



Planning Commission

Larry Fox, Chairperson Joseph W. Colaianne, Trustee
Jeff Newsom, Vice-Chairperson Keith Voight, Secretary
Michael Mitchell, Commissioner Sue Grissim, Commissioner
Tom Murphy, Commissioner

Planning Commission Meeting Agenda
Hartland Township Hall
Thursday, October 10, 2019
7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Meeting Agenda
5. Approval of Meeting Minutes
 - a. Draft Planning Commission Minutes of August 22, 2019
6. Call to Public
7. Presentation by Livingston County
8. Old and New Business
 - a. Rezoning #19-002 948 Old US-23
 - b. Rezoning #19-003 1010 Old US-23
 - c. Zoning Amendment #19-002 – Amend Single Family Residential Standards
9. Call to Public
10. Planner's Report
11. Committee Reports
12. Adjournment

1. **Call to Order** - THE MEETING WAS CALLED TO ORDER BY CHAIRMAN LARRY FOX AT 7:00 PM

2. **Pledge of Allegiance**

3. **Roll Call**

PRESENT: Joe Colaianne, Thomas Murphy, Larry Fox, Sue Grissim, Michael Mitchell

ABSENT: Jeff Newsom, Keith Voight

4. **Approval of Meeting Agenda**

Motion to approve the Agenda

A Motion to approve the Meeting Agenda was made by Commissioner Colaianne and seconded by Commissioner Mitchell. Motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joe Colaianne, Trustee
SECONDER:	Michael Mitchell, Commissioner
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell
ABSENT:	Newsom, Voight

5. **Call to Public**

None

6. **Public Hearing**

a. ZA #19-001, Architectural Standards - Light Industrial and Industrial

Chair Fox opened the Public Hearing at 7:02 PM for ZA #19-001 Zoning Amendments for the Architectural Standards for Industrial and Light Industrial zoning districts. For the record, all of the Public Hearing notice requirements have been met.

Director Langer summarized the amendment stating the following:

- Showed some examples of Light Industrial and Industrial buildings.
- The Ordinance Review Committee (ORC) looked at examples and decided it was not the materials used but more the extensive, monotone façade.
- This amendment is intended to address that visual issue of a large, unbroken expanse and hide the loading docks.

The following amendment is proposed:

Section 5.24.15

M. Industrial activities shall be oriented to minimize visual and audible impacts to residential uses, open space, natural areas, and ~~arterial~~ roads. A combination of appropriate screening and landscaping must be used to enhance the compatibility of industrial uses to adjacent land uses.

1. Long, unarticulated façades shall be avoided by employing at least four of the following to create visual interest and shadow lines: (a) textured and/or patterned surfaces, (b) projections of the exterior building walls, (c) recesses and reveals to exterior building walls, (d) variations in color, (e) window fenestration, (f) roof overhangs, and/or (g) changes in parapet height.

2. On-site loading docks and service areas shall be located to minimize visibility from public streets or adjacent residential uses to the extent feasible, given the topography of the site and surrounding

areas. Service and loading areas that are visible from residences or public streets shall be appropriately screened by fences, walls, landscaping berms or any combination thereof. Site design shall demonstrate efforts to minimize audible impacts to adjacent properties.

Commissioner Colaianne asked if surrounding communities ordinances were examined. Director Langer replied the ORC did examine surrounding communities but most did not have architectural standards for Light Industrial or Industrial structures.

Public Comment:

None

Chair Fox closed the Public Hearing at 7:07 PM

Commissioner Mitchell stated he agrees with the proposed amendment.

Director Langer mentioned a concern about the existing word “arterial” which could be confusing. He suggested if the Planning Commission desires, to eliminate that word in this amendment for clarity.

The Planning Commission briefly discussed that option and agreed.

Commissioner Grissim offered the following Motion:

Move to recommend approval of Zoning Amendment #19-001, Architectural Standards for Light Industrial and Industrial, and eliminate the word arterial, as presented and attached with the staff memorandum, dated August 12, 2019.

Seconded by Commissioner Murphy. Motion carried unanimously.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Sue Grissim, Commissioner
SECONDER:	Thomas Murphy, Commissioner
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell
ABSENT:	Newsom, Voight

b. ZA #19-002, Amendment to Single Family Residential Zoning Standards

Chair Fox opened the Public Hearing at 7:20 PM for ZA #19-002 Zoning Amendments for single family residential standards in the SR (Suburban Residential), MDR (Medium Density Residential), HDR (High Density Residential), RR (Residential Recreation) districts, non-conforming lots, and establishment of waterfront lot standards for the single family residential districts. For the record, all of the Public Hearing notice requirements have been met.

Director Langer summarized the amendment stating the following:

- Lake Lots Amendment has been discussed for 10 to 20 years.
- Lake Lots are typically nonconforming as they were created before the current Zoning Ordinance.
- Committee was formed to examine this issue.
- Homeowners have difficulty improving their property but the current zoning regulations prohibit the additions or improvements.
- Began looking at Lake Lots but there are many other areas with similar zoning having the same issues.
- Researched surrounding communities and Hartland was not in sync with those areas in the percentage and the items being included.

- Trying to keep the definition the same, eliminate the ambiguous language about the driveway calculation and increase the percentage.
- Following are the proposed amendments:

Section 2.2.138

LOT COVERAGE: The part or percent of the total area of a lot or parcel that is occupied by buildings, and structures, and areas of impervious surfaces, including accessory buildings and structures. Decks, porches garden houses, sheds, paved driveways, parking areas, game courts, and other man-made impervious surfaces shall also be included in lot coverage unless otherwise stated in this Ordinance. ~~For single family lots less than 32,670 square feet, a fifteen (15) foot section of the paved or impervious surface driveway measured from the front lot line to the front of the principal building which serves as the sole vehicle access to the single family residential dwelling shall not be included in the percentage allowed for lot coverage.~~ For all properties, sidewalks and safety paths located adjacent to or within the right-of-way shall not be included in lot coverage calculations.

Section 3.1.3.E. RR (Residential Recreation) standard

Maximum Lot Coverage
 Single Family detached dwelling
 Public sewer and water 25% **35%**
 No public sewer and water 20% **30%**

Section 3.1.6.E. SR (Suburban Residential) standard

Maximum Lot Coverage
 Single-family detached dwelling
 Public sewer and water 20% **30%**
 No public sewer and water 15% **25%**

Setbacks
 Minimum front yard setback: 50 ft
 Minimum rear yard setback: 25 ft
 Minimum side yard setback: 15 ft

Building Height
 Maximum building height:
 Dwelling unit 35 ft or 2.5 stories, whichever is less
 Accessory structure 15 ft or 1 story

Section 3.1.7.E. MDR (Medium Density Residential) standard

Maximum Lot Coverage
 Single-family detached dwelling 20% **30%**

Section 3.1.8.E. HDR (High Density Residential) standard

Maximum Lot Coverage
 Single-family 25% **35%**

Section 3.25

~~For single family lots less than 32,670 square feet, a fifteen (15) foot section of the paved or impervious surface driveway measured from the front lot line to the front of the principal building~~

~~which serves as the sole vehicle access to the single-family residential dwelling shall not be included in the percentage allowed for lot coverage.~~

Waterfront lot standards

In certain locations in the Township, property owners own and maintain property along a lake or other waterway. In some instances, those property owners also own land that is across the street from the lake front property and the property owner desires to construct an accessory structure on this land. A land use and building permit for an accessory structure may only be issued on this land if the following provisions are met:

- a. The lot or parcel upon which the principal structure (example: single family house) is located, must be a waterfront or riparian lot and the lot on which the proposed accessory structure (example: detached garage or shed) would be located across the roadway from the principal structure and is not a waterfront or riparian lot.
- b. Only one accessory structure shall be permitted on the non-waterfront/riparian lot. The accessory structure shall not exceed 800 square feet in ground floor area. A second story or loft area may be permitted, in addition to the 800 square feet, provided the accessory structure still complies, as otherwise set forth in this Ordinance, and a separate dwelling unit is not located within the accessory structure.
- c. There shall be common ownership between the principal structure lot (waterfront/riparian lot), and the lot being used for an accessory structure. The property owner shall provide a recorded copy of a deed restriction/covenant that clearly indicates the properties are under common ownership and must remain under common ownership for the purposes of having an accessory structure on one of the parcels.
- d. The parcel that contains the accessory structure shall not be farther than 70 feet away from the parcel that contains the principal structure.
- e. The accessory structure shall maintain all required front, side, rear yard setbacks and lot coverage regulations.

Section 7.2.3.A

Use of Nonconforming Lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare. All yard requirements and other non-area or width requirements shall be met.

- i. ~~Yard setback and minimum floor area requirements for dwellings on lots and parcels recorded prior to September 18, 1959, that properly existed prior to the adoption of this Ordinance.~~
 - a. Front Yard Setbacks: a minimum of 25 feet or the average of the setbacks of dwellings on the nearest lots fronting on the same side of the road and waterfront, whichever is greater.
 - b. Side Yard Setbacks: a minimum of 10 feet.

c. Rear yard setbacks: a minimum of 15 feet or the average of the setbacks of dwellings on the nearest lots fronting on the same side of the road, whichever is greater.

d. ~~First Floor Footage: a minimum of 1000 square feet (for a ranch type home).~~

e.d. Lot Coverage: a maximum of thirty percent (30%) **for buildings. An additional thirty percent (30%) lot coverage is permitted for driveway areas, sidewalks, patios, or other impervious surface materials. In no case shall there be more than a total of sixty percent (60%) impervious surface on a lot.**

Commissioner Colaianne stated these amendments are designed to allow property owners to do more with their property but he is concerned about the Township trying to restrict what a property owner can buy or sell. Director Langer stated the goal is not to restrict but to put any future property owner on notice so they will be aware of these issues.

The Planning Commission discussed the following:

- Riparian rights
- Lot combinations not possible
- Roadway separates the lots
- Cannot prevent the sale of property
- Accessory structures are not permitted without a principal structure
- Lake access

Public Comment:

None

Chair Fox closed the Public Hearing at 7:33 PM

Commissioner Colaianne offered the following Motion:

Move to table ZA #19-002, Amendment to Single Family Residential Zoning Standards.

Seconded by Commissioner Murphy. Motion carried unanimously.

RESULT:	TABLED [UNANIMOUS]	Next: 10/10/2019 7:00 PM
MOVER:	Joe Colaianne, Trustee	
SECONDER:	Thomas Murphy, Commissioner	
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell	
ABSENT:	Newsom, Voight	

7. Old and New Business

a. Use Determination - Landscape Supply Business

Director Langer stated the following:

- Use determination is not site sensitive.
- Determining which use is similar in a zoning district where the use is not specifically listed.
- If the Planning Commission determines the proposed use is compatible with a listed use, the next step is to decide whether the proposed use shall be permitted by right, as a special use, or as a permitted accessory use.
- This use has been occurring in another location for many years, they want to relocate to another parcel zoned LI Light Industrial.
- When examining all of the activities happening in this use, it is difficult to make a determination.

The Applicant, Jerrad Beauchamp, introduced himself and stated he is available for questions.

Commissioner Colaianne asked what is behind the parcel. Chair Fox stated Fox Brothers. It is behind the lift station.

Chair Fox stated his thinking is would I put this business next to Emagine Theatre in GC General Commercial. The answer is no, it is a much heavier use that all of that. Given the amount of outdoor storage, LI seems the best fit for it.

Commissioner Colaianne offered the following Motion:

MOTION: The Planning Commission finds the proposed use to be similar in nature and compatible to uses of the same nature or class as uses listed in the LI district, as outlined in Section 3.1.16.D.x, and therefore, is permitted as a Special Land Use in the LI district.

Seconded by Commissioner Mitchell. Motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joe Colaianne, Trustee
SECONDER:	Michael Mitchell, Commissioner
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell
ABSENT:	Newsom, Voight

b. PD Amendment - Hartland Towne Square

Director Langer stated the following:

Not a single request, some should have been addressed years ago, plus some new items proposed by current tenants.

1. On-going maintenance of private roads within the development

“RAMCO shall be responsible for on-going maintenance, repair, and replacement, including snow removal of the portions of Rovey Drive and Hartland Towne Square Drive that are located within the development, as shown on the Final Plan, as it may be amended from time to time in accordance with the terms hereof (to the extent the same are not or do not become public roads.”

2. Drive-through service

“Drive-through service shall be permitted within the Development upon approval thereof by the Township’s Planning Commission, or other Township department or official with authority to approve building plans, such approval not to be unreasonably conditioned, withheld, or delayed.”

3. Remodel/Reconstruct Monument Sign (at Hartland Road and Highland Road)

The proposed sign drawing shows the ground sign to be up to a height of sixteen (16) feet and a width of nine (9) feet. The intent is to have a taller sign that could have better visibility for traffic along Highland Road and Hartland Road, given that there is a berm at the intersection.

4. New Ground Signs along Highland Road (M-59)

Per the proposed amendment, one combined ground sign will serve Outlots 12 and 13, with the sign to be placed near the common entrance drive that serves those two businesses on Highland Road. The other combined ground sign will serve Outlots 14 and 15, with the sign placed at the common entrance drive for Culver’s and the vacant lot, on Highland Road. The ground sign will be similar in design, size, and materials to the other ground signs in the development and as depicted in the Pattern Book.

5. Light Pole Lighting

The original Pattern Book from 2008 provided standards for parking lot lighting, which required shoe box heads to be fully recessed. A specification sheet for the light fixture was also provided, which listed the option for a metal halide or high pressure sodium bulb. The proposed amendment states light heads are to be fully recessed and LED lighting is to be used. A new specification sheet has been provided also, which shows a shoebox style light head.

6. Selective Tree Removals

The amendment proposes to remove four evergreen trees, in the area of the berm near the Culver's restaurant, in order to improve the visibility of the businesses. Sufficient landscaping is retained along the berm to maintain the integrity of the 2008 approved landscape plan.

The Applicant, Ross Gallentine, RPT, stated he was fine with the language change to "Planning Commission." The new ground signs put those business owners on a fair playing field with the other businesses around them.

Commissioner Grissim asked about the height change for the ground signs, seven feet to sixteen feet. Chair Fox stated that change is to accommodate a very large berm impeding the visibility of the shorter sign.

Commissioner Murphy asked how the height was determined.

The Applicant stated they looked at the berm and the visibility from the road and came up with that figure.

Chair Fox stated it will have a bigger brick base; from the west, it will look like it is on the ground; from the east it is certainly going to be tall.

The Planning Commission briefly discussed the signs and others in the area and landscaping around ground signs

Chair Fox mentioned drive throughs are becoming more popular so removing the limit may help make it more marketable. Director Langer stated currently some establishments such as Olive Garden have pick up options. In the future it is foreseeable some sit-down restaurants may want an actual drive through.

Commissioner Murphy asked how the original number of drive throughs was determined.

The Planning Commission briefly discussed the history of the PD and upswing in the drive through trend.

Chair Fox stated they did a site visit to examine the change in landscaping and everyone seems satisfied with the change.

Commissioner Mitchell offered the following Motion:

The Planning Commission recommends to the Township Board to approve a request to amend the Hartland Towne Square Planned Development Agreement and the Pattern Book for Hartland Towne Square, hereby referenced as the 8th Amendment to Planned Development Agreement, based on the following findings:

1. The Planning Commission has determined the proposed amendment provides clarification for the on-going maintenance of the private roads in the development.
2. The Planning Commission has determined the proposed amendment to remove the limitation on the number of drive-through establishment provides flexibility for existing and future businesses in the development.
3. The Planning Commission has determined the proposed amendments to allow for two additional combined ground signs and improvements to an existing ground sign improves the visibility for existing and future businesses in the development.
4. The Planning Commission has determined the amendment to update the lighting standards to add LED light pole heads will be a benefit to the PD and the Township.
5. The Planning Commission has determined the proposal to allow for the removal of four evergreen trees on the berm along Highland Road will improve the visibility of the businesses in that area and be a benefit to the community.
6. Approval of the PD amendment language shall be subject to approval of the Township Attorney.
7. Change the wording from "Planning Staff" to "Planning Commission" in the paragraph described above.

Seconded by Commissioner Murphy. Motion carried unanimously.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Michael Mitchell, Commissioner
SECONDER:	Thomas Murphy, Commissioner
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell
ABSENT:	Newsom, Voight

8. Call to Public

Barbara Krueger, Hartland Township, commented on the Newberry proposal. She feels the local services, schools, and infrastructure will not accommodate this project.

9. Planner's Report

Director Langer reported the following:
Discussed possible dates for a joint meeting with the Township Board; September 5 and 19, 2019 were suggested.

10. Committee Reports

None

11. Adjournment

Motion to Adjourn

A Motion to adjourn was made by Commissioner Colaianne and seconded by Commissioner Murphy. Motion carried unanimously. The meeting was adjourned at approximately 8:13 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joe Colaianne, Trustee
SECONDER:	Thomas Murphy, Commissioner
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell
ABSENT:	Newsom, Voight

Submitted by,

Keith Voight
Planning Commission Secretary

Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director
Subject: Rezoning #19-002 948 Old US-23
Date: October 3, 2019

Recommended Action

Recommendation for Rezoning #19-002

The Planning Department recommends the following motion for the Planning Commission's consideration:

The Planning Commission Recommends Approval of Rezoning #19-002, for the property addressed as 948 Old US-23 (Parcel ID #4708-33-100-016), approximately 3.09 acres in area, and as described in this memorandum, from PD (Planned Development) to LI (Light Industrial), based on the following findings:

1. The requested rezoning of the subject property to the LI (Light Industrial) zoning classification is consistent with the Township's Comprehensive Development Plan, which indicates the property should be developed as Light Industrial or Planned Development.
2. Access to the subject property is provided from Old US-23 and the property has the minimum required frontage along Old US-23 for the LI zoning classification.
3. The requested rezoning of the subject property to LI (Light Industrial) zoning classification is compatible with the surrounding uses and zoning, and is more appropriate than the current PD zoning classification.

Discussion

Applicant: Hartland Township

Rezoning Request

Hartland Township is submitting a request to rezone approximately 3.09 acres of land from PD (Planned Development) to LI (Light Industrial), located in Section 33 of Hartland Township (Parcel ID #4708-33-100-016), and addressed as 948 Old US-23. The property is located west of US-23, east of Old US-23, and south of Bergin Road. Previously the property was occupied by Beauchamp Landscape and Supply, which operated on the site since approximately 2000.

The adjacent property to the north, 1010 Old US-23, is currently zoned GC (General Commercial); however, the Township is in the process of submitting a request for that property to be rezoned to LI (Light Industrial) under Rezoning #19-003. REZ #19-003 is discussed in a separate memorandum, and will be presented to the Planning Commission on October 10, 2019, along with REZ #19-002.

The property south of the subject site (948 Old US-23) is zoned I (Industrial). West of the site (west side of Old US-23) the property is zoned CA (Conservation Agricultural). The current zoning map shows this area of the Township predominantly zoned as I or LI, especially on the east side of Old US-23. The intent

of the rezoning request for this property and 1010 Old US-23 is to make the zoning compatible with the area and the Comprehensive Development Plan of Hartland Township.

Site Description

The property, 3.09 acres in area, has approximately 512 feet of frontage along Old US-23 and approximately 528 feet of frontage along US-23. Two driveways on Old US-23 provide access to the site, with the northern driveway serving as the public entrance to the site, and the southern driveway is an “exit only” driveway. Historically the site has been occupied by Beauchamp Landscape and Supply, from approximately 2000 to the present. The site layout includes two buildings; an approximate 2,520 square foot building on the west side of the site, which had been used for retail/office uses; and an approximate 5,175 square foot truck storage/warehouse building with several bays and a service area for truck repairs in the northeast corner. Outdoor display and storage areas, concrete block storage bins, and parking are currently present on the site. Potential changes could occur to the site layout when a new business is established for a Kubota/Bobcat dealership.

Background Information

The site is zoned PD (Planned Development). The Planning Department was unable to determine the when PD zoning was established for the property. In general when land is in the PD category, the Township approves a PD Agreement that outlines the uses that are permitted in that designated area, as well as other development standards. However, in this case, the subject property, although in the PD designation, does not have specific uses listed in the PD. In fact, there is no PD Agreement. It appears in the past, the Light Industrial (LI) and Industrial (I) zoning categories were used for the applicable zoning regulations. Although, the Planning Department staff is not sure how they arrived at those being the applicable zoning standards; other than neighboring lands are in those zoning classifications.

The subject site has been occupied by several businesses since 1991 under several applications. The most recent business, Beauchamp Landscape and Supply (formerly Beauchamp Lawn and Snow Service), was approved under Site Plan Application #300 and Special Land Use Application #196 in 2000. Beauchamp Landscape and Supply occupied the site until the summer of 2019.

In April 2019, an applicant approached the Township with a request to establish a Kubota/Bobcat dealership on the site, using the existing buildings and site layout. In light of the fact a PD Agreement was not adopted for this property, and specific uses were not identified, a use determination for the Kubota/Bobcat business was presented to the Planning Commission on April 25, 2019. The Planning Commission determined the proposed use is similar in nature and compatible to uses of the same nature or class as uses listed in the LI (Light Industrial) zoning district. As part of that discussion the Planning Department noted it would proceed with the rezoning of the subject property to LI, based on the decision of the Planning Commission on the use determination.

On May 23, 2019, the Planning Commission approved Site Plan Application #19-004, a request to establish a Kubota/Bobcat dealership at 948 Old US-23.

Zoning Districts

Following is a discussion of the current and proposed zoning categories, along with other potential zoning classifications. Currently the subject property is zoned PD (Planned Development; Section 3.1.18) and the request is to rezone the property to LI (Light Industrial; Section 3.1.16), The Future Land Use Map shows

the zoning for this property as Planned Industrial/Research and Development (PIRD). PIRD could include uses similar to those listed in the zoning categories of PDR (Research and Development Park; Section 3.1.15); LI (light Industrial; Section 3.1.16); and I (Industrial; Section 3.1.17). Zoning regulations are provided as attachments for the zoning districts as noted above, specifically regarding the permitted principal and special land uses for each district.

Current Zoning

The subject property is currently zoned PD (Planned Development). The Hartland Township Zoning Ordinance under Section 3.1.18, Intent of the PD District states:

The intent of the “PD” Planned Development District is to provide areas within which several land use types can be developed through innovative and thoughtful land use design. While traditional bulk requirements may be set aside in this District in order to achieve particular design objective, the Township intends that any such district use should adhere to all applicable health and building codes and clearly demonstrate a commitment to maintaining a balance between residential and non-residential use, between public open space provided and private land set aside, and in accordance with the ability of the remainder of the Township to absorb and effectively deal with the attendant growth.

The minimum required land area for a PD is 20 (twenty) acres of contiguous land. Minimum lot width is not stated in the Ordinance.

Proposed Zoning

The proposed zoning, LI (Light Industrial), is intended. The Hartland Township Zoning Ordinance under Section 3.1.16, Intent of the LI District states:

The LI, Light Industrial District is designed so as to primarily accommodate industrial parks, wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding districts. The LI District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location is not to be permitted.

The minimum required lot size for each parcel in the LI zoning category is a lot width of 120 feet and lot area of 40,000 square feet.

Although not specifically requested, two additional zoning classifications could be considered: RDP (Research and Development Park) and I (Industrial).

