



Lenawee County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

MEETING NOTICE

FOR FURTHER INFORMATION CONTACT:
Grant E. Bauman, AICP
R2PC Principal Planner
(517) 768-6711
gbauman@co.jackson.mi.us

DATE: June 21, 2018

TIME: 5:00 p.m.

PLACE: Lenawee Country Club
4110 Country Club Road
Adrian, Michigan

MEETING AGENDA

1. Call to Order and Pledge of Allegiance
2. Public Comment [*3-MINUTE LIMIT*]
3. Approval of Agenda [*ACTION*]
4. Meeting Minutes
 - Approval of the Minutes of the April 19, 2018, Meeting [*ACTION*] 3
 - Approval of the Notes of the May 17, 2018, Meeting [*ACTION*] 7
5. Request(s) for Review, Comment, and Recommendation
 - a. Consideration of Township Zoning Amendment(s)
 - (1) #18-07— Cambridge Township [*ACTION*] 9
 - b. Consideration of PA 116 Farmland Agreement(s) — None
 - c. Consideration of Master Plan(s) — None
6. Other Business
 - a. Old Business — None
 - b. New Business — None
7. Public Comment [*2 MINUTE LIMIT*]
8. Commissioner Comment
9. Adjournment

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MEETING MINUTES

Thursday, April 19, 2018

Old Lenawee County Courthouse • 2nd Floor Commissioner's Committee Room • Adrian, Michigan

Members Present: Mr. Bob Behnke, Education Representative; Ms. Karol (KZ) Bolton, Lenawee County Commission; Ms. Rebecca Liedel, LCPC Chair; Mr. Bruce Nickel; Mr. Ralph Tillotson, Lenawee County Commission; and Mr. Dale Witt

Members Absent: Mr. Keith Dersham

Others Present: Mr. Grant Bauman, LCPC Staff/Recording Secretary

Item 1 **Call to order** — The meeting was called to order at 6:30 p.m. by Chair Liedel. Those in attendance rose and joined in the Pledge of Allegiance.

Item 2 **Public comment** — None.

Item 3 **Approval of Agenda** — Staff submitted the 04/19/18 meeting agenda for approval, noting the addition of Item #5.a.(2): the consideration of a proposed text amendment to the *Franklin Township Zoning Ordinance*.

A motion was made by Comm. Tillotson, and seconded by Comm. Witt, to approve the April 19, 2018, meeting agenda as amended. *The motion passed unanimously.*

Item 4 **Approval of Minutes** — Staff submitted the 03/15/18 meeting minutes for approval. Comm. Behnke stated his intent to abstain from the vote given that he was not serving on the LCPC during the March 2018 meeting.

A motion was made by Comm. Witt, and seconded by Comm. Nickel, to approve the March 15, 2018, meeting minutes as presented. *The motion passed, with Comm. Behnke abstaining.*

Item 5 **Request(s) for Review, Comment, and Recommendation**

a. **Consideration of Township Zoning Amendment(s)**

- (1) **#18-04 | Rollin Township** — Commissioners reviewed a proposed rezoning of a portion of an Agricultural (AG) property to Lake Residential (RL) in Sections 11 & 12 (T6S-R1E) of Rollin Township. Staff advised recommending approval of the proposed rezoning of a 0.782 acre portion of the property to RL, noting the need to: (1) include the legal description of the new parcel in any motion approved by the Township Board, and (2) split the property in accordance with Michigan's Land Division Act (see the staff report). Comm. Tillotson was concerned about the number of splits taking place on the property. Comm. Nickel explained that the other splits are more than 10 years old.

A motion was made by Comm. Behnke, and seconded by Comm. Tillotson, to recommend approval of the proposed rezoning to the Rollin Township Board with staff comments. *The motion passed unanimously.*

- (2) **#18-05 | Franklin Township** — Commissioners reviewed proposed text amendments to the *Franklin Township Zoning Ordinance* regarding the indoor sales of items related to an ‘open air business’ (a conditional use in the Agricultural (AG) district). Comm. Nickel stated his intent to abstain from the vote due to his relationship with Franklin Township (per Section 107(A)(4) of the LCPC Bylaws). Staff advised recommending disapproval of the text amendments as currently written, noting that an interpretation of the amendment could allow for a standalone retail business at some point in the future (see the staff report). Comm. Bolton asked what the drawback is to standalone retail in the AG district. Staff replied that the use is inconsistent with the intent of the AG district. Comm. Tillotson spoke in favor of the amendment. He stated that spot zoning is considered to be too important but that he could see a limit on the size of the structure.

A motion was made by Comm. Bolton, and seconded by Comm. Liedel, to recommend approval of the proposed text amendment to the Franklin Township Board, with staff comments and concerns. *The motion passed, with Comm. Nickel abstaining.*

b. **Consideration of PA 116 Farmland Agreement(s)**

- (1) **#18-04 | Ogden Township** — Commissioners reviewed a proposed agreement for properties located in Section 12 (T5S,R5E) of the Township. Staff noted various application deficiencies (see the staff report). Comm. Tillotson was concerned that the time period for the agreement was left off the application. Comm. Bolton was concerned that the Clerk had not filled out their portion of the application. Comm. Behnke was also concerned about the incomplete application.

A motion was made by Comm. Tillotson, and seconded by Comm. Behnke, to recommend disapproval, due to the lack of completeness of the application. *The motion passed unanimously.*

- (2) **#18-05 | Riga Township** — Commissioners reviewed a proposed agreement for a property located in Section 19 (T8S,R5E) of the Township. Staff noted various application deficiencies (see the staff report).

A motion was made by Comm. Tillotson, and seconded by Comm. Witt, to recommend approval with staff comments. *The motion passed unanimously.*

- (3) **#18-06 | Riga Township** — Commissioners reviewed a proposed agreement for a property located in Section 17 (T8S,R5E) of the Township. Staff noted various application deficiencies (see the staff report). Commissioners were concerned that the time period for the agreement was left off of the application.

A motion was made by Comm. Tillotson, and seconded by Comm. Nickel, to recommend disapproval, due to the lack of completeness of the application. *The motion passed unanimously.*

- (4) **#18-07 | Fairfield Township** — Commissioners reviewed a proposed agreement for a property located in Section 4 (T8S,R3E) of the Township. Staff noted that the application is complete (see the staff report).

A motion was made by Comm. Tillotson, and seconded by Comm. Bolton, to recommend approval with staff comments. *The motion passed unanimously.*

- c. **Consideration of Master Plan(s)** — None.

Item 6 **Other Business**

a. **Old Business** —

- (1) **2018 Annual Dinner** — Staff announced that the Lenawee Country Club was reserved for the Annual Dinner on June 21, 2018. The menu will be: cheese and crackers; rolls and dinner salad; carved sirloin; penne pasta with marinara and alfredo sauce; roasted redskin potatoes and a vegetable medley; and lava cake and cheese-cake with toppings. Steve May, River Raisin Watershed, will be the speaker. He will talk about farming conservation and the Lake Erie issue as well as about local watershed goals and programs. Commissioners concurred with the proposed arrangements.
- (1) **Recognition of Jim Tipton** — Staff provided two versions of a proposed Certificate of Achievement for Jim, who served on the LCPC from 1997 through 2017. The Certificates were dated April 19, 2018, but staff suggested that the selected Certificate be dated for June 21, 2018, and presented to Jim during the Annual Dinner. The Commissioners chose the Certificate they liked the best and concurred with the proposed arrangements.

b. **New Business** —

Staff advised Commissioners of the letter regarding receipt of the *Morenci Park and Recreation Plan*. Commissioners were also advised of the Notice of Intent sent out by the City of Tecumseh regarding the amendment of its Master Plan to address the “missing middle” and apartment housing types.

Item 7 **Public Comment** — None.

Item 8 **Commissioner Comment** — None.

Item 9 **Adjournment.** The meeting was adjourned at 7:45 pm.

Respectfully submitted,



Grant E. Bauman, Recording Secretary

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MEETING NOTES

Thursday, May 17, 2018

Old Lenawee County Courthouse • 2nd Floor Commission Chambers • Adrian, Michigan

Members Present: Mr. Bob Behnke, Education Representative; Mr. Bruce Nickel; and Mr. Dale Witt

Members Absent: Ms. Karol (KZ) Bolton, Lenawee County Commission; Mr. Keith Dersham; Ms. Rebecca Liedel, LCPC Chair; and Mr. Ralph Tillotson, Lenawee County Commission

Others Present: Mr. Grant Bauman, LCPC Staff/Recording Secretary

No official business was conducted because there was no quorum for the meeting. However, those commissioners in attendance reviewed the cases before the LCPC and made unofficial recommendations.

