lots of record in the following circumstances (See Table 1):
 - 1. In the Low Density Residential (RAA), Medium Density Residential (RA), Village Center (VC), and Village Residential (VR) with Planning Commission review and approval under Section 7.6.2 (N).
 - 2. In Waterfront (WFR) and Natural River (NR) with the following requirements:
 - a. Attached accessory units with Planning Commission review and approval under Section 7.6.2 (N).

- b. Detached units shall require Special use approval under Section 3.5.
- c. Accessory dwelling units are subject Section 9.8, Common Use (Keyhole) Ordinance.
- d. The accessory dwelling unit must meet the requirements under Section 7.6.2 (N).

Table 1:

ADU Reviewing Body ZA: Zoning Administrator PC: Planning Commission SUP: Special Use Permit

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

*ZA approval for attached ADUs on conforming lots and detached ADUs on conforming lot greater than 2 acres

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

N. Accessory dwelling units shall be reviewed to ensure compliance to the following standards:

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

Application Procedure

- A. The applicant shall submit the following information for review:
1. A plat plan showing the location of the proposed accessory dwelling unit, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements on the lot, location of structures on adjacent lots, abutting streets, driveways, and parking areas.
 2. Sufficient architectural drawings or clear photographs to show the exterior building

alterations proposed.

3. Interior floor plans showing the floor area of the proposed accessory dwelling unit and the primary dwelling.
 4. Any additional information deemed necessary by the township for review.
- B. Prior to granting approval, the approving body must determine that a proposed accessory dwelling unit meets the standards in Section 7.6.2 (N).

Duration and Revocation

- A. The approval of an accessory dwelling unit shall expire within one (1) year after the date of such approval, unless a Land Use Permit has been issued and construction has commenced.
- B. The permit and any other form of approval for an accessory dwelling unit issued shall be subject to revocation by the Township upon a finding by the Township or its lawfully authorized designee, that there is in fact noncompliance with the conditions and requirements contained in Section 7.6.2.

7.6.3 Farming:

- A. General and specialized farming and agricultural activities:
 1. Minimum lot size shall be ten (10) acres.
 2. No building housing animals shall be located nearer than seventy-five (75) feet from any property line.
- B. Raising and keeping of horses and other domestic animals:
 1. Minimum lot size shall be two (2) acres.
 2. Two (2) horses or large domestic animals are permitted on parcels meeting the minimum lot size. For each additional horse or large domestic animal, two (2) additional acres shall be required.
 3. Animals must be kept within a fenced area which shall be located no nearer than one hundred (100) feet from any water body. This requirement shall not apply to a water body which is located entirely within the subject property and is not connected to any water body off the subject property.
 4. The setback standards per section 9.9, Natural Features Setback Requirements, shall apply to all districts.
 5. No building housing animals shall be located nearer than seventy-five (75) feet from any property line.
 6. Animals shall be maintained and accommodated in a manner so as not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare. Where necessary to protect water quality and public health, safety and welfare, the Zoning Administrator may require additional setbacks or buffer strips from property lines or adjacent water bodies.
- C. Raising and keeping of poultry:
 1. In the Waterfront Residential (WFR) or Natural River (NR) zoning districts the raising and keeping of poultry shall only be permitted on lots greater than 2.0 acres.
 2. Animals must be kept within a fenced area which shall be located no nearer than one hundred feet (100) from any water body. This requirement shall not apply to a water body which is located entirely within the subject property and is not connected to any water body off the subject property.
 3. On parcels two (2) acres or less, a maximum of eight (8) poultry animals are permitted.
 4. On parcels greater than two (2) acres, 16 poultry animals are permitted. For each additional one (1) acre over two acre, 16 additional poultry animals are permitted.
 5. Roosters shall only be permitted on parcels greater than two (2) acres.

6. Poultry must be located within the required rear yard in an enclosed structure.
7. The setback standards per Section 9.9, Natural Features Setback Requirements, shall apply to all districts.
8. Animals shall be maintained and accommodated in a manner so as not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare. Where necessary to protect water quality and public health, safety and welfare, the Zoning Administrator may require additional setbacks or buffer strips from property lines or adjacent water bodies.
9. Poultry must be kept and cared for under sanitary conditions; poultry shall not become excessively noisy, odorous, dangerous, or in any way disruptive to the character of the area in which they are kept, or otherwise become a public nuisance.
10. On lots over ten (10) acres additional poultry may be permitted with approval of a Special Use Permit per section 3.5.
11. Private restrictions on the use of property shall remain enforceable and take precedence over these additional district regulations. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation of private restrictions is the sole responsibility of the private parties involved.

7.6.4. Single Family Dwellings/ Two Family Dwellings/ Multiple Family Dwellings/Apartments in the NS and CS Zoning Districts: The following conditions shall apply to all buildings containing residential uses in the NS and CS Districts:

- A. Single Family Dwellings, Two Family Dwellings, and buildings consisting solely of Multiple Family Dwelling are prohibited.
- B. The gross square footage available for dwelling units within a building or structure shall not exceed the gross square footage available for business occupancy within the building.
- C. When a building is used for both business and residential occupancy, the uses shall be located as follows:
 1. Dwelling units may only occupy areas above the first story and shall not be located on the same story as a business, office or parking use.
 2. No business, office or parking use shall be located on the same story or above any story that contains a residential use.
- D. Each building that contains a business and a residential use shall provide and maintain an enclosed entrance to the interior for the exclusive use of the occupants of the residential portion of the building that is separate from the access commonly used for business activity.
- E. All accessory structures, such as garages or storage sheds, related to the dwelling units shall be so designated on the site plan and subject to approval by the Planning Commission.
- F. A parking area shall be reserved on the same lot or parcel as the principal building and designated for the exclusive use of the dwelling unit occupants, unless shared parking is approved by the Planning Commission as a part of the site plan review. Two (2) parking spaces shall be required for each dwelling unit.
- G. The conversion of an approved dwelling unit to a use permitted for the zoning district in Section 7.5.1 shall not require special use approval. The conversion of an approved dwelling unit to another use shall be considered an immediate and a complete abandonment of the residential use. No residential occupancy shall be allowed following such a conversion unless a special use approval is approved by the Township.

7.6.5 Mobile Home Park: All uses permitted in Mobile Home Park Residential (MHP) shall comply

with the Mobile Home Commission Act, P.A. 419 of 1976 and the current Mobile Home Code in effect.

- A. Each mobile home site shall have front and rear yards of not less than ten (10) feet each.
- B. A minimum of twenty (20) feet shall be maintained between mobile homes.
- C. The mobile home park shall be developed with sites averaging 5500 sq ft per mobile home unit. This 5500 sq ft for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4400 sq ft. For each square foot of land gained through the reduction of a site below 5500 sq ft, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required by the Mobile Home Code.
- D. A landscape buffer shall be required along those boundaries of the mobile home park which abut a district other than MHP. For mobile home parks of less than twenty-five (25) sites, a fifteen (15) foot unoccupied landscaped buffer strip shall be provided. For mobile home parks of twenty-five (25) sites or more, a twenty-five (25) foot unoccupied landscaped buffer strip shall be provided. The ten (10) foot setback between mobile home park boundaries and a mobile home required by the Mobile Home Code may be included as part of the landscape buffer strip. The selection, spacing, and size of plant material shall be such as to create, within a five-year period from the date of planting, a horizontal obscuring effect for the entire length of the entire buffer, and a vertical obscuring effect of no less than ten (10) feet.
- E. Each mobile home park shall have two paved accesses at least, one of which shall be to a major arterial street.
- F. Upon completion of construction of all buildings and site improvements represented on the approved mobile home park construction plans and specifications, the developer, owner, or operation of the park, in conjunction with an architect or engineer, shall submit final plans and specifications, prepared in accordance with Rule 913 of the Mobile Home Code, to the Zoning Administrator.

7.6.6 Live Work Units: Live Work Units are allowed in the MD, NS, CS and VC district with site plan review under Article 4 and in the VR district with a Special Use Permit approval under 3.5.

- A. In the MD, NS, CS and VC district only Live-above and Live-behind units are allowed. A minimum of 50% of the square footage of the building shall be used for the commercial use. The commercial use shall be a use allowed in the zoning district the unit is located.
- B. In the VR district only Live-In front units are allowed. A minimum of 50% of the square footage of the building shall be used for the residential use. The commercial use shall be a use allowed in the NS zoning district.

7.6.7 Schools including Public or Private Elementary, Junior, or Senior High Schools, and Institutions of Higher Education

- A. Schools and educational institutions shall be subject to the minimum requirements of the District in which they are located and the following additional standards.
- B. Minimum lot size shall be five (5) acres.
- C. No building shall be located nearer than one hundred (100) feet from any property line.
- D. Such use shall be located with frontage on a hard surface public street having a right-of-way of at least sixty-six (66) feet.

7.6.8 Public and private cemeteries

- A. Minimum lot size shall be twenty (20) acres.

- B. Building shall be setback at least one hundred (100) feet from the property line.

7.6.9 Radio or television stations or transmitters

- A. Minimum lot size shall be five (5) acres.

7.6.10 Aircraft Landing Fields including Airfields and Hellipads

- A. A specific duration of such use and further conditions as deemed necessary and appropriate by the Planning Commission to protect the public health, safety, convenience, and general welfare.

7.6.11 Public and Private Golf Courses, Recreation Clubs, and Standalone Parks (excluding hunt clubs)

- A. No building associated with such uses shall be located nearer than fifty (50) feet from any property line adjacent to a residential zoning districts.

7.6.12 Essential Services

- A. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of article 4, site plan review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this ordinance.
- B. In the Natural Rivers (NR) District Essential Services except within existing rights-of-way, new electric transmission lines of 30 KV or higher shall not be located within the District or to cross the Huron River without the written permission of the State of Michigan.
- C. In the Natural Rivers (NR) District wherever feasible, all electrical and telephone transmission lines shall be placed underground.

7.6.13 Collection Bins

- A. Collection bins shall be fabricated of durable and waterproof materials.
- B. Collection bins are required to be placed on a paved or concrete surface.
- C. Collection bins must be level and stable.
- D. Collection bins shall be locked with a tamper resistant locking mechanism so contents cannot be accessed by anyone other than those responsible for retrieval of the contents. Collection bins shall be tightly covered at all times to prevent the harboring of rodents and the scattering of debris.
- E. Collection bins shall be maintained in good condition and appearance with no structural damage, holes, visible rust, or graffiti. The area surrounding the bin shall be maintained free from any overflow items, furniture, rubbish, debris, hazardous materials, and noxious odors.
- F. Collection bins shall be no larger than 84 inches high, 60 inches wide and 60 inches deep.
- G. No more than two collection bins shall be allowed per property.
- H. Collection bins shall not be permitted:
 - 1. On any unimproved lot or parcel that is not currently used or occupied or where the principal building or structure has been closed or unoccupied for more than thirty (30) days.
 - 2. Within a landscaped area.
 - 3. Within the required main building setbacks for the zoning district.
 - 4. Within a parking space required as a part of the approved site plan or required to meet the parking requirements for the principal building or structure.