Zoning to Consider

RDP Zoning – Intent of RDP District (Section 3.1.15):

The RDP Research and Development Park District is intended to provide for office research and related facilities while specifically excluding incongruous uses. The uses permitted within this district are distinct from other industrial districts since the uses are generally lower intensity with minimal impacts outside of the principal buildings. Accessory uses which complement and

support the principal uses and are intended for use by employees and visitors of the principal uses and are intended for use by employees and visitors of the principal uses are allowed when meeting the standards of this district.

The minimum lot area for each parcel in the RDP zoning category is 5 acres with a minimum of 200 feet of lot width.

I Zoning – Intent of I District (Section 3.1.17):

The I, Industrial District is intended to accommodate manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, which have the potential for emitting obnoxious odors, generating heavy truck traffic, producing noises, displaying bright light and other external physical effects which may impact surrounding districts. The I District is structured to permit manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared materials.

The minimum required lot size for each parcel in the I zoning category is 10 acres and a lot width of 330 feet.

Following is a chart listing the lot requirements for PD, RDP, LI, and I zoning districts:

Zoning District	Lot Area	Lot Width
PD	20 acres	NA
RDP	5 acres	200 feet
LI	40,000 sq. ft.	120 feet
I	10 acres	330 feet

Land uses and zoning districts for properties adjacent to the subject property for the rezoning request are as follows:

North: GC (General Commercial)*

South: I (Industrial)

East: SR (Suburban Residential) – Across US-23

West: CA (Conservation Agricultural)

*This property is currently under consideration to be rezoned from GC (General Commercial) to LI (Light Industrial) under REZ Application #19-003

Comprehensive Plan

The Hartland Township Comprehensive Plan Future Land Use Map designates the subject property as *Planned Industrial/Research and Development (PIRD)*. The Comprehensive Development Plan has the following comments regarding this category:

Planned Industrial Research and Development. The word “Planned” in this designation’s name is intended to convey the Township’s intentions to work with private or public developers to

create planned developments consistent with the provisions of the Michigan Zoning Act and the local Zoning Ordinance.

In anticipation of population growth and the resulting demand such growth will place upon Township services, additional nonresidential land use areas will be required. These uses will help provide a diverse tax base in order to permit the Township to continue to provide the quality of service its residents have grown to expect.

General Location. On the Future Land Use Map, PIRD has been planned for approximately 718 acres of the Township. Two distinct areas of the Township have been planned for future Planned Industrial Research and Development. These areas include the Clyde Road and US-23 interchange and the Old US-23 corridor, south of M-59.

Intended Land Uses. This designation is intended to permit industrial land uses that do not produce the negative effects often associated with heavy industrial development, such as noise, glare, odor, dust, heavy truck traffic, and fumes. These uses typically consist of small parts fabrication, research and development testing firms, laboratories, electronics firms and office research uses. Industrial uses envisioned for the Township will be generally conducted within a completely enclosed building with minimal or no outdoor storage areas. It is also intended to permit office complexes, including medical facilities, financial institutions, public and private recreational facilities and ancillary services that support the planned industrial research uses.

Characteristics.

Planned industrial research and development sites should provide buffering between the permitted uses and adjacent properties to assure compatibility.

Old US-23 Area. This area has historically been used for industrial purposes and the Township should continue to support those existing light industrial/technology uses while encouraging new, complimentary uses of an appropriate size and scale. Since this area is highly visible from both Old US-23 and US-23, generous landscaping and high quality architectural design should be encouraged. Outdoor storage and industrial yards should be appropriately screened from view.

Future Land Use Map designations for properties adjacent to the subject site for the rezoning request are as follows:

North: Planned Industrial/Research and Development

South: Planned Industrial/Research and Development

East: Estate Residential – Across US-23

West: Medium Urban Density Residential

Zoning Ordinance Rezoning Criteria

The Hartland Township Zoning Ordinance, under Section 7.4.3. provides the Planning Commission and Township Board with the following criteria to consider in making its findings and recommendation and decision:

Section 7.4.3.A. Consistency with the adopted Comprehensive Plan.

This criteria requires examination of not only the Future Land Use Map, but the language in the Comprehensive Development Plan

The Future Land Use Map designates the property as PIRD (Planned Industrial Research and Development) category. There are three (3) zoning classifications that would generally be consistent with that Future Land Use Category, as follows: I (Industrial), LI (Light Industrial), and RDP (Research and Development Park). As a result, consideration should be given toward any of these three (3) zoning classifications; however, further examination of the Comprehensive Development Plan should be conducted before determining which one of the zoning classifications is deemed to be consistent with the adopted Comprehensive Plan. A copy of the permitted uses in each of those zoning districts is attached for review by the Planning Commission.

The Planning Commission will have to determine if the proposed LI district is the appropriate category, or if RDP or I would be more appropriate.

Section 7.4.3.B. Compatibility with the site's physical, geological, hydrological and other environmental features.

The site is developed with two (2) buildings, parking, internal drives, and outdoor storage areas. The site is generally flat with areas of mowed lawn, shrubs, and trees.

Section 7.4.3.C. Reasonable return on investment with current classification of PD.

Although the property is currently zoned PD it appears a PD Agreement was never established which would have provided development standards and a list of permitted uses for the site. Per the current zoning standards for PD zoning, the minimum required land area is 20 acres, and the subject site is 3.09 acres in size; therefore, it is unlikely the property would be developed as a PD in the future. If rezoned to LI, any and all uses in the LI classification should be considered as a potential future development on the property.

Section 7.4.3.D. Compatibility of all potential uses allowed in the proposed LI District with surrounding uses and zoning.

The adjacent property to the north is zoned GC (General Commercial), with a request to rezone the site to LI (REZ #19-003). Properties farther north are zoned LI, and include Animal Crackers (pet salon, grooming, boarding); Ben Franklin Plumbing; and Trescal.

Properties immediately south of the subject property are zoned I, and include Beauchamp Water Treatment and Supply, Rhino Seed and Turf Supply, and Stonepro The property west of the subject site is zoned CA (Conservation Agricultural) and is undeveloped at this time.

The Planning Commission will need to determine if the permitted uses in the LI district are compatible with the existing and potential surrounding uses. Given that the surrounding properties are zoned LI or I, the LI and I zoning classifications appear to be compatible.

Section 7.4.3.E. Capacity of infrastructure and other public services and street system.

The subject property is currently served by on-site well and septic. Storm water management is under the jurisdiction of the Livingston County Drain Commission. Per the comments from the Township's Director of Public Works, future sewer connection may be required if ever a land combination results in combining 948 Old US-23 with 1010 Old US-23 into a single parcel. Additionally, a future sewer mainline extension along Old US-23 south of Bergin Road may also require a subsequent sewer connection.

Section 7.4.3.F. Capability of the street system to accommodate the expected traffic generated by uses allowed in the requested zoning district.

Road access to the site is from Old US-23. Old US-23 is classified as a Major Collector route in the Comprehensive Plan and serves as a major north-south road in the Township. The subject parcel has approximately 512 feet of frontage along Old US-23, which complies with the required lot frontage of 120 feet in the LI zoning district.

A traffic impact study was not submitted as part of this request.

Section 7.4.3.G. Apparent demand for uses permitted in the requested zoning district.

Rezoning the property from PD to LI would promote consistency with the properties that front Old US-23 in this area, which are a mix of LI and I zoned properties. The proposed Kubota/Bobcat dealership is an example of a new business that intends to locate at the subject property. The Planning Commission has already determined the proposed use (Kubota/Bobcat dealership) is compatible with the uses permitted in LI zoning.

Section 7.4.3.H. Ability to comply with zoning regulations.

Future development of the site will require compliance with the current Zoning Ordinance standards and requirements.

Section 7.4.3.I. Appropriateness of the requested zoning district.

Based on the Future Land Use Map, LI (Light Industrial) zoning is one of the zoning categories that align with the Future Land Use Map (FLUM) designation for this site (Planned Industrial and Research and Development). Properties to the north, south, and northwest are in the same classification on the FLUM.

However, the Comprehensive Development Plan indicates that development sites should provide buffering between the permitted uses and adjacent properties to assure compatibility. More specifically, for the area of Old US-23, the Comprehensive Development Plan indicates "...The Township should encourage the continuance of these existing light industrial/technology uses while permitting new uses appropriate in size and character with the Township."

This standard requires the Planning Commission, and ultimately, the Township Board, to determine that the proposed zoning classification is considered to be more appropriate than any other zoning classification.

Section 7.4.3.J. Amendment of permitted or special uses versus rezoning.

Other than the proposed Kubota/Bobcat dealership use, specific uses have not been provided as part of the rezoning request. Generally, it is not advisable for the Township to only consider one of the permitted uses that are permitted in a proposed rezoning request. As a result, the Planning Commission should consider all permitted uses in the proposed rezoning request and determine if the subject property is appropriate for those uses.

Section 7.4.3.K. Exclusionary and Spot Zoning Issues.

The term exclusionary zoning is generally referred to a zoning ordinance or a zoning decision that would exclude an otherwise lawful use of land. Michigan Compiled Laws (MCL) Section 125.297a of Township Zoning Act (Sec. 27a) states "[a] zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a township in the presence of a demonstrated need for that land use within either the township or surrounding area within the state, unless there is no location within the township where the use may be appropriately located, or the use is unlawful."

The Michigan State University Extension on Land Use Planning (posed on June 17, 2016 by Brad Neumann, MSU Extension) has defined “spot zoning” as: “one illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.
- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

The proposed rezoning area is approximately 3.09 acres in area. The requested zoning (LI-Light Industrial) is consistent with land uses allowed in adjacent properties to the north, south, and northwest.

Section 7.4.3.L. Submittal of similar request within one year.

A similar rezoning request has not been submitted within one year.

Section 7.4.3.M. Other Factors.

The Planning Commission and/or the Township Board may consider other factors that it deems appropriate.

Process

Section 7.4 of the Hartland Township Zoning Ordinance outlines the process for a Zoning Map Amendment, or more commonly a “rezoning” of property. Essentially, the Township Board is the body that makes the final decision regarding a rezoning; however, the Planning Commission shall forward a recommendation to the Township Board. The Township Board may adopt the proposed rezoning, with or without modifications, or refer it back to the Planning Commission for further study and report. As a result, upon a recommendation from the Planning Commission, this request will be forwarded to the Township Board for a determination.

Although the process as noted above states the Planning Commission reviews the amendment request and makes a recommendation to the Township Board and the Township Board makes a decision, past practices for rezoning requests has included an interim step between the Planning Commission’s recommendation and the Township Board’s decision. In the alternate process the Planning Commission holds a public hearing and may recommend approval, disapproval, or approval with conditions. A copy of the Planning Commission minutes and evidence of the public hearing is then sent to the Livingston County Planning Commission for review and action. After the Livingston County Planning Commission has made a recommendation, the request is then forwarded to the Township Board for a final decision.

Although the Township Ordinance does not require a rezoning to be sent to the County Planning Commission, if the Township Planning Commission desires to do this, it should make this part of its recommendation.

Hartland Township DPW Review

Please see the email from the Hartland Township DPW Director dated October 1, 2019.

Hartland Township's Engineer's Review

No comments.

Hartland Deerfield Fire Authority Review

No Comments

Planning Commission Consideration

Because the Future Land Use Plan designation would be compatible with three (3) separate zoning classifications, the Planning Commission will need to determine if the LI district is the most appropriate zoning classification in the location. Given the specific comments in the Comprehensive Development Plan, it appears that the LI (Light Industrial) zoning classification would be compatible in this area. The Planning Commission may consider other zoning classifications to recommend to the Township Board, or recommend approval or denial of the proposed rezoning request.

Attachments

1. List of Permitted & Special Uses for the PD zoning district-only PDF version provided
2. List of Permitted & Special Uses for the RDP zoning district-only PDF version provided
3. List of Permitted & Special Uses for the LI zoning district-only PDF version provided
4. List of Permitted & Special Uses for the I zoning district-only PDF version provided
5. Aerial photograph of Subject Property-only PDF version provided
6. Survey of Subject Property, dated March 2019-only PDF version provided
7. Hartland Township Zoning Map-only PDF version provided
8. Hartland Township Future Land Use Map-only PDF version provided
9. DPW email dated October 1, 2019-only PDF version provided

CC: Jerrad Beauchamp
Ryan Wurtzel

A. INTENT.

The intent of the “PD” Planned Development District is to provide areas within which several land use types can be developed through innovative and thoughtful land use design. While traditional bulk requirements may be set aside in this District in order to achieve particular design objectives, the Township intends that any such District use should adhere to all applicable health and building codes and clearly demonstrate a commitment to maintaining a balance between residential and non-residential use, between public open space provided and private land set aside, and in accordance with the ability of the remainder of the Township to absorb and effectively deal with the attendant growth. Planned Developments are encouraged to achieve:

- i. A choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre or a reduction in lot dimensions, yards, building setbacks, and area requirements.
- ii. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services accessory to the recreation uses.
- iii. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- iv. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- v. A development pattern in harmony with the Goals and Objectives of the Hartland Township Comprehensive Plan.

B. ELIGIBILITY CRITERIA

To be eligible for Planned Development approval, the applicant must demonstrate that the following criteria will be met:

- i. Recognizable Benefits. The Planned Development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and shall result in a higher quality of development than could be achieved under conventional zoning.
- ii. Minimum Size

These provisions are generally intended for implementation on a land area of at least twenty (20) acres of contiguous land. However, the Township Board, upon recommendation from the Planning Commission, may permit a smaller Planned Development if:

- a. The proposed project has unique characteristics and benefits or the parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements which cross the parcel.
- b. If the applicant desires an area of less than twenty (20) acres to be considered by the Township, the applicant shall submit a letter to the Township requesting a waiver of the minimum Planned Development size requirements and explaining the basis for the request. In particular, the applicant must describe the proposed benefits to the community, the unique characteristics of the site or project and any other reasons for waiver of the minimum area provision. The request shall be submitted as part of the request for conceptual approval of the Planned Development. The Planning Commission shall review the request for the smaller area as part of the overall concept plan and make a recommendation to the Township Board. The Township Board shall make the final decision concerning a request to waive the Planned Development minimum size requirement.
- iii. Use of Public Services. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment.
- iv. Compatibility with Comprehensive Plan. The proposed development shall not have an adverse impact upon the Comprehensive Plan for the Township. Notwithstanding this requirement, the Township may approve a Planned Development proposal that includes uses which are not called for on the Future

Land Use Map, provided that the Planning Commission and Township Board determine that such a deviation from the Future Land Use Map is justified in light of the current planning and development objectives of the Township.

- v. Unified Control. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project, or assuring completion of the project, in conformity with this Ordinance.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township in advance of the transfer.

C. PLANNED DEVELOPMENT DESIGN STANDARDS

Proposed planned developments shall comply with the following project design standards:

- i. Location. A planned development may be approved in any location in the Township, subject to review and approval as provided for herein.
- ii. Paved Access. All planned developments shall front upon and take access only from hard surfaced roads. All roads in a planned development shall be hard surfaced.
- iii. Permitted Uses. Any land use authorized in this Ordinance may be included in a planned development as a principal or accessory use, provided that:
 - a. The predominant use on the site shall be consistent with the uses specified for the parcel on the Township's Comprehensive Plan for Future Land Use.
 - b. There shall be reasonably harmonious relationship between the location of buildings on the site relative to buildings on land in the surrounding area.

- c. The mix of uses and the arrangement of those uses within a planned development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.

- iv. Residential Density. It is generally intended that the overall density of residential uses within a planned development should not exceed the density that could be achieved for the land to be developed in accordance with the adopted Hartland Township Comprehensive Plan. However, the Planning Commission and Township Board may agree to permit development of additional "bonus" dwellings when a proposed development exhibits outstanding design principles and will constitute a long-lasting positive attribute to the community. The Planning Commission may agree to recommend up to a forty (40%) increase in dwellings on a site in recognition of such outstanding attributes. The Township Board in its sole discretion shall have the ability to approve such density increase up to forty (40%) percent subsequent to an affirmative recommendation from the Planning Commission. Thus, if the planned development land area would accommodate one-hundred (100) dwellings in accordance with the Comprehensive Plan, the planned development plan could include up to one-hundred and forty (140) dwellings if a maximum bonus was awarded by the Planning Commission and Township Board. The bonus could be used for either single-family detached dwellings or for multiple-family attached dwellings, at the discretion of the Planning Commission and Township Board.

Examples of outstanding design attributes that may result in the award of a density bonus by the Planning Commission and Township Board include:

- a. Innovative energy efficient design; provision of additional open space in excess of required open space; added improvements to assure vehicular and pedestrian safety; or, added landscaping or other site features to assure a long-term aesthetically pleasing appearance.
- b. The planned development reclaims land in a manner that is consistent with the Comprehensive Plan, where previous use of the land causes severe development difficulties or constraints such as reclamation of land that has been previously mined or excavated.

- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement



PD Planned Development

- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement

- c. The planned development would include certain public facilities, such as a sewer treatment plant or public water treatment and distribution facilities, to enhance the long-term viability of the project and allow for more efficient use of the land and surrounding land.
- d. The proposed arrangement of uses and residential densities within the planned development enhances the compatibility of proposed development with existing or planned land use on adjacent land.
- e. Provision of a greater amount of open space than the minimum requirements specified by the Township.
- v. Design Details. The applicant shall prepare a detailed description of the following elements to be implemented in the proposed planned development. Such design details are commonly described in a "Pattern Book." If the applicant chooses to create such a Pattern Book to respond to the minimum design detail requirements described in subsection 3.1.18.C.vi., the book shall be submitted as part of the preliminary review application.
 - a. Public and private road dimensions, geometric design, and construction materials
 - b. Streetscape details for typical sections of interior and exterior roads indicating relative sizes and locations of landscape plantings, street lights, any proposed street furniture, waste baskets, and similar elements
 - c. Locations and sizes of open spaces for parks and resource preservation and any related improvements or modifications
 - d. Public facilities
 - e. Scale and form of buildings
 - f. Building locations, lot sizes and setbacks
 - g. Architectural features and materials
 - h. Exterior signs and lighting
 - i. Driveways and parking
 - j. Landscaping
- vi. Minimum Design Detail Requirements. The following minimum standards shall apply to a planned development unless a different standard is approved in the design details submitted and approved in accordance with 3.1.18.C.v above. If a Pattern Book is created and approved in accordance with 3.1.18.C.v

above, the design details included in the Pattern Book shall replace the specifications of this subsection as described below. If such Pattern Book fails to address a minimum design detail requirement, the specification indicated in this subsection shall prevail.

- a. Minimum Yard Requirements. Modification to these yard setback requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other setbacks would be more appropriate because of the topography, existing trees and other vegetation, proposed grading and landscaping, or other existing or proposed site features.

3.1.18.C.vi.a Minimum Yard Requirements		
Yard Location	Type of Use	
	Residential	Non-Residential
Along perimeter adjacent to public road	50 ft.	75 ft.
Along perimeter, but not adjacent to a road	40 ft.	40 ft.
Along an internal collector or local road	40 ft.	50 ft.
Along an internal thoroughfare road	50 ft.	75 ft.
Between parking lot and property line and adjacent to road	40 ft.	20 ft.
Between parking lot and property line but not adjacent to road	50 ft.	20 ft.

- b. Distances Between Buildings. Buildings within a planned development shall comply with the following spacing requirements, unless otherwise specified by the PD agreement:
 - (1) Any detached single family structure shall be located at least thirty (30) feet from any other detached single family structure, and shall provide a minimum side yard setback of fifteen (15) feet on both sides.



PD Planned Development

3.1.18

- (2) The minimum rear yard setback and minimum lot size for detached single family structures in a planned development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.
 - (3) Residential buildings containing more than one unit (including: apartments; townhouses; and any other attached dwellings) shall conform to the spacing requirements set forth in Section 3.1.7.
 - (4) Nonresidential buildings shall be located at least one hundred (100) feet from any residential buildings.
 - (5) The distance between adjacent freestanding nonresidential structures shall be based on good planning and design principles, taking into account the need for: free access for emergency vehicles, adequate amounts of light and air between buildings, and proper amounts of landscaping. Modification to these building spacing requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other building spacing requirements would be more appropriate because of the particular design and orientation of buildings.
- c. Building Height. No building in a planned development shall be greater than thirty-five (35) feet in height.
- d. Parking and Loading. Planned Developments shall comply with the parking and loading requirements specified in Section 5.8, Loading Space Requirements and Section 5.9, Off-Street Parking Requirements of the Zoning Ordinance, except that off-street parking for separate buildings or uses may be provided collectively, subject to the following:
- (1) The total number of spaces provided collectively shall not be less than the sum of the spaces required for each separate use. However, the Township may reduce the total number of spaces by up to twenty-five percent (25%) upon making the determination that the parking demands of the uses being served do not overlap.
 - (2) Each use served by collective off-street parking shall have direct access to the parking without crossing roads.
 - (3) The collective off-street parking shall not be located farther than five hundred (500) feet from the building or use being served.
- e. Landscaping. Planned Developments shall comply with the following landscaping requirements:
- (1) General Site Requirements. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Seeded areas shall be watered and fertilized regularly so as to provide a healthy lawn within ninety (90) days after planting.
 - (2) Landscaping Adjacent to Roads. All commercial, office, and industrial uses shall comply with the following requirements: A minimum of one (1) deciduous or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, PLUS, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, PLUS, a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. All landscaping adjacent to roads shall comply with the corner clearance requirements in Section 5.1.
 - (3) Berm Requirements. Wherever front, side, or rear yards adjacent to public

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



PD Planned Development

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

rights-of-way are used for parking, a berm shall be required to screen the parking from view of the road. The berm shall be a minimum of three (3) feet in height, and shall be planted in accordance with the previous requirements for landscaping adjacent to roads.

- (4) Screening. Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a commercial, office, or industrial use is located adjacent to a residential use, school, park, or similar public area. Landscaped screening shall consist of closely-spaced evergreen plantings which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. If a wall is used instead of landscaping, the requirements in Section 5.20, shall be complied with.
 - (5) Parking Lot Landscaping. Off-street parking areas containing greater than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior landscaping per parking space. Landscaped areas in parking lots shall be not less than five (5) feet in any single dimension, and no less than one hundred fifty (150) square feet in area.
 - (6) Standards for Plant Material. Proposed plant materials shall comply with the standards set forth in Section 5.11.
 - (7) Treatment of Existing Plant Material. In instances where healthy plant material exists on the site prior to its development, the Township may permit substitution of such plant material in place of the requirements set forth previously, provided such substitution is in keeping with the spirit and intent of this Ordinance.
 - (8) Buffering of Nonresidential Uses. Nonresidential uses shall be separated and buffered from residential units in a manner that is consistent with good site design and sound planning principles.
- f. Open Space Requirements. Open space shall be provided to complement and accentuate the high-quality design of the proposed planned development. At minimum, the planned development shall provide open space consistent with the previous zoning designation for the site. Provision of a greater amount of open space shall be considered an example of design excellence that shall contribute to the basis for consideration of a residential density bonus. Open space included in the planned development shall be maintained in perpetuity in accordance with the provisions of the planned development agreement.
 - g. Natural Features. Consistent with the stated intentions for creation of these regulations, the preservation of the natural features of the Township are an important planning consideration. A PD proposal must consider the natural topography and geologic features, scenic vistas, trees and other vegetation, and natural drainage patterns that exist on the PD site and propose a development pattern which preserves and avoids disruption of those natural features as much as possible.
 - h. Sidewalks and Pedestrian Access. The applicant must demonstrate that the PD site and all uses within the site will be connected to any existing pedestrian and nonmotorized vehicle paths and trails within a public right-of-way or easement open to the public.
 - i. Other Considerations. The applicant shall consider and address in the proposal other local features or development characteristics of the proposed PD that may produce conflict between existing development, other development proposed for the area around the PD and the uses or layout of the uses proposed in the PD. The Planning Commission or Township Board shall advise the applicant of particular conflicts should such be known to the Township officials.