Item 1 **Call to order** — The meeting was called to order at 7:10 p.m. by staff. Those in attendance rose and joined in the Pledge of Allegiance.

Item 2 **Public comment** — None.

Item 3 **Approval of Agenda** — No action was taken.

Item 4 **Approval of Minutes** — No action was taken.

Item 5 **Request(s) for Review, Comment, and Recommendation**

a. **Consideration of Township Zoning Amendment(s)**

- (1) **#18-06 | Woodstock Township** — Commissioners reviewed proposed text amendments to the *Woodstock Township Zoning Ordinance* regarding various solar energy facilities (i.e., small, medium, and large). Staff advised recommending disapproval of the text amendments as currently written, noting that further refinement of the regulations is needed (see the staff report). Comm. Nickel stated that he has permitted residential generators of 25-30 kW. Is the 20kW limitation on a small solar energy facility adequate? He also noted that most small solar energy facility applicants will want the option of selling unused electricity to the power grid.

Those commissioners in attendance concurred with the staff advisement for disapproval.

b. **Consideration of PA 116 Farmland Agreement(s)**

- (1) **#18-08 | Raisin Township** — Commissioners reviewed a proposed agreement for properties located in Section 9 (T6S,R4E) of the Township. Staff identified various application deficiencies, noting that the residence and other building excluded from the application should be clearly identified on the map (see the staff report).

Those commissioners in attendance concurred with staff comments. Comm. Witt abstained from the discussion.

- (2) **#18-09 | Franklin Township** — Commissioners reviewed a proposed agreement for a property located in Sections 23 and 26 (T5S,R3E) of the Township. Staff identified various application deficiencies, noting that in the past the LCPC has recommended that residences and associated structures be excluded from PA 116 applications (see the staff report).

Those commissioners in attendance concurred with staff comments. Comm. Nickel abstained from the discussion.

- (3) **#18-10 | Riga Township** — Commissioners reviewed a proposed agreement for a property located in Section 7 (T8S,R5E) of the Township. Staff identified various application deficiencies, noting that the portion of the property to be excluded from the application is larger than the lot identified on the parcel map (see the staff report).

Those commissioners in attendance concurred with staff comments.

- c. **Consideration of Master Plan(s)** — None.

Item 6 **Other Business**

- a. **Old Business** —

- (1) **2018 Annual Dinner** — Staff announced that Mr. Dan Swallow, Tecumseh City Manager, will make a short presentation on “missing middle” housing in Tecumseh, as requested by Comm. Bolton.
- (2) **Recognition of Jim Tipton** — Staff announced that Mr. Tipton will attend the Annual Dinner.

- b. **New Business** —

Staff provided the Commission with the Federal Aviation Administration (FAA) finding of no significant impact regarding the optimization of aircraft arrival and departure procedures at Detroit Metropolitan Airport (DTW), Cleveland-Hopkins International Airport (CLE), and 10 outlying satellite airports in the CLE-DTW Metroplex. None of the airports are located in Lenawee County.

Item 7 **Public Comment** — None.

Item 8 **Commissioner Comment** — None.

Item 9 **Adjournment.** The meeting was adjourned at 7:50 pm.

Respectfully submitted,



Grant E. Bauman, Recording Secretary



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COORDINATED ZONING REPORT | #18-07

To: County Planning Commissioners
From: Grant E. Bauman, AICP
Date: June 21, 2018

Proposal: Text Amendments Regarding Secondary Dwelling Units
to the Cambridge Township Zoning Ordinance

Background Information*

Cambridge Township is interested in allowing secondary dwellings also known as accessory dwelling units within the Township's residential single family home zoning districts; Agricultural (AG-1), Rural Non-farm Residential (RNF-1), Lake Residential (RL-1) and Suburban Residential (RS-1). A secondary dwelling is a separate household unit that is on the same parcel as a single family dwelling and is either attached, integral to, or detached from the single family dwelling. Secondary dwellings are regulated by zoning code to preserve the character of single family zoning district by limiting the size, location, design, and ownership of the dwelling. Some of the benefits identified by Cambridge Township for allowing residential secondary dwellings are the residential secondary dwellings can:

- 1) *provides additional opportunities for homeowners to offer affordable independent living spaces to family members whether it be the properties owners grown up children or parents, (Multi-generational living)*
- 2) *provide the elderly population the ability to downsize there living space while remaining in the homes and community (age in place)*
 - a. *If a care giver is needed a residential secondary dwelling can create an independent living space for the care giver while remain in close contact with the elderly person.*
 - b. *An elderly person can move into the secondary dwelling and rent the larger home to someone that can better take care of it and provide the needed maintenance.*
- 3) *allow a wider mix of housing types, creating a more diverse housing stock within the Township and making Cambridge Township more sustainable moving forward,*
- 4) *allow the owner of the property more opportunities to use their property in an additional way, and*
- 5) *provide an additional revenue source for homeowners to help off-set mortgage cost or high utilities bills.*

The Amendments

- The Township's planning commission proposes to amend the definitions section of the zoning ordinance to provide definitions for commercial and residential secondary dwellings. It looks as though

* The italicized text was excerpted from the 4/25/18 staff report submitted by Scott Pacheco to the Cambridge Township Planning Commission.

the planning commission also took the opportunity to delete various duplicate definitions and to remove the requirement for a storage area from all dwellings.

ARTICLE I. – IN GENERAL

...

Sec. 36-5 – Definitions.

...

Dwelling, Commercial Secondary means an independent, self-contained dwelling unit having separate direct access incidental and subordinate to and located within a commercial building or a separate residential dwelling incidental and subordinate to and located on the same lot as a commercial enterprise.

...

Dwelling, Residential Secondary, means an area within a single family dwelling, within an accessory structure on a lot with a single-family dwelling, or a detached standalone building on a lot with a single family dwelling. It will have separate housekeeping and cooking facilities from those used for the single family dwelling.

Dwelling, single-family, means a detached building other than a mobile home designed for or occupied by one family ~~only~~ and may include a residential secondary dwelling if regulations in section 36-260 are met.

...

Dwelling unit means any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling in single-family, two-family or multiple-family residential areas. In cases of mixed occupancy where a building is occupied part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof related to dwellings. In addition, a dwelling unit shall meet the following requirements:

1. A minimum exterior width of 20 feet exclusive of areas not a part of the main living area (porches, architectural features, etc.). ~~A residential secondary dwelling are exempt from this regulations.~~
2. Firmly attached to a foundation constructed in accordance with the state residential building code and/or other applicable state or federal rules and regulations.
3. No exposed wheels, towing mechanisms, undercarriage or chassis; no storage in crawl space or skirted area.
4. Shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said shall be connected thereto.
- ~~5. Shall contain storage areas in the basement, attic, closets or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles and exclusive of the crawl space of a dwelling not possessing a basement. Such storage shall be equal to ten percent of the interior living space.~~
5. Shall be aesthetically compatible in design and appearance to conventionally on-site construct-

ed homes by having:

- a. A roof pitch of three inches to one foot.
 - b. A roof overhang of not less than six inches along all sides of the dwelling.
 - c. Not less than two exterior doors with one being in either the rear or side of the unit.
 - d. A roof drainage system to avoid drainage along the sides of the dwelling.
6. All additions shall be constructed with permanent foundation and compatible materials in similar quality of workmanship as the original structure.
 7. Compliance with pertinent building and fire codes and conformance with all applicable township building, plumbing, electrical and energy codes.
 8. The term "dwelling" includes earth sheltered homes constructed in conformance with the current state residential building code.
 9. Covered window sills with drip seals.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by the township, state or federal laws and regulations.

...

~~—Dwelling, multiple-family, means a building designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each.~~

~~—Dwelling, single family, means a detached building other than a mobile home designed for or occupied by one family only.~~

~~—Dwelling, two-family, means a detached building designed for or occupied by two families only with separate housekeeping and cooking facilities for each.~~

...

~~—Secondary dwelling means an independent, self-contained dwelling unit having separate direct access incidental and subordinate to and located within a commercial building or a separate residential dwelling incidental and subordinate to and located on the same lot as a commercial enterprise.~~

- The Township’s planning commission wishes to amend the listings of permitted uses for the agricultural district and several residential districts by adding secondary residential dwellings (only in accordance with the regulations specified in section 36-260) and to specify commercial secondary dwellings (as defined in section 36-5) in the listings off permitted uses for a couple of commercial districts:

ARTICLE III – ZONING DISTRICTS’ REGULATIONS

...

DIVISION 2. - AGRICULTURAL DISTRICTS

Sec. 36-99. - Agricultural District (AG-1).

The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

- (1) Permitted uses.

...

- i. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260.

...

DIVISION 3. – RESIDENTIAL DISTRICTS

...