5. Within one thousand (1,000) feet of another collection bin on a separate property as measured along a straight line from one bin to the other.
6. Within five hundred (500) feet from the property line of any lot used or zoned for residential purposes or within fifty (50) feet of any entrance driveway.
7. Within a designated fire lane, or adjacent to a handicap parking space.
- I. Collection bins shall not cause a visual obstruction to vehicular or pedestrian traffic as determined by the township, or block access to required parking, emergency vehicle routes, building entrances or exits, easements, pedestrian walkways and dumpsters or trash enclosure areas.
- J. Collection bins located in the VC district shall only be located on properties with direct access to M-36.
- K. Collection bins shall prominently display the following information in at least one-half inch typeface and no larger than one inch typeface:
 1. Name, address, email, and 24-hour telephone number of the person responsible for servicing and maintaining the collection bin.
 2. The type of material that may be deposited.
 3. The frequency of pickup.
 4. A notice that no materials shall be left outside the collection bin.
 5. If the collection bin is owned and operated by a for-profit or a not for profit company.
- L. Collection bins may include a 6 square foot sign on two sides of the collection bin in addition to the information required in 7.6.13 (K). The sign must be flat, either painted directly on the bin or affixed flat to the bin and projecting no more than 2 inches from the side of the bin.

7.6.14 Private Indoor and Outdoor Recreation Facilities

Private outdoor recreational areas and indoor recreational buildings, are uses such as: recreational fields, rinks or courts, including football, baseball, batting cages, soccer, tennis, basketball, ice skating, swimming pools, animal racing, go cart courses, gun ranges and similar activities, and uses accessory to the above uses, such as refreshment stands, maintenance buildings, office for management functions, spectator seating, rest rooms, and service areas.

- A. The site size shall be adequate to accommodate the intended uses(s), parking, and extensive buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, and dust blowing debris, as determined by the Planning Commission. The applicant shall provide documentation the site size is adequate using national facility standards.
- B. All ingress and egress shall be along a County Road.
- C. No building shall be located within one hundred (100) feet of a property line.
- D. All buildings shall be setback one hundred (100) feet from the edge of any wetland or the shoreline of any lake, pond, river or stream.
- E. Off-road vehicle and go-cart courses, Fun and Archery Ranges and Hunt Clubs are only allowed in the PPRF district and are subject to the additional conditions:
 1. Any such site shall be located in a predominantly undeveloped area so as to minimize any adverse effects on the adjacent properties due to reasons of dust, odor and noise. Any such site shall have a minimum area of at least eighty (80) acres. All activity shall be setback a minimum of one hundred twenty five (125) feet from any lot line.
 2. The hours of operation shall also be set by the Planning Commission to minimize any adverse effects on adjacent properties.
 3. All ingress and egress shall be along a County Road

7.6.15 Public or private campgrounds and lodges,

Public and Private Campground and Lodges including campgrounds for travel trailers, tent campers, motor homes, tents, and cabins, subject to the following:

- A. Minimum lot size shall be twenty (20) acres.
- B. All ingress and egress shall be along a County Road.
- C. Development features including the principal and accessory buildings and structures shall be located and related to minimize adverse effects on adjacent properties. Minimum setbacks for any buildings, structures or use areas shall be two hundred (200) feet from any property line abutting a residential district.
- D. Each campsite shall be at least five hundred (500) square feet in size.
- E. If there is public sewer and water available to the site it shall be provided to the campground. If public sewer and water are not provided the Planning Commission shall consider the impacts as a part of the special use permit.

7.6.16 Off-road vehicle and go-cart courses, Gun and archery ranges, and hunt clubs:

- A. Any such site shall be located in a predominantly undeveloped area so as to minimize any adverse effects on the adjacent properties due to reasons of dust, odor and noise. Any such site shall have a minimum area of at least eighty (80) acres. All activity shall be setback a minimum of one hundred twenty five (125) feet from any lot line.
- B. The hours of operation shall also be set by the Planning Commission to minimize any adverse affects on adjacent properties.
- C. All ingress and egress shall be along a County Road.

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

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

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

- G. A family day care home as defined by this Ordinance shall be permitted as a home occupation with any Residential District provided all provisions of state are met.
- H. The home occupation shall utilize no more than twenty-five (25) percent of the total floor area on site.
- I. The home occupations shall not have more than two customers and/or delivery vehicles on-site at one time, excluding the vehicles of the occupants of the home. Shipments or deliveries by vehicles having more than two (2) axles are prohibited.
- J. The home occupation may offer for sale any article or service which is incidental to services performed or articles produced on the premises.
- K. If the Home Occupation includes customers an employee additional onsite parking shall be required, except in the VC district when on-street parking is provided.

7.6.18 Agricultural Commercial/ Tourism Business.

Minor Agricultural Commercial/Tourism Business Type Allowed.

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

10. Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least 25% produce grown on site.
11. Gift shops for the sale of agricultural products and agriculturally related products. Gift shops for the sale of non-agriculturally related products such as antiques or crafts, are limited to twenty-five percent (25%) of gross sales.

Major Agricultural Commercial/Tourism Business Type Allowed.

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

Supplemental Regulations – All Agricultural Commercial/Tourism Business Types. The following are required for all Major and Minor Agricultural Commercial/Tourism Business Type uses:

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

Supplemental Regulations – Minor Agricultural Commercial/Tourism Business Types. The following are required for all Minor Agricultural Commercial/Tourism Business Type uses:

- A. Minimum lot area of ten (10) acres.
- B. All uses permitted by this section shall be accessed on any public road within the Township with the approval of the Livingston County Road Commission of MDOT for ingress and egress to the site.
- C. A fifty (50)-foot open buffer shall be provided on all sides between the nearest location of the activity to the nearest adjacent residential property. Agricultural Commercial/Tourism Business activities shall not be allowed within this buffer area. Where possible, crops shall remain within this buffer area to help maintain the agricultural character of the site.
- D. No structure used for the indoor commercial aspect of the approved uses shall have an indoor commercial space larger than 1000 square feet except stables.

Supplemental Regulations – Major Agricultural Commercial/Tourism Business Types. The following are required for all Major Agricultural Commercial/Tourism Business Type uses:

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

Administrator deem necessary, the yearly application may be sent to the Planning Commission for consideration.

- a. A list of the approximate dates that the venue will be used for events including the type of event,
- b. A plot plan that depicts the location of all event venues, bathroom facilities, parking, drop off areas, and any other information deemed by the Zoning Administrator to be necessary in the review of the project,
- c. The name and phone number of a contact person that will be at the events.
- d. A signed agreement with the property owner of any land to be used for off-site parking.
- e. Any of the requirements in a-d above may be altered, as necessary, to meet the requirements of the special use permit process. (Hamburg Zoning Ordinance, Section 3.5).

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

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

Application requirements:

- A. The following additional operation information must also be provided as applicable:
 1. Ownership of the property.
 2. Months (season) of operation.
 3. Hours of operation.
 4. Anticipated number of retail customers.
 5. Maintenance plan for disposal, etc.
 6. Any proposed signs.

7. Any proposed lighting.
8. Maximum number of employees at any one (1) time.
9. Restroom facilities.
10. Verification that all outside agency permits have been granted, i.e. federal, state and local permits.
11. Plot Plan showing all areas of the property to be used, including all structures and parking areas on site must be clearly identified.

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

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

7.6.19 Child Care Facilities except Family Day Care Homes: Group day care homes, child care centers, and day care centers shall be subject to the minimum requirements of the District in which they are located and State licensing requirements.

- A. The number of children permitted for child care centers and day care centers shall not exceed one child per five hundred (500) square feet of usable lot area, unless a smaller area is determined to be adequate through the special use permit process. The number of children permitted for child care centers and group day care homes shall be subject to the provisions of State licensing requirements.
- B. A fenced play area of one hundred (100) square feet per child shall be provided, unless a smaller area is determined to be adequate through the special use permit process. The size of the outdoors play area for child care centers and group day care homes shall be subject to the provisions of State licensing requirements.
- C. If a special use permit is required the Planning Commission shall determine through the special use permit process (Section 3.5) if the size of the subject property and the size of the fenced play area are adequate for the proposed use on the property. In making this determination the Planning Commission may consider the characteristics of the proposed use, the subject property, the surrounding properties and any other factors that may have an impact of the proposed use. Some characteristics to consider may including but are not limited to: the number and age of the children to be cared for; the number of employees; the use of the subject site and surrounding properties; and the size, location, layout, of the site improvement both on the subject site and on the surrounding properties.
- D. The site shall be designed to minimize nuisance to adjoining property and protect the safety of children using the facility.

7.6.20 Adult Care Facilities except Adult Family Care Homes: Adult Foster Care Large and/or Small Group Home: Adult Foster Care Large and/or Small Group Home shall be subject to the minimum requirements of the District in which they are located and State licensing requirements.

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

7.6.21 Kennels:

- A. Kennels in the RAA district
 1. A kennel must be an accessory use to a single-family home on the subject site.
 2. The parcel of land upon which such activity is conducted, shall be no less than ten (10) acres in area.
 3. All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of pets, shall be hard surfaces and provided with proper drains for washing with water pressure.
 4. All breeding areas, runs, and shelter areas shall be set back from the road right-of-way and from the adjoining property lines a minimum of two hundred (200) feet.
 5. The entire facility including breeding areas, shelters, and runs shall be enclosed by a visual screen and sound reducing wall or fence not less than six (6) feet in height.
- B. Kennels in the NS Zoning District:
 1. Kennels shall be accessory to another business such as a pet supplies store, pet grooming studio or veterinary clinic.
 2. Kennels shall only be used for daily pet care and/or short term overnight stays no greater than 10 days. Kennels shall not be used for breeding.
 3. If any outdoor space is proposed to be used as a part of the Kennel use it shall be depicted as a part of the approval process. If there is an outdoor animal play area it shall be enclosed by a fence or wall not less than four (4) feet in height.

7.6.22 Bed and Breakfast Inn Development Standards

- A. Bed and Breakfast Inn establishments shall be located in residential buildings that have frontage on a roadway which is capable of safely accommodating the additional traffic, as determined by the Planning Commission. Bed and Breakfast Inn establishments with access from a private road shall have the approval of the association or representative of all lots that have rights of access or maintenance responsibility.
- B. Use
 1. Residential buildings proposed as bed and breakfast inn operations shall require a building inspection by the Zoning Administrator, Fire Chief and Building Inspector prior to any approval or uses as a bed and breakfast inn operation. Any code violation(s) shall be corrected prior to approval or uses as a bed and breakfast operation.
 2. The dwelling unit which the bed and breakfast inn takes place shall be the principal residence of the owner and said owner shall be on the premises when the bed and breakfast inn operation is active.
 3. Dining facilities for the purpose of serving meals shall not exceed a seating capacity of

two and a half (2.5) times the number of sleeping rooms in the bed and breakfast establishment. No restaurant shall be permitted. Food service shall be limited to continental breakfast served to at no extra cost to the transient tenants.