D. PROCEDURES AND REQUIREMENTS

The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the zoning map and



PD Planned Development

3.1.18

designate the subject property as "PD Planned Development". Approval granted under this Section, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

- i. Summary of Review Procedures. A summary of the steps involved in the review of planned development applications follows:
 - a. Optional pre-application conference 3.1.18.D.iii
 - b. Submit conceptual review application 3.1.18.D.iv
 - c. Planning Commission conceptual review 3.1.18.D.iv.
 - d. Township Board conceptual review 3.1.18.D.iv
 - e. Submit preliminary review application 3.1.18.D.v
 - f. Public hearing held by Planning Commission 3.1.18.v.c
 - g. Planning Commission preliminary review 3.1.18.D.v.d
 - h. State and County Notification 3.1.18.D.v.e
 - i. Township Board preliminary review 3.1.18.D.v.f
 - j. Submit final review application 3.1.18.D.vi
 - k. Planning Commission final review and action 3.1.18.D.vi.b
 - l. Township Board final review and action 3.1.18.D.viiA detailed explanation of the review procedures follows.
- ii. General Application Requirements. The application for planned development shall be made on the forms and according to the guidelines approved by the Planning Commission. The application shall be submitted to the Township Zoning Administrator and shall be accompanied by the necessary fees and documents as specified in this Ordinance. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.
- iii. Pre-Application Conference. To facilitate review of a planned development proposal in a timely manner, the applicant may request an informal pre-application conference. The

- purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials. No formal action shall be taken at a pre-application conference. There shall be a fee established by the Township to reimburse the cost of reasonable expenses incurred by the Township for a pre-application conference. At minimum, the applicant shall present at such a conference or conferences:
- a. A sketch plan of the proposed planned development.
 - b. A legal description of the property in question.
 - c. The total number of acres in the project
 - d. A statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use proposed in the development.
 - e. The number of acres to be preserved as open or recreational space.
 - f. All known natural resources and natural features to be preserved.
- iv. Conceptual Review. Planned Development projects are required to be submitted for a conceptual review in order to facilitate a complete and thorough review prior to approval. This requirement is deemed necessary because planned development projects are generally complex projects that could have a major impact on surrounding land uses and significantly affect the health, safety and general welfare of Township residents.
- a. Conceptual Review Procedure. Conceptual review shall be undertaken first by the Planning Commission and then by the Township Board at public meetings held pursuant to all applicable notice requirements. No formal action shall be taken on a plan submitted for conceptual review. Upon completion of the conceptual review by the Planning Commission and Township Board, the minutes of the conceptual review meetings shall be prepared and be made available for the benefit and use of the Planning Commission during the formal consideration of the proposal.
 - b. Information Required for Conceptual Review. The information required for conceptual review shall be provided

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



according to the requirements of Section 3.1.18.E.i of this Ordinance and shall be submitted to the Township Zoning Administrator at least twenty-one (21) days prior to a meeting for conceptual review.

- c. Effect of Conceptual Review. The conceptual review shall not constitute any form of approval of the planned development or the site plan. The process is intended to facilitate preliminary review and to give the applicant an indication of the issues and concerns that must be resolved prior to final approval of the site plan for the planned development project.
- v. Preliminary Plan Review (Including Public Hearing). Planned Development projects shall undergo a two-step plan review and approval process involving preliminary and final review. The procedures for preliminary review are outlined in this sub-section. The preliminary site plan shall be subject to the site plan review requirements in Section 6.1 Site Plan Review where applicable, as well as the additional requirements in this Ordinance.
 - a. Information Required for Preliminary Plan Review. The information required for preliminary review of proposed Planned Developments with less than one-thousand (1,000) acres shall be provided according to the requirements of Section 3.1.18.E.ii. For a proposed Planned Development which includes one-thousand (1,000) or more acres in area, the minimum data required shall be as described in Section 3.1.18.E.i . The applicant shall submit fourteen (14) copies of the preliminary plan and supporting materials to the Zoning Administrator at least twenty-one (21) working days prior to scheduled meeting at which Planning Commission review is desired.
 - b. Professional Review. The Planning Commission may request professional review of the preliminary plans by appropriate agencies or consultants, such as the Township Planner and Township Engineer. If such review is requested, the designated agencies or consultants shall prepare and transmit reports to the Planning Commission stating their findings and conclusions and any recommended changes or revisions. The Township shall require the applicant to pay the cost of any such review fees.
 - c. Public Hearing. The Planning Commission shall hold a public hearing on any planned development proposal before it is approved.
 - (1) Scheduling a Public Hearing. The Planning Commission shall schedule at least one public hearing after any designated agencies or consultants have completed their review and submitted their findings concerning the proposed project.
 - d. Planning Commission Preliminary Review and Recommendation
 - (1) Following the public hearing, the planned development proposal and plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations, compliance with the planned development regulations, and consistency with the intent and spirit of this Ordinance.
 - (2) Preliminary Recommendation by the Planning Commission. Based on the standards and requirements set forth in this Ordinance and in this Section, the Planning Commission shall recommend preliminary approval, preliminary approval subject to conditions, or denial of the proposed planned development project and site plan. Such recommendation shall be made to the Township Board.
 - (3) Effect of Preliminary Approval or Denial. A recommendation of preliminary approval shall mean that the Planning Commission determined the planned development project and plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission as part of its motion, preliminary approval assures the applicant that the Planning Commission will recommend final approval if:
 - (a) No unresolved negative comments are received by any governmental agencies or public utilities; and
 - (b) All federal, state and local laws and ordinances are met.

PD Planned Development

3.1.18

An unresolved negative comment shall be one that indicates that existence of a condition which is contrary to the requirements of this Ordinance or other applicable ordinances or laws, where such requirement has not been waived or dismissed as a result of an approval by the Planning Commission and Township Board.

A recommendation of denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the Ordinance that are not met.

If the Planning Commission determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the planned development proposal shall be placed on an agenda of the Planning Commission for further review and possible action.

e. State and County Notification

- (1) The following agencies shall be notified of a planned development project prior to final site plan approval:
 - (a) The Livingston County Road Commission and, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the Michigan Department of Transportation;
 - (b) The Livingston County Drain Commissioner; and
 - (c) The Livingston County Health Department and the State of Michigan Department of Environmental Quality.

In the event that negative comments are received from any of these agencies, the Planning Commission and Township Board shall consider

the nature of such comments with respect to Ordinance requirements, conditions on the site, response from the applicant, and other factual data related to the issue or concern. Negative comments shall not automatically result in denial of the plan, but every effort shall be made to resolve any issues or concerns cited by these agencies prior to taking action on the plan.

- (2) In addition to the specific required approvals, all planned development project site plans shall have been submitted to the Michigan Department of Environmental Quality, each of the public utilities serving the site, and any other state agency designated by the Planning Commission, for informational purposes. The Planning Commission and Township Board shall consider any comments made by these agencies prior to final site plan approval.
- f. Township Board Preliminary Review and Approval. Following receipt of the Planning Commission's recommendation, the planned development proposal and plan shall be reviewed by the Township Board in relation to applicable standards and regulations, compliance with the planned development regulations, and consistency with the intent and spirit of this Ordinance.
 - (1) Preliminary Approval by the Township Board. Based on the standards and requirements set forth in this Ordinance and in this Section, the Township Board shall preliminarily approve, preliminarily approve subject to conditions, or deny the proposed planned development project and site plan.
 - (2) Effect of Preliminary Approval or Denial. A preliminary approval shall mean that the planned development project and plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Township Board as part of its motion, preliminary approval assures the applicant that the Township Board will grant final approval if:
 - (a) No unresolved negative comments are received by any

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



PD Planned Development

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

governmental agencies or public utilities; and

- (b) All federal, state and local laws and ordinances are met.

An unresolved negative comment shall be one that indicates that existence of a condition which is contrary to the requirements of this Ordinance or other applicable ordinances or laws, where such requirement has not been waived or dismissed as a result of an approval by the Township Board.

A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the Ordinance that are not met.

If the Township Board determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the planned development proposal shall be placed on an agenda of the Township Board for further review and possible action.

After the applicant gains preliminary approval by the Township Board, the applicant may proceed to make application for final approval.

- vi. Planning Commission Final Review and Recommendation. Final approval shall be considered by the Planning Commission upon the receipt of all the information required for final review in Section 3.1.18.E.iii.
- a. Submission of Revised Site Plan. The applicant shall submit fourteen (14) copies of the revised plan to the Township Zoning Administrator for final review by the Planning Commission. The revised plan shall be submitted at least twenty-one (21) working days prior to a scheduled meeting at which Planning Commission review is desired.
- b. Final Approval by Planning Commission. The Planning Commission shall review the application for planned development, together with the public hearing findings and any requested reports and recommendations from the Township

Planner, Township Public Safety officials, Township Engineer, and other reviewing agencies. The Township Attorney shall review and comment on the proposed planned development agreement. The Planning Commission shall then make a recommendation to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

- (1) Approval. Upon determination by the Planning Commission that the final plan for planned development is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval.
- (2) Approval with Conditions. The Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of a planned development, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance and the standards set forth in Section 3.1.18.F. In the event that the planned development is approved subject to specified conditions, such conditions shall become a part of the record of approval, and such conditions shall



PD Planned Development

3.1.18

be modified only as provided in Section 3.1.18.H.

Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 6.1, Site Plan Review provided that:

- (a) the location and approximate size of such buildings shall be shown on the overall plan for the planned development,
 - (b) detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in Section 6.1, Site Plan Review and
 - (c) phasing requirements in Section 3.1.18.G shall be complied with.
- (3) Denial. Upon determination by the Planning Commission that a planned development proposal does not comply with the standards and regulations set forth in this Ordinance, including Section 3.1.18.F, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.
- c. Transmittal of Findings to Township Board. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.
- vii. Township Board Action Required. Following receipt of the Planning Commission's report, the application shall be placed on a meeting agenda of the Township Board. The Township Board shall review the final plan and proposed planned development agreement, together with the findings of the Planning Commission, and, if requested, any reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the Township Board shall approve,

approve with conditions, or deny a planned development proposal in accordance with the guidelines described previously in Section 3.1.18.D.vi.b.

- a. Planned Development Agreement. If the Township Board approves the planned development proposal, the Township and applicant shall execute the planned development agreement, which shall be recorded in the office of the Livingston County Register of Deeds. Final approval of the planned development plan shall become effective upon recording of the agreement.
 - b. Effect of Approval. Approval of a planned development proposal shall constitute an amendment to the Zoning Ordinance. All improvements and use of the site shall be in conformity with the planned development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in this Ordinance. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved planned development unless an amendment thereto is adopted by the Township upon request of the applicant or his successors.
- viii. Recording of Planning Commission and Township Board Action. Each action taken with reference to a planned development shall be duly recorded in the minutes of the Planning Commission or Township Board as appropriate. The grounds for the action taken shall also be recorded in the minutes.
- ix. Completion of Site Design. Following final approval of the planned development proposal, a building permit may be obtained for the entire project or specific phases and provided that the engineering plans for the project or the phase, as applicable, have been approved by the Township Engineer and Livingston County Building Department. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.
- Construction shall commence on at least one phase of the project within twenty-four (24) months of final approval. The Township Board

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



may consider a twelve (12) month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the 24-month expiration date. In the event that construction has not commenced and a request for extension has not been received within 24 months, the Township may initiate proceedings to amend the zoning classification of the site to remove the "PD" classification.

It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved planned development amendment on a continuing basis until the property is razed, or until an amendment to the planned development is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties appropriate for such violation.

Prior to expansion or conversion of a planned development project to include additional land, site plan review and approval shall be required pursuant to the requirements of this Ordinance.

- x. Performance Guarantee. A performance guarantee shall be deposited with the Township to insure faithful completion of improvements.

E. APPLICATION DATA REQUIREMENTS

- i. The following information shall be provided prior to conceptual review, pursuant to Section 3.1.18.D.iv. For Planned Development proposals which include one-thousand (1,000) or more acres, the following information shall also constitute the minimum data required for consideration for preliminary review, pursuant to 3.1.18.D.v.
 - a. The name, address and telephone number of:
 - (1) All persons with an ownership interest in the land on which the planned development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).

- (2) All engineers, attorneys, architects or registered land surveyors associated with the project.
- (3) The developer or proprietor of the planned development project.
- b. The legal description of the land on which the planned development project will be developed together with appropriate tax identification numbers.
- c. The area of the land (in acres) on which the planned development project will be developed.
- d. An overall conceptual land use plan for the planned development, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other non-residential uses; each type of open space; community facility and public areas; and other proposed land uses.
- e. The conceptual land use plan shall also show the following information:
 - (1) A general location map.
 - (2) The vehicular circulation system planned for the proposed development.
 - (3) The location of existing private and public streets adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.
 - (4) The approximate layout of dwelling units, parking, open space, and recreation/park areas.
- f. Approximate number of non-residential buildings and residential units to be developed on the subject parcel.
- g. Topographic survey and soils inventory based on the Livingston County Soils Survey.
- h. General locations and approximate dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.

PD Planned Development

3.1.18

- i. A description of the proposed sewage treatment and water supply systems. Any proposed sewage treatment plant shall be located internally on the site or otherwise provided with an ample landscaped buffer so as to minimize any impact on surrounding properties, particularly adjacent to residential properties.
 - j. A map showing existing zoning designations for the subject property and all land within one quarter mile.
 - k. A map and written explanation of the relationship of the proposed planned development to the Township's Master Plan for Future Land Use.
 - l. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include existing vegetation, topography, water courses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.
 - m. Documentation indicating the applicant's development experience.
- ii. Requirements for Preliminary Review. In addition to the requirements in Section 6.1, Site Plan Review and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for preliminary review:
- a. All preceding information required for conceptual review.
 - b. A detailed overall plan for the planned development which shows all of the information required on the conceptual land use plan plus the following:
 - (1) Locations and setbacks of each structure and use in the development.
 - (2) Typical layouts and facade design for each type of use or building.
 - (3) The building footprint of proposed buildings. In the case of single family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.
 - (4) The vehicular circulation system planned for the proposed development, including a designation of each street as to whether it is proposed to be private or dedicated to the public.
 - (5) The proposed layout of parking areas, open space, and recreation/park areas.
 - (6) Proposed landscape screening along the perimeter and within the site, including greenbelts, berms and screening walls.
 - c. The precise number of non-residential and residential units to be developed on the subject parcel.
 - d. An environmental analysis of the land, including a hydrology study, analysis of soil conditions, and analysis of other significant environmental features. The hydrology study shall consist of information and analysis in sufficient detail to indicate the impact of the project on surface water and groundwater.
 - e. Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
 - f. A description of the proposed sewage treatment and water supply systems, including documentation from a qualified engineer indicating the feasibility of implementing such systems.
 - g. Storm water and drainage system details.
 - h. Location of sidewalks along roads and elsewhere within the development.
 - i. An analysis of the traffic impact of the proposed planned development on existing and proposed streets.
 - j. An analysis of the fiscal impact (costs and revenues) of the proposed planned development on the Township of Hartland and the Hartland Consolidated School District.
 - k. A general schedule for completing the planned development, including the phasing or timing of all proposed improvements.
- iii. Requirements for Final Review. In addition to the requirements in Section 6.1, Site Plan Review and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for final review:

1
Purpose and
Introduction

2
Definitions

3
Zoning
Districts

4
Use
Standards

5
Site
Standards

6
Development
Procedures

7
Admin and
Enforcement



- a. All information required for conceptual and preliminary review as specified in Sections 3.1.18.E.i. and 3.1.18.E.ii, previously.
- b. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon final planned development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 6.1, Site Plan Review.
- c. Detailed engineering plans for all portions of the project which the applicant intends to begin construction on immediately upon final planned development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed engineering plans for each facility or phase. Such plans shall be prepared in accordance with the Township engineering standards, and shall at minimum include the following:
 - (1) Engineering plans for all roads, drive aisles, and paved areas,
 - (2) Site drainage plans, including retention and/or detention areas,
 - (3) Engineering plans for proposed utility systems, including sanitary sewerage and water systems.
 - (4) Plans for controlling soil erosion and sedimentation during construction.
- d. Following approval of a planned development proposal and an amendment to the Zoning Ordinance per Section 3.1.18.D.vii, final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.
- e. A proposed planned development agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and

upon which approval of the planned development proposal will be based. The planned development agreement shall, at minimum, include the following:

- (1) A description of the land that is subject to the agreement.
- (2) A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
- (3) List of all plans, documents, and other materials submitted by the applicant.
- (4) Proposed construction phasing schedule for the entire planned development.
- (5) Review and explanation of all special provisions agreed to by the applicant and Township during the course of review of the planned development proposal.
- (6) An explanation of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed planned development project.
- (7) Description of any required dedications and permits.
- (8) Duration of the planned development agreement, along with terms under which a termination date may be extended by mutual agreement.
- (9) Applicability of future amendments to the general zoning regulations to land that is subject to the proposed planned development agreement.
- (10) Extent to which the planned development plan may be amended or otherwise modified and the procedure for amendment in order to specify if such amendment is subject to administrative approval, Planning Commission approval, or Township Board approval.

F. REVIEW AND APPROVAL STANDARDS

In considering any application for approval of a planned development plan, the Planning Commission and Township Board shall make their determinations on the basis of the standards for site plan approval set forth in Section 6.1, Site Plan Review as well as the following standards and requirements:

PD Planned Development

3.1.18

- i. Conformance with the Planned Development Concept. The overall design and all uses proposed in connection with a planned development shall be consistent with and promote the intent of the planned development concept, as well as with specific project design standards set forth herein.
 - ii. Compatibility with Adjacent Uses. The proposed planned development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features to assure the compatibility and harmony in the land use relationships with the development of surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - d. The hours of operation of the proposed uses.
 - e. The provision of landscaping and other site amenities.
 - iii. Public Services. The proposed planned development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.
 - iv. Impact of Traffic. The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:
 - a. Access to major thoroughfares.
 - b. Estimated traffic to be generated by the proposed development.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver site distances.
 - e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provisions for pedestrian traffic.
 - v. Protection of Natural Environment. The proposed planned development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations. An impact assessment shall be prepared in accordance with the requirements of Section 6.1, Site Plan Review. If the State of Michigan Department of Environmental Quality or the United States Environmental Protection Agency has required preparation of an impact assessment report in accordance with the requirements of either of those agencies, the Planning Commission and Township Board may agree to accept that report as a reasonable substitute for the information otherwise required by Section 6.1, Site Plan Review.
 - vi. Compatibility with the Township Comprehensive Plan for Future Land Use. The proposed planned development shall be consistent with the general principles and objectives of the adopted Township Comprehensive Plan for Future Land Use.
 - vii. Compliance with Applicable Regulations. The proposed planned development shall be in compliance with all applicable Federal, state, and local laws and regulations.
- G. PHASING
- Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned development and the residents of the surrounding area.
- Construction of any facility may commence at any time following site plan approval per Section 6.1, Site Plan Review provided that construction shall be commenced for each phase of the project within twenty-four (24) months of the scheduled date set forth on the phasing schedule in the planned development agreement. However, the applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



indicating the conditions which made the previous phasing plan unachievable. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved planned development proposal.

In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site.

H. REVISION OF APPROVED PLANS

- i. General Revisions. Approved final plans for a planned development may be revised in accordance with the procedures set forth in Section 3.1.18D.
- ii. Minor Changes. Notwithstanding Section 3.1.18.D.i, above, minor changes may be permitted by the Planning Commission following normal site plan review procedures outlined in Section 6.1, Site Plan Review subject to its finding that:
 - a. Such changes will not adversely affect the initial basis for granting approval.
 - b. Such minor changes will not adversely affect the overall planned development in light of the intent and purpose of such development as set forth in Section 3.1.18.A.

I. AUTHORITY OF THE ZONING BOARD OF APPEALS

A planned development is a discretionary development tool created in accordance with the provisions of Section 503 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. The Act authorizes creation of a “planned unit development” (termed “planned development” for purposes of this Zoning Ordinance) that is the result of negotiations between a private property developer and the Township. If a modification is required for a planned development, it must be considered as an amendment to the planned development, not a variance. The Zoning Board of Appeals shall have no authority to grant appeals or variances to the requirements of this Section 3.1.18, nor to the data or procedural requirements specified by the Planning Commission or Township Board during consideration of a request for planned development review and approval.

Upon completion of the approval procedure, the Zoning Board of Appeals shall have only limited authority to grant variances to the dimensional or use requirements and specifications within the boundaries of a planned development. The Zoning Board of Appeals is only authorized to consider requests for variance of the dimensional standards related to construction of a single family detached dwelling or an accessory structure for such a dwelling. Such request shall be considered by the Zoning Board of Appeals in accordance with the rules and procedures otherwise established for dimensional variances in this Ordinance and other applicable laws. The Zoning Board of Appeals is not authorized to consider any other appeal, request for variance or other request related to a planned development or these planned development regulations.

A. INTENT

The RDP Research and Development Park District is intended to provide for office research and related facilities while specifically excluding incongruous uses. The uses permitted within this district are distinct from other industrial districts since the uses are generally lower intensity with minimal impacts outside of the principal buildings. Accessory uses which complement and support the principal uses and are intended for use by employees and visitors of the principal uses and are intended for use by employees and visitors of the principal uses are allowed when meeting the standards of this district.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Any use with the principal function of conducting research, design, testing and pilot or experimental product development.
- ii. Vocational schools and other types of technical training facilities.
- iii. Computer programming, data processing and other computer related services.
- iv. Professional & medical offices
- v. (Reserved)
- vi. **Financial institutions with drive-through service** §4.57
- vii. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas
- viii. **Essential services and buildings without storage yards** §4.26
- ix. Public or private parks and open space
- x. **Outdoor seating and dining areas** §4.47

D. SPECIAL LAND USES

- i. Office parks (10 acre minimum).
- ii. Standard restaurants^m
- iii. **Child day care^m and adult day care facilities^m** §4.12
- iv. **Indoor tennis facilities, personal fitness centers^m and recreation centers** §4.40
- v. Use of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.