Sec. 36-128. - Rural Non-Farm Residential District (RNF-1).

This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominantly rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.

- (1) Permitted uses.

...

- e. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260.

...

Sec. 36-129. - Lake Residential District (RL-1).

This district is designed to preserve and enhance areas which are suitable for lakefront residential development, principally single-family dwellings at moderate densities, with consideration to protecting the lake waters from potential pollutants.

- (1) Permitted uses.

...

- d. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260.

...

Sec. 36-130. - Suburban Residential District (RS-1).

This district is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided.

- (1) Permitted uses.

...

- e. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260.

...

DIVISION 4. – COMMERCIAL DISTRICTS

...

Sec. 36-164. - Local Commercial District (C-1).

This district is designed to encourage planned and integrated groupings of stores that will retail

convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

(1) Permitted uses.

...

h. **Commercial** Secondary Dwelling as defined in section 36-5

...

Sec. 36-167. - Commercial Recreation District (C-4).

The intent of this district is to provide suitable areas for tourist-oriented commercial uses which are recreational in nature. Generally, these types of businesses are seasonal and require relatively large parcels of land. Because they encourage large volumes of vehicular traffic when in operation, they should be located on or within quick access of highway facilities.

(1) Permitted uses.

...

h. **Commercial** Secondary Dwelling as defined in section 36-5

...

- The Township’s planning commission wishes to establish minimum standards for the development of residential secondary dwellings:

ARTICLE IV – SUPPLEMENTAL REGULATIONS

DIVISION 1. – GENERALLY

...

Sec. 36-260. – Residential secondary dwelling.

The intent of this section is to permit an attached or detached residential secondary dwelling on a parcel within the AG-1, RNF-1, RL-1 and RS-1 zoning districts where there is an existing single family dwelling. A residential secondary dwelling shall meet all applicable requirements of the Township zoning ordinances in addition to the following regulations:

- (1) Number— No more than one (1) residential secondary dwelling shall be permitted on any one (1) parcel.
- (2) Maximum structure size- No residential secondary dwelling shall have a floor area of more than 50 percent (%) of the floor area of the existing single family dwelling on the parcel or 900 square feet, whichever is less.
- (3) Ownership- The single family dwelling and the residential secondary dwelling shall remain under common ownership, and shall be reflected in the parcel deed that stipulates the secondary dwelling may not be conveyed separately from the primary dwelling. The Township Board shall establish a declaration of restriction that shall be filled out and recorded with the Lenawee County Register of Deeds, by the owner of the property, prior to final inspection of the project.
- (4) Number of Bedrooms - Residential secondary dwellings shall have a maximum of two (2) bedrooms.

- (5) Occupancy- A residential secondary dwelling will have the following occupancy restrictions:
 - a. The residential secondary dwelling shall house a maximum of two (2) people or two (2) people per bedroom, whichever is greater.
 - b. The owner of the subject parcel must be the primary resident of either the single family dwelling or the residential secondary dwelling.
- (6) Leasing / Rental - If a residential secondary dwelling is leased or rented, the minimum duration of the lease or rental period shall be 30 days. Subletting a residential secondary dwelling is prohibited.
- (7) Construction - A residential secondary dwelling, as long as all other regulations of the Township code are met, may be:
 - a. Attached to a single family dwelling as a new addition or internally located within a single family dwelling (basement, attic, or closing off a portion of the structure),
 - b. Detached from a single family dwelling as a standalone structure, or as a part of a detached garage or detached accessory structure.
 - c. Converted from an existing attached or detached accessory structure (example: garage or barn converted to a detached residential secondary dwelling).
- (8) Location— A residential secondary dwelling shall:
 - a. Be located on the same parcel as a single family dwelling.
 - b. Meet the applicable zoning district regulations for the minimum yard requirements for a single family dwelling.
 - c. Be prohibited in the front yard.
 - d. Be prohibited on a property with any non-conforming structure on it.
- (9) Design— A residential secondary dwelling shall have the following design elements in addition to all other design elements required in the ordinance:
 - a. A residential secondary dwelling shall maintain all architectural design, style, and appearance features of the single family dwelling.
 - b. An attached residential secondary dwelling shall either utilize the same access as the single family dwelling or shall be accessed off the side or rear of the structure.
 - c. A detached residential secondary dwelling shall not exceed the maximum height allowed for the single family dwelling or the actual height of the single family dwelling, whichever is less.
 - d. The address of both the residential secondary dwelling and the single family dwelling shall be clearly marked at entrance to the driveway.
- (10) Parking- A parcel where a residential secondary dwelling is located shall:
 - a. Meet the off-street parking regulations for the single family dwelling in section 36-330 (2 spaces).
 - b. Include a minimum of one (1) additional off-street parking space dedicated to the residential secondary dwelling. This parking space shall not interfere with the parking spaces required for the single family dwelling.

- (11) Access— the residential secondary dwelling shall share a common driveway with the single family dwelling.
- (12) All residential secondary dwellings shall comply with all applicable zoning regulations, building codes and all applicable state and federal laws, regulations, and codes.
- (13) Private restrictions on the use of property shall remain enforceable and take precedence over these additional district regulations. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

36-26- 281 Reserved

Analysis and Recommendation

Township Planning Commission Recommendation – The Cambridge Township Planning Commission recommends *approval* of the proposed text amendments (see the background information).

CZC Staff Analysis – LCPC staff summarizes the proposed changes and provides the following comments:

1. Pertinent definitions are proposed for addition to the ordinance, duplicative definitions are proposed for deletion, and some exiting definitions are altered.

Why is the storage requirement (i.e., #5 under the definition for dwelling unit) proposed for deletion? LCPC staff surmises that the requirement is there to ensure adequate storage for dwellings located in multiple-family residential buildings. If the reason for the deletion is because of residential secondary dwellings, they can simply be exempted from the requirement (i.e., as was done for the exterior width requirement under #1).

2. Secondary residential dwellings are proposed as principal uses in the AG-1, RNF-1, RL-1, and RS-1 districts (in accordance with the regulations proposed for Sec. 36-260) and secondary commercial dwellings are proposed as principal uses in the C-1 and C-4 districts.
3. Regulations for secondary residential dwellings are proposed as Section 36-260:
 - a. Only a single secondary residential dwelling is permitted on a property.
 - b. The floor area for a secondary residential dwelling cannot exceed 50% of the floor area of the existing single-family dwelling and in no case may exceed 900 square feet.
 - c. The secondary residential dwelling must be under the same ownership as the single-family dwelling and a deed restriction stipulating that requirement must be filed with the Lenawee County Registrar of Deeds. Owner occupancy is required for either the single-family dwelling or the secondary residential dwelling.

How will this be enforced by the Township if the owner dies or has to otherwise relinquish ownership of the property? What happens to the other occupants?

- d. A maximum of 4 people may live in the secondary dwelling if it has 2 bedrooms; only 2 people are permitted if there is only 1 bedroom.
- e. Lease/rental of the secondary residential dwelling is a minimum of 30 days and no subletting is permitted.

These provisions prevent a secondary residential dwelling from becoming a type of motel room. However, as written, they only apply to the rental of the secondary residential structure and not

the single-family dwelling; an earlier regulation allows for the owner to occupy either the single-family dwelling or the secondary residential dwelling.

- f. Secondary residential dwellings can be attached to the single-family home or located in an accessory building. Conversion of an existing accessory structure to a secondary residential dwelling is allowed.
- g. The secondary residential dwelling must be on the same property as the associated single-family dwelling, is prohibited in its front yard, and must meet all of the minimum yard requirements for a single-family dwelling. Secondary residential dwellings are prohibited on properties that contain any non-conforming structures.

Section 36-221 of the zoning ordinance establishes setback and height requirements for accessory structures. If a secondary residential structure is proposed as an accessory structure (existing or planned), do the setback and height requirements for an accessory structure apply, or will the standards for principal structures be used? This needs to be clarified.

- h. The design of a secondary residential structure must maintain all architectural/design/style/appearance features of the single-family dwelling. A separate entrance to a secondary residential structure is not allowed on the front façade of a single-family dwelling. Separate rear and side entrances are permissible. The addresses for both dwellings must be clearly marked at the entrance to the driveway.

It makes sense to require attached secondary residential dwellings to follow the architectural style of the single-family home. However, that requirement may not be applicable to all standalone secondary residential dwellings, especially if they are in a converted accessory structure. The entrance requirement under the design standards is referred to as “access”, which may be confused with the driveway access standard as currently written. There may also be some conflicts between the design requirements for accessory structures (Sec. 36-221) (i.e., the 25-foot height limitation). *LCPC staff could not locate the table of area, yard, height, and bulk requirements in the online version of the zoning ordinance.*

- i. At least 1 additional parking space is required for a secondary residential structure as is a common driveway with the single-family dwelling.
- j. Compliance with all other applicable regulations/laws is required and the right to have a secondary residential dwelling does not supersede any private restrictions placed on a property.