4. The sale and/or display of merchandise, other than souvenirs of the inn, is prohibited.
5. Each operator shall keep a log of the names of all persons staying at the bed and breakfast in operation. The log shall show the name, arrival and departure dates of all guests. Such log shall be available for inspection by Township Officials at any time.
6. The maximum stay for any guests/occupants of bed and breakfast inn establishments shall be twenty-one (21) days.
7. Bed and breakfast inns may not offer boating amenities, such as docking facilities, boat rental or boating tours, to guests. This provision shall not preclude the resident owner from docking or utilizing a boat for their own personal use.
8. Bed and breakfast inns may offer wedding and indoor concert events if approved as a part of their Special Use Permit.

C. Site Development

1. A structure utilized for a bed and breakfast inn must be located at least 200 feet from any adjacent residence, measured between principal structures.
2. A structure utilized for a bed and breakfast inn that is within 500 feet from the shoreline of any lake or river must be connected to a public sanitary sewer. A structure utilized for a bed and breakfast inn that is further than 500 feet from the shoreline of any lake or river must meet all of the following conditions:
 - a. A sanitary septic system must be provided which has been reviewed by the Livingston County Health Department and approved for the number of rooms proposed in the bed and breakfast inn.
 - b. The sanitary septic system must be located further than 500 feet from a body of water. Ponds which are completely contained within the subject parcel and not contiguous to any off-site body of water may be within 500 feet of the structure utilized for a bed and breakfast inn and/or the sanitary septic system.
3. A structure or premise utilized for a bed and breakfast inn must have at least two (2) exits to the outdoors from such structure or premise, and rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast inn operation shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast inn operation. In no case shall there be less than one (1) lavatory and bathing facility for each four (4) sleeping rooms.
4. Bed and breakfast inn operations shall be limited to eight (8) guest sleeping rooms.
5. Applicants shall submit a site plan, landscape plan and a floor plan of the residential dwelling unit illustrating that the proposed operation meeting the requirements of Article 4.00 of the Zoning Ordinance.
6. Minimal outward modification of the structure may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which the bed and breakfast inn is located. Any modifications are subject to architectural review by the Planning Commission at the time of Special Use permit review.
7. Parking shall meet the requirements of Article 10.00 for boarding and lodging houses. The parking areas shall not be located with the required yard setbacks. Landscape

buffer strip, designed in accordance with Section 9.3, shall be provided between the parking lot and all adjacent residentially zoned land.

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

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

7.6.23 Firewood Sales

- A. A land use permit renewable on an annual basis shall be secured from the Township Zoning Administrator.
- B. In the RAA and RA Districts, storage of firewood shall be restricted to the side and rear yards.
- C. All sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
- D. Adequate parking and ingress and egress to the premises shall be provided.
- E. Signs shall conform to the provisions of the District in which firewood sales are located.

7.6.24 Outdoor or drive-in theaters:

- A. Picture screens shall not be permitted to face a public roadway, shall be so located as to be out of view of any major thoroughfare, and shall not exceed sixty-five (65) feet in total height.
- B. A minimum yard of one hundred (100) feet shall separate such use from any public street used for access.
- C. Entrance and exit routes shall be located no nearer than 500 feet to the point of intersection of the right-of-way lines to two or more intersecting streets.
- D. The Planning Commission shall require such means of ingress and egress as will minimize congestion and hazards on the public streets adjacent to such uses.

7.6.25 Open Air Businesses

- A. Unless specified elsewhere in the ordinance any outdoor sales, storage or other activities associated with an allowed use in the NS or CS districts requires a special use permit.

7.6.26 Dry cleaning establishments

- A. Dike containment area for storage of hazardous materials.
- B. No connections to waste water discharge in work area and no floor drains.
- C. Dry to dry loop non-vent system equipment.
- D. Compliance with all State Health Department requirements.

7.6.27 Laundromats shall be connected to public sewer.

7.6.28 Drive-through establishments for the provisions of goods or services of a permitted use in the zoning district it is located (e.g., drive-through restaurant or drive-through bank):

- A. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line or further if necessary based on the required traffic impact study).
- B. Any corner or double-frontage site shall be limited to one (1) entrance/exit drive for each separate public road frontage. A site with only one public road frontage shall be permitted no more than two (2) entrance/exit drives. Coordinated access with adjoining sites is encouraged, and may be required.

- C. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

7.6.29 Gasoline service stations

- A. All activities, except those required to be performed at the service island, shall be conducted entirely within an enclosed building.
- B. Bumping, painting, major automobile repairs and outdoor storage of wrecked or dismantled vehicles are specifically prohibited.

7.6.30 Marinas

- A. Docking space shall be limited to the maximum number of boats allowed by the State of Michigan marina operating permit and the standards of the Township Common Use (Keyhole) regulations contained in Section 9.8.
- B. Access shall be provided only from the water and a major arterial road.
- C. All piers and wharves shall be setback a minimum of fifteen (15) feet from any side lot line, provided further that such piers and wharves shall be installed such that the boat moored is a minimum of six (6) feet from any side lot line as projected into the water.
- D. The number of public launches shall be limited to the number of parking spaces available for the storage of vehicles with boat trailers.
- E. Pump-out facilities shall be provided at the marina for disposal of refuse from boat holding tanks in a sanitary manner. Toilet facilities shall be provided meeting the requirements of the Livingston County Health Department.
- F. Refuse and garbage containers shall be provided and kept in clean and sanitary condition for the use of boat owners.
- G. Facilities shall be provided for the safe and sanitary disposal of oil and other engine fluids.
- H. Major repair or dismantling of boats shall be conducted within an enclosed building.
- I. All areas utilized for dry-docking/on-land storage of boats shall meet the requirements for boat dry-dock storage.
- J. Other related uses such as boat sales and service, food and beverage store, food and beverage service establishment or retail store may be located on the same site, provided such use is permitted in the zoning district and site meets the requirements for all applicable uses.

7.6.31 Boat sales and service

- A. Access shall be provided from a major arterial road.
- B. Repair or dismantling of boats shall be conducted within an enclosed building.
- C. All areas utilized for storage of boats shall be setback fifty (50) feet from any residential zoning district.
- D. All outdoor boat or trailer storage areas shall be screened from view of any abutting residentially zoned or used lands and the public road right-of-way by a continuous opaque visual barrier consisting of a row of evergreen trees or a masonry wall not less than six (6) feet in height, or other screening approved by the Planning Commission. The Planning Commission may allow up to three (3) boats located outdoors to be visible from the public right-of-way. The Planning Commission may require additional screening and setbacks where outdoor multi-level boat racks are proposed.

7.6.32 Motor Vehicles Sales

- A. Site shall be located along M-36 and shall not exceed 40,000 square feet in size in the VC district.
- B. Sales of motor vehicles shall be in conjunction with an indoor showroom and sales office in the CS and VC zoning district.
- C. No storage or display of vehicles shall be permitted in any landscape greenbelt area.
- D. All outdoor motor vehicle storage areas in the CS and VC zoning districts shall be screened from view of any abutting residentially zoned or used lands and the public road right-of-way by a continuous opaque visual barrier consisting of a row of evergreen trees or a masonry wall not less than six (6) feet in height, or other screening approved by the Planning Commission. The Planning Commission may allow up to three (3) motor vehicles located outdoors to be visible from the public right-of-way.
- E. Sites shall be limited to one access drive unless the site provides frontage on more than one street. Access may be provided through rear access drives in addition to a preliminary entrance.
- F. Parking and display areas shall be hard surfaced and shall be graded and drained to dispose of storm water without negatively impacting neighboring property. The Township Planning Commission may recommend a gravel surface for part of the display or storage area for low intensity activities.
- G. Plans shall include the layout for parking of display vehicles, and customer parking. Parking spaces shall include bumper blocks for the preservation of all greenbelt areas.
- H. Loudspeakers and paging systems shall be prohibited.
- I. The sales showroom building may include an area for vehicle repair, provided that the repair activity is incidental to the primary sales of vehicles. All work shall be constructed within a completely enclosed building.
- J. All washing of vehicles shall take place on site within an area that captures all runoff for treatment on site within an approved storm water management system approved by Hamburg Township.

7.6.33 Automobile, truck and trailer rental: The following regulations are for Automobile, truck and trailer rental in the CS and VC district.

- A. Minimum lot area shall be one (1) acre.
- B. Minimum lot width shall be one hundred and fifty (150) feet.
- C. All areas utilized for storage of vehicles and trailer shall be setback fifty (50) feet from any residential zoning district.
- D. All stored rental vehicles and trailers shall be no closer to the front of the parcel than the front line of the principal building on the parcel, provided that in no case shall rental vehicles and trailers be stored in the required front yard.
- E. All vehicle storage areas shall be screened from view of any abutting residential area by a row of evergreen trees or a masonry wall or not less than six (6) feet in height, or other screening approved by the Planning Commission except that the Planning Commission may allow up to three (3) vehicles or trailers to be visible from the public right-of-way.
- F. A plan shall be provided that indicates the number, type, location and traffic circulation pattern of vehicles or trailers to be stored on the site for Planning Commission approval.
- G. Ingress and egress shall meet the spacing requirements of Section 10.8.5. Such use shall be limited to a single access point on a public or private road

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

7.6.34 Major and Minor Automobile Repair: The following regulations are for Automobile Repair in the CS and VC district.

- A. Major automobile repair may only be permitted as an accessory use to minor automobile repair, provided all of the standards below are satisfied.
- B. **Setbacks.** Side and rear yard setbacks for repair garages or other buildings shall be fifty (50) feet from and residentially zoned or used district.
- C. **Hours of Operation.** All minor automobile repair services shall be conducted entirely within an enclosed building and between the hours of 7:00 a.m. and 9:00 p.m.
- D. **Orientation of Open Bays.** Buildings shall be oriented so that open service bays do not face onto adjacent major thoroughfares or arterial roads unless screened by an adjoining lot or building.
- E. **Outdoor Storage.** There shall be no storage of vehicle components such as parts, trash, supplies or equipment outside of a building. Outdoor Storage associated with the Major Automobile Repair for the vehicles to be worked on is permitted but only for a period lasting no longer than seven (7) consecutive days. All vehicles awaiting repair must be completely screened by a 6-foot masonry wall with landscaping in front as described under screening. The amount of space dedicated to such outdoor storage areas cannot exceed the square footage of the principal building.
- F. **Curb Cuts.** M-36 is the major roadway through Hamburg Township and also serves as a regional thoroughfare. Driveways and curb cuts along M-36 are permitted only as necessary to access the Village. Shared access drives are required unless site conditions prohibit such collaboration.
- G. **Screening.** Where minor automobile repair establishments adjoin property located in any residentially zoned or used district, a solid, ornamental, masonry wall, six (6) feet in height, shall be erected and maintained along a shared lot line. In addition, all trash areas shall be enclosed on all sides by a required six (6)-foot masonry wall. Such walls shall be constructed of the same materials as that of the principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall. The masonry wall may be required by the Planning Commission where the minor repair establishment adjoins a nonresidential use, such as a professional office building, clinic or day nursery, or a landscaped area of any other nonresidential use.
- H. **Outdoor Display.** The outdoor display and sale of merchandise shall be prohibited, unless specifically approved by the Planning Commission as a condition of the special land use permit.
- I. **Commercial Vehicles.** Tow trucks or other commercial vehicles that are on the premises for reasons other than typical customer activity shall be parked in non-required parking spaces and should not be parked in such a manner to be used as an advertisement.
- J. **Fire Safety.** All uses shall comply with the flammable liquid regulations promulgated by the

fire safety board by authority conferred by Section 3 of Public Act No. 207 of 1941 (MCL 29.3c).