C. ACCESSORY USES

- i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 5 Acres
 Minimum lot width[☐]: 200 ft

Maximum Lot Coverage[☐]

Principal structure 65%

Setbacks[☐]

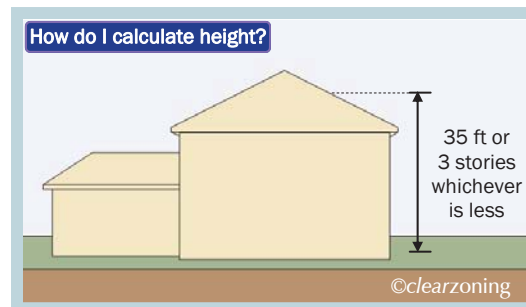
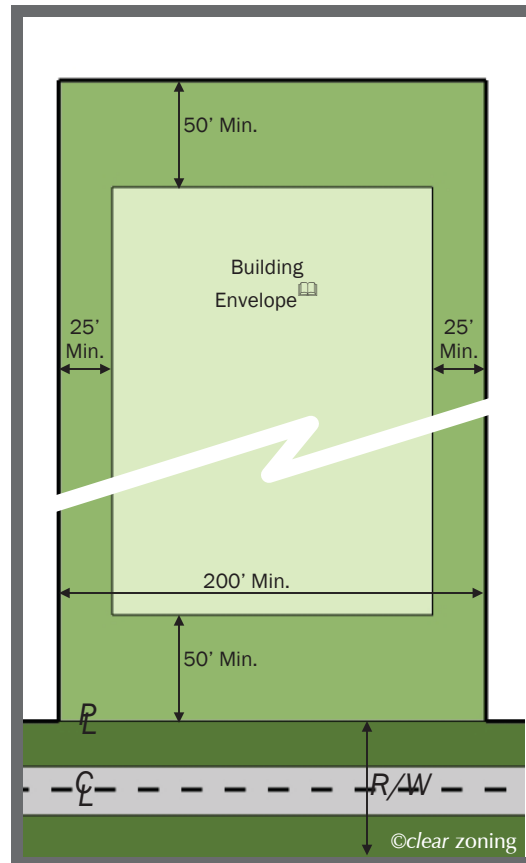
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 25 ft

Building Height[☐]

Maximum building height:
 Dwelling unit 35 ft or 3 stories whichever is less
 Accessory structure 20 ft or 1 story

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18
- Outdoor Storage §3.18

5. Site Standards

- Loading Space Requirements §5.9.2.G.iv
- Paved Access §5.22.3
- Off-Street Parking and Loading Requirements §5.8

Access Management and

- Driveways §5.10
- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



A. INTENT

The LI, Light Industrial District is designed so as to primarily accommodate industrial parks, wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding districts. The LI District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location is not to be permitted.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Any use with the principal function of conducting research, design, testing and pilot or experimental product development.
- ii. Vocational schools and other types of technical training facilities.
- iii. Computer programming, data processing and other computer related services.
- iv. Professional & medical offices
- v. (Reserved)
- vi. **Financial institutions with drive-through service** §4.57
- vii. Publicly owned and operated facilities
- viii. **Essential services, buildings and storage yards** §4.26
- ix. Public or private parks and open space
- x. **Outdoor seating and dining areas** §4.47
- xi. Light industrial uses^m
- xii. Business services
- xiii. **Mini warehouses** §4.35
- xiv. Commercial greenhouses
- xv. Lumber yards and millworks, provided any mills are completely enclosed
- xvi. Public buildings, post offices, libraries, libraries, community centers, including outdoor storage.
- xvii. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.

C. ACCESSORY USES

- i. **Sales at a commercial greenhouse** §3.22.1
- ii. **Personal fitness centers^m accessory to industrial use** §3.22.2
- iii. **Caretaker living quarters** §4.51
- iv. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

- i. **Child day care^m and adult day care centers^m** §4.12
- ii. **Indoor tennis facilities, fitness and recreation centers** §4.40
- iii. Urgent care facilities
- iv. **Motels^m and hotels** §4.36
- v. Standard restaurants^m
- vi. Freezer locker plants and cold storage
- vii. **Heliports** §4.13
- viii. **Radio, television and other communication towers^m** §4.39
- ix. **Outdoor storage accessory to a permitted use** §3.27
- x. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
- xi. **Automobile repair - major^m** §4.59



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 40,000 sq ft
 Minimum lot width[Ⓜ]: 120 ft

Maximum Lot Coverage[Ⓜ]

Principal structure 75%

Setbacks[Ⓜ]

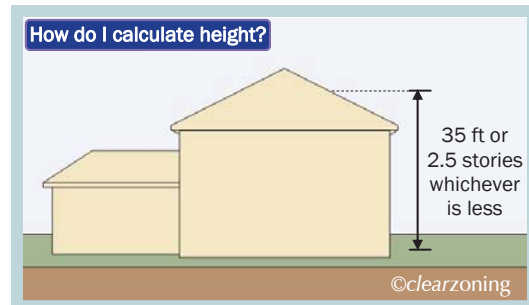
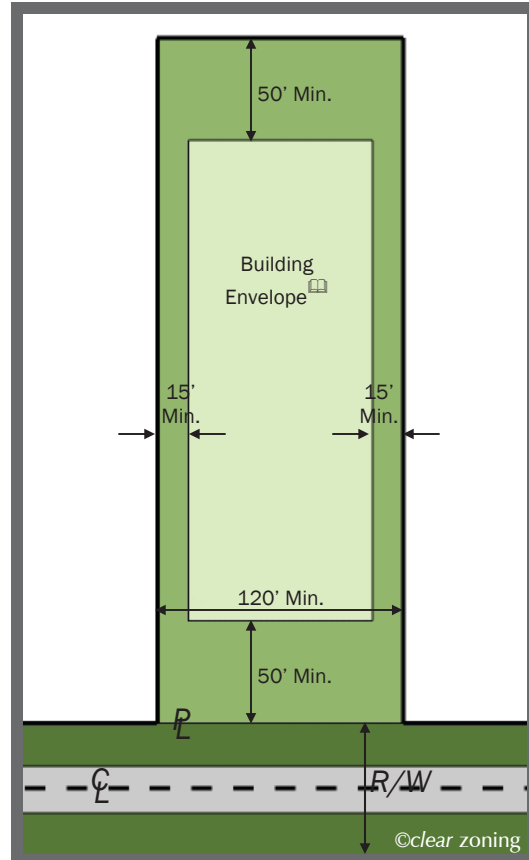
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 15 ft

Building Height[Ⓜ]

Maximum building height: 35 ft or 2.5 stories whichever is less

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Development** §3.1.18
- **Light Industrial District** §3.22
- **Commercial Greenhouse** §3.22.1

5. Site Standards

- **Paved Access** §5.22.3
- **Off-Street Parking and Loading Requirements** §5.8
- **Access Management and Driveways** §5.10
- **Sidewalks & Pathways** §5.12
- **Landscaping** §5.11
- **Lighting** §5.13
- **Walls and Fences** §5.20
- **Performance Standards** §5.19
- **Architectural Standards** §5.24

6. Development Procedures

- **Site Plan Review** §6.1
- **Traffic Impact** §6.5
- **Special Use Review** §6.6

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



A. INTENT

The intent of the I, Industrial District is to accommodate manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, which have the potential for emitting obnoxious odors, generating heavy truck traffic, producing noises, displaying bright light and other external physical effects which may impact surrounding districts. The I District is structured to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared materials.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **Any use with the principal function of conducting research, design, testing and pilot or experimental product development.** §3.23
- ii. Vocational schools and other types of technical training facilities.
- iii. Computer programming, data processing and other computer related services.
- iv. Professional & medical offices
- v. (Reserved)
- vi. Financial institutions without drive-through service
- vii. Publicly owned and operated buildings and facilities
- viii. **Essential services, buildings and storage yards** §4.26
- ix. Public or private parks and open space
- x. **Outdoor seating and dining areas** §4.47
- xi. Light industrial uses[■]
- xii. Business services
- xiii. Commercial greenhouses
- xiv. Lumber yards and millworks, provided any mills are completely enclosed.
- xv. Municipal uses, including outdoor storage.
- xvi. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
- xvii. **Sales at a commercial greenhouse** §3.22.1
- xviii. **Automobile repair - major**[■] §4.59

C. ACCESSORY USES

- xix. **Personal fitness centers**[■] **accessory to industrial use** §3.22.2
- xx. **Caretaker living quarters** §4.51
- xxi. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

- i. **Heavy industrial uses**[■] §3.23
- ii. **Child day care**[■] **and adult day care centers**[■] §4.12
- iii. **Indoor tennis facilities, fitness and recreation centers** §4.40
- iv. Urgent care facilities
- v. Motels[■] and hotels
- vi. Standard restaurants[■]
- vii. Agricultural seed processing, storage and sales
- viii. **Heliports** §4.13
- ix. **Radio, television and other communication towers**[■] §4.39
- x. **Asphalt, transit mix or concrete plant** §4.14
- xi. Landfill
- xii. **Truck service establishments** §4.16
- xiii. **Recreational vehicle sales and service** §4.15
- xiv. **Bulk storage and distribution facilities for petroleum products, paints and chemicals** §4.21
- xv. **Junk yards which receive, temporarily store, disassemble, and reclaim used or damaged goods for the purpose of rehabilitation and resale as used or rebuilt goods or scrap materials.** §4.32
- xvi. **Sexually Oriented Businesses**[■] §4.11
- xvii. **Oil and gas processing plant** §4.37
- xviii. Proving grounds, when directly related to an adjoining business
- xx. **Extractive uses such as sand and gravel mining, and other similar excavation processes** §4.5
- xxi. **Composting and recycling centers**[■] §4.22
- xxii. Central dry cleaning plants and laundries, provided that such plants shall not deal directly with consumers at retail.
- xxiii. **Outdoor storage accessory to a permitted use** §3.27
- xxiv. Accessory incinerators and accessory propane sales.
- xxv. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☒]: 10 Acres
 Minimum lot width[☒]: 330 ft

Maximum Lot Coverage[☒]

Principal structure 75%

Setbacks[☒]

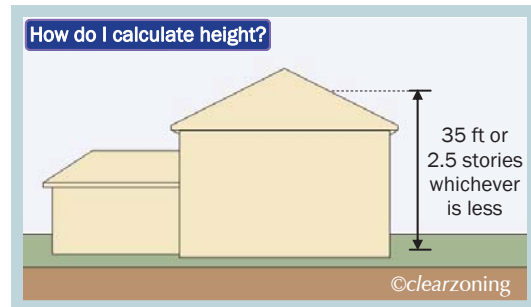
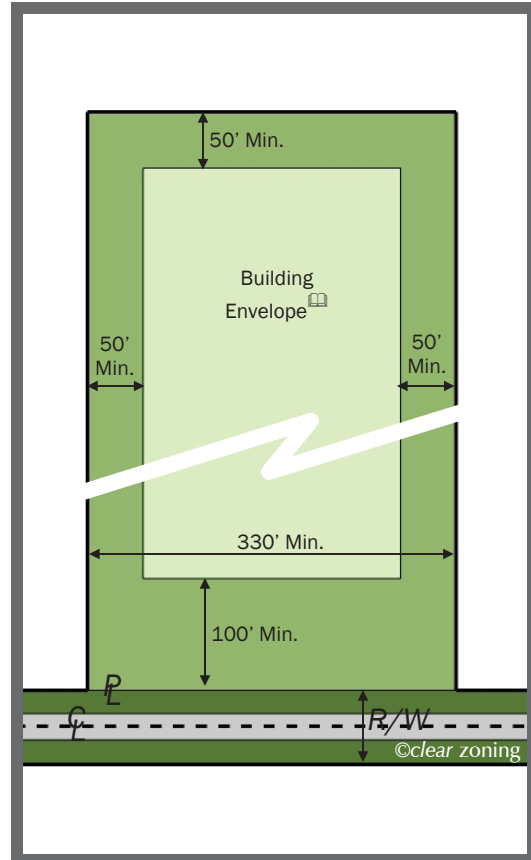
Minimum front yard setback: 100 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 50 ft

Building Height[☒]

Maximum building height: 35 ft or 2.5 stories whichever is less

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Special Uses in the I District** §3.23
- **Planned Development** §3.1.18
- **Commercial Greenhouse** §3.22.1

5. Site Standards

- **Paved Access** §5.22.3
- **Off-Street Parking and Loading Requirements** §5.8

- **Access Management and Driveways** §5.10
- **Sidewalks & Pathways** §5.12
- **Landscaping** §5.11
- **Lighting** 5.13
- **Walls and Fences** §5.20
- **Performance Standards** §5.19
- **Architectural Standards** §5.24

6. Development Procedures

- **Site Plan Review** §6.1
- **Traffic Impact** §6.5
- **Special Use Review** §6.6

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

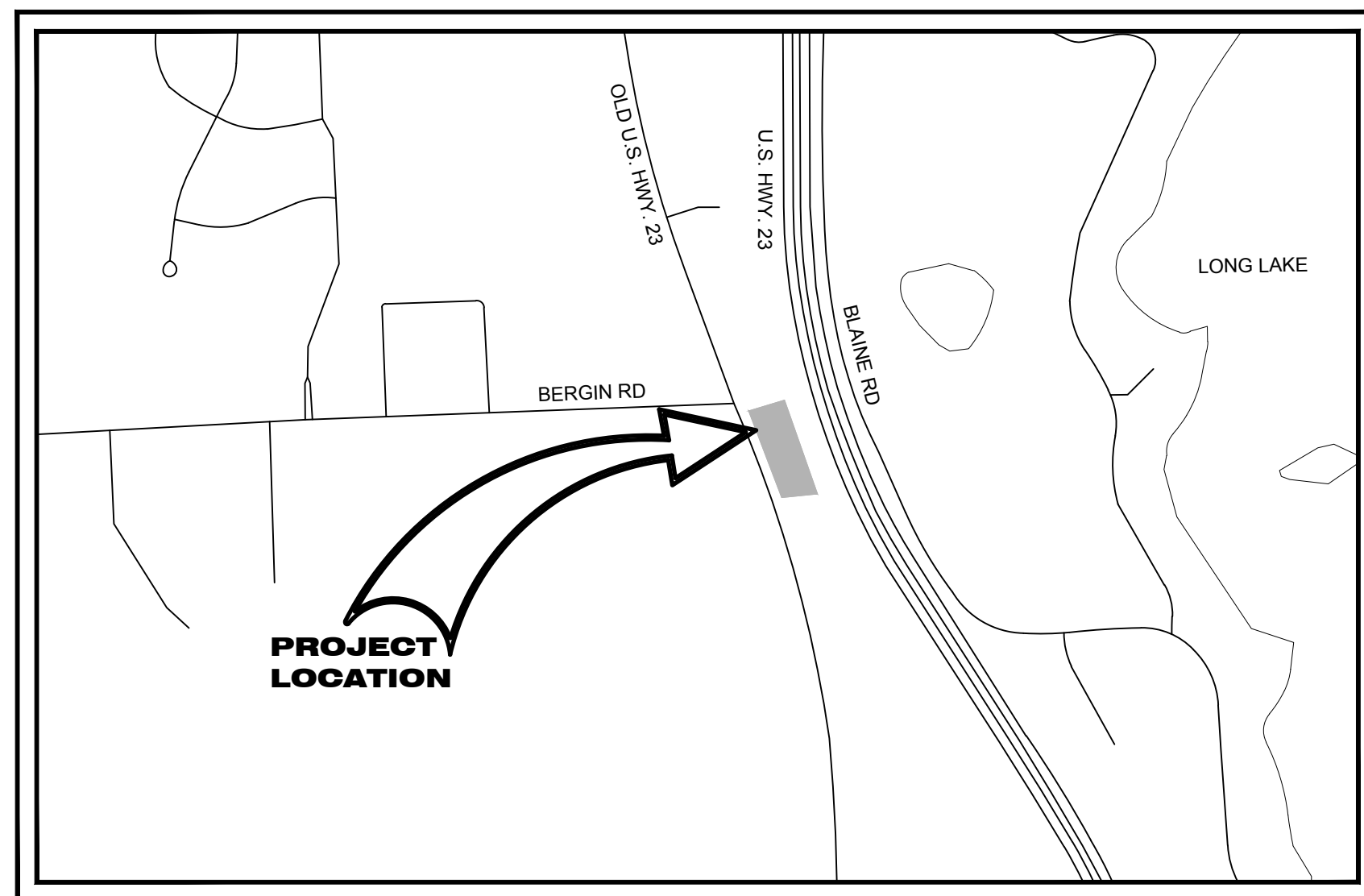
6 Development Procedures

7 Admin and Enforcement



HARTLAND TWP



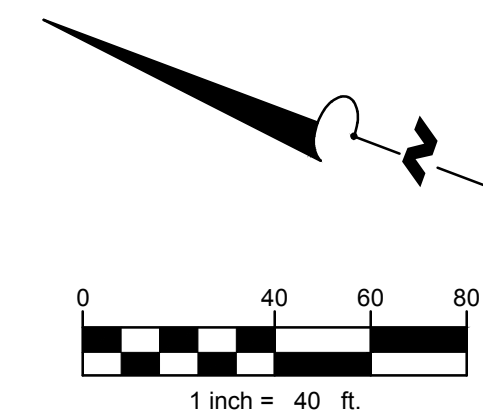


LOCATION MAP
N.T.S.

LEGAL DESCRIPTION

PARCEL 4708-33-100-016
LAND IN THE TOWNSHIP OF HARTLAND LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

PART OF THE NORTHWEST 1/4 SECTION 33 LYING BETWEEN THE WESTERLY RIGHT-OF-WAY LINE OF US 23 FREEWAY AND THE EASTERLY RIGHT-OF-WAY LINE OF WHITMORE LAKE ROAD (OLD US 23), TOWN 3 NORTH, RANGE 6 EAST, HARTLAND TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT NORTH 87 DEGREES 52 MINUTES 23 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 33 AND CENTERLINE OF BERGIN ROAD, 1875.22 FEET TO THE CENTERLINE OF WHITMORE LAKE ROAD (120 FOOT RIGHT-OF-WAY), SOUTH 20 DEGREES 31 MINUTES 39 SECONDS EAST ALONG SAID CENTERLINE OF WHITMORE LAKE ROAD, 21.51 FEET, NORTH 87 DEGREES 10 MINUTES 58 SECONDS EAST 62.98 FEET, AND SOUTH 20 DEGREES 31 MINUTES 39 SECONDS EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID WHITMORE LAKE ROAD, 8.04 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 33; THENCE NORTH 85 DEGREES 34 MINUTES 55 SECONDS EAST 274.18 FEET ON THE ARC OF A CURVE CONCAVE TO THE EAST, CENTRAL ANGLE 07 DEGREES 38 MINUTES 16 SECONDS, RADIUS 3969.71 FEET, CHORD BEARING SOUTH 20 DEGREES 21 MINUTES 31 SECONDS EAST 528.80 FEET; THENCE SOUTH 87 DEGREES 36 MINUTES 15 SECONDS WEST 274.41 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID WHITMORE LAKE ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF WHITMORE LAKE ROAD NORTH 19 DEGREES 15 MINUTES 53 SECONDS WEST 7.74 FEET AND NORTH 20 DEGREES 31 MINUTES 39 SECONDS WEST 511.73 FEET TO THE POINT OF BEGINNING.

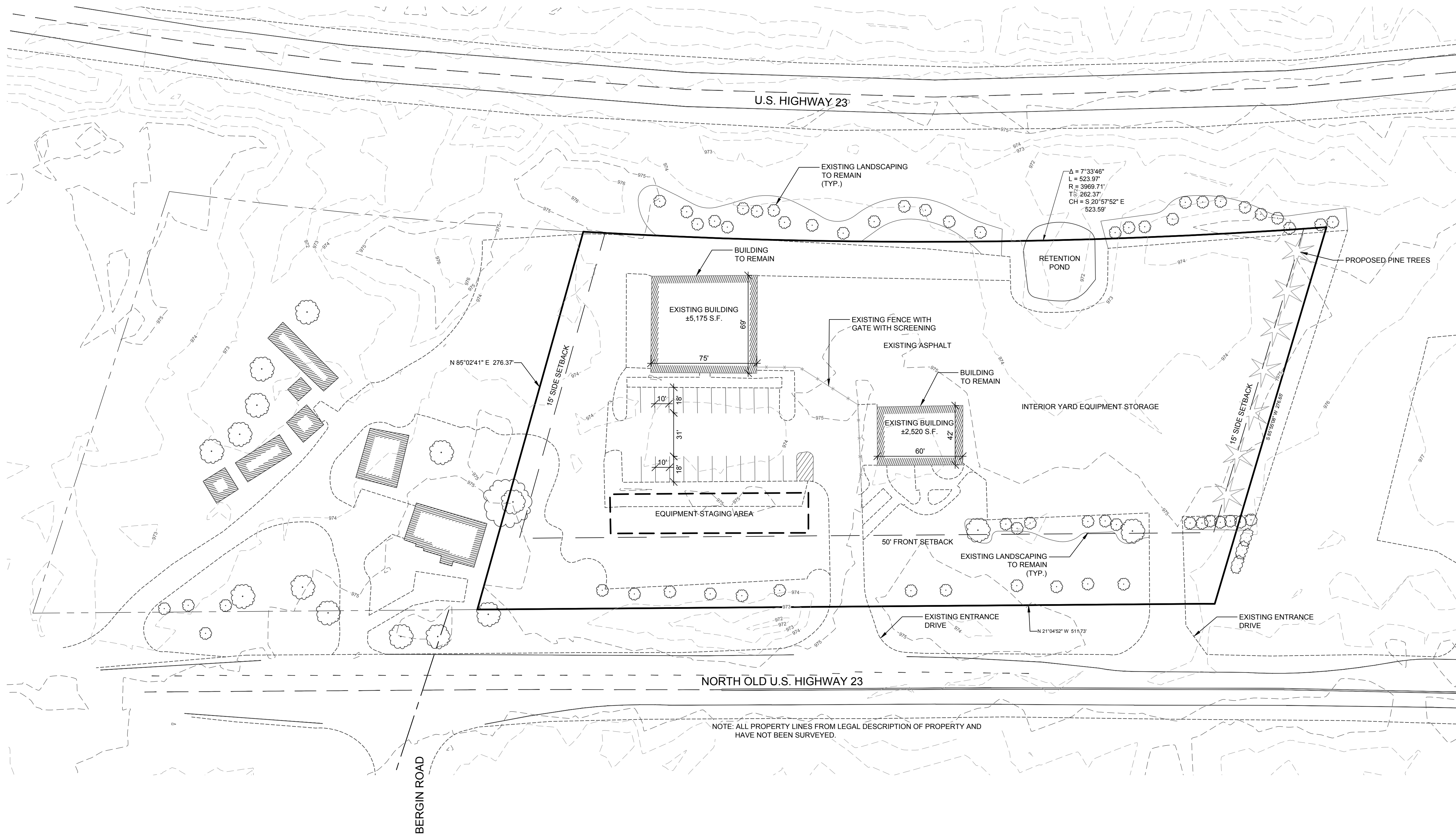


SITE INFORMATION	
Applicant Name	Ryan Wurtzel
Applicant Address	4704 S 29th Street, Kalamazoo, MI 49048
Site Address	948 North Old US Highway 23, Brighton, MI, USA
Tax Parcel Numbers	4708-33-100-016
Current Zoning	Planned Development (PD)
Current Use	Flower Shop
Proposed Use	Commercial Equipment Sales
Site Area (S.F.)	135,215
Gross Usable Floor Area (S.F.)	7,600
Total Ground Floor Area (S.F.)	7,600
Lot Coverage	5.62%
Parking Spaces Required	8 Spaces
Parking Spaces Provided	23 Spaces

W+
WIGHTMAN
BENTON HARBOR
2303 Pipestone Road
Benton Harbor, MI 49022
Phone: 269.927.0100
KALAMAZOO
433 East Ransom Street
Kalamazoo, MI 49007
Phone: 269.327.3532
ALLEGAN
1670 Lincoln Road
Allegan, MI 49010
Phone: 269.673.8465
www.gowightman.com

PROJECT NAME:
CARLETON EQUIPMENT
948 NORTH OLD US HIGHWAY 23
BRIGHTON, MI 48114

CARLETON EQUIPMENT



LEGEND

- | | | |
|-----------------|--------------------------------------|-----------------------------|
| EXISTING | CABLE | PAVEMENT/SOIL BORING |
| E | ELECTRIC LINE | PROPOSED HYDRANT |
| OHE | ELECTRIC LINE (OVERHEAD) | PROPOSED GATE VALVE & BOX |
| FO | FIBER OPTIC LINE | PROPOSED GATE VALVE & VAULT |
| G | GAS LINE | PROPOSED REDUCER |
| T | TELEPHONE LINE | PROPOSED SANITARY MANHOLE |
| --- | FENCE | PROPOSED STORM MANHOLE |
| --- | FORCEMAIN | STORM MANHOLE |
| --- | GUARDRAIL | TELEPHONE MANHOLE |
| --- | SANITARY SEWER | TELEPHONE RISER BOX |
| --- | STORM SEWER | TURNING POINT/TRVERSE |
| --- | WATER MAIN | UTILITY POLE |
| --- | CENTER LINE | VAULT |
| --- | EXISTING TREE LINE | WATER ELEVATION |
| --- | EXISTING DITCH LINE | WATER MANHOLE |
| --- | EASEMENT LINE/GRADING PERMIT | WATER METER |
| --- | GRADING LIMITS/LIMITS OF DISTURBANCE | WATER VALVE |
| --- | PROPERTY LINE | WATER SPIGOT |
| --- | RIGHT-OF-WAY LINE | WELL |
| --- | SECTION LINE | |
| --- | TO BE ABANDONED | |
-
- | | | | |
|---|------------------|---|-------------|
| ⊙ | ANTENNA | ⊙ | WATER VALVE |
| ⊠ | CATCH BASIN | ⊙ | WELL |
| ⊠ | CABLE RISER BOX | | |
| ⊠ | CLEAN OUT | | |
| ⊠ | CURB INLET | | |
| ⊙ | ELECTRIC MANHOLE | | |
| ⊙ | FIRE HYDRANT | | |
| ⊙ | FOUND IRON PIPE | | |
| ⊙ | GAS VALVE | | |
| ⊙ | GUY ANCHOR | | |
| ⊙ | LIGHT POLE | | |
| ⊙ | MAILBOX | | |
| ⊙ | MONITORING WELL | | |
| ⊙ | POST | | |
| ⊙ | SATELLITE DISH | | |
| ⊙ | SANITARY MANHOLE | | |
| ⊙ | SECTION CORNER | | |
| ⊙ | SIGN | | |

TREE DESIGNATORS

- | | | | |
|---|-------------------------------|---|------------------------------|
| ⊙ | BUSH | ⊙ | STUMP |
| ⊙ | CONIFEROUS TREE | ⊙ | DECIDUOUS TREE |
| ⊙ | CONIFEROUS TREE TO BE REMOVED | ⊙ | DECIDUOUS TREE TO BE REMOVED |

NOTE: ALL PROPERTY LINES FROM LEGAL DESCRIPTION OF PROPERTY AND HAVE NOT BEEN SURVEYED.