CZC Staff Recommendation – Based upon this analysis, staff advises the Planning Commission to recommend **APPROVAL** of the proposed text amendments with the comments listed under the heading of CZC Staff Analysis in this report.

<u>Recommended Actions:</u>	
(1)	Recommend APPROVAL
(2)	Recommend DISAPPROVAL
(3)	Recommend APPROVAL WITH COMMENTS
(4)	Take NO ACTION

ZONING AMENDMENT FORM



**LENAWEE COUNTY PLANNING COMMISSION
(COORDINATING ZONING)**

Return to: Lenawee County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to makes its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the LCPC recommendation will be mailed back to the Clerk, who will return a copy to the LCPC with the Township Board Action.

THE CAMBRIDGE TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Lenawee County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ ZONE TO _____ ZONE.

2. PURPOSE OF PROPOSED CHANGE: _____

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE I, III, IV SECTION 36

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.)

SEE ATTACHED TEXT

C. PUBLIC HEARING on the above amendment was held on: month MAY day 30th year 2018

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month MAY day 15th year 2018
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: EXPONENT

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to APPROVE or () DISAPPROVE.

R.B. Kurowski, Recording Secretary 5 / 30 / 2018 (enter date)

LENAWEE COUNTY PLANNING COMMISSION (LCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The LCPC herewith certifies receipt of the proposed amendment on the above date and:

- () Recommends APPROVAL of the zoning change
- () Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
- () Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
- () Takes NO ACTION.

_____ () Chair or () Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment () PASSED, () DID NOT PASS, or was () REFERRED ANEW to the Township Planning Commission.

Township Clerk

CAMBRIDGE TOWNSHIP PLANNING COMMISSION
MINUTES
WEDNESDAY – MAY 30, 2018

Public Hearing and Regular Meeting:

1. Meeting was called to order at 7:05 with pledge to the flag.

Public Hearing to amend Articles I, II, II and IV of Cambridge Township Zoning Ordinance Chapter 36. This is to establish regulations for residential secondary dwelling units.

2. Comments by Township Representatives – None
 3. Public Comments – Joe Richards representing Loch Erin Association requested feedback on how this would affect deed restrictions and other Association by-laws.
 4. Reading of Written Comments – None
 5. Closure of Public Comments – Moved by K. Kelly, 2nd by T. Kissel, motion approved
 6. Comments by Planning Committee – Motion by K. Kelly, 2nd by C. Shanks, motion approved to forward to Region 2 and then the Township Board for approval.
 7. Public Hearing was closed – 7:48 p.m.
 8. Call Regular Meeting to order.
 9. Roll Call – All members present. In addition R. Richardson, B. Nichols, W. Gentner, S. Pacheco
 10. Secretary's Report – Motion by K. Kelly, 2nd by K. Gidner, motion approved
 11. Planning Committee comments of any items from Public Hearing – None
 12. Old Business – None
 13. Motion to adjourn – R. Kurowski, 2nd T. Kissel, motion approved
- Meeting ended at 8:05 p.m.



MEMORANDUM

To: Planning Commission
From: Scott Pacheco, AICP
Planning Consultant
Date: May 30, 2018
Item:
Subject: Draft Zoning Text Amendment (ZTA18-001) to allow secondary dwellings in the AG-1, RNF-1, RL-1 and RS-1 zoning districts:

HISTORY and PROJECT ANALYSIS:

At the 2018 February, March and April Planning Commission meetings the Planning Commission held discussions over the benefits and concerns of allowing residential secondary dwellings on single family residentially zoned property within Cambridge Township. At the April 25, 2018 meeting the Planning Commission reviewed the wording of draft regulations and recommended the following changes to the zoning text amendment:

- 1) Article I, Section 36-5 Definitions: Remove the regulations requiring that dwelling have a minimum storage area that is not less than 10% of the size of the floor area of the dwelling;
- 2) Article IV, Section 36-260 (3): Add wording regarding the approval of an example deed restriction by the Township Board for residential secondary dwellings;
- 3) Article IV, Section 36-260 (5)(a): Revise the wording to allow a maximum of two people per dwelling or two people per bedroom whichever is greater;
- 4) Article IV, Section 36-260 (8)(d): Revise the draft regulations so that residential secondary dwellings are prohibited on a parcel with any non-conforming structure;

Also at this meeting it was requested that staff prepare a Draft Deed Restriction document that will require the single family dwelling and the residential secondary dwelling remain under common ownership. This draft deed restriction will be reviewed by the Township Board. If the restriction is approved by the board this document will be required to be recorded prior to final inspection by Township Staff during the zoning permit process for all new residential secondary units.

The revised draft zoning text amendment (Exhibit A), the Draft Deed Restriction (Exhibit B), the April 25, 2018 Staff Report (Attachment B) and the April 25, 2018 Minutes (Attachment C) are attached to this report for review.

RECOMMENDATION:

The Planning Commission should hear public comment, review, discuss and make any necessary changes to the draft revisions to the zoning ordinance and either; make a recommendation to approve or approve with condition ZTA 18-001 to the Township Board; continue ZTA 18-001 to a future Planning Commission meeting to make needed changes; or deny ZTA 18-001 in which case the process is stopped.

PROCESS:

If the Planning Commission make a recommendation to approve or approve with changes the draft zoning text amendment 18-001 to the Township Board, the draft ZTA 18-001 will be sent to Lenawee County Planning Commission (LCPC) for review and recommendations at their June 21, 2018 meeting. Once the LCPC recommendations are complete the ZTA18-001 can be forwarded along with the recommendations from both the Cambridge Township Planning Commission and LCPC to the Cambridge Township Board for review. If the Township Board approves the Zoning Text Amendment the Township Clerk has 15 day following the approval to post a summary notice of adoption in a general paper of circulation within the Township and 7 day following that notice the Zoning Text Amendment will become effective.

Exhibits

- Exhibit A- Draft ZTA 18-001 Residential Secondary Dwellings
- Exhibit B- Draft Declaration of Restrictions
- Exhibit C- April 25, 2018 Planning Commission Staff Report
- Exhibit D- April 25, 2018 Planning Commission Minutes

EXHIBIT A

Revision to Chapter 36 Zoning, Article I In General, Section 36.5 Definitions

Sec. 36-5. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number; and the plural, the singular. The word "shall" is always mandatory and not merely (suggestive). The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words "used" or "occupied" include the words "intended," "designed" or "arranged" to be used or occupied.

Accessory structure, building or use means a detached structure, building or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building or use.

Alley means a public or private way not more than 33 feet wide which affords only a secondary means of access to abutting property.

Alter means any structure change in the supporting or load-bearing member of a building; such as bearing walls, columns, beams, girders or floor joists.

Apartment means a dwelling unit in an apartment house arranged, designed or occupied as a residence by a single-family, individual or group of individuals.

Automobile service station means structures and premises used or designed to be used for the retail sale of fuels, lubricants or grease and other operating commodities for motor vehicles including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting or refinishing thereof.

Automobile wrecking means the dismantling or disassembling of used motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Basement means a story of a building having more than one-half its height below grade.

Boardinghouse or roominghouse means a dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

Building means an enclosed structure having a roof supported by columns, walls or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.

Building height means the vertical distance measured from grade to the highest point of the roof.

Building setback line means a line parallel to, or concentric with, the front property line delineating the minimum allowable distance between the front lot line and the front of any building.

Building site means that portion of a site condominium intended for separate ownership or exclusive use as opposed to "general common elements" as described in the master deed of the condominium project.

Central sanitary sewerage system means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

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Chapter 36 Zoning, Article I In General, Section 36.5 Definitions

Central water system means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a central water system from a central location or plant.

Child care center or day care center means a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term "child care center" or "day care center" includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. The term "child care center" or "day care center" does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
2. A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
3. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
4. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

Communication tower means a radio, telephone, cellular telephone or television relay structure of skeleton framework or monopole attached directly to the ground or to another structure used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. This definition shall not include dishes, antennas, aerials or similar reception, or transmission structures used for non-commercial purposes serving a single residential or business premises and that does not exceed the height limitations for the appropriate zoning district as found in article III, division 6 of this chapter.

Condominium subdivision (site condominium) means a method of subdivision where land ownership of sites is regulated by the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as opposed to the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.). Condominium subdivision shall be equivalent to the term "subdivision" as used in this chapter and the township subdivision control ordinance.

District means a portion of Cambridge Township within which certain uniform regulations and requirements apply under the provisions of this chapter.