- K. **Engineering.** The installation and use of an oil-water separator with monitoring capabilities in the facility's storm water management system shall be required, as well as the use of best management practices for pollution prevention for automobile service operations, in order to protect surface water and groundwater quality, along with approval by the Township Engineer.
- L. **Modifications.** Any of the requirements in a-j above may be altered, as necessary, should the applicant demonstrate to the satisfaction of the Planning Commission justification for deviation from these use standards.

7.6.35 Motor freight depots and terminals

- A. Goods and/or trucks are stored only on a temporary basis and are clearly in transit and have not yet reached their final destination.
- B. Such activities shall not include the storage of scrap or junk materials; wrecked or partially dismantled vehicles; petroleum or other than in mobile carriers or for use on the premises.
- C. No building, temporary storage yard, or loading berth shall be located within fifty (50) feet of any rear or side property line or within one hundred (100) feet of any street right-of-way line.
- D. All temporary storage yards shall be enclosed by a well-maintained solid fence or masonry wall not less than six (6) feet in height.

7.6.36 Adult Businesses

- A. Purpose. In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, have serious operational characteristics, particularly when concentrated or when one (1) or more of them are located in near proximity to residential zones, thereby having a deleterious effect upon adjacent areas. Regulation of these uses through location is necessary to ensure that the adverse effects of such uses will not contribute to the blighting or downgrading of the surrounding neighborhood. The provisions of this chapter are intended to prevent a concentration of these uses within any one area and to prevent deterioration or blighting of nearby residential neighborhoods.
- B. Restrictions on Location. All such businesses shall be limited to the GI District. No person shall use, establish, build, operate, or allow to be operated an adult business in any building or on any lands:
 - 1. Within 1,000 feet of another adult business.
 - 2. Within 500 feet from any residentially zoned lands, or single- or multi-family dwelling unit.
 - 3. Within 500 feet from any church or other religious institution.
 - 4. Within 500 feet of any public park or land zoned for such use.
 - 5. Within 500 feet of a school.The distance between an adult business and a church, school, public park, or a residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the adult business or building containing an adult business to the nearest property line of the protected use or residential or agricultural district.
- C. No person shall reside in or permit any person to reside in the premises of an adult business.
- D. Exceptions. The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes or medical clinics, or to the offices of a physician,

surgeon, chiropractor, osteopath or physical therapist, or massage therapists duly licensed by the State.

Section 7.7.1: Schedule of Area, Height, and Bulk Regulations

District		Minimum Lot Area (Sq.Ft.) ^{1,6*}	Minimum Lot Width At Street (Feet) ^{2*}	Maximum Lot Coverage Buildings /Parking (%) ^{7*}	Minimum Yard Setback (Feet) ^{4*}			Maximum Building Height		Additional Regulations Section 7.7
					F ^{3*}	S ^{4*}	R	Stories	Feet	
A.	RAA-Low Density Rural Residential	87,120	200	20/20	30	20	35	2.5	35	Yes
B.	RA-Medium Density Residential	43,560	125	35/40	25	10	30	2.5	35	Yes
C.	RB-High Density Residential	10,000	70	35/40	25	8	30	2.5	35	No
D.	WFR-Waterfront Residential	43,560	125	35/40	25	10 ^{5*}	30	2.5	35	Yes
E.	NR-Natural River Residential	43,560	150	35/40	25	10	30	2.5	35	Yes
F.	MHP-Mobile Home Park Residential	See Section 7.6.5.						2.5	35	Yes

* See Footnotes

Section 7.7. 1Schedule of Area, Height, and Bulk Regulations(Continued)

District		Minimum Lot Area (Sq.Ft.) ^{1,6*}	Minimum Lot Width At Street (Feet) ^{2*}	Maximum Lot Coverage Buildings/ Parking (%) ^{7*}	Minimum Yard Setback (Feet)			Maximum Building Height		Additional Regulations Section 7.8
					F ^{3*}	S ^{4*}	R	Stories	Feet	
G.	NS-Neighborhood Service	10,000	80	40/75	25	20 ^{5*}	25	2.5	35	Yes
H.	CS-Community Service	43,560	150	40/75	30	20 ^{5*}	25	2.5	35	Yes
I.	LI-Limited Industrial	43,560	150	40/75	30	20	25	3	40	Yes
J.	GI-General Industrial	87,120	200	40/75	50	20	25	3	40	Yes
K.	MD-Mixed Development	43,560	150	40/65	40	20	25	3	40	Yes
L.	Village Residential	21,780 ^{9*} Residential with sanitary sewer: 14,000 ^{8,9,10*}	80	35/40 ^{11*}	20 ^{12*}	10	25	2.5	35	Yes
M.	Village Center	18,700 ^{9*} Residential with sanitary sewer: 10,600 ^{8,9,10*}	65	50/80 ^{11*}	see note 12*	10 ^{13*}	15	2.5	35	Yes
N.	PPRF – Public & Private Recreational Facilities District	1,742,400	660	20/20	100	50	100	2.5	35	Yes

* See Footnotes

Footnotes to 7.7.1 Schedule of Area, Height, and Bulk Regulations

1. Minimum lot areas are for all uses within District unless otherwise specified in Section 7.7.1, Schedule of Use Regulations. Minimum lot areas are exclusive of public street right-of-way or private road access easements.
2. Minimum lot widths are required along the street upon which lot principally fronts. On cul-de-sacs or where a curvilinear street pattern results in irregularly shaped lots with non-parallel side lot lines, the following minimum lot widths shall apply:

<u>District</u>	<u>Minimum Lot Width at Right-of-Way</u>	<u>Minimum Lot Width at Building Line</u>
RAA	64 feet	106 feet
RA, WFR	64 feet	100 feet
RB	60 Feet	70 Feet
RC	100 Feet	150 Feet
NR	80 Feet	150 Feet

3. Minimum front yard setbacks are required as shown except where established buildings on adjacent lots vary from this minimum. In such case, a new building shall be constructed with a front yard of no less depth than the average front yards of buildings located on each side of the proposed building. In no case shall this provision be interpreted to allow a front yard of more than forty (40) feet or less than twenty (20) feet.

On corner lots, both street yards shall provide the minimum front yard setback. The size of corner lots shall be large enough to accommodate both front yard setbacks and a building of a similar size to those on non-corner lots.

4. In any District, a principal building, all attached structures, fences, and accessory structures shall not be permitted within fifty (50) feet of the ordinary high-water mark of any body of water unless otherwise stated.

In the Natural River Residential (NR) zoning district in addition to required front, side, and rear yard setbacks, all new buildings and structures shall be required to be setback a minimum of 125 feet from the ordinary high-water mark, or if the ordinary high-water mark cannot be determined, the setback shall be from the river's edge. The setback may be decreased ten (10) feet for every ten (10) foot rise in bank height to a minimum of seventy-five (75) feet from the ordinary high-water mark.

5. In the Water Front Residential (WFR) zoning district lots that have less than or equal to 60 feet lot widths shall be provided a reduced minimum side yard setback of 5 feet with an aggregate side yard setback of 15 feet.

In Neighborhood Service (NS) and Community Service (CS) Districts, a principal building may be constructed on or near the property line provided that the combination of the two side yards shall total twenty (20) feet and the building's side wall be a fire wall meeting building code. In all cases, one side yard shall be provided which is sufficient to permit the access of emergency vehicles to the rear of the building.

6. Lots shall contain a sufficient buildable site exclusive of any wetlands meeting the minimum zoning setback regulations plus off-street parking, septic disposal fields, well location and accessory building provisions.
7. The maximum lot coverage values are for the following:
 - a. Building Lot Coverage; the total footprint of buildings, divided by the site, excluding water bodies and wetlands.
 - b. Total Impervious Surface; the total footprint of buildings, parking, paved and gravel storage yards, driveways, streets, roads, and sidewalks, divided by the size of the site, excluding water bodies and wetlands.

Single family or two-family residential lots may have up to an additional ten (10) percent lot coverage after approval of a grading and drainage plan, prepared by a registered engineer or a registered Landscape Architect and approved by the Township Engineer.

8. For multiple family dwellings with sanitary sewer, the following maximum densities shall be allowed:

Housing type	Maximum dwelling units per acre	
	Village Center	Village Residential
Apartments	10	8
Multiple Family Dwellings	8	6
Duplexes	6	5

9. The minimum lot area for residential (single and multiple family) may be reduced by up to twenty-five (25) percent, provided that at least half the total area by which residential lots are reduced below the minimum lot size be provided as common open space, meeting the requirements of Section 7.8.6
10. The minimum lot area for residential (single and multiple family) with sanitary sewer may be reduced to the sanitary sewer minimum lot size.
11. No building shall be greater than thirty thousand (30,000) square feet gross floor area except for a group of uses, each with individual pedestrian entrances.
12. Buildings shall be placed no more than twenty (20) feet from the front lot line. A lesser setback may be required by the Planning Commission where the established setbacks of adjacent buildings is less than twenty (20) feet. Where the average front yard setbacks for the adjacent buildings on either side of the proposed use is greater than twenty (20) feet the Planning Commission may permit a front yard setback above twenty (20) feet but not to exceed the average front yard setbacks for the adjacent buildings. For a structure with a garage door facing a public street or private road, the accessory garage building, or the front wall of the attached

garage, shall be setback a minimum of five (5) feet behind the front building line of the principal structure.

13. The side yard setback shall be a minimum ten (10) feet except a zero (0) foot setback may be permitted where the building abuts another building which is separated by an approved fire wall.