REVISIONS
DATE: MARCH, 2019
SCALE: 1" = 40'

SITE LAYOUT

Zoning Map

Hartland Township Livingston County, Michigan

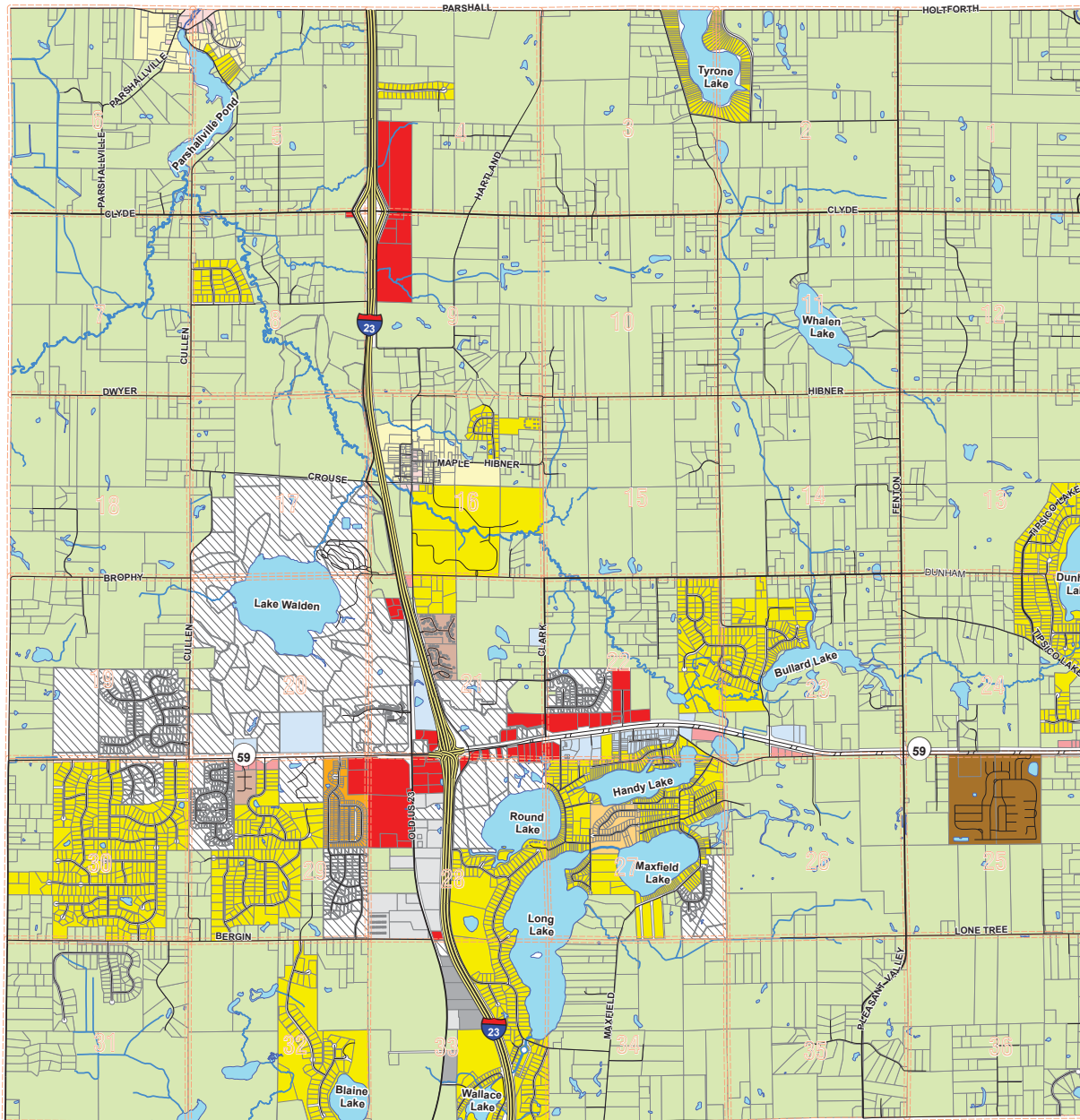


- CA - Conservation Agricultural
- RUR - Rural Residential
- RR - Residential Recreational
- STR - Settlement Residential
- RE - Rural Estate District
- SR - Suburban Residential
- MDR - Medium Density Residential
- HDR - High Density Residential
- MR - Multiple Family Residential
- MR-2 - Mobile Home Park
- OS - Office Service
- LC - Limited Commercial
- NSC - Neighborhood Service Commercial
- GC - General Commercial
- RDP - Research and Development Park
- LI - Light Industrial
- I - Industrial
- PD - Planned Development

0 0.2 0.4 0.8 Miles



Created: December 12, 2012





Hartland Township

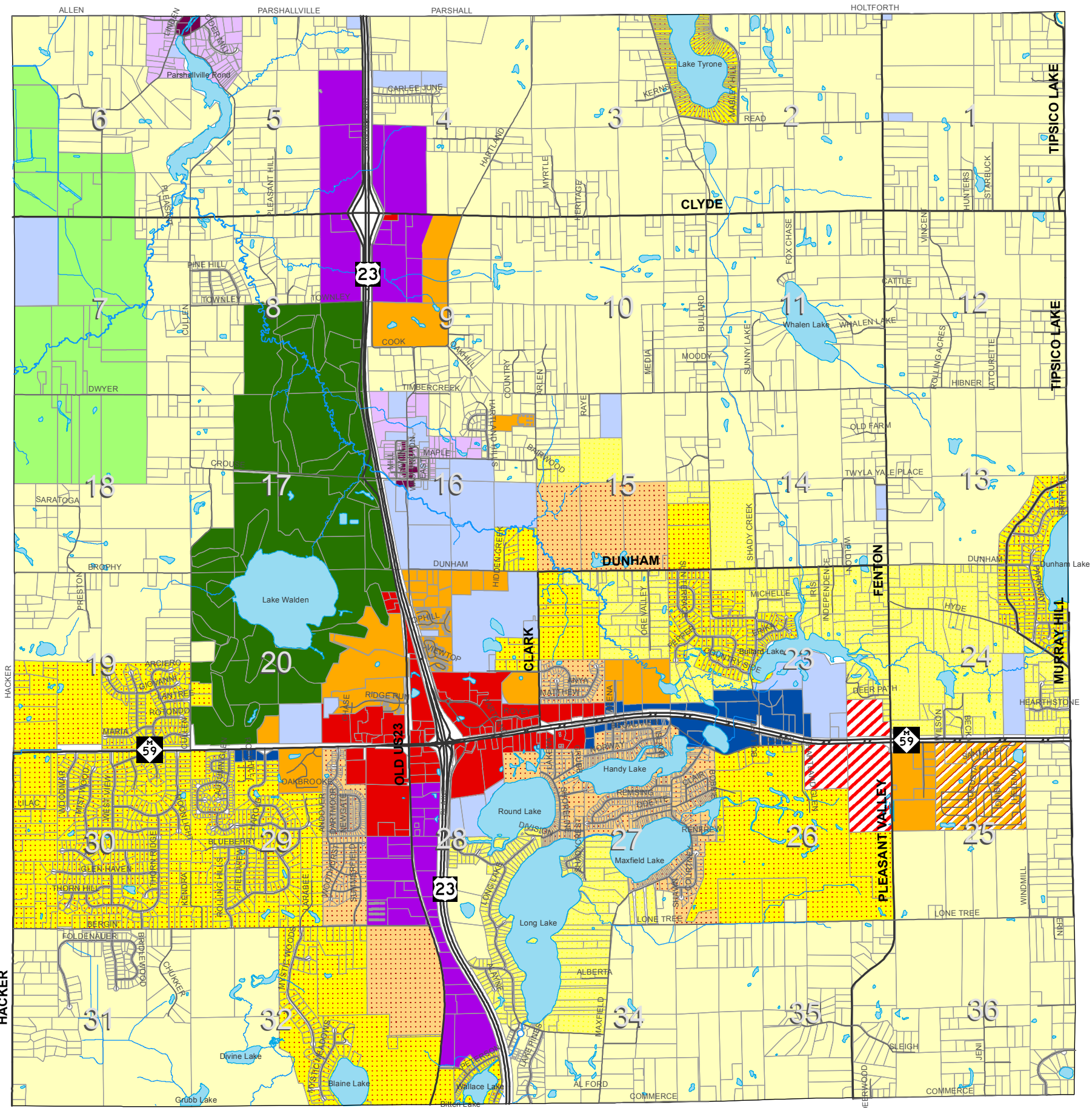
Livingston County, MI

FUTURE LAND USE MAP

Adopted September 1, 2015

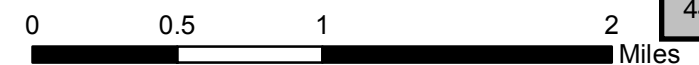
Future Land Use Categories

- Commercial
- Estate Residential
- High Density Residential
- Low Suburban Density Residential
- Multiple Family Residential
- Medium Suburban Density Residential
- Medium Urban Density Residential
- Office
- Planned Industrial / R & D
- Public / Quasi-Public
- Residential Recreation
- Rural Residential
- Special Planning Area
- Village Commercial
- Village Residential



Map Created By: Hartland Township Planning Department
 Basemap Source: Livingston County

Recommended for Approval by the Hartland Township Planning Commission on July 30, 2015
 Adopted by the Hartland Township Board of Trustees on September 1, 2015



Martha Wyatt

From: Martha Wyatt
Sent: Tuesday, October 1, 2019 2:37 PM
To: Martha Wyatt
Subject: FW: rezoning of 2 properties

From: Robert West
Sent: Tuesday, October 1, 2019 2:34 PM
To: Martha Wyatt
Cc: Troy Langer
Subject: RE: rezoning of 2 properties

- 948 Old US-23 (formerly Beauchamp Lawn and Landscape). Currently is zoned PD (Planned Development). Proposed zoning is LI (Light Industrial). Kubota/Bobcat sales intends to move in there.

The 948 parcel is currently not connected to municipal sewer system, however future sewer connection may be required if ever a land combination results in combining 948 Old US-23 with 1010 Old US-23 into a single parcel. Additionally, a future sewer mainline extension along Old US-23 south of Bergin may also require a subsequent sewer connection.

- 1010 Old US-23 (Sunset Acre cabins since the 1950's). Currently is zoned GC (General Commercial). Proposed zoning is LI (Light Industrial).

The 1010 parcel is currently not connected to municipal sewer system, however the parcel is within 200 linear feet of the municipal sewer mainline. Future sewer connection will be required in the event the current septic field requires repair or replacement. Additionally, a sewer connection may be required if ever a land combination results in combining 948 Old US-23 with 1010 Old US-23 into a single parcel.



Robert M. West
Public Works Director
2655 Clark Road | Hartland, MI 48353
810.632.7498 o | 517.861.7889 m
www.hartlandtp.com
[Facebook](#) | [Twitter](#) | [YouTube](#)



Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director
Subject: Rezoning #19-003 1010 Old US-23
Date: October 3, 2019

Recommended Action

Recommendation for Rezoning #19-003

The Planning Department recommends the following motion for the Planning Commission's consideration:

The Planning Commission Recommends Approval of Rezoning #19-003, for the property addressed as 1010 Old US-23 (Parcel ID #4708-28-300-016), approximately 1.97 acres in area, and as described in this memorandum, from GC (General Commercial) to LI (Light Industrial), based on the following findings:

1. The requested rezoning of the subject property to the LI (Light Industrial) zoning classification is consistent with the Township's Comprehensive Development Plan, which indicates the property should be developed as Light Industrial or Planned Development.
2. Access to the subject property is provided from Old US-23 and the property has the minimum required frontage along Old US-23 for the LI zoning classification.
3. The requested rezoning of the subject property to LI (Light Industrial) zoning classification is compatible with the surrounding uses and zoning, and is more appropriate than the current GC zoning classification.

Discussion

Applicant: Hartland Township

Rezoning Request

Hartland Township is submitting a request to rezone approximately 1.97 acres of property from GC (General Commercial) to LI (Light Industrial), located in Section 28 of Hartland Township (Parcel ID #4708-28-300-016). The property is west of US-23, east of Old US-23, and north of Bergin Road.

Currently the adjacent property to the south, 948 Old US-23, is zoned PD (Planned Development); however, the Township is in the process of submitting a request for that property to be rezoned to LI (Light Industrial) under Rezoning #19-002. REZ #19-002 is discussed in a separate memorandum, and will be presented to the Planning Commission on October 10, 2109, along with REZ #19-003.

Neighboring properties, north and west of the subject property (1010 Old US-23), are zoned LI (Light Industrial). Properties south of the adjacent property at 948 Old US-23 include LI and I zoning; thus the subject property, zoned as GC, is an island that is predominantly surrounded by LI and I zoned properties. The intent of the rezoning request is to make the zoning compatible with the area and the Comprehensive Development Plan of Hartland Township.

Site Description

The property, 1.97 acres in area, has approximately 284 feet of frontage along Old US-23 and approximately 293 feet of frontage along US-23. The site is accessed via Old US-23. Internally gravel drives provide circulation to the buildings. Historically the site has been occupied with several cottage-like buildings and trailers, possibly since the 1950's however file information does not exist before that time period. The complex has been called Sunset Acres Cabins in the past. Per the Township Assessing records the buildings and trailers are estimated to be constructed in approximately 1959. In the past, there were eight (8) buildings and two (2) trailers. Today the site has six (6) buildings and two (2) trailers. It appears the property has functioned as a residential rental use since the 1950's.

Background Information

Based on old zoning maps the property was zoned B (Business and Commercial) in 1959. In the 1970's the Township Zoning map shows the property zoned as B-2 (Highway Business District). The property was zoned as H-C (Highway Commercial) in the 1990's. Staff could not find documentation as to when the property transitioned to the current zoning of GC, but most likely this occurred when the zoning map was updated in the 1990's.

In 1994, construction occurred to connect the four small buildings with entryways between the buildings. The construction occurred without an approved land use permit from the Township. A variance application (ZBA Application #344) was submitted which was reviewed by the Zoning Board of Appeals (ZBA) on May 18, 1994. The ZBA determined the enclosure of space with entryways between the existing buildings (units 1&2; 2&3; and 3&4) constituted an expansion and an increased use of land area of a non-conforming use. The ZBA stated the existing buildings were considered a pre-existing nonconforming use as the property was not properly zoned for a residential use. The case was denied.

A billboard sign is also present on the site, in the northeast corner, and the sign is located within a separate, recorded easement. Per the file, the billboard sign was erected sometime in 1983 or 1984, without prior approval from the Township. On November 8, 1984, the billboard sign was reviewed by the Planning Commission under Site Plan Application #50 and Sign Application #129. The Planning Commission determined the request was considered to be a major change because there was no previous site plan for the property, and requested the applicant to provide detailed plans showing topography, buildings, and other site features. The applicant did not provide the requested information and the applications did not progress to a decision.

In 1993, Sign Application #239 was submitted to the Township for a billboard sign stated as being approximately 672 square feet in area. Staff assumes this is the same billboard sign as reviewed in 1984. A site plan was provided showing the general location of the sign, but no other details of the site were on the plan, such as buildings or topography. The sign permit application indicates the Planning Commission approved the billboard sign on February 10, 1994, however the meeting minutes are unavailable.

Per the Hartland Township Zoning Ordinance No. 22 (in place from 1987-1996), outdoor advertising signs (billboards) were permitted as a principal or accessory use on parcels of land along and adjacent to the right-of-way line of US-23 and M-59 in the H-C (Highway Commercial), R-C (Regional Commercial), and HSC (Heavy Service Commercial) zoning districts. The maximum size of each sign face (two were allowed) was 200 square feet and sign height was limited to 30 feet.

Since the time of the adoption of the Hartland Township Zoning Ordinance No. 37 (May 1998) and under the current zoning ordinance (Hartland Township Zoning Ordinance No. 76), off-premises advertising signs, which include billboard signs, are only permitted in the I (Industrial) zoning district. The current zoning ordinance permits billboards in the I (Industrial) zoning district abutting US 23 only and by special use approval. Additional standards are outlined in Section 5.26.6.

Zoning Districts

Following is a discussion of the current and proposed zoning categories, along with other potential zoning classifications. Currently the subject property is zoned GC (General Commercial; Section 3.1.14) and the request is to rezone the property to LI (Light Industrial; Section 3.1.16). The Future Land Use Map shows the zoning for this property as Planned Industrial/Research and Development (PIRD). PIRD could include uses similar to those listed in the zoning categories of PDR (Research and Development Park; Section 3.1.15); LI (Light Industrial; Section 3.1.16); and I (Industrial; Section 3.1.17). Zoning regulations are provided as attachments for the zoning districts as noted above, specifically regarding the permitted principal and special land uses for each district.

Current Zoning

The subject property is currently zoned GC (General Commercial). The Hartland Township Zoning Ordinance under Section 3.1.14, Intent of the GC District states:

The GC General Commercial District is established to accommodate those retail businesses and services which are intended to serve the requirements of the Hartland community. The large size and variety of permitted commercial uses typically generates significant volumes of vehicular traffic. Uses in the GC District typically require a relatively large area devoted to off-street parking and loading, and tend to create problems of congestion. It is intended to direct all intensive commercial development to those areas designated as such on the Hartland Township Comprehensive Plan.

Residential uses are not specifically listed as a principal permitted or special land use in GC. The minimum required lot size in GC 40,000 square feet (without public sanitary sewer) or 20,000 square feet (with public sanitary sewer). The minimum lot width is 120 feet.

Proposed Zoning

The proposed zoning, LI (Light Industrial), is intended. The Hartland Township Zoning Ordinance under Section 3.1.16, Intent of the LI District states:

The LI, Light Industrial District is designed so as to primarily accommodate industrial parks, wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding districts. The LI District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location is not to be permitted.

The minimum required lot size for each parcel in the LI zoning category is a lot width of 120 feet and lot area of 40,000 square feet.

Although not specifically requested two additional zoning classifications could be considered: RDP (Research and Development Park) and I (Industrial).

Zoning to Consider

RDP Zoning – Intent of RDP District (Section 3.1.15):

The RDP Research and Development Park District is intended to provide for office research and related facilities while specifically excluding incongruous uses. The uses permitted within this district are distinct from other industrial districts since the uses are generally lower intensity with minimal impacts outside of the principal buildings. Accessory uses which complement and support the principal uses and are intended for use by employees and visitors of the principal uses and are intended for use by employees and visitors of the principal uses are allowed when meeting the standards of this district.

The minimum lot area for each parcel in the RDP zoning category is 5 acres with a minimum of 200 feet of lot width.

I Zoning – Intent of I District (Section 3.1.17):

The I, Industrial District is intended to accommodate manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, which have the potential for emitting obnoxious odors, generating heavy truck traffic, producing noises, displaying bright light and other external physical effects which may impact surrounding districts. The I District is structured to permit manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared materials.

The minimum required lot size for each parcel in the I zoning category is 10 acres and a lot width of 330 feet.

Following is a chart listing the lot requirements for GC, RDP, LI, and I zoning districts:

Zoning District	Lot Area	Lot Width
GC	20,000 sq. ft.* 40,000 sq. ft. **	120 feet
RDP	5 acres	200 feet
LI	40,000 sq. ft.	120 feet
I	10 acres	330 feet

* For parcels with public sanitary sewer

** For parcels without public sanitary sewer

As an informational note, I (Industrial) is the only zoning district which allows for billboard signs, as outlined in 5.26.6 of the Zoning Ordinance.

Land uses and zoning districts for properties adjacent to the subject property for the rezoning request are as follows:

North: LI (Light Industrial)
South: PD (Planned Development)*
East: SR (Suburban Residential) – Across US-23
West: LI (Light Industrial)

*This property is currently under consideration to be rezoned from PD (Planned Development) to LI (Light Industrial) under REZ Application #19-002

Comprehensive Plan

The Hartland Township Comprehensive Plan Future Land Use Map designates the subject property as *Planned Industrial/Research and Development (PIRD)*. The Comprehensive Development Plan has the following comments regarding this category:

Planned Industrial Research and Development. The word “Planned” in this designation’s name is intended to convey the Township’s intentions to work with private or public developers to create planned developments consistent with the provisions of the Michigan Zoning Act and the local Zoning Ordinance. In anticipation of population growth and the resulting demand such growth will place upon Township services, additional nonresidential land use areas will be required. These uses will help provide a diverse tax base in order to permit the Township to continue to provide the quality of service its residents have grown to expect.

General Location. On the Future Land Use Map, PIRD has been planned for approximately 718 acres of the Township. Two distinct areas of the Township have been planned for future Planned Industrial Research and Development. These areas include the Clyde Road and US-23 interchange and the Old US-23 corridor, south of M-59.