Drive-in establishment means a business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

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Chapter 36 Zoning, Article I In General, Section 36.5 Definitions

Dwelling, Commercial Secondary means an independent, self-contained dwelling unit having separate direct access incidental and subordinate to and located within a commercial building or a separate residential dwelling incidental and subordinate to and located on the same lot as a commercial enterprise.

Dwelling, multiple-family, means a building designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each.

Dwelling, Residential Secondary, means an area within a single family dwelling, within an accessory structure on a lot with a single-family dwelling, or a detached standalone building on a lot with a single family dwelling. It will have separate housekeeping and cooking facilities from those used for the single family dwelling.

Dwelling, single-family, means a detached building other than a mobile home designed for or occupied by one family **only and may include a residential secondary dwelling if regulations in section 36-260 are met.**

Dwelling, two-family, means a detached building designed for or occupied by two families only with separate housekeeping and cooking facilities for each.

Dwelling unit means any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling in single-family, two-family or multiple-family residential areas. In cases of mixed occupancy where a building is occupied part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof related to dwellings. In addition, a dwelling unit shall meet the following requirements:

1. A minimum exterior width of 20 feet exclusive of areas not a part of the main living area (porches, architectural features, etc.). **A residential secondary dwelling are exempt from this regulations.**
2. Firmly attached to a foundation constructed in accordance with the state residential building code and/or other applicable state or federal rules and regulations.
3. No exposed wheels, towing mechanisms, undercarriage or chassis; no storage in crawl space or skirted area.
4. Shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said shall be connected thereto.
5. ~~Shall contain storage areas in the basement, attic, closets or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles and exclusive of the crawl space of a dwelling not possessing a basement. Such storage shall be equal to ten percent of the interior living space.~~
6. Shall be aesthetically compatible in design and appearance to conventionally on-site constructed homes by having:
 - a. A roof pitch of three inches to one foot.
 - b. A roof overhang of not less than six inches along all sides of the dwelling.
 - c. Not less than two exterior doors with one being in either the rear or side of the unit.
 - d. A roof drainage system to avoid drainage along the sides of the dwelling.
7. All additions shall be constructed with permanent foundation and compatible materials in similar quality of workmanship as the original structure.
8. Compliance with pertinent building and fire codes and conformance with all applicable township building, plumbing, electrical and energy codes.
9. The term "dwelling" includes earth sheltered homes constructed in conformance with the current state residential building code.

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Chapter 36 Zoning, Article I In General, Section 36.5 Definitions

10. Covered window sills with drip seals.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by the township, state or federal laws and regulations.

~~*Dwelling, multiple-family, means a building designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each.*~~

~~*Dwelling, single-family, means a detached building other than a mobile home designed for or occupied by one family only.*~~

~~*Dwelling, two-family, means a detached building designed for or occupied by two families only with separate housekeeping and cooking facilities for each.*~~

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments, commissions or boards, of underground, surface or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience or welfare, but not including buildings, towers or maintenance depots.

Family means one or more persons living together in one dwelling unit and interrelated by bonds of marriage, blood or legal adoption (additionally may include persons not so related who are either domestic servants or gratuitous guests), comprising a single housekeeping unit (sharing one kitchen facility for normal meal preparation—sink, oven, refrigerator); as distinguished from a group occupying a hotel, motel, boardinghouse, club, fraternity or sorority house, or tourist home. Every additional person or group of two or more persons not related or included in the family as herein defined shall be considered a separate family for the purpose of this chapter.

Feedlot means any facility or enclosed area where farm animals are fed and maintained for more than four hours out of 24 hours at a density greater than four head per acre for cattle and horses, ten head per acre for smaller animals or more than 30 fowls per acre.

Fence means a barrier designed and/or intended to prevent escape or intrusion or to mark a boundary.

Funneling means the use of an inland waterfront property, parcel or lot as common open space to serve as waterfront access for a separate, multifamily development or property containing more than one parcel, lot or housing unit, which development or property is located away from the waterfront. More particularly, funneling is the use of a waterfront property, parcel or lot contiguous to a body of water by the owners, lessees, occupants or licensees of any of the following types of property, if such property contains more than one parcel or lot, or more than one dwelling unit:

(1)

Non-waterfront property under a separate legal description on the county tax roll or property acquired under a separate deed on file with the county register of deeds.

(2)

Non-riparian property, if such property contains more than one dwelling unit.

(3)

Property separated from shoreline properties by a public road.

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Chapter 36 Zoning, Article I In General, Section 36.5 Definitions

This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.

Home occupation means an occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

Junk yard means a structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled or handled; including auto wrecking yards, inoperative machines, used lumber yards, house wrecking and structural steel materials and equipment; and including establishments for sale, purchase or storage of salvaged machinery and the processing of used, discarded or salvaged materials for any 30 consecutive days.

Kennel means any lot or premises on which three or more dogs, four months old or more, are confined either permanently or temporarily for either boarding, breeding, sale or some other commercial purpose.

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, or contiguous portions of lots of record or a parcel of land described by metes and bounds.

Lot area means the area within the lot lines, but excluding that portion in a road or street right-of-way.

Lot corner means a parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

Lot coverage means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot depth means the average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

Lot line, front, means a line separating a lot from a street, road or private easement of access. In the case of a corner lot or double-frontage lot, a line separating a lot from the street, road or private easement of access which is obviously the front by reason of the prevailing custom of other buildings on the block or along the same street, road or easement of access. In instances where lots abut bodies of water, the front lot line shall be defined as the average high-water line which separates the lot from the body of water.

Lot of record means a lot which is part of a subdivision and is shown on a map thereof which has been recorded in the office of the register of deeds of the county; or a lot described by metes and bounds, the deed to which has been recorded in said office.

Lot, through (double frontage), means an interior lot having frontage on two parallel or approximately parallel streets.

Marina means a facility, whether located on a waterfront or otherwise, with docks or other accommodation for in-season mooring or storage of recreational watercraft that may include attendant incidental sale of products and services, including minor mechanical repair. In the event petroleum products are to be sold or dispensed, the site shall comply with all environmental and safety regulations mandated by federal, state and/or local law or regulations and such further conditions as may be imposed by the township to promote the public health, safety and general welfare.

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Chapter 36 Zoning, Article I In General, Section 36.5 Definitions

Mobile home means a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year round living as a single-family dwelling. Provided, however, that the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

Mobile home park means a tract of land prepared and approved according to the procedures in this chapter to accommodate mobile homes on rented or leased lots.

Mobile home subdivision means a legally platted residential subdivision accommodating mobile homes.

Motel means any establishment in which individual cabins, courts or similar structures or units are let or rented to transients for periods of less than 30 days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel or a mobile home park.

Motor home means a vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit capable of being operated under its own power.

Off-street parking means a facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

On-site wind energy system means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

Outdoor wood-fired hydronic heater means equipment, device or apparatus which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel products (i.e., wood, corn) to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood-fired heater or outdoor wood-fired hydronic heater.

Parking space, area, lot means an off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not; or as an accommodation to clients, customers, visitors or employees.

Power craft means watercraft containing a mechanical power unit as its main source of power or as a secondary or auxiliary source of power.

Private home means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. The term "private home" includes a full-time foster family home, a full-time foster family group home, a group child care home or a family child care home, as follows:

Family child care home means a private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "family child care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. The term "family child care home" does not include an individual providing babysitting services for another individual. As used in this definition, the term "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when

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the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would, according to the Internal Revenue Code of 1986, obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services.

Foster family group home means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act No. 288 (MCL 710.21 to 710.70), are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian or legal custodian.

Foster family home means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, Public Act No. 288 (MCL 710.21 to 710.70), are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

Group child care home means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "group child care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year and which meets all of the following requirements:

- a. Is located not closer than 1,500 feet to any of the following:
 1. Another licensed group child care home;
 2. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 to 400.737);
 3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the public health code, Public Act No. 368 of 1978 (MCL 333.6101 to 333.6523); or
 4. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- b. Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.
- c. Maintains the property consistent with the visible characteristics of the neighborhood.
- d. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10:00 p.m. and 6:00 a.m.
- e. Meets regulations, if any, governing signs used by a group child care home to identify itself.
- f. Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his employees.

Public warehouse means any building available to the public, operated for gain and which is used for storage of goods, wares, merchandise and/or personal property of any kind or nature whatsoever.

Quarry means any pit, excavation or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble or other non-metallic minerals in excess of 50 cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

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Riding academy means any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

Roadside stand means a structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrial and/or orbital based uses. This definition is meant to include, but not limited to, what are commonly referred to as satellite earth stations, TV, radio and satellite microwave antennas.