Section 7.8 Additional District Regulations

7.8.1 NR-Natural Rivers District

- A. **Authority.** The Huron River is a designated Natural River (classification: County Scenic River). Authority for these provisions herein stated are granted by the provisions of Part 305 of the Environmental Protection Act beginning at 13A.30501
- B. **Purposes and Intent.** This ordinance is enacted to implement public objectives embodied in the Huron River Natural River Management Plan adopted by the Natural Resources Commission, and endorsed by Hamburg Township. These public objectives seek to preserve and enhance the values of the Huron River area as well as to promote the public health, safety and general welfare of this community and the state as a whole. These objectives are sought to be achieved through zoning of this unique scenic natural river area for the following stated purposes:
 1. To protect and enhance the values of the natural river in the interest of present and future generations;
 2. To protect the economic value of this scenic resource from unwise and disorderly development which may adversely pollute, destroy or otherwise impair its beneficial use and preservation;
 3. To prevent ecological and aesthetic damage which may result from overcrowding and overuse or unwise and disorderly development;
 4. To permit reasonable and compatible uses of land which complement the natural characteristics of the river and further the purposes of this Ordinance;
 5. To limit the intensity of use, density of population and type and amount of development in order to protect and enhance the natural river values, and thereby carefully guide the expenditure of funds for public improvements and services in an orderly fashion, in keeping with the character of the natural river area, the purposes for its designation, and the community as a whole;
 6. To conserve the river water, and prevent further degradation of its quality, purity, clarity and free-flowing condition;
 7. To provide for the conservation of soil, of riverbed and banks of adjoining uplands;
 8. To protect the natural flood water storage capacity of the river flood plain and to prevent flood damages and associated public relief expenditures created by improper construction of structures in the flood plain;

9. To protect and enhance fish, wildlife and their habitat;
10. To protect boating and recreational values and uses of the river;
11. To protect historic values of the river and adjoining uplands;
12. To protect individuals from investing funds in structures proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood damage; and
13. To provide for administrative relief from the terms of this ordinance where warranted and in accord with the standards contained herein.

C. Setbacks

1. **Setbacks and Lot Width.** Unplatted lots, new subdivisions, and condos in the NR District shall accommodate the building setbacks as set forth in this Ordinance, and shall have a minimum riverfront lot width of 150 feet. Septic systems are required to be set back a minimum of 125 feet from the ordinary high-water mark of the Huron River.
2. **Building Setbacks.** New buildings and appurtenances on the Huron River mainstream will be required to set back a minimum of 125 feet from the ordinary high-water mark. Further,
 - a. New buildings and appurtenances must be setback at least 100 feet from the top of a bluff.
 - b. No buildings shall be placed on land that is in a floodway or a wetland.

D. Land Alteration

1. **Cutting and Filling.** Cutting or filling for building (including appurtenances) on the flood plain is prohibited. Cutting and filling for building on the upland shall meet all state, county and township regulations. Dredging and filling for the construction of fish or wildlife ponds within 500 feet of the river requires a permit under Public Act 346 of 1972, as amended. However, no lake shall be constructed within the Natural River District.
2. **Stormwater Runoff.** A stormwater runoff management system shall be intact for all stormwater runoff prior to the runoff reaching the ordinary high-water mark of the Huron River or its tributaries to ensure the protection of the water courses from erosion and unnecessary degradation due to sedimentation.
3. **Earth Changing Activities.** All earth changes, including dredging, damming, cutting, filling and grading, within five hundred feet of the river's edge shall be done in accordance with the requirements of a permit issued by the local soil erosion and sedimentation control enforcement agency pursuant to Public Act 346 of 1972, as

amended. In addition, commercial mining and an extraction of topsoil or subsurface sand, gravel, or minerals is not permitted within three hundred feet of the river's edge.

4. **Dredge and Fill Activities.** All dredge and fill activities and construction of permanent structure, including docks, lying below the ordinary high-water mark of the river are subject to the provisions of Public Act 346 of 1972, as amended.

E. Building Design and Screening

1. **Use of Natural Materials and Colors.** Property owners are encouraged to use natural materials and natural unobtrusive colors in the construction of new or remodeling of existing buildings.
2. **Flood Plain Restrictions.** Township Ordinance Section 9.6.1 through Section 9.6.5 shall apply in the Natural River District with the exception that no structures (except accessory building/structures) shall be permitted in the floodplain of the Huron River in the Natural River District.
3. **Natural Vegetation Strip.** To minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the natural river area, a natural vegetation strip shall be maintained on each parcel or lot between the river's edge and a line, each point of which is 100 feet on all privately owned land and on all publicly owned land horizontal from and perpendicular to the river's edge. This restricted, minimum cutting strip shall apply on each side of the mainstream. Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the river from the principal structure, and for reasonable private access to the river. Said pruning and removal activities:
 - a. Shall insure a live root system stays intact to provide for streambank stabilization and erosion control; and
 - b. Shall insure that any path to the river's edge is not greater than 10 feet in width, shall meander down to the river's edge in a matter which protects the soil and vegetation from erosion while also screening the principal structure and vehicles from a direct river view; and
 - c. Shall require a detailed plan of the cutting and removing of vegetation be submitted to the environmental consultant for review if necessary. The environmental consultant shall make a recommendation to the Zoning Administrator who will then give final approval/disapproval within the vegetation strip; and
 - d. All commercial lumbering in the Natural River District shall be required to file a one-thousand-dollar bond with the Township to be returned to said party following inspection of the property by the Zoning Administrator to insure repair of damaged trees and property.

Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance may be removed. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist, and in reforestation efforts.

4. **Use of Pesticides, Herbicides, and Fertilizers.** Because of the potentially severe adverse effects on riverfront vegetation, fish, wildlife, and water quality from improper use of even small amounts of pesticides, herbicides, and fertilizers, their use on lands within the natural river area is prohibited except when utilized in accord with the advice and supervision of qualified specialist. No pesticides, herbicides, or fertilizers are allowed in the "vegetation strip" along the river.

F. Docks and Launches

1. **Docks.** Docks may be constructed not to exceed six (6) feet in width nor more than twenty (20) feet in length paralleling the river with no more than four (4) feet of the dock extending beyond the low water mark. Docks must be constructed in accordance with the rules of Act 346, P.A. 172. Docks must be constructed of materials that are not detrimental to the river and must have natural/unobtrusive colors used for coverings. Docks cannot impede the waterway of normal water traffic.
2. **Launches.** No public launches are allowed in residential areas into the river or its tributaries.

- G. **Campgrounds and Picnic Areas.** On public land, no new structures associated with a campground or picnic area, except those necessary to protect the riverbank, will be permitted within three hundred (300) feet of the designated mainstream. Such structure shall be designed and constructed in such a manner as to further the purpose of this district.

- H. **Archaeological Sites.** The identification, preservation, and interpretation of archaeological sites along the designated portions of the district, both by public agencies and local societies, is strongly encouraged.

7.8.2. NS-Neighborhood Service and CS-Community Service.

- A. All uses permitted in these districts including storage shall be conducted entirely within an enclosed structure unless otherwise specified herein.
- B. Where these districts abut a residential district, there shall be provided either a landscape buffer strip designed in accordance with the provisions of Section 9.3 or a fence between six (6) and eight (8) feet in height as determined and approved by the Planning Commission.

7.8.3 LI-Limited Industrial.

- A. Vehicular access to uses permitted in this district shall be provided from a paved street within or abutting such districts.
- B. Except as hereinafter provided, all uses permitted in this district shall be conducted in completely enclosed buildings.
 - 1. Outside storage of materials, products and equipment, including tank storage, shall be permitted, subject to special approval of the Planning Commission.
 - 2. Outdoor storage yards shall be completely enclosed by a solid fence or wall between six (6) or eight (8) feet in height.
 - 3. Outdoor display of finished goods for sale shall be permitted only as specified with permitted retail uses.
 - 4. No outside use of cranes, tanker loading or unloading facilities or rail transportation shall be permitted.
- C. No structure shall be located less than one hundred (100) feet from any residential district.
- D. Where this district abuts a residential district, there shall be provided either a landscape buffer strip designed in accordance with the provisions of Section 9.3 or a fence between six (6) and eight (8) feet in height as determined and approved by the Planning Commission.
- E. Every lot in this district shall provide a landscaped buffer strip of at least fifteen (15) feet in depth, measured from the front lot line, within the prescribed front yard setback. The buffer strip shall be composed of trees and/or foliage, pursuant to the Township Engineering and Design Standards.
- F. All shipping and receiving activities shall be located at the rear or side of the building. No on-site truck storage overnight shall be permitted, except in the rear yard.
- G. All piping, vents, ventilators, exhaust, refrigeration and cooling mechanisms shall be enclosed or maximally screened from view and insulated.
- H. No crude petroleum products or processing and no processing of raw materials including but not limited to logs, animal byproducts, pulp, petroleum, coal, and ores shall be permitted.
- I. Any light industrial use which in the judgment of the Planning Commission may have off-site impacts requiring the imposition of additional restrictions to lessen the impacts of noise, odor, vibration, smoke, glare, dust, fumes, radiation, explosion, heat, toxic contamination, or other nuisances, shall be subject to special approval.
- J. The Planning Commission may waive or modify the fencing or landscape buffering requirement upon a determination that a solid fence or landscaping buffer will not be necessary or effective for screening. In making such a determination, the following shall be considered
 - 1. Need for security;

2. Abutting district or existing use;
3. Extent that existing natural vegetation provides the desired screening;
4. Topographic conditions which would eliminate the benefits of required solid fencing or landscape buffer;
5. Building heights and views in relation to existing topography and vegetation as well as views from adjacent uses;
6. Similar conditions existing such that no good purpose would be served by providing the required landscaping buffer or solid fence.

7.8.4 GI-General Industrial.

- A. Vehicular access to uses permitted in this district shall be provided from a paved street within or abutting such districts.
- B. All uses permitted in this district shall be conducted in completely enclosed buildings, except that outdoor storage yards shall be completely enclosed by a solid fence or wall between six (6) and eight (8) feet in height.
- C. No structure shall be located less than one hundred (100) feet from any residential district.
- D. Where this district abuts a residential district, there shall be provided either a landscape buffer strip designed in accordance with the provisions of Section 9.3 or a fence between six (6) and eight (8) feet in height as determined and approved by the Planning Commission.
- E. Every lot in this district shall provide a landscaped buffer strip of at least fifteen (15) feet in depth, measured from the front lot line, within the prescribed front yard setback. The buffer strip shall be composed of trees and/or foliage.
- F. The Planning Commission may waive or modify the fencing or landscape buffering requirement upon a determination that a solid fence or landscaping buffer will not be necessary or effective for screening. In making such a determination, the following shall be considered.
 1. Need for security;
 2. Abutting district or existing use;
 3. Extent that existing natural vegetation provides the desired screening;
 4. Topographic conditions which would eliminate the benefits of required solid fencing or landscape buffer;
 5. Building heights and views in relation to existing topography and vegetation as well as views from adjacent uses;
 6. Similar conditions existing such that no good purpose would be served by providing the required landscaping buffer or solid fence.

7.8.5 MD-Mixed Development District.

- A. Developments planned under the provisions of the MD District shall be homogeneous and uniform in nature and all reasonable attempts shall be included in such plans to protect the existing environmental quality of the site. Preservation of natural features such as slopes, stands of trees, animal sanctuaries and similar characteristics shall be considered when the site has such

features present. Similarly, appropriate measures shall be suggested by the applicant to assure minimal negative impact upon adjacent land areas, residents, and property owners should the site plan be implemented.