Intended Land Uses. This designation is intended to permit industrial land uses that do not produce the negative effects often associated with heavy industrial development, such as noise, glare, odor, dust, heavy truck traffic, and fumes. These uses typically consist of small parts fabrication, research and development testing firms, laboratories, electronics firms and office research uses. Industrial uses envisioned for the Township will be generally conducted within a completely enclosed building with minimal or no outdoor storage areas. It is also intended to permit office complexes, including medical facilities, financial institutions, public and private recreational facilities and ancillary services that support the planned industrial research uses.

Characteristics.

Planned industrial research and development sites should provide buffering between the permitted uses and adjacent properties to assure compatibility.

Old US-23 Area. This area has historically been used for industrial purposes and the Township should continue to support those existing light industrial/technology uses while encouraging new, complimentary uses of an appropriate size and scale. Since this area is highly visible from both Old US-23 and US-23, generous landscaping and high quality architectural design should be encouraged. Outdoor storage and industrial yards should be appropriately screened from view.

Future Land Use Map designations for properties adjacent to the subject site for the rezoning request are as follows:

North: Planned Industrial/Research and Development
South: Planned Industrial/Research and Development
East: Estate Residential – Across US-23
West: Planned Industrial/Research and Development

Zoning Ordinance Rezoning Criteria

The Hartland Township Zoning Ordinance, under Section 7.4.3. provides the Planning Commission and Township Board with the following criteria to consider in making its findings and recommendation and decision:

Section 7.4.3.A. Consistency with the adopted Comprehensive Plan.

This criteria requires examination of not only the Future Land Use Map, but the language in the Comprehensive Development Plan

The Future Land Use Map designates the property as PIRD (Planned Industrial Research and Development) category. There are three (3) zoning classifications that would generally be consistent with that Future Land Use Category, as follows: I (Industrial), LI (Light Industrial), and RDP (Research and Development Park). As a result, consideration should be given toward any of these three (3) zoning classifications; however, further examination of the Comprehensive Development Plan should be conducted before determining which one of the zoning classifications is deemed to be consistent with the adopted Comprehensive Plan. A copy of the permitted uses in each of those zoning districts is attached for review by the Planning Commission.

The Planning Commission will have to determine if the proposed LI district is the appropriate category, or if RDP or I would be more appropriate.

Section 7.4.3.B. Compatibility with the site's physical, geological, hydrological and other environmental features.

The site is developed with residential buildings and a billboard sign. Gravel drives provide internal access to the buildings. The site is generally flat with areas of mowed lawn and a scattering of shrubs and trees.

Section 7.4.3.C. Reasonable return on investment with current classification of GC

Historically the property was functioned as a residential rental use since the 1950's. Residential uses are not permitted in GC. The current residential use is considered a non-conforming use. The intent is to rezone the property to LI in order to provide a zoning designation that is compatible with the surrounding area. If rezoned to LI, any and all uses in the LI classification should be considered as a potential future development on the property.

Section 7.4.3.D. Compatibility of all potential uses allowed in the proposed LI District with surrounding uses and zoning.

The properties to the north are zoned LI and include Animal Crackers (pet salon, grooming, boarding); Ben Franklin Plumbing; and Trescal. The property immediately to the south, 948 Old US-23, is currently zoned PD (Planned Development), and was formerly occupied by Beauchamp Landscape Supply. A Kubota/Bobcat dealership is intending to occupy the site. On April 25, 2019 the Planning Commission determined the proposed use, a Kubota/Bobcat dealership with an outdoor sales space, is similar in nature and compatible to uses of the same nature or class as uses listed in the LI district. The Planning Department noted at that time that the Township would proceed with a rezoning of the property from PD (Planned Development) to either LI or I, based on the decision of the Planning Commission on the use determination. Since the Planning Commission determined the proposed Kubota/Bobcat dealership was compatible with the LI district, the Township is moving ahead with the rezoning under REZ #19-002 for 948 Old US-23.

Properties immediately south of 948 Old US-23 are zoned I, and include Beauchamp Water Treatment and Supply, Rhino Seed and Turf Supply, and Stonepro. The property west of the subject site is zoned LI and is occupied by Fox Brothers/Beacon.

The Planning Commission will need to determine if the permitted uses in the LI district are compatible with the existing and potential surrounding uses. Given that the surrounding properties are zoned LI or I, the LI and I zoning classifications appear to be compatible.

Section 7.4.3.E. Capacity of infrastructure and other public services and street system.

The subject property is currently served by on-site well and septic. Storm water management is under the jurisdiction of the Livingston County Drain Commission. Per the comments from the Township's Public Works Director, the subject parcel is located within 200 linear feet of the municipal sewer mainline. Future sewer connection will be required in the event the current septic field requires repair or replacement. Additionally, a sewer connection may be required if ever a land combination results in combining 948 Old US-23 with 1010 Old US-23 into a single parcel.

Section 7.4.3.F. Capability of the street system to accommodate the expected traffic generated by uses allowed in the requested zoning district.

Road access to the site is from Old US-23. Old US-23 is classified as a Major Collector route in the Comprehensive Plan and serves as a major north-south road in the Township. The subject parcel has approximately 284 feet of frontage along Old US-23, which complies with the required lot frontage of 120 feet in the LI zoning district. A minimum of 330 feet of lot frontage is required for the I district.

A traffic impact study was not submitted as part of this request.

Section 7.4.3.G. Apparent demand for uses permitted in the requested zoning district.

Rezoning the property from GC to LI would promote consistency with the properties that front Old US-23 in this area, which are a mix of LI and I zoned properties. Essentially this is the only area of the Township with LI or I zoning, thus additional properties zoned LI would be beneficial to meet future demands for industrial-oriented businesses.

Section 7.4.3.H. Ability to comply with zoning regulations.

Future development of the site will require compliance with the current Zoning Ordinance standards and requirements.

Section 7.4.3.I. Appropriateness of the requested zoning district.

Based on the Future Land Use Map, LI (Light Industrial) zoning is one of the zoning categories that align with the Future Land Use Map designation for this site (Planned Industrial and Research and Development). Properties to the north, south, and west would also be in the same classification on the FLUM.

However, the Comprehensive Development Plan indicates that development sites should provide buffering between the permitted uses and adjacent properties to assure compatibility. More specifically, for the area of Old US-23, the Comprehensive Development Plan indicates "...The Township should encourage the continuance of these existing light industrial/technology uses while permitting new uses appropriate in size and character with the Township."

This standard requires the Planning Commission, and ultimately, the Township Board, to determine that the proposed zoning classification is considered to be more appropriate than any other zoning classification.

Section 7.4.3.J. Amendment of permitted or special uses versus rezoning.

Specific uses have not been provided as part of the rezoning request. Generally, it is not advisable for the Township to only consider one of the permitted uses that are permitted in a proposed rezoning request. As a result, the Planning Commission should consider all permitted uses in the proposed rezoning request and determine if the subject property is appropriate for those uses.

Section 7.4.3.K. Exclusionary and Spot Zoning Issues.

The term exclusionary zoning is generally referred to a zoning ordinance or a zoning decision that would exclude an otherwise lawful use of land. Michigan Compiled Laws (MCL) Section 125.297a of Township Zoning Act (Sec. 27a) states "[a] zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a township in the presence of a demonstrated need for that land use within either the township or surrounding area within the state, unless there is no location within the township where the use may be appropriately located, or the use is unlawful."

The Michigan State University Extension on Land Use Planning (posed on June 17, 2016 by Brad Neumann, MSU Extension) has defined "spot zoning" as: "one illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.

- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

The proposed rezoning area is approximately 1.97 acres in area. The requested zoning (LI-Light Industrial) is consistent with land uses allowed in adjacent properties to the north, south, and west.

Section 7.4.3.L. Submittal of similar request within one year.

A similar rezoning request has not been submitted within one year.

Section 7.4.3.M. Other Factors.

The Planning Commission and/or the Township Board may consider other factors that it deems appropriate.

Process

Section 7.4 of the Hartland Township Zoning Ordinance outlines the process for a Zoning Map Amendment, or more commonly a “rezoning” of property. Essentially, the Township Board is the body that makes the final decision regarding a rezoning; however, the Planning Commission shall forward a recommendation to the Township Board. The Township Board may adopt the proposed rezoning, with or without modifications, or refer it back to the Planning Commission for further study and report. As a result, upon a recommendation from the Planning Commission, this request will be forwarded to the Township Board for a determination.

Although the process as noted above states the Planning Commission reviews the amendment request and makes a recommendation to the Township Board and the Township Board makes a decision, past practices for rezoning requests has included an interim step between the Planning Commission’s recommendation and the Township Board’s decision. In the alternate process the Planning Commission holds a public hearing and may recommend approval, disapproval, or approval with conditions. A copy of the Planning Commission minutes and evidence of the public hearing is then sent to the Livingston County Planning Commission for review and action. After the Livingston County Planning Commission has made a recommendation, the request is then forwarded to the Township Board for a final decision.

Although the Township Ordinance does not require a rezoning to be sent to the County Planning Commission, if the Township Planning Commission desires to do this, it should make this part of its recommendation.

Hartland Township DPW Review

Please see the email from the Hartland Township DPW Director dated October 1, 2019.

Hartland Township’s Engineer’s Review

No comments.

Hartland Deerfield Fire Authority Review

No Comments

Planning Commission Consideration

Because the Future Land Use Plan designation would be compatible with three (3) separate zoning classifications, the Planning Commission will need to determine if the LI district is the most appropriate zoning classification in the location. Given the specific comments in the Comprehensive Development Plan, it appears that the LI (Light Industrial) zoning classification would be compatible in this area. The Planning Commission may consider other zoning classifications to recommend to the Township Board, or recommend approval or denial of the proposed rezoning request.

Attachments

1. List of Permitted & Special Uses for the GC zoning district-only PDF version provided
2. List of Permitted & Special Uses for the RDP zoning district-only PDF version provided
3. List of Permitted & Special Uses for the LI zoning district-only PDF version provided
4. List of Permitted & Special Uses for the I zoning district-only PDF version provided
5. Aerial photograph of Subject Property-only PDF version provided
6. Survey of 1010 Old US-23, dated January 12, 2017-only PDF version provided
7. Hartland Township Zoning Map-only PDF version provided
8. Hartland Township Future Land Use Map-only PDF version provided
9. DPW email dated October 1, 2019-only PDF version provided
10. Email from Owner dated September 26, 2019-only PDF version provided

CC: Jerrad Beauchamp

A. INTENT

The “GC” General Commercial District is established to accommodate those retail businesses and services which are intended to serve the requirements of the Hartland community. The large size and variety of permitted commercial uses typically generates significant volumes of vehicular traffic. Uses in the “GC” District typically require a relatively large area devoted to off-street parking and loading, and tend to create problems of congestion. It is intended to direct all intensive commercial development to those areas designated as such on the Hartland Township Comprehensive Plan.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Retail stores, wholesale clubs, or retail centers up to sixty thousand (60,000) square feet in gross floor area
- ii. Professional and medical offices or clinics
- iii. **Financial institutions with drive-through service** §4.57
- iv. Personal service establishments
- v. Food and beverage service establishments, excluding drive-in or drive-through service, live entertainment or dancing
- vi. **Outdoor seating and dining areas** §4.47
- vii. Business service establishments
- viii. **Adult day care facilities,[□] and child care centers,[□] preschool and day care centers** §4.12
- ix. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas
- x. Public or private parks and open space
- xi. Business and private schools operated for a profit completely within an enclosed building
- xii. **Churches and religious institutions[□]** §4.20
- xiii. Essential public services, provided there is no building or outdoor storage yard
- xiv. Banquet halls, assembly halls, private clubs[□], lodge halls or similar places of assembly.
- xv. **Funeral homes and mortuary establishments** §4.29
- xvi. Theaters and concert halls
- xvii. Newspaper offices and accessory printing/distribution.
- xviii. Personal fitness centers[□]
- xix. **Veterinary offices, small animal[□]** §4.45

C. ACCESSORY USES

- i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

- i. **Automobile service stations** §4.16
- ii. **Automobile sales** §4.15
- iii. **Automobile wash, when within a completely enclosed building** §4.17
- iv. Billiard halls
- v. **Open air business uses** §4.38
- vi. **Drive-in establishments for the retail delivery of products to customers in automobiles where the type of drive-in establishment is not otherwise specifically included in this Ordinance** §4.24
- vii. **Essential service facilities and related accessory storage yards, including telephone exchange buildings and public utility offices** §4.26
- viii. Garden centers, nurseries and greenhouses.
- ix. Leasing of recreational, landscaping, or moving equipment
- x. **Large institutional uses[□]** §4.53
- xi. **Motels[□] and hotels** §4.36
- xii. **Outdoor and indoor commercial recreation** §4.40
- xiii. **Radio and television towers[□]** §4.39
- xiv. Restaurant[□], bar, or brew-pubs, including with live entertainment or dancing. **With drive-in or drive-through service** §4.28
- xv. **Shopping centers and other stores of over sixty thousand (60,000) square feet in gross floor area** §4.46
- xvi. Restaurant[□], bar, or brew-pubs including with live entertainment or dancing. With drive-in or drive-through service.
- xvii. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
- xviii. **Automobile fueling and convenience station[□]** §4.58
- xix. **Automobile repair - minor[□]** §4.60



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [Ⓜ] :	
Without sewer	40,000 sq ft
With sewer	20,000 sq ft
Minimum lot width [Ⓜ] :	120 ft

Maximum Lot Coverage[Ⓜ]

Principal Structure	75%
---------------------	-----

Setbacks[Ⓜ]

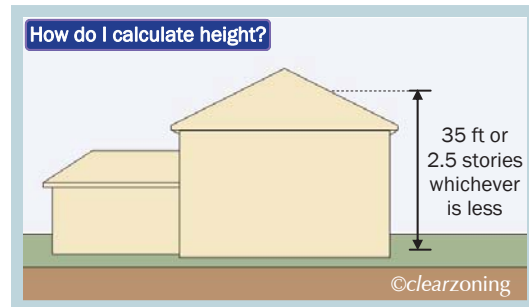
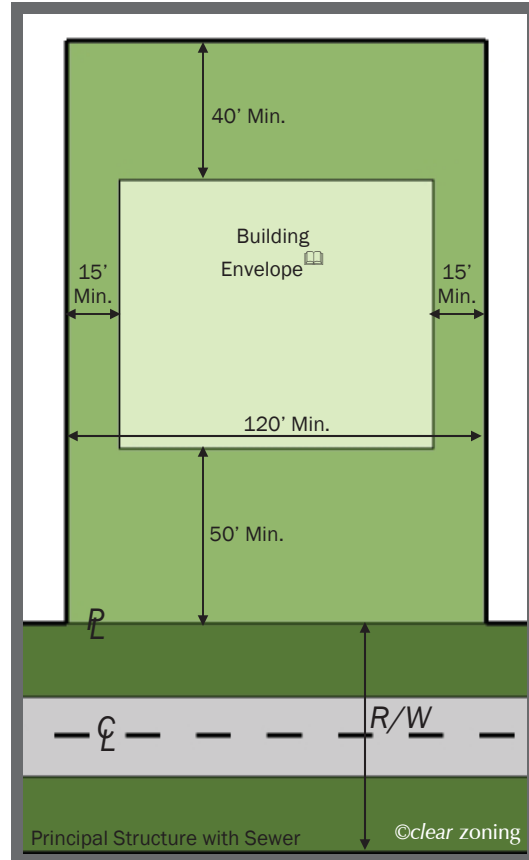
Minimum front yard setback:	50 ft
Minimum rear yard setback:	
Without sewer	0 ft
With sewer	40 ft
Minimum side yard setback:	15 ft

Building Height[Ⓜ]

Maximum building height:	
Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Development** §3.1.18

5. Site Standards

- **Paved Access** §5.22.3
- **Off-Street Parking and Loading Requirements** §5.8
- **Access Management and Driveways** §5.10
- **Sidewalks & Pathways** §5.12
- **Landscaping** §5.11
- **Lighting** 5.13

- **Walls and Fences** §5.20
- **Performance Standards** §5.19
- **Architectural Standards** §5.24

6. Development Procedures

- **Site Plan Review** §6.1
- **Traffic Impact** §6.5
- **Special Use Review** §6.6

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



A. INTENT

The RDP Research and Development Park District is intended to provide for office research and related facilities while specifically excluding incongruous uses. The uses permitted within this district are distinct from other industrial districts since the uses are generally lower intensity with minimal impacts outside of the principal buildings. Accessory uses which complement and support the principal uses and are intended for use by employees and visitors of the principal uses and are intended for use by employees and visitors of the principal uses are allowed when meeting the standards of this district.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Any use with the principal function of conducting research, design, testing and pilot or experimental product development.
- ii. Vocational schools and other types of technical training facilities.
- iii. Computer programming, data processing and other computer related services.
- iv. Professional & medical offices
- v. (Reserved)
- vi. **Financial institutions with drive-through service** §4.57
- vii. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas
- viii. **Essential services and buildings without storage yards** §4.26
- ix. Public or private parks and open space
- x. **Outdoor seating and dining areas** §4.47

C. ACCESSORY USES

- i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

- i. Office parks (10 acre minimum).
- ii. Standard restaurants^m
- iii. **Child day care^m and adult day care facilities^m** §4.12
- iv. **Indoor tennis facilities, personal fitness centers^m and recreation centers** §4.40
- v. Use of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 5 Acres
 Minimum lot width[Ⓜ]: 200 ft

Maximum Lot Coverage[Ⓜ]

Principal structure 65%

Setbacks[Ⓜ]

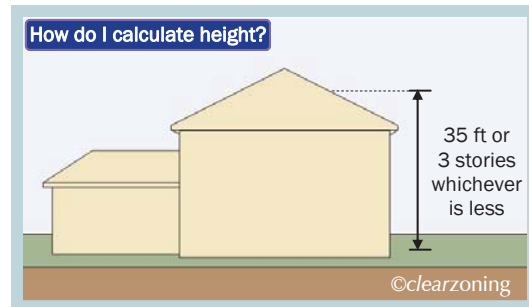
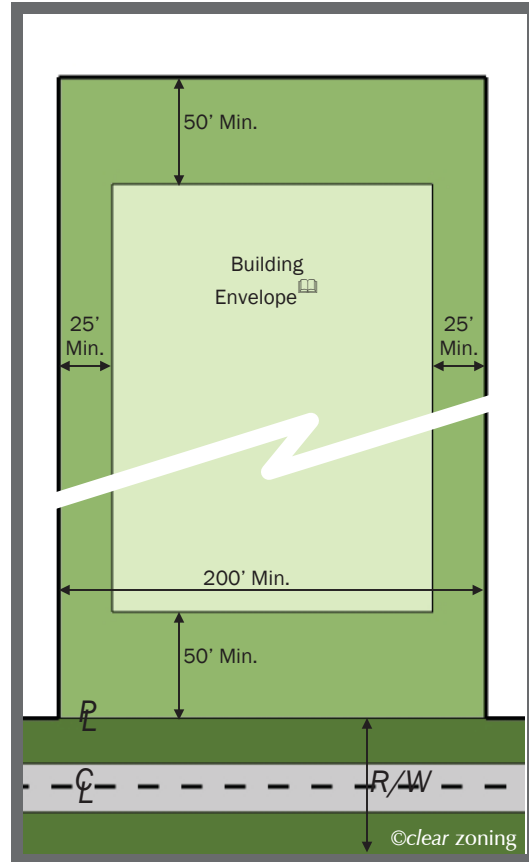
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 25 ft

Building Height[Ⓜ]

Maximum building height:
 Dwelling unit 35 ft or 3 stories whichever is less
 Accessory structure 20 ft or 1 story

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- Planned Development §3.1.18
- Outdoor Storage §3.18

5. Site Standards

- Loading Space Requirements §5.9.2.G.iv
- Paved Access §5.22.3
- Off-Street Parking and Loading Requirements §5.8

Access Management and Driveways §5.10

- Sidewalks & Pathways §5.12
- Landscaping §5.11
- Lighting 5.13
- Walls and Fences §5.20
- Performance Standards §5.19
- Architectural Standards §5.24

6. Development Procedures

- Site Plan Review §6.1
- Traffic Impact §6.5
- Special Use Review §6.6

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards


6 Development Procedures

7 Admin and Enforcement



A. INTENT

The LI, Light Industrial District is designed so as to primarily accommodate industrial parks, wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding districts. The LI District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location is not to be permitted.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Any use with the principal function of conducting research, design, testing and pilot or experimental product development.
- ii. Vocational schools and other types of technical training facilities.
- iii. Computer programming, data processing and other computer related services.
- iv. Professional & medical offices
- v. (Reserved)
- vi. **Financial institutions with drive-through service** §4.57
- vii. Publicly owned and operated facilities
- viii. **Essential services, buildings and storage yards** §4.26
- ix. Public or private parks and open space
- x. **Outdoor seating and dining areas** §4.47
- xi. Light industrial uses[□]
- xii. Business services
- xiii. **Mini warehouses** §4.35
- xiv. Commercial greenhouses
- xv. Lumber yards and millworks, provided any mills are completely enclosed
- xvi. Public buildings, post offices, libraries, libraries, community centers, including outdoor storage.
- xvii. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.