~~*Commercial Secondary dwelling* means an independent, self-contained dwelling unit having separate direct access incidental and subordinate to and located within a commercial building or a separate residential dwelling incidental and subordinate to and located on the same lot as a commercial enterprise.~~

Sign means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; except however, the following which shall not be included within this definition:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations;
2. Legal notices, identification, information, or directional signs erected or required by governmental bodies;
3. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
4. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

Sign area means the area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

Sign, on-site, means a sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

Site plan review means a review by the planning commission of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns and on adjacent land usage.

State licensed residential facilities means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et. seq.), or child care organizations act, Public Act No. 116 of 1973 (MCL 722.111 et seq.), and provides residential services for six or fewer persons under 24-hour supervision or care.

Story means that portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

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Chapter 36 Zoning, Article I In General, Section 36.5 Definitions

Structure means anything constructed, erected or placed with a fixed location on the surface of the ground.

Subdivide or subdivision means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the land division act by sections 108 and 109 (MCL 560.108 and 560.109). The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the land division act or the requirements of an applicable local ordinance.

Television, radio and microwave tower means a structure intended to support a source of non-ionizing electromagnetic radiation and accessory equipment related to telecommunications. Antennas and supporting structures for telecommunications devices that only receive radio frequency signals shall not be considered, such as television towers, for the purposes of this chapter.

Travel trailer means a vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger automobile and not exceeding 200 square feet in area.

Utility grid wind energy system means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses, such as, but not limited to, a SCADA tower, electric substation. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.

Yard, front, means an open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

Yard, front, lake, means a lot having frontage directly upon a lake, natural, or manmade river or other artificial impoundment of water in all districts. The portion adjacent to the water shall be designated the lake front yard of the lot and shall be measured from the high-water mark for the front yard setback.

Yard, rear, means an open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

Yard, side, means an open, unoccupied space on the same lot with the principal building between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard and, if no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

Zoning act or Act means Public Act No. 110 of 2006, being Michigan zoning enabling act (MCL 125.3101 et seq.).

Revisions to Chapter 36 Zoning, Article III Zoning District Regulations;
Division 2 Agricultural Districts, Section 36-99 Agricultural District (AG-1); Division 3 Residential Districts,
Sections 36-128 Rural Non-Farm District (RNF-1), 36-129 Lake Residential District (RL-1), and 36-130
Suburban Residential District (RS-1); and Division 4 Commercial Districts, Section 36-164 Local
Commercial District (C-1) and 36-167 Commercial Recreation District (C-4).

DIVISION 2. - AGRICULTURAL DISTRICTS

Sec. 36-99. - Agricultural District (AG-1).

The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

(1) Permitted uses.

- a. General and specialized farming and agricultural activities except feedlots; including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals and other farm animals, and plants, trees, shrubs and nursery stock.
- b. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
- c. Single-family detached dwellings.
- d. Home occupations only in accordance with the regulations specified in section 36-249.
- e. Kennels.
- f. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs and similar areas of low intensity use.
- g. On-site signs, only in accordance with the regulations specified in section 36-284.
- h. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in section 36-252.
- i. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260**
- ij. Accessory uses or structures.**
- jk. State licensed residential facilities.**
- kl. Family child care home.**

(2) Conditional uses.

- a. Quarries.
- b. Golf courses.
- c. Group or organized camps, camping grounds and general or specialized resorts.
- d. Airports.
- e. Group child care homes, primary or secondary non-profit schools, and colleges and universities.
- f. Convalescent homes, nursing homes, hospitals, sanitariums and orphanages.

Revisions to Chapter 36 Zoning, Article III Zoning District Regulations;
Division 2 Agricultural Districts, Section 36-99 Agricultural District (AG-1); Division 3 Residential Districts,
Sections 36-128 Rural Non-Farm District (RNF-1), 36-129 Lake Residential District (RL-1), and 36-130
Suburban Residential District (RS-1); and Division 4 Commercial Districts, Section 36-164 Local
Commercial District (C-1) and 36-167 Commercial Recreation District (C-4).

- g. Riding academies and stables.
- h. Churches and other buildings for religious worship.
- i. Cemeteries.
- j. Golf driving ranges.
- k. Travel trailer parks.
- l. Feedlots.
- m. Animal hospitals.
- n. Sanitary landfills.
- o. Retail sale of specialty, novelty and gift items; including sale of food and beverage, in connection with the permitted sale of agricultural or horticultural products.
- p. Ambulance service.
- q. Special event parking.
- r. Communication tower.
- s. Open recreational vehicle storage.
- t. Outdoor wood-fired hydronic heaters.
- u. WECS and anemometers over 80 feet in height.

(3) Area, yard, height and bulk requirements. See division 6 of this article.

(Ord. of 6-9-2010, § 4.1.1; Ord. No. 11-1, § 2, 3-9-2011; Ord. No. 16-0001, § 2, 3-9-2016)

Secs. 36-100—36-126. - Reserved.

DIVISION 3. - RESIDENTIAL DISTRICTS

Sec. 36-127. - Description and purpose.

The Rural Non-Farm Residential District, Lake Residential District, Suburban Residential District and Multiple-Family Residential District are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired, potential nuisances and hazards which may cause unhealthy conditions, and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

(Ord. of 6-9-2010, § 4.2(intro.))

Revisions to Chapter 36 Zoning, Article III Zoning District Regulations;
Division 2 Agricultural Districts, Section 36-99 Agricultural District (AG-1); Division 3 Residential Districts,
Sections 36-128 Rural Non-Farm District (RNF-1), 36-129 Lake Residential District (RL-1), and 36-130
Suburban Residential District (RS-1); and Division 4 Commercial Districts, Section 36-164 Local
Commercial District (C-1) and 36-167 Commercial Recreation District (C-4).

Sec. 36-128. - Rural Non-Farm Residential District (RNF-1).

This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominantly rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.

(1) Permitted uses.

- a. Single-family detached dwellings.
- b. Home occupations, only in accordance with the regulations specified in section 36-249.
- c. On-site signs, only in accordance with the regulations specified in section 36-285.
- d. Essential services, only in accordance with the regulations specified in section 36-252.
- e. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260
- ef. Accessory uses or structures.
- fg. State licensed residential facilities.
- gh. Family child care homes.

(2) Conditional uses.

- a. Planned unit residential developments.
- b. Golf courses, but not including golf driving ranges.
- c. Country clubs, public swimming pools, recreation centers, parks, playgrounds and playfields.
- d. Churches and other buildings for religious worship.
- e. Group child care homes, primary and secondary non-profit schools.
- f. Essential services structures of a non-industrial character, but not including maintenance depots or warehouses.
- g. Government- or community-owned buildings.

(3) Area, yard, height and bulk regulations. See division 6 of this article.

(Ord. of 6-9-2010, § 4.2.1; Ord. No. 16-0001, § 3, 3-9-2016)

Sec. 36-129. - Lake Residential District (RL-1).

This district is designed to preserve and enhance areas which are suitable for lakefront residential development, principally single-family dwellings at moderate densities, with consideration to protecting the lake waters from potential pollutants.

(1) Permitted uses.

Revisions to Chapter 36 Zoning, Article III Zoning District Regulations;
Division 2 Agricultural Districts, Section 36-99 Agricultural District (AG-1); Division 3 Residential Districts,
Sections 36-128 Rural Non-Farm District (RNF-1), 36-129 Lake Residential District (RL-1), and 36-130
Suburban Residential District (RS-1); and Division 4 Commercial Districts, Section 36-164 Local
Commercial District (C-1) and 36-167 Commercial Recreation District (C-4).

- a. Single-family detached dwellings.
- b. On-site signs, only in accordance with the regulations specified in section 36-285.
- c. Essential services, only in accordance with the regulations specified in section 36-252
- d. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260
- de. Accessory uses or structures.
- ef. Home occupations in accordance with the regulations specified in section 35-249.
- fg. State licensed residential facilities.
- gh. Family child care homes.

(2) Conditional uses.

- a. Planned unit residential developments.
- b. Parks and playfields.
- c. Churches and other buildings for religious worship.
- d. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
- e. Group child care homes.

(3) Area, yard, height and bulk regulations. See division 6 of this article.

(Ord. of 6-9-2010, § 4.2.2; Ord. No. 16-0001, § 4, 3-9-2016)

Sec. 36-130. - Suburban Residential District (RS-1).

This district is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided.

(1) Permitted uses.

- a. Single-family detached dwellings.
- b. Home occupations, only in accordance with the regulations specified in section 36-249.
- c. On-site signs, only in accordance with the regulations specified in section 36-285.
- d. Essential services, only in accordance with the regulations specified in section 36-252.
- e. Residential Secondary Dwelling, only in accordance with the regulations specified in section 36-260
- ef. Accessory uses or structures.