- B. Outdoor storage or display shall be prohibited.
- C. The Planning Commission may permit the provision of landscaped area in lieu of and within the area which would otherwise provide for up to ten (10) percent of the total required parking spaces.
- D. Off-street parking areas shall not be permitted within the required front yard setback.
- E. Off-street loading areas shall not be visible from any public or private road.
- F. The Planning Commission may waive or modify the fencing or landscape buffering requirement upon a determination that a solid fence or landscaping buffer will not be necessary or effective for screening. In making such a determination, the following shall be considered.
 - 1. Need for security;
 - 2. Abutting district or existing use;
 - 3. Extent that existing natural vegetation provides the desired screening;
 - 4. Topographic conditions which would eliminate the benefits of required solid fencing or landscape buffer;
 - 5. Building heights and views in relation to existing topography and vegetation as well as views from adjacent uses;
 - 6. Similar conditions existing such that no good purpose would be served by providing the required landscaping buffer or solid fence.

7.8.6 VC and VR Village Center and Village Residential Districts.

7.8.6.1. Design Standards. The following design standards shall apply to all site plans reviewed under Article 4.00, Site Plan Review, special uses reviewed under Section 3.5, Special Use Permits, subdivision plats reviewed under the Subdivision Control Ordinance, and condominium projects reviewed under the Condominium Ordinance.

- A. **General:** The overall design and mixture of uses shall be consistent with the intent of this district. Compatibility of uses shall be determined by the following:
 - 1. The uses shall not create noise, dust, odors, fumes or other nuisances that will have an obnoxious effect on surrounding residences.
 - 2. Traffic volumes generated by the use shall not have a negative impact on surrounding residential character.
 - 3. Architecture shall meet the requirements of Section 4.5.7.
 - 4. Location and use of yards shall contribute to the continuation of open space areas within the immediate vicinity.

5. Location and design of landscaping and pedestrian areas shall be compatible with and enhance the area pedestrian and open space network.
6. Location, size and types of architectural projections such as porches or awnings shall be compatible with other structures along the same block.
7. Location, scale and design of signs shall be consistent with the character of other signs, street elements structures and uses located along the same street.
8. Residential development shall be designed to be compatible with surrounding land uses, while providing a mixture of housing types to meet the varied needs of Township residents.

B. Sidewalks/Pedestrian Circulation

1. Site design shall demonstrate a special sensitivity to pedestrian circulation and safety.
2. Sidewalks at least five (5) feet wide and at least seven (7) feet wide where abutting parking shall be provided along public streets and private roads; bike paths shall be required in locations designated in the Hamburg Village Master Plan or to provide linkages with existing or planned bike paths.
3. All developments shall provide pedestrian linkages between public sidewalks and the building entrances.

C. Common Open Space: For any development which includes ten (10) or more dwelling units, 1,500 square feet of common open space shall be provided per dwelling unit. Such open space may be counted towards meeting open space requirements for minimum lot size reductions provided that it meets all of the following requirements:

1. Open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
 - recorded deed restrictions,
 - covenants that run perpetually with the land, or
 - a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
2. The common open space shall be used for social, recreational and/or natural preservation. Common open space within the village shall be of a distinct geometric shape, generally rectilinear or square. The common open space shall include landscaping, sidewalks, pedestrian benches and pedestrian scale lamp posts. Open space at the edges of the village, as shown on the Hamburg Village Master Plan shall be left in a natural state, with the exception of trails or boardwalks.

D. Parking/Loading Areas

1. The amount of parking for nonresidential uses required under Article 10 "Parking and Loading" may be reduced by the Planning commission by up to fifty percent (50%) upon a finding that patrons will be able to walk to the use from nearby residential areas, patrons are parked at other uses and visiting several uses, and/or on-street parking is available.
2. Off street parking lots shall be located behind the front line of the principal building. Where this is not feasible or practical, the Planning Commission may permit off street parking within the front yard. Parking lots must be setback from any front lot line a minimum of twenty (20) feet.
3. All off street parking spaces or loading areas must be screened from view of any public road or pedestrian path right-of-way, or private road or pedestrian path easement by an evergreen hedge row or masonry wall, which is consistent with building architecture and site design, at least three (3) feet in height.
4. Where parking or loading areas abut a residential use, a six (6) foot tall masonry wall, which is consistent with building architecture and site design, shall be constructed between the parking lot or loading area and the adjacent residential use. The Planning Commission may substitute the masonry wall with one or more rows of six (6) foot tall evergreens.
5. Loading/unloading from secondary streets may be permitted by the Planning Commission rather than the required on-site loading, upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted.

E. Architecture

1. Buildings shall possess architectural variety, but enhance the overall cohesive and historic village character.
2. Building architecture shall meet the standards of Section 4.5.7.
3. The first floor of front facades shall include at least thirty percent (30%) windows. The approximate size, shape, orientation and spacing shall match that of buildings on adjacent lots.
4. The mass and proportion of structures shall be similar to structures on adjacent lots and on the opposite side of the street. Larger buildings may be broken-up with varying building lines and roof lines to provide a series of smaller scale sections which are individually similar in mass and proportion to surrounding structures.
5. Buildings located on corner lots shall provide distinct and prominent architectural features or site elements which reflect the importance of the building's corner location and creates a positive visual landmark. An entry feature or site landmark shall be required at corners designated for such a feature in the Hamburg Village Master Plan.

The architectural feature or site element shall be subject to Planning Commission approval.

6. On sites which contain commercial structures over fifty (50) years old, no exterior portion of any commercial building or structure (including walls, fences, light fixtures, steps, pavement, or other appurtenant features), or above ground utility structures shall be erected, altered, restored, moved or demolished without the review of the Planning Commission prior to the issuance of a land use permit. The purpose of the Planning Commission review is to advise on actions which may or may not be compatible with the desirable historic, architectural or cultural aspects of the District. The Planning Commission may consider Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings prepared by the U.S. Department of Interior for reviewing actions within the Old Hamburg Village. Such standards are made part of this Ordinance.

For proposed alterations to commercial structures for which site plan review is not required under Article 4.00, the review of the Planning Commission shall be advisory to the Zoning Administrator in the issuance of a land use permit. The provisions of this section shall not be construed to prevent the ordinary maintenance or repair of any exterior feature. Further, the provisions of this section shall not prevent the construction, alteration, restoration or demolition of any feature which the Building Inspector certifies is required because of a threat to public safety.

- F. **Signs:** Signs shall be designed to be compatible with the principal building's architecture and materials.
- G. **Street and Access Design:** Streets shall meet the following, with the acknowledgment that for any public streets, any more stringent standards of the Livingston County Road Commission or the Michigan Department of Transportation shall apply.
 1. Access points to M-36 shall be spaced at least five hundred (500) feet apart
 2. Access points along streets or driveways intersecting with M-36 shall be setback at least sixty (60) feet from the M-36 right-of-way line.
 3. The Township may require shared access or connections between adjacent uses as a means to limit conflict points and preserve capacity along M-36.
 4. The maximum length of blocks shall be seven hundred (700) feet.
 5. Street connections to adjacent parcels shall be provided where the Master Plan identifies a future street connection or there is the possibility to create future street connections. Road stubs for future connections shall be improved to the parcel line.
- H. **Landscaping:** All landscaping shall meet the minimum requirements of Section 9.4, Landscape Standards. Because of the higher density of development permitted in the VC and VR districts, the following standards shall apply to frontage landscaping in place of the standards contained in Section 9.4:

1. At least an eighty (80) foot wide landscaped greenbelt shall be provided along undeveloped areas of M-36, as designated on the Hamburg Village Master Plan, with at least two (2) rows of trees spaced no greater than twenty-five (25) feet on center. Trees shall be a mixture of evergreen and canopy trees meeting the minimum plant size requirements of Section 9.4. Provision of this landscaped greenbelt may be counted towards the common open space requirements of paragraph C above.
2. Along all road frontages, other than M-36 section identified in paragraph 1 above, one canopy street tree shall be planted within 5 feet of the front lot line for each forty (40) linear feet of frontage.

I. Lighting.

1. A consistent type of pedestrian scale ornamental lighting shall be provided along all sidewalks, within any off-street parking lots and along road frontages.
2. Parking lot lighting shall not be greater than twenty (20) feet in height.

7.8.6.2. Approval Standards.

The following criteria shall be used, in addition to the standards contained in Article 4.00, Site Plan Review or the Subdivision Control Ordinance, as a basis upon which site plans or subdivision plats shall be reviewed and approved by the Township:

A. Compatibility with Adjacent Uses: The proposal shall be designed, constructed, and maintained to be compatible with permitted uses on surrounding land to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration may be given to:

1. The location and screening of vehicular circulation and parking areas in relation to surrounding development, to the maximum extent feasible.
2. The location and screening of outdoor storage, outdoor activity and work areas, and mechanical equipment in relation to surrounding development.
3. The bulk, placement, and materials of construction of the proposed use in relation to surrounding development shall be compatible as determined by the general requirements listed in Section 7.8.6.1.A.
4. Proposed site amenities.
5. The site grading and stormwater drainage plan.

B. Transportation and Access: The proposed use shall be designed to minimize the impact of traffic generated by the use to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration may be given to the following:

1. Relationship between the proposed development and existing and proposed streets.

2. Estimated traffic generated by the proposed use.
3. Location and access to on-street parking.
4. Location and access to off-street parking.
5. Provisions for vehicular traffic.
6. Continuation of the planned street network for the village.

The Planning Commission may require a traffic impact study for special uses.

- C. **Building Architecture:** In determining the appropriateness of buildings, design elements shall be evaluated in relation to existing and proposed surrounding buildings and uses. The design shall meet the standards of Section 7.8.6.1.E.
- D. **Emergency Access:** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- E. **Health and Safety Concerns:** Any use shall comply with applicable Federal, state, county, and local health and pollution laws and regulations related to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic; radioactive materials; and toxic and hazardous materials. The Planning Commission may require an environmental impact study for special uses.
- F. **Screening:** Off-street parking, outside refuse, storage areas, and mechanical and electrical equipment which are within sight of adjacent residential districts or public roads shall be adequately screened.
- G. **Appearance:** Signs and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby developments.