C. ACCESSORY USES

- i. **Sales at a commercial greenhouse** §3.22.1
- ii. **Personal fitness centers[□] accessory to industrial use** §3.22.2
- iii. **Caretaker living quarters** §4.51
- iv. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

- i. **Child day care[□] and adult day care centers[□]** §4.12
- ii. **Indoor tennis facilities, fitness and recreation centers** §4.40
- iii. Urgent care facilities
- iv. **Motels[□] and hotels** §4.36
- v. Standard restaurants[□]
- vi. Freezer locker plants and cold storage
- vii. **Heliports** §4.13
- viii. **Radio, television and other communication towers[□]** §4.39
- ix. **Outdoor storage accessory to a permitted use** §3.27
- x. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
- xi. **Automobile repair - major[□]** §4.59



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 40,000 sq ft
 Minimum lot width[Ⓜ]: 120 ft

Maximum Lot Coverage[Ⓜ]

Principal structure 75%

Setbacks[Ⓜ]

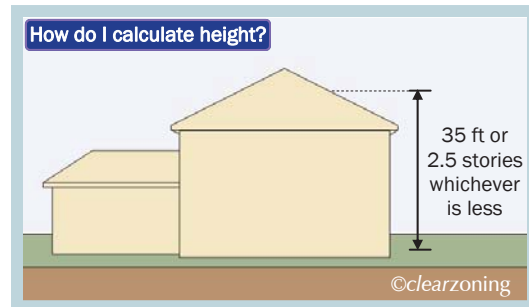
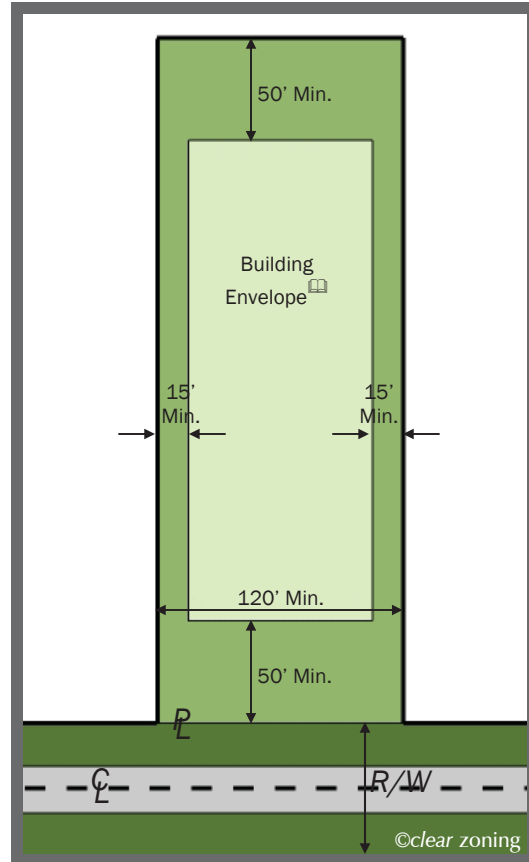
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 15 ft

Building Height[Ⓜ]

Maximum building height: 35 ft or 2.5 stories whichever is less

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Development** §3.1.18
- **Light Industrial District** §3.22
- **Commercial Greenhouse** §3.22.1

5. Site Standards

- **Paved Access** §5.22.3
- **Off-Street Parking and Loading Requirements** §5.8
- **Access Management and Driveways** §5.10
- **Sidewalks & Pathways** §5.12
- **Landscaping** §5.11
- **Lighting** §5.13
- **Walls and Fences** §5.20
- **Performance Standards** §5.19
- **Architectural Standards** §5.24

6. Development Procedures

- **Site Plan Review** §6.1
- **Traffic Impact** §6.5
- **Special Use Review** §6.6

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



A. INTENT

The intent of the I, Industrial District is to accommodate manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, which have the potential for emitting obnoxious odors, generating heavy truck traffic, producing noises, displaying bright light and other external physical effects which may impact surrounding districts. The I District is structured to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared materials.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **Any use with the principal function of conducting research, design, testing and pilot or experimental product development.** §3.23
- ii. Vocational schools and other types of technical training facilities.
- iii. Computer programming, data processing and other computer related services.
- iv. Professional & medical offices
- v. (Reserved)
- vi. Financial institutions without drive-through service
- vii. Publicly owned and operated buildings and facilities
- viii. **Essential services, buildings and storage yards** §4.26
- ix. Public or private parks and open space
- x. **Outdoor seating and dining areas** §4.47
- xi. Light industrial uses[■]
- xii. Business services
- xiii. Commercial greenhouses
- xiv. Lumber yards and millworks, provided any mills are completely enclosed.
- xv. Municipal uses, including outdoor storage.
- xvi. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
- xvii. **Sales at a commercial greenhouse** §3.22.1
- xviii. **Automobile repair - major**[■] §4.59

C. ACCESSORY USES

- xix. **Personal fitness centers**[■] **accessory to industrial use** §3.22.2
- xx. **Caretaker living quarters** §4.51
- xxi. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

D. SPECIAL LAND USES

- i. **Heavy industrial uses**[■] §3.23
- ii. **Child day care**[■] **and adult day care centers**[■] §4.12
- iii. **Indoor tennis facilities, fitness and recreation centers** §4.40
- iv. Urgent care facilities
- v. Motels[■] and hotels
- vi. Standard restaurants[■]
- vii. Agricultural seed processing, storage and sales
- viii. **Heliports** §4.13
- ix. **Radio, television and other communication towers**[■] §4.39
- x. **Asphalt, transit mix or concrete plant** §4.14
- xi. Landfill
- xii. **Truck service establishments** §4.16
- xiii. **Recreational vehicle sales and service** §4.15
- xiv. **Bulk storage and distribution facilities for petroleum products, paints and chemicals** §4.21
- xv. **Junk yards which receive, temporarily store, disassemble, and reclaim used or damaged goods for the purpose of rehabilitation and resale as used or rebuilt goods or scrap materials.** §4.32
- xvi. **Sexually Oriented Businesses**[■] §4.11
- xvii. **Oil and gas processing plant** §4.37
- xviii. Proving grounds, when directly related to an adjoining business
- xx. **Extractive uses such as sand and gravel mining, and other similar excavation processes** §4.5
- xxi. **Composting and recycling centers**[■] §4.22
- xxii. Central dry cleaning plants and laundries, provided that such plants shall not deal directly with consumers at retail.
- xxiii. **Outdoor storage accessory to a permitted use** §3.27
- xxiv. Accessory incinerators and accessory propane sales.
- xxv. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☒]: 10 Acres
 Minimum lot width[☒]: 330 ft

Maximum Lot Coverage[☒]

Principal structure 75%

Setbacks[☒]

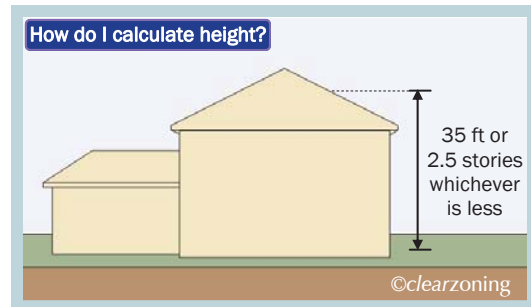
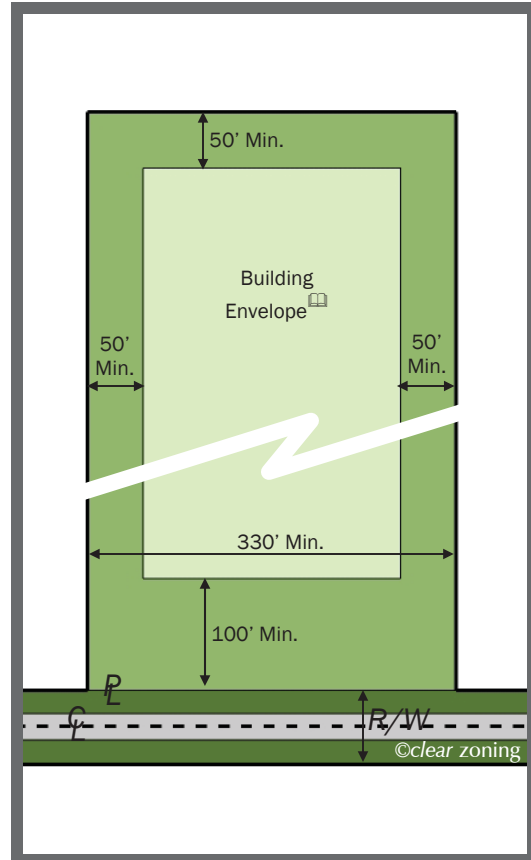
Minimum front yard setback: 100 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 50 ft

Building Height[☒]

Maximum building height: 35 ft or 2.5 stories whichever is less

NOTES

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Special Uses in the I District** §3.23
- **Planned Development** §3.1.18
- **Commercial Greenhouse** §3.22.1

5. Site Standards

- **Paved Access** §5.22.3
- **Off-Street Parking and Loading Requirements** §5.8

- **Access Management and Driveways** §5.10
- **Sidewalks & Pathways** §5.12
- **Landscaping** §5.11
- **Lighting** 5.13
- **Walls and Fences** §5.20
- **Performance Standards** §5.19
- **Architectural Standards** §5.24

6. Development Procedures

- **Site Plan Review** §6.1
- **Traffic Impact** §6.5
- **Special Use Review** §6.6

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



HARTLAND TWP



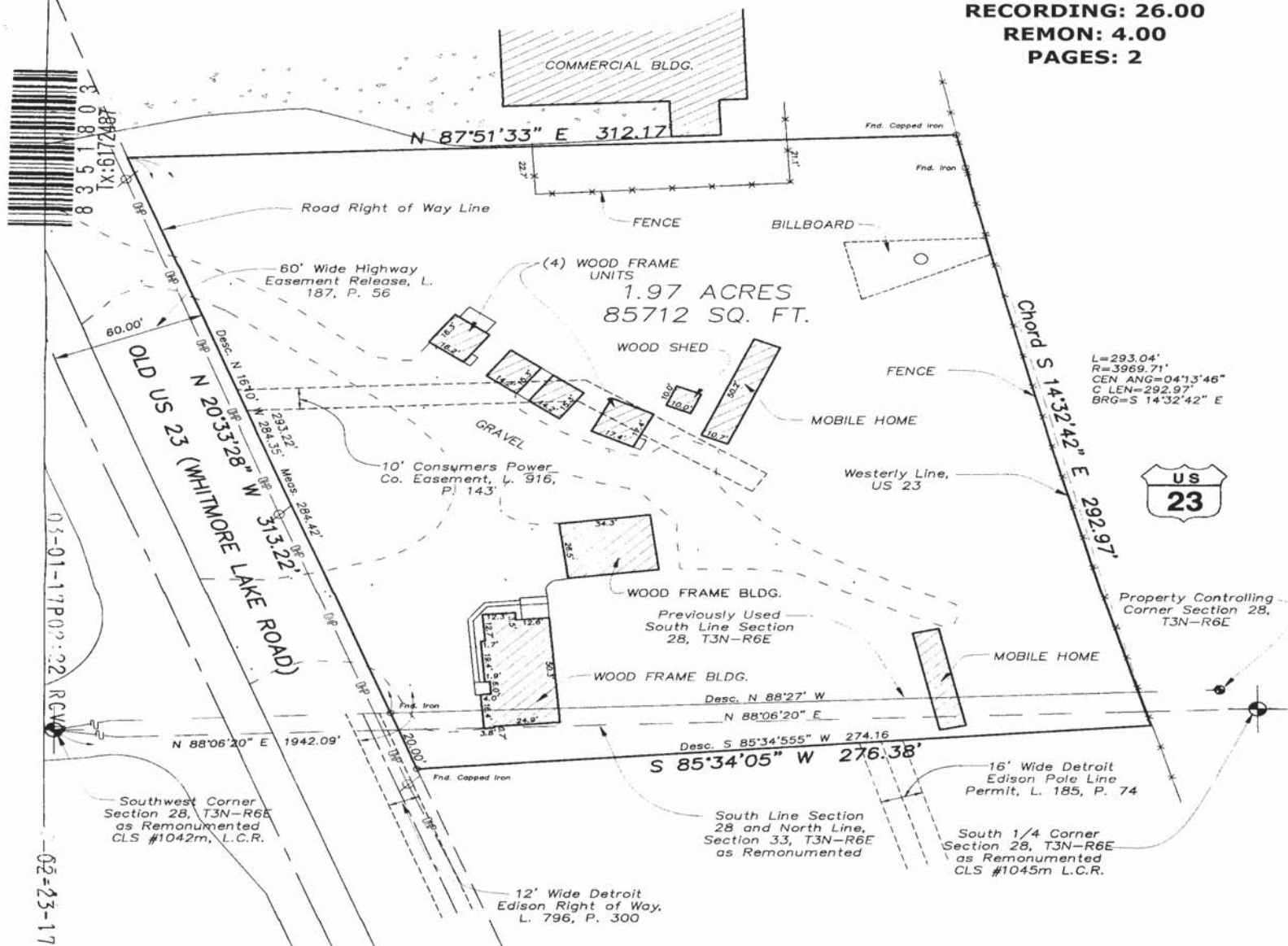
CERTIFICATE OF SURVEY

CERTIFICATION TO: NORTH AMERICAN TITLE INSURANCE CO. AND JARRAD BEAUCHAMP

ADDRESS: 1010 N. Old US Highway 23
 PARCEL ID NO.: 08-28-300-016

SEE SHEET 2 OF 2 FOR DESCRIPTIONS

2017S-0012
RECORDED ON
03/01/2017 3:40:01 PM
BRANDON DENBY
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI 48843
RECORDING: 26.00
REMON: 4.00
PAGES: 2



03-01-17P02:22 RCVD
02-23-17A11:44 RCVD

SELECT TITLE AGENCY
 6870 Grand River Ave
 Brighton MI 48114

South line of Section 28 as remonumented. We hereby certify that a survey according to P.A. 132 of 1970, as amended, was performed upon the ground under the direct supervision and responsible charge of Edward E. Anderson, Professional Surveyor. The ratio of closure of the unadjusted field observation is smaller than 1/5,000



DATE 01-12-2017 SUPERVISOR EEA
 FIELD BRS DRAWN BY B. R. Shultz
 FILE HA 28 Old US 23 1010N
 © Copyright 2017 SHEET 1 OF 2

THIS FILE IS IN AN ELECTRONIC FORMAT OF WHICH REMAINS THE EXCLUSIVE PROPERTY OF FIELD TO FINISH AND IS NOT INTENDED FOR DISTRIBUTION TO THE CLIENT OR OTHERS. REPRODUCIBLE DOCUMENTS ON VELLUM, MYLAR OR OTHER MEDIUM ARE STORED IN THE COMPANY FILES. ALL FILES AND COPIES FROM FIELD TO FINISH ARE COPYRIGHT PROTECTED. ALL PARTIES WHO USE OR RELY UPON ANY SUBSEQUENT REPRODUCTIONS, ALTERATIONS, ADDITIONS OR DELETIONS THERETO BY OTHERS AGREE THAT FIELD TO FINISH SHALL NOT BE RESPONSIBLE OR LIABLE IN PART OR IN WHOLE.



Field To Finish, Inc.
 Land Surveying Civil Engineering Site Planning
 12258 Fenton Road Fenton, Michigan 48830
 Phone 810 629 6560 or 810 63
 Fax 810 629 6563 or 810 63
 www.FieldToFinish.com

CERTIFICATE OF SURVEY

CERTIFICATION TO: NORTH AMERICAN TITLE INSURANCE CO. AND JARRAD BEAUCHAMP

ADDRESS: 1010 N. Old US Highway 23
 PARCEL ID NO.: 08-28-300-016

PARCEL AS DESCRIBED IN SCHEDULE C, NORTH AMERICAN TITLE INSURANCE CO. COMMITMENT NO. 47-162986-B

Part of the Southeast 1/4 of the Southwest 1/4 of Section 28 T3N, R6E, Hartland Township, Livingston County, Michigan further described as follows: Beginning at the intersection of the South line of Said Section 28 and the Easterly right of way line of Old U.S. 23 State Highway; running thence N 16°10' W on the said right of way line 284.35 feet; thence S 88°27' E 307.2 feet to the Westerly right of way line of U.S. 23 Expressway; thence Southeasterly on said right of way line 277.35 feet more or less to the said South line of said Section 28; thence N 88°27' W to the point to of beginning. ALSO Part of the Northwest 1/4 Section 33, T3N, R6E, Hartland Township, Livingston County, Michigan lying between the Westerly right of way line of US-23 Freeway and the Easterly right of way line of Whitmore Lake Road (Old US-23) described as beginning at a point on the North line of said Section 33, at it's intersection with the Easterly right of way line of Whitmore Lake Road (120 feet wide right of way), distant N 87°52'23" E 1938.44 feet from the Northwest corner of said Section 33, thence N 87°52'23" E along said North line of Section 33, 278.91 feet to the Westerly right of way line of US-23 Freeway right of way (330 feet wide); thence S 16°03'45" E along said Westerly right of way of US 23 Freeway right of way 16.89 feet; thence S 85°34'55" W 274.16 feet to said Easterly right of way line of Whitmore Lake Road; thence N 20°31'39" W along said Easterly right of way line of Whitmore Lake Road 28.75 feet to the point of beginning.

DESCRIBED ON TAX ROLLS AS:

Part of the Southeast 1/4 of Southwest 1/4 of Section 28 and Part of the Northwest 1/4 of Section 33, T3N, R6E, Hartland Township, Livingston County, Michigan, beginning at intersection of the South line of Section 28 also the North line of Section 33 and Easterly right of way line of U.S. 23, thence N 16° W along right of way 284.35 feet, thence S 88° E 307.2 feet to Westerly right of way line of U.S. 23, thence Southeasterly along right of way 294.4 feet, thence S 85° W 274.16 feet, thence N 20° W 28.75 feet to the point of beginning.

PARCEL AS SURVEYED


Part of the Southwest 1/4 of Section 28 and the Northwest 1/4 of Section 33, T3N-R6E, Township of Hartland, Livingston County, Michigan described as: Commencing at the Southwest corner of said Section 28; thence N 88°06'20" E along the South line of said Section 28 as remonumented, 1942.09 feet to the East line of Old US 23 and the Point of Beginning; thence N 20°33'28" W along the East line of Old US 23 a distance of 293.22 feet; thence N 87°51'33" E 312.17 feet to the Westerly line of US 23; thence 293.04 feet along a curve to the left having a radius of 3969.71 feet, central angle of 04°13'46" and chord bearing and distance of S 14°32'42" E 292.97 feet; thence S 85°34'05" W 276.38 feet to the East line of Old US 23; thence N 20°33'28" W 20.00 feet to the point of beginning.

SELECT TITLE AGENCY
 6870 Grand River Ave
 Brighton MI 48114


South line of Section 28 as remonumented. We hereby certify that a survey according to P.A. 132 of 1970, as amended, was performed upon the ground under the direct supervision and responsible charge of Edward E. Anderson, Professional Surveyor. The ratio of closure of the unadjusted field observation is smaller than 1/5,000



Edward E. Anderson, PS 11495



North



Scale: 1"=60'

DATE 01-12-2017	SUPERVISOR EEA
FIELD BRS	DRAWN BY B. R. Shultz
FILE HA 28 Old US 23 1010N	
© Copyright 2017	SHEET 1 OF 2

THIS FILE IS IN AN ELECTRONIC FORMAT OF WHICH REMAINS THE EXCLUSIVE PROPERTY OF FIELD TO FINISH AND IS NOT INTENDED FOR DISTRIBUTION TO THE CLIENT OR OTHERS. REPRODUCIBLE DOCUMENTS ON VELLUM, MYLAR OR OTHER MEDIUM ARE STORED IN THE COMPANY FILES. ALL FILES AND COPIES FROM FIELD TO FINISH ARE COPYRIGHT PROTECTED. ALL PARTIES WHO USE OR RELY UPON ANY SUBSEQUENT REPRODUCTIONS, ALTERATIONS, ADDITIONS OR DELETIONS THERETO BY OTHERS AGREE THAT FIELD TO FINISH SHALL NOT BE RESPONSIBLE OR LIABLE IN PART OR IN WHOLE.



Field To Finish, Inc.
 Land Surveying Civil Engineering Site Planning
 12258 Fenton Road Fenton, Michigan 48830
 Phone 810 629 6560 or 810 632 4430
 Fax 810 629 6563 or 810 632 4430
 www.FieldToFinish.com

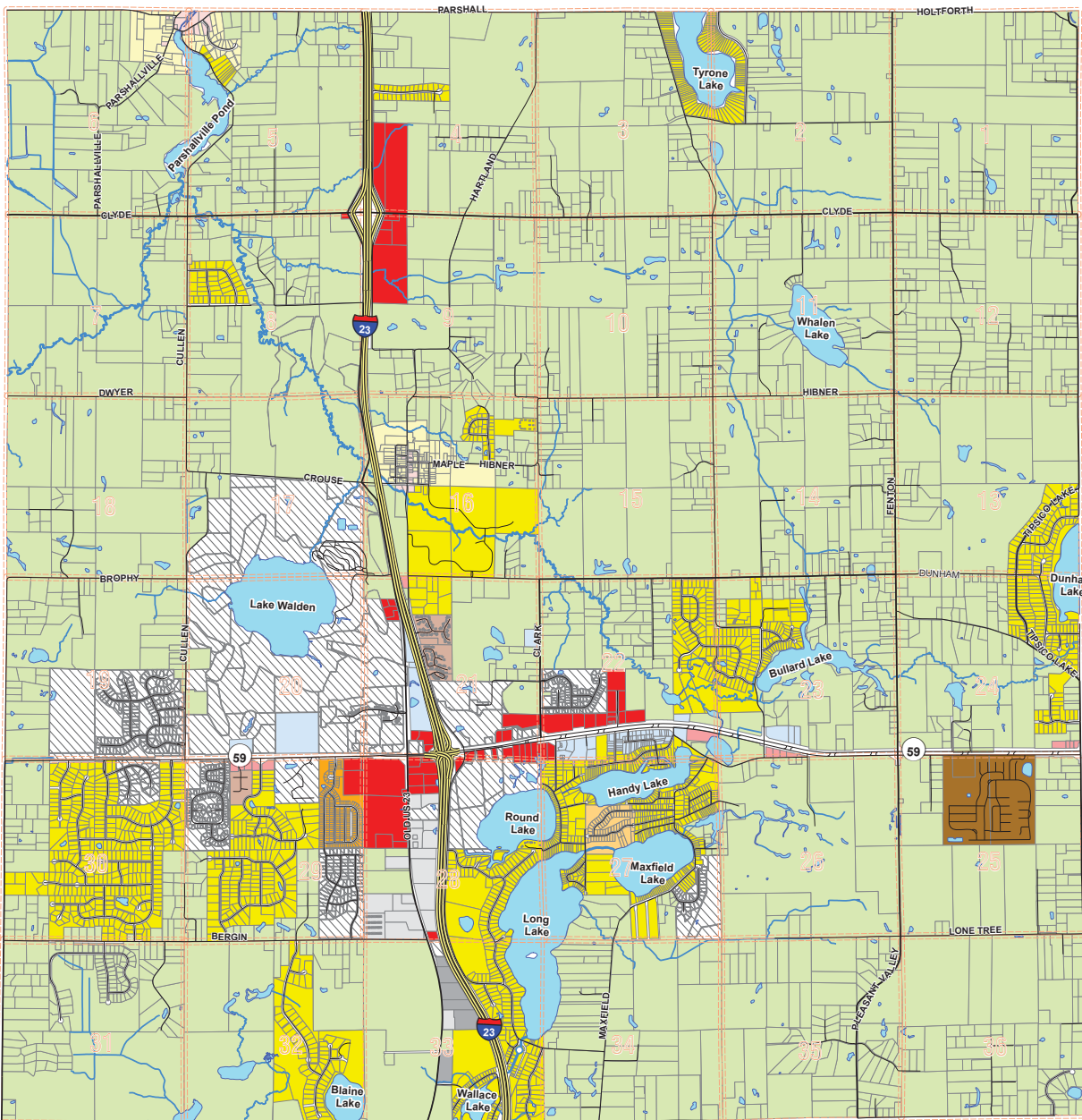
Zoning Map

Hartland Township Livingston County, Michigan



- CA - Conservation Agricultural
- RUR - Rural Residential
- RR - Residential Recreational
- STR - Settlement Residential
- RE - Rural Estate District
- SR - Suburban Residential
- MDR - Medium Density Residential
- HDR - High Density Residential
- MR - Multiple Family Residential
- MR-2 - Mobile Home Park
- OS - Office Service
- LC - Limited Commercial
- NSC - Neighborhood Service Commercial
- GC - General Commercial
- RDP - Research and Development Park
- LI - Light Industrial
- I - Industrial
- PD - Planned Development