Revisions to Chapter 36 Zoning, Article III Zoning District Regulations;
Division 2 Agricultural Districts, Section 36-99 Agricultural District (AG-1); Division 3 Residential Districts,
Sections 36-128 Rural Non-Farm District (RNF-1), 36-129 Lake Residential District (RL-1), and 36-130
Suburban Residential District (RS-1); and Division 4 Commercial Districts, Section 36-164 Local
Commercial District (C-1) and 36-167 Commercial Recreation District (C-4).

fg. State licensed residential facilities.

gh. Family child care homes.

(2) Conditional uses.

a. Planned unit residential developments.

b. Country clubs, recreation centers, public swimming pools, parks, playgrounds and playfields.

c. Churches and other buildings for religious worship.

d. Group child care homes, primary and secondary non-profit schools.

e. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.

f. Government- or community-owned buildings.

g. Golf courses, but not including golf driving ranges.

(3) Area, yard, height and bulk regulations. See division 6 of this article.

(Ord. of 6-9-2010, § 4.2.3; Ord. No. 16-0001, § 5, 3-9-2016)

DIVISION 4-COMMERCIAL DISTRICTS

Sec. 36-164. - Local Commercial District (C-1).

This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

(1) Permitted uses.

a. Personal services including barber shops and beauty salons, medical and dental clinics, dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios and televisions.

b. Business services including banks, loan offices, real estate offices and insurance offices.

c. Offices of an executive, administrative or professional nature.

d. Retail sale of foods, drugs, hardware, notions, books and similar convenience goods.

e. On-site signs, only in accordance with the regulations as specified in section 36-286.

f. Essential services and structures of a non-industrial character.

g. Accessory uses or structures.

Revisions to Chapter 36 Zoning, Article III Zoning District Regulations;
Division 2 Agricultural Districts, Section 36-99 Agricultural District (AG-1); Division 3 Residential Districts,
Sections 36-128 Rural Non-Farm District (RNF-1), 36-129 Lake Residential District (RL-1), and 36-130
Suburban Residential District (RS-1); and Division 4 Commercial Districts, Section 36-164 Local
Commercial District (C-1) and 36-167 Commercial Recreation District (C-4).

h. **Commercial** Secondary dwelling as defined in section 36-5.

(2) Conditional uses.

- a. Planned-commercial unit developments.
- b. Churches and other buildings for religious worship.
- c. Government- or community-owned buildings, but not including schools.
- d. Eating and drinking establishments, but not including drive-in types.
- e. Public warehouses.
- f. Child care centers or day care centers.

(3) Area, yard, height and bulk regulations. See division 6 of this article.

(Ord. of 6-9-2010, § 4.3.1; Ord. No. 13-03, 4-10-2013; Ord. No. 16-0001, § 9, 3-9-2016)

Sec. 36-167. - Commercial Recreation District (C-4).

The intent of this district is to provide suitable areas for tourist-oriented commercial uses which are recreational in nature. Generally, these types of businesses are seasonal and require relatively large parcels of land. Because they encourage large volumes of vehicular traffic when in operation, they should be located on or within quick access of highway facilities.

(1) Permitted uses.

- a. Golf courses.
- b. Golf driving ranges.
- c. Miniature golf courses.
- d. General or specialized resorts.
- e. Riding academies or stables.
- f. Observation towers.
- g. Ski resorts.
- h. **Commercial** Secondary dwelling as defined in section 36-5.

(2) Conditional uses.

- a. Commercially operated trails for use of dune buggies, snowmobiles and similar types of vehicles.
- b. Amusement parks.
- c. Racetracks.

Revisions to Chapter 36 Zoning, Article III Zoning District Regulations;
Division 2 Agricultural Districts, Section 36-99 Agricultural District (AG-1); Division 3 Residential Districts,
Sections 36-128 Rural Non-Farm District (RNF-1), 36-129 Lake Residential District (RL-1), and 36-130
Suburban Residential District (RS-1); and Division 4 Commercial Districts, Section 36-164 Local
Commercial District (C-1) and 36-167 Commercial Recreation District (C-4).

d. Eating and drinking establishments.

e. Retail and/or wholesale sales of small goods and merchandise of a novelty, tourist or recreational nature such as souvenirs, hunting and fishing supplies, golf equipment, sportswear, etc., and light on-site assembly of same (e.g., assembly of craft items, sewing of sportswear, etc.).

f. Marina.

g. Offices of an executive, administrative or professional nature.

(3) Area, yard, height and bulk regulations. See division 6 of this article.

(Ord. of 6-9-2010, § 4.3.4; Ord. No. 13-03, 4-10-2013)

Revision to
Chapter 36, Article IV Supplementary Regulations, Division I Generally, Section 36-260 Residential
Secondary Dwelling

ARTICLE IV. – Supplemental Regulations

Division I. – Generally

Sec. 36-260. Residential Secondary Dwelling

The intent of this section is to permit an attached or detached residential secondary dwelling on a parcel within the AG-1, RNF-1, RL-1 and RS-1 zoning districts where there is an existing single family dwelling. A residential secondary dwelling shall meet all applicable requirements of the Township zoning ordinances in addition to the following regulations:

- 1) Number— No more than one (1) residential secondary dwelling shall be permitted on any one (1) parcel.
- 2) Maximum structure size – No residential secondary dwelling shall have a floor area of more than 50 percent (%) of the floor area of the existing single family dwelling on the parcel or 900 square feet, whichever is less.
- 3) Ownership– The single family dwelling and the residential secondary dwelling shall remain under common ownership, and shall be reflected in the parcel deed that stipulates the secondary dwelling may not be conveyed separately from the primary dwelling. **The Township Board shall establish a declaration of restriction that shall be filled out and recorded with the Lenawee County Register of Deeds, by the owner of the property, prior to final inspection of the project.**
- 4) Number of Bedrooms – Residential secondary dwellings shall have a maximum of two (2) bedrooms.
- 5) Occupancy – A residential secondary dwelling will have the following occupancy restrictions:
 - a. The residential secondary dwelling shall house a **maximum of two (2) people or two (2) people per bedroom, whichever is greater.**
 - b. The owner of the subject parcel must be the primary resident of either the single family dwelling or the residential secondary dwelling.
- 6) Leasing / Rental – If a residential secondary dwelling is leased or rented, the minimum duration of the lease or rental period shall be 30 days. Subletting a residential secondary dwelling is prohibited.
- 7) Construction – A residential secondary dwelling, as long as all other regulations of the Township code are met, may be:
 - a. Attached to a single family dwelling as a new addition or internally located within a single family dwelling (basement, attic, or closing off a portion of the structure),
 - b. Detached from a single family dwelling as a standalone structure, or as a part of a detached garage or detached accessory structure.
 - c. Converted from an existing attached or detached accessory structure (example: garage or barn converted to a detached residential secondary dwelling).
- 8) Location— A residential secondary dwelling shall:
 - a. Be located on the same parcel as a single family dwelling.
 - b. Meet the applicable zoning district regulations for the minimum yard requirements for a single family dwelling.
 - c. Be prohibited in the front yard.
 - d. **Be prohibited on a property with any non-conforming structure on it.**

Revision to
Chapter 36, Article IV Supplementary Regulations, Division I Generally, Section 36-260 Residential
Secondary Dwelling

- 9) Design— A residential secondary dwelling shall have the following design elements in addition to all other design elements required in the ordinance:
 - a. A residential secondary dwelling shall maintain all architectural design, style, and appearance features of the single family dwelling.
 - b. An attached residential secondary dwelling shall either utilize the same access as the single family dwelling or shall be accessed off the side or rear of the structure.
 - c. A detached residential secondary dwelling shall not exceed the maximum height allowed for the single family dwelling or the actual height of the single family dwelling, whichever is less.
 - d. The address of both the residential secondary dwelling and the single family dwelling shall be clearly marked at entrance to the driveway.
- 10) Parking – A parcel where a residential secondary dwelling is located shall:
 - a. Meet the off-street parking regulations for the single family dwelling in section 36-330 (2 spaces).
 - b. Include a minimum of one (1) additional off-street parking space dedicated to the residential secondary dwelling. This parking space shall not interfere with the parking spaces required for the single family dwelling.
- 11) Access—the residential secondary dwelling shall share a common driveway with the single family dwelling.
- 12) All residential secondary dwellings shall comply with all applicable zoning regulations, building codes and all applicable state and federal laws, regulations, and codes.
- 13) Private restrictions on the use of property shall remain enforceable and take precedence over these additional district regulations. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

36-2601 – 281 Reserved

DECLARATION OF RESTRICTIONS

THIS DECLARATION is made on the _____ day of _____, 2018 by _____ (Property Owner), of _____ (Street Address), _____ (City), Michigan _____ (Zip Code), (hereinafter referred to as "Owner") and hereby makes this Declaration of Restrictions as follows:

WHEREAS, Owners have fee simple and absolute title to the following described real estate (hereinafter referred to as the "Property"): Parcel # _____

(Legal Description of the Property)

WHEREAS, the Owners have requested that Cambridge Township issue a Zoning Compliance Permit to allow a residential secondary dwelling on the Property.