ARTICLE 8.00
SUPPLEMENTARY PROVISIONS

Section 8.1 Accessory Buildings and Structures

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

- 8.1.1** Authorized accessory buildings may be erected as part of the principal building; may be connected to the principal building by a roofed porch, breezeway, or similar structure; or may be completely detached from the principal building.
- 8.1.2** All accessory buildings shall meet front and side yard requirements, except where such accessory buildings are detached and located completely to the rear of the principal building, in which case an accessory building may be located no nearer than five (5) feet to any side lot line.
- 8.1.3** On a lot that abuts a water bodies if an accessory building is located between the principal structure and the front property line (the property line that abuts the street) the accessory building may be located no nearer than fifteen (15) feet from the lot line which abuts the street and ten (10) feet from one side lot line and five (5) feet from the opposite side lot line.
- 8.1.4** If the existing structure on a lot that abuts a water body has non-conforming side yard setbacks and a side yard setback less than ten (10) feet is utilized for the accessory building, the smallest side yard setback on the accessory building shall be on the same side as the smallest side yard setback on the existing structure.
- 8.1.5** No accessory building shall be located nearer than five (5) feet to any rear lot line or occupy more than thirty (30) percent of any rear yard area.
- 8.1.6** An accessory building which is detached from the principal building shall not be located nearer than ten (10) feet to any separate building or structure on the lot. If an Accessory Structure is nearer than 10 feet from a separate building it is consider an attached structure.
- 8.1.7** On a corner lot in any Residential District, an attached or detached accessory building shall meet the side yard setback of the principal building for the zoning district in which the lot is located, but shall not be closer than 10 feet. In all cases, the garage entrance shall be located to allow adequate sight distance and off-street parking. When the rear lot line forms a part or all of a side lot line of an adjacent lot, a garage shall be no nearer than five (5) feet to the rear lot line.
- 8.1.8** In Residential Districts, private swimming pools are permitted as an accessory use, provided that:
 - A. The pool, including all connections and appurtenances, is located either:
 - 1. Entirely within a rear yard, maintains a minimum setback of five (5) feet from the rear and side property lines and pump and filter installations are located a minimum of ten (10) feet from the adjoining property lines; or
 - 2. Entirely within a side yard or partially within a side yard and rear yard and maintains a minimum setback from any property line equal to or greater than the required minimum rear yard setback as stated in Section 7.6.1., including footnotes, for the zoning district in which it is located;
 - B. A masonry wall or approved fence between four (4) and six (6) feet in height shall enclose the pool. All openings in the wall or fence shall be equipped with self-closing, self-latching gates or doors.
- 8.1.9** Detached accessory buildings located within Residential Districts that are located within the required setbacks for the main structure and which have a roof pitch less than 8:12 shall not

exceed 14 feet in height, as defined. Detached accessory buildings located within Residential Districts that are located within the required setbacks for the main structure and which have an 8:12 pitched roof or greater shall not exceed 17 feet in height, as defined. This provision shall not apply to parcels of land containing five acres or more.

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

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

- A. The lot upon which the principal building is located must be a waterfront or riparian lot.
- B. The garage can only be constructed on a non-waterfront lot.
- C. The accessory structure(s) can be used only for a garage or storage facility. Garages or storage facilities may not exceed a combined total of 800 square feet of ground floor area. One shed may be permitted in addition to the 800 square feet of accessory buildings.
- D. There shall be common ownership between the principal building or residence and lot being used for the garage.
- E. The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the garage.
- F. The accessory structure(s) shall maintain all required front, side, rear yard setbacks and lot coverage regulations associated with a principal structure as specified in Section 7.6.1. Height shall conform with Section 8.3.8.
- G. A deed restriction shall be recorded that requires the lot upon which the principal building is located and the lot with the accessory building not to be sold separately unless all code requirements can be met. Meaning that a residential unit must be located on the lot with the accessory building on it. If no residential unit exists on the lot with the accessory building one shall be built within one year of the sale of the property. A performance guarantee under section 5.3 shall be provided by the new property owner of the lot with the accessory building to the Township.

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

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

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

Section 8.2 Boat Docks: Also see section regulations regarding Boat Docks in 7.8.1. and 9.8.7.

8.2.1 In Residential Districts on lots abutting a water body, docks are permitted on legal lots of record that have improved roadway access to the lot and have space for onsite parking regardless of if the lot is vacant or there is a primary residence on the lot.

Section 8.3 Temporary Buildings, Structures, and Shelters

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

shall meet the zoning ordinance requirements for the type of building or structure and for the zoning district it is located in.

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

- A. **Temporary Dwellings.** No temporary dwelling shall be erected or moved onto a lot and used for dwelling purposes except during construction of a permanent dwelling on the premises which has been issued a building permit. The reasonable date for removal of the temporary dwelling, established on the permit issued by the Zoning Administrator, shall not exceed one (1) year from the date of occupancy of the permanent structure. The temporary dwelling shall be connected to private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems. No temporary dwelling shall be erected in any lot which is a part of a platted subdivision.
- B. **Temporary Construction Structures.** Temporary buildings and/or structures used for storage of equipment and construction offices may be used only during construction of a permanent structure which has been issued a building permit. The temporary building and/or structure shall be removed from the site prior to issuance of a certificate of occupancy.
- C. **Temporary Shelters.** Temporary shelters shall only be allowed for storage. These structures are only permitted in the rear yard area on lots that do not abut a waterbody and are only allowed between the main structure and the road right-of-way on lots that do abut a waterbody in the CE, RAA, RA, WFR, and NR zoning districts. These structures shall be maintained at all times. These structures are also allowed when part of a Special Event, Temporary Use or Seasonal Sale permit.
- D. **Permits.** A temporary building or structure shall require issuance of a land use permit from the Zoning Administrator under Section 3.3 of the Zoning Ordinance. The permit shall be renewed annually if needed. Any temporary building or structures shall be placed so as to conform to all yard requirements of the zoning district in which it is located.

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

Section 8.4. Special Events, Seasonal Sales and other Temporary Uses

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

- A. Carnival, Circus and Musical Concert or Other Transient Entertainment or Recreational Enterprise.
 - 1. Maximum duration: 10 days.
 - 2. Operator or sponsor: Non-profit entity
 - 3. Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- B. Sidewalk or Tent Sale or Other Similar Outdoor Sale
 - 1. Maximum duration: 7 days.
 - 2. Location: In commercial districts only.
 - 3. Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk. ADA compliance must still be met
 - 4. Parking Lot Coverage: Sufficient number of parking spaces shall remain to meet the existing zoning requirements for that district.
- C. Sporting or Outdoor Recreational Event and any overnight camping associated with these events.
 - 1. Maximum duration: 10 days.
 - 2. Search light or other apparatus used for the projection of a high intensity light beam.
 - 3. Maximum duration: 3 Days
 - 4. Light must not be directed towards other properties.

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

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

8.4.3 Performance Guarantee. The Township may require a deposit by the applicant with the Township Clerk in the form of a certified check, cash, or a surety bond in an amount sufficient

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

Section 8.5 Unsafe Buildings

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

Section 8.6 Structural Damage

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

Section 8.7 Building Grades

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

Section 8.8 Street Closures

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

Section 8.9 Fences, Walls and Screens

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

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

- F. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.
- G. The height of a fence shall be measured from the point at which the fence posts, pilasters or footing intersects the ground on the lowest side of the fence to the top of the fence directly above. Where a fence is built on top of a wall, the combined fence/wall height is measured from the lowest grade to the top of the fence directly above. A fence may slightly exceed the height limits due to minor variations in the underlying terrain as determined by the Zoning Administrator.

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

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

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

Fencing Heights, as indicated in figures below:

4 Ft. Maximum: - - - - - 6 Ft. Maximum: - - - - -

Figure 1 and Figure 2: Standard Lots

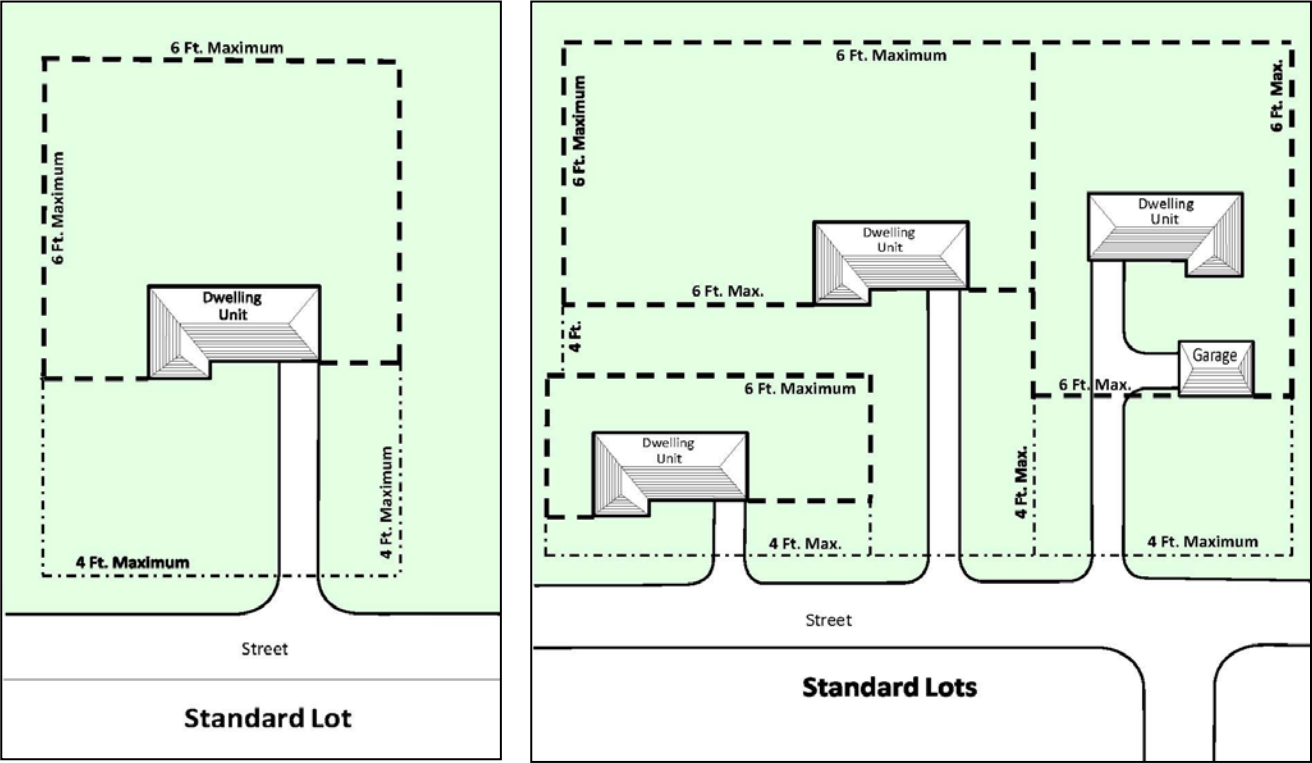
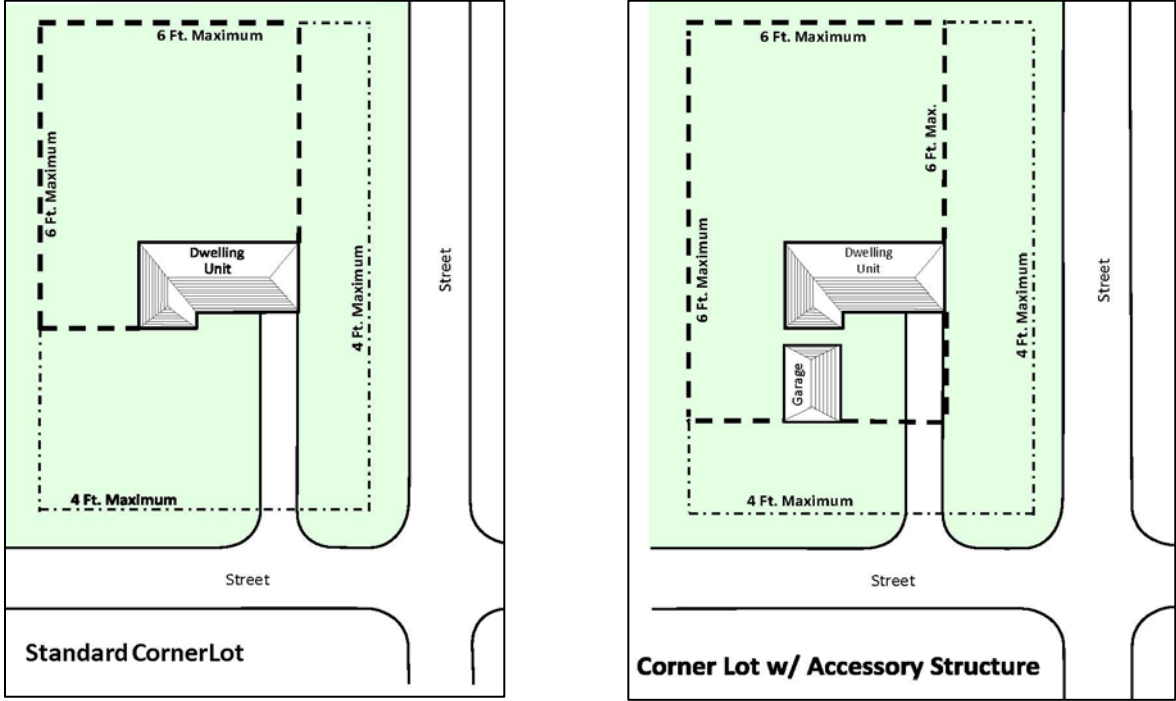


