



# Livingston County Department of Planning

## LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, July 21, 2021 – 6:30 p.m.

Administration Building, Board of Commissioners Chambers

304 East Grand River, Howell, MI 48843

***Please note that this is a hybrid meeting with County Planning Commissioners and staff meeting in-person. Audience participants are welcome to attend in-person or via Zoom by using the meeting link at the bottom of the agenda***

**Kathleen J. Kline-Hudson**  
AICP, PEM  
Director

**Robert A. Stanford**  
AICP, PEM  
Principal Planner

**Scott Barb**  
AICP, PEM  
Principal Planner

### Agenda

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll and Introduction of Guests
4. Approval of Agenda – July 21, 2021
5. Approval of Meeting Minutes – June 16, 2021
6. Call to the Public
7. Zoning Reviews
  - A. Z-23-21 Hamburg Township, Zoning Ordinance Amendment, Article 7.00 District Regulations, and Article 8.00 Supplementary Provisions
  - B. Z-24-21 Cohoctah Township, Zoning Ordinance Amendment, Article XVI. Supplemental Regulations, Section 16.21 Home Occupations
8. Old Business
  - A. Visits to local Planning Commission meetings
  - B. CIP Receipt and File
9. New Business
  - A. How to find our LCPC roster on the website
10. Reports
11. Commissioners Heard and Call to the Public
12. Adjournment

### Department Information

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304 E. Grand River Avenue  
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Howell, MI 48843-2323

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Web Site  
[co.livingston.mi.us](http://co.livingston.mi.us)

**Via Zoom (on-line meetings):**

<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

Via the Zoom app

**Join a meeting**, with meeting number: **399 700 0062**

Enter the password: **LCBOC** (ensure there are no spaces before or after the password)

One tap mobile

+13017158592,,3997000062#,,1#,886752# US (Germantown)

+13126266799,,3997000062#,,1#,886752# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 929 205 6099 US (New York)

Meeting ID: **399 700 0062**

Password: **886752**

Meeting recordings may be made using a personal computer or laptop, after requesting ability from the meeting host.



# Livingston County Department of Planning

## MEMORANDUM

**TO:** Livingston County Planning Commissioners and the  
Hamburg Township Board of Trustees

**Kathleen J. Kline-Hudson**  
AICP, PEM  
Director

**FROM:** Kathleen Kline-Hudson, Director

**DATE:** July 9, 2021

**Robert A. Stanford**  
AICP, PEM  
Principal Planner

**SUBJECT:** Z-23-21

Multiple amendments to Article 7.00 District Regulations, and Article 8.00 Supplementary Provisions.

**Scott Barb**  
AICP, PEM  
Principal Planner

The proposed text amendments clarify, streamline and/or clean up multiple sections of the Hamburg Township Zoning Ordinance, and they are based on information provided by zoning staff on the inefficiencies of these regulations experienced when processing new applications or code enforcement cases.

A summary of the proposed amendments are contained in this review. Proposed additions to existing text are noted in **bold red underline**, deletions in bold **strikethrough**, and staff comments are noted in **bold, italic underline**.

### **Article 7.00 District Regulations**

#### **Section 7.3. Application of District Regulations**

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

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

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**County Planning Staff Comments: This district regulation is no longer valid because Hamburg Township eliminated a square footage requirement for dwelling units.**



## Section 7.5.1 Schedule of Use Regulations, (G) NR – Natural Rivers District

### F. Land Alteration

1. **Cutting and Filling.** Cutting or filling for building (including appurtenances) on the flood plain is prohibited. Cutting and filling for building on the upland shall meet all state, county and township regulations. **Permits are required from the State of Michigan for** ~~Dredging and filling for the construction of fish or wildlife ponds within 500 feet of the river~~ **requires a permit under Public Act 346 of 1972, as amended.** However, no lake shall be constructed within the Natural River District.
2. **Stormwater Runoff.** A stormwater runoff management system shall be intact for all stormwater runoff prior to the runoff reaching the ordinary high water mark of the Huron River or its tributaries to ensure the protection of the water courses from erosion and unnecessary degradation due to sedimentation.
3. **Earth Changing Activities.** All earth changes, including dredging, damming, cutting, filling and grading, within five hundred feet of the river's edge shall be done in accordance with the requirements of a permit issued by the local soil erosion and sedimentation control enforcement agency **pursuant to Public Act 346 of 1972, as amended.** In addition, commercial mining and an extraction of topsoil or subsurface sand, gravel, or minerals is not permitted within three hundred feet of the river's edge.
4. **Dredge and Fill Activities.** All dredge and fill activities and construction of permanent structure, including docks, lying below the ordinary high water mark of the river are subject to the provisions **required by the state of Michigan of Public Act 346 of 1972, as amended.**