IT IS HEREBY DECLARED that the single family dwelling and the residential secondary dwelling on the Property shall remain under common ownership.

IT IS FURTHER DECLARED that the restrictions herein contained shall not be amended, voided, altered or terminated, without prior written consent and approval of the Cambridge Township Supervisor and the fee simple Owner(s), his/her heirs, personal representatives, successors, transferees or assigns' full payment of any and all sewer taps and/or fees related to the connection of the Property to the sanitary sewer system.

IT IS FURTHER DECLARED that this document shall be interpreted under the laws of the State of Michigan.

IT IS FURTHER DECLARED that the Parties have reviewed the terms of this document with their respective attorneys and understand and agree to the consequences contained therein.

WITNESSES:

OWNER:

(owners name)

(owners name)

STATE OF MICHIGAN)
)ss
COUNTY OF LENAWE)

On this _____ day of _____, 2018, before me personally appeared _____ (Owners Names), known to me to be the person(s) who executed the above Agreement, and acknowledged that they have read the foregoing document by them subscribed and understands the contents thereof and acknowledges the execution of the same to be their free act and deed.

_____, Notary Public
Lenawee County, MI
My commission expires:

WITNESSES:

CAMBRIDGE TOWNSHIP

By: William Gentner
Its: Supervisor

By: Rick Richardson
Its: Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF LENAWEE)

On this _____ day of _____, 2018, before appeared William Gentner, Supervisor and Rick Richardson, Clerk, of the Cambridge Township Board of Trustees, known to me to be the person(s) who executed the above Agreement on behalf of Hamburg Township, being so authorized to execute said Agreement by the Board of Trustees of Cambridge Township, and declared such action to be the free and authorized action of said Township.

_____, Notary Public
Lenawee County, MI
My commission expires:

REVIEWED BY: _____ (Township Attorney's name and address)

WHEN RECORDED RETURN TO: Township of Cambridge, 9990 West M50, P.O. BOX 417 Onsted, Michigan 49265

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139-0157

(810) 231-1000 Office
(810) 231-4295 Fax



EXHIBIT C

Supervisor: Pat Hohl
Clerk: Jim Neilson
Treasurer: Al Carlson
Trustees: Mike Dolan
Bill Hahn
Chuck Menzies
Jason Negri

MEMORANDUM

To: Planning Commission
From: Scott Pacheco, AICP
Planning Consultant
Date: April 25, 2018
Item: —
Subject: Draft Zoning Text Amendment (ZTA18-001) to allow secondary dwellings in the AG-1, RNF-1, RL-1 and RS-1 zoning districts:

PROJECT:

Cambridge Township is interested in allowing secondary dwellings also known as accessory dwelling units within the Township's residential single family home zoning districts; Agricultural (AG-1), Rural Non-farm Residential (RNF-1), Lake Residential (RL-1) and Suburban Residential (RS-1). A secondary dwelling is a separate household unit that is on the same parcel as a single family dwelling and is either attached, integral to, or detached from the single family dwelling. Secondary dwellings are regulated by zoning code to preserve the character of single family zoning district by limiting the size, location, design, and ownership of the dwelling. Some of the benefits identified by Cambridge Township for allowing residential secondary dwellings are the residential secondary dwellings can:

- 1) provides additional opportunities for homeowners to offer affordable independent living spaces to family members whether it be the properties owners grown up children or parents, (Multi-generational living)
- 2) provide the elderly population the ability to downsize there living space while remaining in the homes and community (age in place)
 - a. If a care giver is needed a residential secondary dwelling can create an independent living space for the care giver while remain in close contact with the elderly person.
 - b. An elderly person can move into the secondary dwelling and rent the larger home to someone that can better take care of it and provide the needed maintenance.
- 3) allow a wider mix of housing types, creating a more diverse housing stock within the Township and making Cambridge Township more sustainable moving forward,
- 4) allow the owner of the property more opportunities to use their property in an additional way, and
- 5) provide an additional revenue source for homeowners to help off-set mortgage cost or high utilities bills.

ANALYSIS:

The draft ZTA18-001 (Exhibit A, B and C) would allow residential secondary dwellings in Cambridge Township single family zoning districts (AG-1, RNF-1, RL-1 and RS-1). The requirements in Section 36-260 were created to regulate residential secondary dwellings helping preserve the single family character of the neighborhoods where residential secondary dwellings could be located and to mitigate concerns the Township may have regarding residential secondary dwellings.

The draft ZTA 18-001 is attached to this report for the Planning Commissions review and comments. The wording in red is newly proposed wording and the wording in red that is ~~stricken out~~ is existing wording that is proposed to be deleted or revised. The proposed ZTA changes:

- **Article I In General, Section 36-5 Definitions** by adding a definition of a residential secondary dwelling and revising other definitions as needed to comply with the new regulations (Exhibit A).
- **Article III-Zoning District Regulations; Division 2-Agricultural Districts, Section 36-99-Agricultural District (AG-1), and Division 3-Residential Districts, Sections 36-128 Rural Non-Farm Residential District (RNF-1), 36-129 Lake Residential District (RL-1), and 36-130 Suburban Residential District (RS-1)** by adding residential secondary dwellings as a permitted use in the AG-1, RNF-1, RL-1 and RS-1 zoning districts as long as the zoning regulations in section 36-260 are met (Exhibit B).
- **Article III Zoning District Regulations; Division 4-Commercail Districts, Sections 36-164 Local Commercial District (C-1) and 36-167 Commercial Recreation District (C-4)** by adding the word Commercial to the secondary dwellings that are already a permitted use in the C-1 and C-4 zoning districts (Exhibit B)
- **Article IV Supplemental Regulations, Division 1 Generally** by adding section 36-260 which are the regulations that control the characteristics of residential secondary dwellings in the AG-1, RNF-1, RL-1 and RS-1 zoning districts (Exhibit C).

RECOMMENDATION:

The Planning Commission should review, discuss, and direct staff to make any changes to the draft revisions to the zoning ordinance and to notice the ZTA 18-001 for a public hearing to be held on May 23, 2018 at the next Planning Commission hearing.

EXHIBITS

Exhibit A- Draft ZTA 18-001 Revision to Article I In General

Exhibit B- Draft ZTA 18-001 Revision to Article III Zoning District Regulations

Exhibit C- Draft ZTA 18-001 Revisions to Article IV Supplemental Regulations

Cambridge Township Planning Commission
Minutes
Wednesday – April 25, 2018 – 7:00 P.M.

Regular Meeting and Public Hearing:

1. Meeting was called to order at 7:00 with pledge to the flag.
2. Roll Call: C. Chanks excused. All other members present.
3. Secretary's report – Motion by K. Gidner, 2nd by B. Matejewski. Motion approved
4. New Business:

Public Hearing – Started at 7:10

- A. Request by C. Gray for consideration of a Conditional Use Permit for winery at 12775 Knapp Hwy, Brooklyn, MI (CAO-104-2725-00).

C.Gray gave an overview of the winery. Additional comments were provided by his attorney – D. Martin outlining the winery proposal

Public Comment:

There were several people attending who were interested. However, only L. Campau, adjacent property owner spoke. She was concerned about use of fertilizers, drainage run off and protection for her animals from people attending the winery.

Public Comment was closed at 7:45 on this item. Motion made by R. Kurowski, 2nd by B. Matejewski, Motion was approved with the provisional to add a buffer zone to protect the animals. Details to be finalized.

- B. Site plan review for Lightning Quick Gasoline Station at 11535 US12, Brooklyn, Mi (CAO-108-1480-00).
Rex Crist of Lightning Quick gave an over view of the proposed layout.

Public Comment – None

Motion by K.Kelly, 2nd by K.Gidner Motion approved to proceed

Public Hearing closed at 8:00

5. Old Business-Review of re-write of Chapter 36 on Zoning Regulations as presented by S. Pacheco.
Section was extensively modified to address Secondary Dwelling Units (SDU).Section 36-260 was added to define SDU's, size, location, usage, etc. A point by point discussion of the proposal was reviewed by the Commission.
Motion by T.Kissel, 2nd by D. Horner. Motion to approved to move forward with the proposal as modified.
6. Adjournment at 9:02 by R. Kurowski, 2nd by T. Friess. Motion approved

R. Kurowski
Submitted by R. Kurowski Secretary