Figure 3, Figure 4, and Figure 5: Corner Lots



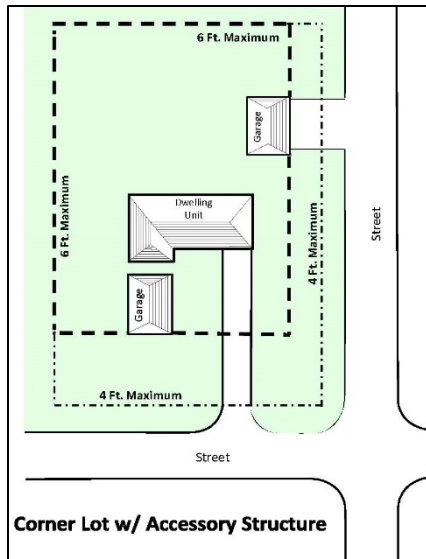


Figure 6: Waterfront Lots

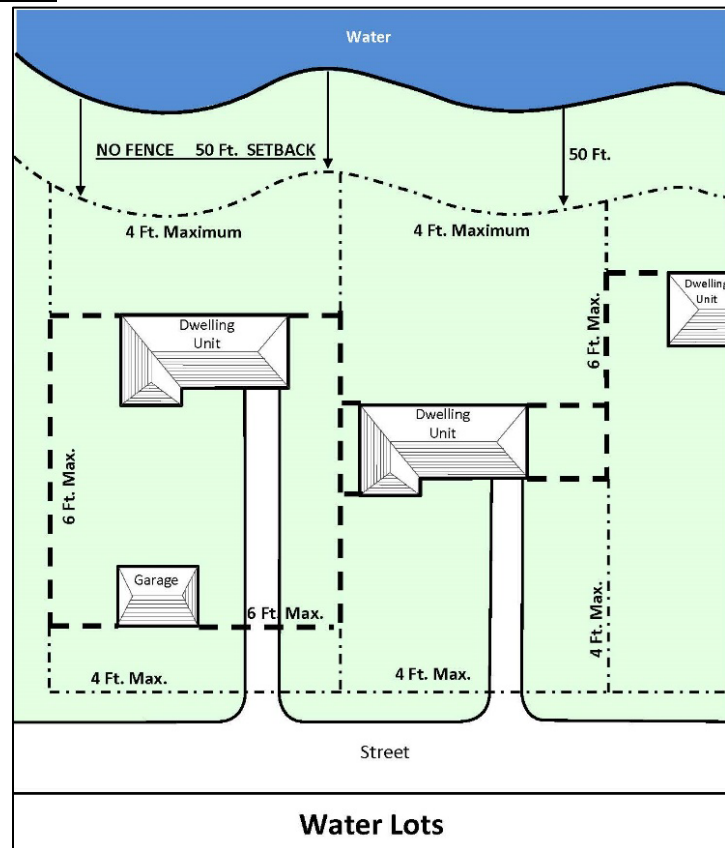
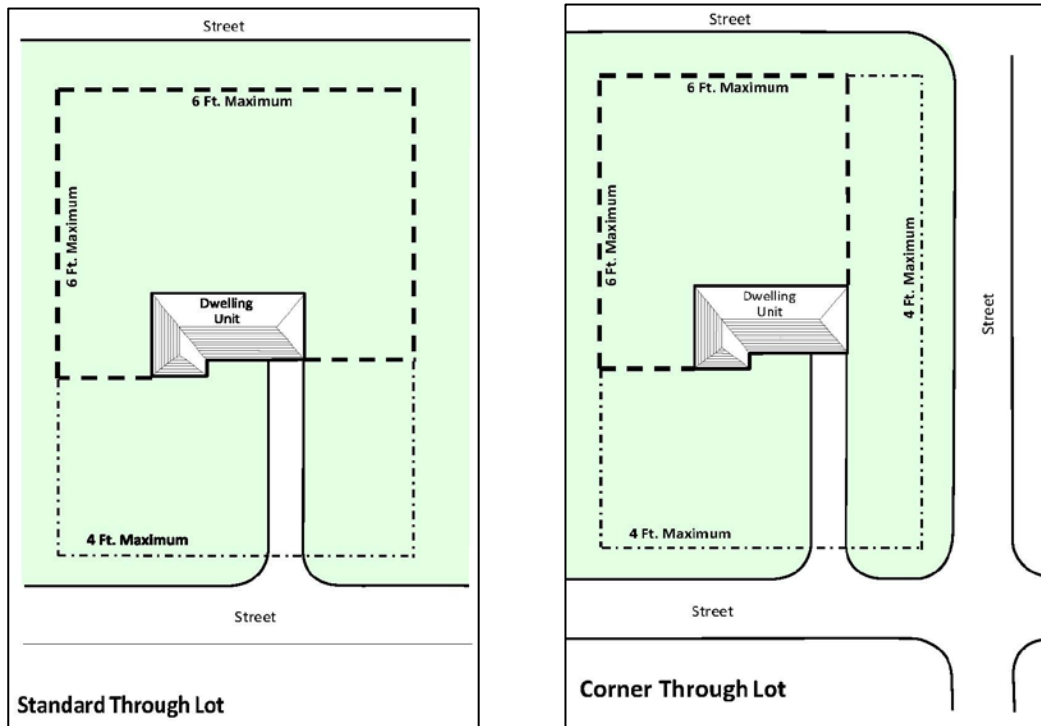


Figure 7 and Figure 8: Through Lots



Section 8.10. Intersection Visibility

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

Section 8.11. Access to a Street

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

Section 8.12. Yard Encroachments

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

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

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

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

- A. That such structure shall not be permitted within eight (8) feet of any lot line.

- B. That no building shall have more than one (1) such elevated deck or balcony in any one (1) yard.
 - C. That such areas and structures may have open railings or fences not exceeding three (3) feet in height.
 - D. That such structures may have non-continuous windbreaks, visual screens, or walls not exceeding eight (8) feet in height in a rear yard, or four (4) feet in height in a front or side yard, and not enclosing more than one-half the perimeter of the elevated deck or balcony.
- 8.12.3.** Unenclosed or enclosed porches and other enclosed appurtenances to a principal building shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.
- 8.12.4.** Chimneys, flues, belt courses, sills, pilasters, bay windows, awnings, approved signs, window air conditioners, cornices, eaves, gutters, and similar features may project into any required yard a maximum of twenty-four (24) inches
- 8.12.5.** Unenclosed and unroofed fire escapes, outside enclosed or unenclosed stairways, and excavated stairways may project into any required yard a maximum of five (5) feet.
- 8.12.6.** Accessory structures and buildings, including gazebos, decks, terraces, patios and similar features, which are not attached to a principal building, shall comply with the requirements of Section 8.3, Accessory Buildings and Structures.
- 8.12.7.** Access drives may be placed in the required front, side, or rear yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.
- 8.12.8.** Stoops or steps must lead to an exterior entrance to a building and shall not encroach into any required yard more than five (5) feet.
- 8.12.9** Decks, Patios, and Terraces may abut a waterbody and the following conditions shall apply:
- A. Said structures shall not exceed 12 inches in height above the average surrounding grade.
 - B. Yard coverage shall not exceed 30 percent for all structures on the lot including the principal building.
 - C. The horizontal distance of said structures shall not exceed 50 percent of the width of the lot line that abuts the waterbody.
 - D. Said structures shall be at least five (5) feet from a side lot line.
 - E. Said structures shall not extend over the water more than 24 inches. This provision shall not apply to seasonal docks.
 - F. Railings shall not exceed three (3) feet in height and shall not obstruct view by more than 30 percent.
- 8.12.10** Mechanical Equipment on residential properties such as ground mounted air conditioners, full house generators, and similar machines, may project into any required yard a maximum of four (4) feet provided:
- A. The noise regulations of Section 9.5.A of the Zoning Ordinance and General Ordinance 94-A, Breach of Peace, shall be met;
 - B. The said mechanical equipment shall be located closer to the subject building than buildings on surrounding properties; and
 - C. The said mechanical equipment shall be sufficiently screened from offsite views by either a vegetated screen or visual screen, as deemed appropriate by the Zoning Administrator.

Section 8.13 Supplementary Height Regulations

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

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

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

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

Section 8.14. Garage Sales, Rummage Sales, and Similar Activities

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

- 8.14.1.** Any garage sale, rummage sale or similar activity shall be allowed without a land use permit for a period not to exceed four (4) days within a six (6) month period. Such activities in operation for a period of time in excess of four (4) days shall require a temporary land use permit from the Zoning Administrator. In no instance shall more than two (2) garage sales, rummage sales or similar activity be held in any one location within any twelve (12) month period.
- 8.14.2.** All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
- 8.14.3.** All such sales shall be conducted a minimum of twenty (20) feet from the front lot line of the premises of such sale.
- 8.14.4.** Overnight outside storage of goods or merchandise offered at such sale is prohibited.
- 8.14.5.** No signs advertising a garage sale or similar activity shall be placed upon public property. Two signs advertising a garage sale are permitted to be placed upon private property with the consent of an owner of said property and shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.