**County Planning Staff Comments: the amendments in this section speak to the regulating agency rather than the public act; this will prevent continuous amendments as this reference changes over time.**

## Section 7.5.1 Schedule of Area, Height, and Bulk Regulations Footnotes, items 3. And 4.

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

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



4. In any District, a principal building, all attached structures, fences, and accessory structures shall not be permitted within fifty (50) feet of the ordinary high water mark of any body of water unless otherwise stated as in Section 8.3.11 Accessory Structures.

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

**County Planning Staff Comments: Hamburg Township proposes deleting the reference to front setbacks based on adjacent properties in order to reduce code implementation/enforcement issues due to this subjective regulation. In item 4.) reducing the setbacks from a natural river based on elevation change is logical for minimizing flood and ecological damage to the river as long as a natural vegetative buffer is required to eliminate water run-off, and Hamburg Township has this regulation in place.**

## Section 7.7. Additional District Regulations

7.7.1. PPRF – Public and Private residential Facilities; CE – County Estate Single-Family Residential; RAA – Low Density Rural Residential; RA – Medium Density Residential; WFR – Waterfront Residential; and NR – Natural River Residential.

To this section, it is proposed that the following item 1. be added to the following two subsections:

- B. Raising and keeping of horses and other domestic animals shall be subject to the following conditions:
  1. **Must be an accessory use to a primary use on the subject property or to a primary use on a contiguous lots under the same ownership.**
- C. Raising and keeping of poultry shall be subject to the following conditions:
  1. **Must be an accessory use to a primary use on the subject property or to a primary use on a contiguous lots under the same ownership.**

**County Planning Staff Comments: These regulations regarding animals are reasonable for these lower density zoning districts with lots that are one acre minimum in size.**



## Section 7.7.9. VC and VR Village Center and Village Residential Districts.

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

To this section, it is proposed that E. Architecture be amended in the following manner:

### E. Architecture

6. For proposed alterations to commercial structures for which site plan review is not required under Article 4.00 ~~On sites which contain commercial structures over fifty (50) years old, no exterior portion of any commercial building or structure (including walls, fences, light fixtures, steps, pavement, or other appurtenant features), or above ground utility structures shall be erected, altered, restored, moved or demolished without the review by the Zoning Administrator. of the Planning Commission prior to the issuance of a land use permit. The purpose of the Zoning Administrator Planning Commission review is to advise on actions which may or may not be compatible with the desirable historic, architectural or cultural aspects of the District. The Zoning Administrator Planning Commission may consider Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings prepared by the U.S. Department of Interior for reviewing actions within the Old Hamburg Village. Such standards are made part of this Ordinance.~~

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

The Zoning Administrator may direct the review under this section to the Planning Commission if deemed necessary.

**County Planning Staff Comments: This amendment gives the responsibility of architectural review of older buildings in the VC and VR to the Zoning Administrator with secondary review provided by the Planning Commission. It is beneficial that this language cites the 'Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings prepared by the U.S. Department of Interior' as a reference document so that the architectural review will not be subjective based on the Zoning Administrator's opinion.**



## **Article 8 Supplementary Provisions, Section 8.18 Yard Encroachments**

In subsection 8.18.9, it is proposed that item D. be revised in the following manner:

### **Section 8.18. Yard Encroachments**

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

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

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

Lastly, it is proposed that subsection 8.18.2 be revised as follows:

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

- A. That such structure shall not be permitted within eight (8) feet of any lot line.
- B. That no building shall have more than one (1) such elevated deck or balcony in any one (1) yard.
- C. That such areas and structures may have open railings or fences not exceeding three (3) feet in height.
- D. That such structures may have ~~non-continuous windbreaks~~ **fences**, **visual screens**, ~~or~~ walls **or other protective barriers** not exceeding eight (8) feet in height in a **side or** rear yard, or four (4) feet in height in a front ~~or side~~ yard, and not enclosing more than one-half the perimeter of the elevated deck or balcony. **A fence, screen, wall or other protective barrier may not encroach into a require setback from a waterbody.**