0 0.2 0.4 0.8 Miles



Created: December 12, 2012



Hartland Township

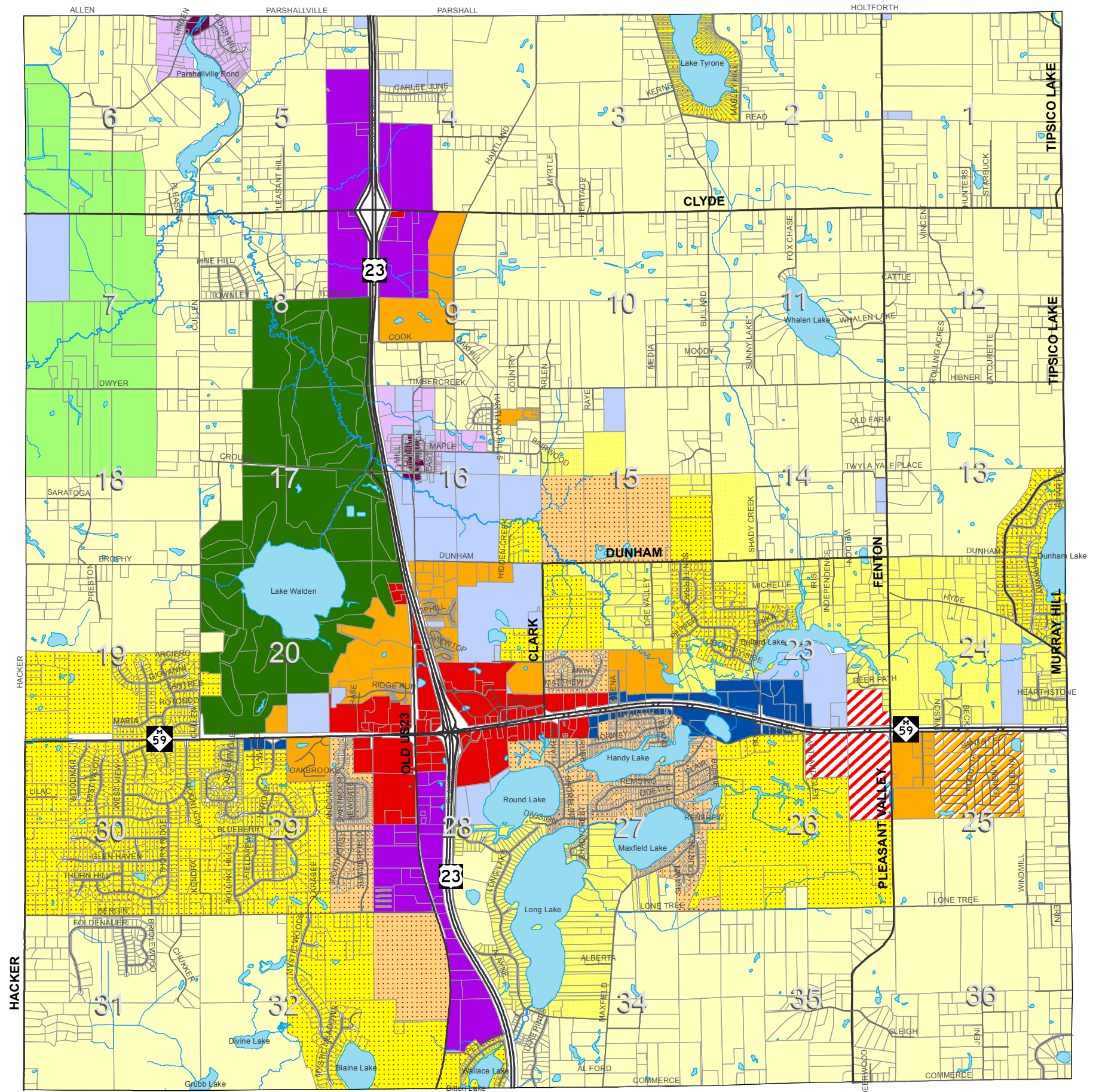
Livingston County, MI

FUTURE LAND USE MAP

Adopted September 1, 2015

Future Land Use Categories

-  Commercial
-  Estate Residential
-  High Density Residential
-  Low Suburban Density Residential
-  Multiple Family Residential
-  Medium Suburban Density Residential
-  Medium Urban Density Residential
-  Office
-  Planned Industrial / R & D
-  Public / Quasi-Public
-  Residential Recreation
-  Rural Residential
-  Special Planning Area
-  Village Commercial
-  Village Residential



Map Created By: Hartland Township Planning Department
 Basemap Source: Livingston County

Recommended for Approval by the Hartland Township Planning Commission on July 30, 2015
 Adopted by the Hartland Township Board of Trustees on September 1, 2015



Martha Wyatt

From: Martha Wyatt
Sent: Tuesday, October 1, 2019 2:37 PM
To: Martha Wyatt
Subject: FW: rezoning of 2 properties

From: Robert West
Sent: Tuesday, October 1, 2019 2:34 PM
To: Martha Wyatt
Cc: Troy Langer
Subject: RE: rezoning of 2 properties

- 948 Old US-23 (formerly Beauchamp Lawn and Landscape). Currently is zoned PD (Planned Development). Proposed zoning is LI (Light Industrial). Kubota/Bobcat sales intends to move in there.

The 948 parcel is currently not connected to municipal sewer system, however future sewer connection may be required if ever a land combination results in combining 948 Old US-23 with 1010 Old US-23 into a single parcel. Additionally, a future sewer mainline extension along Old US-23 south of Bergin may also require a subsequent sewer connection.

- 1010 Old US-23 (Sunset Acre cabins since the 1950's). Currently is zoned GC (General Commercial). Proposed zoning is LI (Light Industrial).

The 1010 parcel is currently not connected to municipal sewer system, however the parcel is within 200 linear feet of the municipal sewer mainline. Future sewer connection will be required in the event the current septic field requires repair or replacement. Additionally, a sewer connection may be required if ever a land combination results in combining 948 Old US-23 with 1010 Old US-23 into a single parcel.



Robert M. West
Public Works Director
2655 Clark Road | Hartland, MI 48353
810.632.7498 o | 517.861.7889 m
www.hartlandtp.com
[Facebook](#) | [Twitter](#) | [YouTube](#)



Troy Langer

From: Troy Langer
Sent: Thursday, September 26, 2019 2:45 PM
To: Troy Langer
Subject: FW: 1010 Parcel

Hi Troy,

I hope all is going well.

I didn't realize that you were looking to rezone the 1010 property also at this time (I just received the notification). I do not want to rezone that property yet because I don't have it closed with the buyers yet. We are working on it but if something happened and it doesn't close I don't want that parcel zoning changed.

Our goal is to close before the end of the year.

Please advise how you would like to proceed.

Thank you!

Jerrad Beauchamp

(810)632-2000
(810)632-2001 fax



2586 Milford Rd
Highland, MI
248-684-0332



3505 W. Highland Rd
Milford, MI
248-889-8400



872 N. Old US 23
Brighton, MI
810-632-2000

Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director
Subject: Zoning Amendment #19-002 – Amend Single Family Residential Standards
Date: October 3, 2019

Recommended Action

The Planning Department recommends the following motion for the Planning Commission’s consideration:

Move to initiate a Zoning Ordinance Text Amendment, as outlined in the staff memorandum and attached.

Discussion

This request was last discussed by the Planning Commission at the public hearing at the August 22, 2019 regular meeting of the Planning Commission. The Planning Commission decided to take additional time to review this request. This request is being brought back to the Planning Commission.

A sub-committee was appointed by the Planning Commission to examine whether or not ordinances could be amended to be more accommodating with regard to renovations, improvements, additions, and new construction of single family structures located along the various lakes in the Township.

Hartland Township has been and will continue to see changes to the lots along the various lakes. Hartland Township is fortunate enough to have several lakes within its boundaries. Historically, many of the lots contained cabins that were only used for a portion of the year. However, many people are not residing on the lake lots all year round. Hartland is experiencing what many communities have experienced with the lots along the lakes, and that is a transition from a part time use of the properties to a full time use of the properties. This transition has already been occurring and is likely to increase in years to come.

The Planning Department staff has noticed a tremendous interest by various residents that reside on lake lots, who desire to start a development project (i.e. addition, renovation, or complete reconstruction). However, due to the current zoning regulations, they are not able to pursue their development project. When considering changes to the standards for lots on lakes, or any water features, it is important to be aware of the environmental impacts those decision may have on the water feature. The initial goal of this was to examine if anything could be done to address these matters.

As staff started to look further into the existing ordinances that most impacted residential development around lakes, it was determined that this issue was not isolated to a single area or simple changes. Almost all of the single family residential development around the lakes in the Township is within the SR (Suburban Residential) zoning classification. In addition, several existing residential subdivisions in the Township are also in the same SR zoning classification. Any changes to the SR zoning district standards would also impact several other residential areas. It was also noted that most of the single family lots

around the lakes are existing non-conforming lots. The lot coverage standards have an exception for lots less than 32,670 square feet in area. As changes to the lot coverage standards were being examined, this also required examination of all zoning districts that permit lots small than 32,670 square feet in area. This brought in the MDR (Medium Density Residential) zoning district, the HDR (High Density Residential) district, and the RR (Residential Recreation) zoning district, since they permits lots smaller than 32,670 square feet in area.

Staff conducted a survey with other communities to compare various zoning regulations for single family residential districts. A copy of the survey is attached.

Staff also examined how the Township ordinances have been applied historically, and included any amendments that would help clarify and establish a more uniform application of the ordinance.

Sections Proposed for Amendment

Section 2.2.138

This is the definition of lot coverage and also includes the areas that are included in the lot coverage calculation. There is reference to an exception for lots less than 32,670 square feet in area. This exception has caused confusion in its application in the past. The goal was to simply eliminate this exception and increase the lot coverage by a reasonable amount to eliminate any confusion.

Section 3.13.E.

This is the lot coverage standard for the RR (Residential Recreation) zoning classification. The goal is to increase the lot coverage to off-set the elimination of the exemption to the lot coverage standards. Currently, the maximum lot coverage is 25% for lots on public sewer and 20% for lots on private septic. The amendment would be to increase those amounts to 35% and 30%, respectively.

Section 3.1.6.E.

This section outlines the maximum lot coverage for the SR (Suburban Residential) zoning district. Currently, the maximum lot coverage is 20% for lots on public sewer and 15% for lots on private septic. The amendment would be to increase those amounts to 30% and 25%, respectively.

Section 3.1.7.E

This section outlines the maximum lot coverage for the MDR (Medium Density Residential) zoning district. Currently, the maximum lot coverage is 20% and the proposed amendment would be to increase those amounts to 30%.

Section 3.1.8.E.

This section outlines the maximum lot coverage for the HDR (High Density Residential) zoning district. Currently, the maximum lot coverage is 25% and the proposed amendment would be to increase those amounts to 35%.

Section 3.25

This section permits an exception to the lot coverage requirement by exemption of a portion of the driveway. However, the language is somewhat ambiguous in how the 15 foot section should be applied.

Also, the historical application of this provision is mixed. As a result, staff has proposed to eliminate this provision and provide an increase in the total lot coverage standards.

In addition, with this section being made available, new language on waterfront lots are proposed to permit accessory structures that would be on vacant lands across the street from a waterfront lot that has a principal structure.

Section 7.2.3.A.

This section outlines standards for non-conforming lots. However, in order for these provisions to apply, the lot must have been created prior to September 18, 1959. The date provision is being proposed to be eliminated. Also, the requirement for a minimum house size is being eliminated; instead the normal zoning district requirement would apply. Lastly, the lot coverage requirements for non-conforming lots are being increased from 30% to 60%; however, an additional stipulation that the structures shall not exceed 30% is being proposed. This would help ensure that homes aren't too large. The percentage of lot coverage appears similar to other communities in the survey; and also based after staff examined many different lots around the lakes.

Process

Zoning Ordinance Text Amendments are outlined in Section 7.4.4 of the Zoning Ordinance, as follows:

4. Zoning Ordinance Text Amendment Criteria. The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text.
 - A. The proposed amendment would correct an error in the Ordinance.
 - B. The proposed amendment would clarify the intent of the Ordinance.
 - C. Documentation has been provided from Township staff or the Zoning Board of Appeals indicating problems or conflicts in implementation or interpretation of specific sections of the ordinance.
 - D. The proposed amendment would address changes to state legislation.
 - E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
 - F. The proposed amendment would promote compliance with changes in other Township ordinances and county, state or federal regulations.
 - G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
 - H. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Comprehensive Plan and enhance the overall quality of life in Hartland Township.

Based on Section 7.4.4 of the Zoning Ordinance, either the Planning Commission or the Township Board may initiate a Zoning Ordinance Text Amendment. As a result, the Ordinance Review Committee only

makes a recommendation to the Planning Commission to initiate a text amendment; and the Planning Commission must actually initiate the text amendment.

Attachments (All are PDF Only)

1. Lake Lots Draft Ordinance Amendment.
2. Lot Coverage Survey with Surrounding Communities.

TOWNSHIP OF HARTLAND

**AMENDMENT TO SINGLE FAMILY RESIDENTIAL LOT STANDARDS
PROPOSED AMENDMENT**

Section 2.2.138

LOT COVERAGE: The part or percent of the total area of a lot or parcel that is occupied by buildings, and structures, and areas of impervious surfaces, including accessory buildings and structures. Decks, porches garden houses, sheds, paved driveways, parking areas, game courts, and other man-made impervious surfaces shall also be included in lot coverage unless otherwise stated in this Ordinance. ~~For single family lots less than 32,670 square feet, a fifteen (15) foot section of the paved or impervious surface driveway measured from the front lot line to the front of the principal building which serves as the sole vehicle access to the single family residential dwelling shall not be included in the percentage allowed for lot coverage.~~ For all properties, sidewalks and safety paths located adjacent to or within the right-of-way shall not be included in lot coverage calculations.

Section 3.1.3.E. RR (Residential Recreation) standard

Maximum Lot Coverage
Single Family detached dwelling
Public sewer and water ~~25%~~ **35%**
No public sewer and water ~~20%~~ **30%**

Section 3.1.6.E. SR (Suburban Residential) standard

Maximum Lot Coverage
Single-family detached dwelling
Public sewer and water ~~20%~~ **30%**
No public sewer and water ~~15%~~ **25%**

Setbacks
Minimum front yard setback: 50 ft
Minimum rear yard setback: 25 ft
Minimum side yard setback: 15 ft

Building Height
Maximum building height:
Dwelling unit 35 ft or 2.5 stories, whichever is less
Accessory structure 15 ft or 1 story

Section 3.1.7.E. MDR (Medium Density Residential) standard

Maximum Lot Coverage
Single-family detached dwelling ~~20%~~ **30%**

Section 3.1.8.E. HDR (High Density Residential) standard

Maximum Lot Coverage
Single-family ~~25%~~ **35%**

Section 3.25

~~For single family lots less than 32,670 square feet, a fifteen (15) foot section of the paved or impervious surface driveway measured from the front lot line to the front of the principal building which serves as the sole vehicle access to the single family residential dwelling shall not be included in the percentage allowed for lot coverage.~~

Waterfront lot standards

In certain locations in the Township, property owners own and maintain property along a lake or other waterway. In some instances, those property owners also own land that is across the street from the lake front property and the property owner desires to construct an accessory structure on this land. A land use and building permit for an accessory structure may only be issued on this land if the following provisions are met:

- a. The lot or parcel upon which the principal structure (example: single family house) is located, must be a waterfront or riparian lot and the lot on which the proposed accessory structure (example: detached garage or shed) would be located across the roadway from the principal structure and is not a waterfront or riparian lot.**
- b. Only one accessory structure shall be permitted on the non-waterfront/riparian lot. The accessory structure shall not exceed 800 square feet in ground floor area. A second story or loft area may be permitted, in addition to the 800 square feet, provided the accessory structure still complies, as otherwise set forth in this Ordinance, and a separate dwelling unit is not located within the accessory structure.**
- c. There shall be common ownership between the principal structure lot (waterfront/riparian lot), and the lot being used for an accessory structure. The property owner shall provide a recorded copy of a deed restriction/covenant that clearly indicates the properties are under common ownership and must remain under common ownership for the purposes of having an accessory structure on one of the parcels.**
- d. The parcel that contains the accessory structure shall not be farther than 70 feet away from the parcel that contains the principal structure.**
- e. The accessory structure shall maintain all required front, side, rear yard setbacks and lot coverage regulations.**

Section 7.2.3.A

Use of Nonconforming Lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record in

existence at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare. All yard requirements and other non-area or width requirements shall be met.

i. Yard setback and minimum floor area requirements for dwellings on lots and parcels ~~recorded prior to September 18, 1959~~, that properly existed prior to the adoption of this Ordinance.

a. Front Yard Setbacks: a minimum of 25 feet or the average of the setbacks of dwellings on the nearest lots fronting on the same side of the road and waterfront, whichever is greater.

b. Side Yard Setbacks: a minimum of 10 feet.

c. Rear yard setbacks: a minimum of 15 feet or the average of the setbacks of dwellings on the nearest lots fronting on the same side of the road, whichever is greater.

~~d. First Floor Footage: a minimum of 1000 square feet (for a ranch type home).~~

e.d. Lot Coverage: a maximum of thirty percent (30%) for buildings. An additional thirty percent (30%) lot coverage is permitted for driveway areas, sidewalks, patios, or other impervious surface materials. In no case shall there be more than a total of sixty percent (60%) impervious surface on a lot.

Section 8. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 9. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 10. Effective Date.

This Ordinance shall be published and take effect seven days after publication as provided by law

Lot Coverage – Single Family Residential Research

Hartland Township

Zones	Lot Coverage
CA (Conservation Agricultural)	15%
RUR (Rural Residential)	15%
RR (Residential Recreational)	20%/25%
RE (Rural Estate District)	20%
SR (Suburban Residential)	15%/20%
MDR (Medium Density Residential)	20%
HDR (High Density Residential)	25%

Brighton Township

Zones	Lot Coverage
R-CE (Residential Country Estates District)	5%
R-C (Residential Country District)	5%
R-1 (Single Family Residential District)	10%
R-2 (Single Family Residential District)	15%
R-3 (Single Family Residential District)	20%
R-4 (Single Family Residential District)	25%
R-5 (Waterfront Residential)	25%

Howell Township

Zones	Lot Coverage
AR (Agricultural Residential)	20%
SFR (Single Family Residential)	30%

Tyrone Township**

Zones	Lot Coverage*
FR (Farming Residential)	25%
RE (Rural Estates Residential)	25%
R-1 (Single Family Residential)	30%
R-2 (Single Family Residential)	30%
LK-1 (Lake Front Residential)	35%

*NOTE: Described as building coverage.

Green Oak Township**

Zones	Lot Coverage
RF (Residential/Farming)	20%
RE (Residential Rural Estate)	25%
LA, R-1, R-2, R-2A, R-3 (Single Family Residential)	30%

Hamburg Township

Zones	Lot Coverage (Buildings/Parking)
CE (Country Estate Single-Family Residential District)	20%/20%
RAA (Single-Family Low Density Rural District)	20%/20%
RA (Single-Family Medium Density Residential District)	35%/40%
RB (Single-Family High Density Residential District)	35%/40%
WFR (Waterfront Residential District)	35%/40%
NR (Natural River Residential District)	35%/40%
VR (Village Residential District)	35%/40%

Outside of Livingston County

Bloomfield Township

Zones	Lot Coverage
R-1 (Single Family Residential)	30%
R-2 (Single Family Residential)	30%
R-3 (Single Family Residential)	30%

Commerce Township

Zones	Lot Coverage
R-1A (Large Lot Single Family Residential)	35%
R-1B (Single Family Residential)	35%
R-1C (Single Family Cottage Residential)	35%
R-1D (Single Family Neighborhood Residential)	35%
R-2 (Attached Residential)	35%

West Bloomfield Township

Zones	Lot Coverage (Building)	Lot Coverage (Impervious Surface)
R-10 (Single Family Residential)	30%	60%
R-12.5 (Single Family Residential)	30%	60%
R-15 (Single Family Residential)	30%	60%

Pittsfield Township

Zones	Lot Coverage	Lot Coverage (Impervious Surface)
AG (Agricultural District)	10%	15%
R-1A (Single Family Rural Non-Farm Residential District)	20%	25%
R-1B (Single Family Suburban Residential District)	30%	40%

City of Novi

Zones	Lot Coverage
RA (Residential Acreage)	25%
R-1 (One-Family Residential District)	25%
R-2 (One-Family Residential District)	25%
R-3 (One-Family Residential District)	25%
R-4 (One-Family Residential District)	25%

Lot Coverage Definitions by Municipality

Hartland Township

Zoning Ordinance, Section 2-18:

Lot coverage is part or percent of the total area of a lot or parcel that is occupied by buildings, and structures, and areas of impervious surfaces; including accessory buildings and structures. Decks, porches garden houses, sheds, paved driveways, parking areas, game courts, and other man-made impervious surfaces shall also be included in lot coverage unless otherwise stated in this Ordinance. For single family lots less than 32,670 square feet, a fifteen (15) foot section of the paved or impervious surface driveway measured from the front lot line to the front of the principal building which serves as the sole vehicle access to the single family residential dwelling shall not be included in the percentage allowed for lot coverage. For all properties, sidewalks and safety paths located adjacent to or within the right-of-way shall not be included in lot coverage calculations.

Brighton Township

Zoning Ordinance, Section 3-13:

The maximum lot coverage percentage shall 40 be calculated as the maximum allowable ground area that may be covered by main buildings and above ground accessory structures as a percentage of the lot area.

Howell Township

Zoning Ordinance, Section 2-11:

The percentage of the lot or parcel covered by all buildings and structures located on a lot or parcel, elevated above the surface, on the surface or below the surface of the ground and which impairs the percolation of surface water into the subsurface groundwater areas and causes additional surface runoff.

Tyrone Township

Zoning Ordinance, Section 2-21:

The part or percent of the lot occupied by buildings; including accessory buildings.

Green Oak Township

Zoning Ordinance, Section 1-15:

The part or percent of the lot occupied by the buildings or structures; including accessory buildings.

Hamburg Township

Zoning Ordinance, Section 2-9:

The part or percent of the lot occupied by buildings or structures; including accessory buildings or structures.

Bloomfield Township

Zoning Ordinance, Section 2-9:

The part or percent of the lot occupied by buildings; including accessory buildings.

Commerce Township

Zoning Ordinance, Section 2-15:

The part or percent of the lot occupied by buildings or structures; including accessory buildings or structures. Lot coverage shall be based on building footprint, disregarding roof overhangs.

West Bloomfield Township

Zoning Ordinance, Section 2-12:

The percent of the lot occupied by buildings; including accessory buildings.

Pittsfield Township

Zoning Ordinance, Section 2-17:

The part or percent of the lot occupied by buildings or structures; including accessory buildings or structures.

City of Novi

Zoning Ordinance, Section 2-15:

The part or percent of the lot occupied by buildings; including accessory buildings.

Township Standards - Lake Lots

**Tyrone & Green Oak Township(s) both have lake-specific single family residential (LK-1/LA) zones. Those sections will be attached to this document.

Hamburg Township

- In the WFR district (water front residential), the zoning ordinance requires a front yard setback of 25 feet, a side yard setback of 10 feet, a rear yard setback of 30 feet, and an ordinary high water mark setback of 50 feet.
- Accessory structures are allowed to be constructed between the road and the dwelling to have a 15-foot front yard setback rather than the 25-foot setback required for the dwelling.

Bloomfield Township

- Waterfront setbacks of greater than fifty (50) feet, new construction or remodeling of a principal building shall be set back from the waterfront the average of the setback of the principal buildings on the nearest improved waterfront lots within five hundred (500) feet of each side of the lot in question.
- No setback in excess of one hundred (100) feet shall be required or a setback of less than fifty (50) be permitted.
- Twenty five (25) foot setback from the boundary or edge of a wetland.
- Twenty five (25) foot setback from the ordinary high-water mark of a watercourse.

Commerce Township

- There is a minimum of 25 feet for the setback and can vary up to 50 feet depending on the adjacent homes and their setbacks.

Township Standards - Accessory Structures

Hamburg Township

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.

- The lot upon which the principal building is located must be a waterfront or riparian lot.
- The garage can only be constructed on a non-waterfront lot.
- 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.
- There shall be common ownership between the principal building or residence and lot being used for the garage.
- The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the garage.
- The accessory structure(s) shall maintain all required front, side, rear yard setbacks and lot coverage regulations associated with a principal structure.

None of the *other* contacted townships allow accessory buildings without a principal structure present on the parcel.