**County Planning Staff Comments: The Hamburg Township Planning Commission wishes to make the revisions to Section 8.18.1 and 8.18.2 to add the word setback to clarify the encroachment is not into the yard but into the yard setback, and to clarify the wording on what items can encroach into the yard setbacks.**



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**Township Planning Commission Recommendation: Approval.** The Hamburg Township Planning Commission recommended Approval of the zoning ordinance text amendments to Article 7.00 District Regulations, and Article 8.00 Supplementary Provisions, at their May 19, 2021 Planning Commission meeting. The minutes from the May 19, 2021 public hearing reflect that there were no public comments.

**Staff Recommendation: Approval.** The proposed text amendments clarify Hamburg Township Zoning Ordinance language regarding district regulations and supplementary provisions.





# Livingston County Department of Planning

## MEMORANDUM

**TO:** Livingston County Planning Commissioners and the  
Cohoctah Township Board of Trustees

**FROM:** Kathleen Kline-Hudson, Director

**DATE:** July 21, 2021

**SUBJECT:** Z-24-21  
Article XVI. Supplemental Regulations, Section 16.21 Home  
Occupations

**Kathleen J. Kline-Hudson**  
AICP, PEM  
Director

**Robert A. Stanford**  
AICP, PEM  
Principal Planner

**Scott Barb**  
AICP, PEM  
Principal Planner

The Cohoctah Board of Trustees requested an opinion from their municipal attorney about the Township's current medical marijuana caregiver ordinance provisions and whether or not a primary caregiver may lawfully conduct a medical marijuana growing operation in a building that sits on a parcel where the primary caregiver does not reside (this was occurring in several locations throughout the Township). Attorney Abby Cooper deemed that "it is not permissible for an owner to conduct a medical marijuana caregiver growing operation on a parcel that the owner does not occupy as their primary residence." She stated that while the ordinances do allow medical marijuana caregiver operations as a home occupation, there could be clarity added to the Zoning Ordinance in the following manner.

The proposed amendments are contained in this review in entirety. Proposed additions to existing text are noted in **bold red underline**, deletions in **bold strikethrough**, and staff comments are noted in ***bold, italic underline***.

### Section 16.21 Home Occupations

Home occupations shall be permitted in all detached single-family residential dwellings and include such customary home occupations as hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales, professional offices and other similar occupations, and other home occupations legally operating in detached single-family homes at the time of adoption of this Zoning Ordinance.

- A. The nonresidential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than 25 percent of the ground floor area of the principal structure.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- D. The home occupation shall involve no more than one employee other than members of the immediate family.

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- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal structure that will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two square feet in area in an RR, SR, or S District. Ten square feet in area shall be permitted in the AR District and such sign is not required to be attached to the principal structure.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of home occupations.
- I. A home occupation may be conducted in an accessory structure only in compliance with ~~one of~~ the following:
  - 1. In an **attached** accessory structure ~~or the basement~~, or that portion of the accessory structure ~~or basement~~, that does not exceed 50 percent of the gross floor area of the principal structure.
  - 2. In ~~a detached accessory structure or that portion of a detached accessory structure that does not exceed a floor area equal to 50 percent of the gross floor area of the principal structure~~ **an accessory structure located on the same parcel as the principal structure provided the home occupation use is being conducted by a person residing in the principal structure as their primary residence.**
- J. Medical Marihuana. The purpose and intent of this Ordinance is to allow for the controlled medical use of medical marihuana pursuant to Initiated Law 1 of 2008, MCL 333.26421, as may be amended from time to time. The only use allowed in Cohoctah Township under Initiated Law 1 of 2008 is as set forth herein. No other use of medical marihuana, express or implied, is allowed except as set forth below.
  - 1. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this Article, shall be allowed as a home occupation. Nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution,



or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- b. A registered primary caregiver must be located outside of a 1,000-foot radius from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
- c. Not more than one primary caregiver shall be permitted to service qualifying patients on a parcel.
- d. Not more than five qualifying patients shall be assisted with the medical use of marihuana.
- e. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient. **For purposes of this subsection, a "main building" means either the residential dwelling of the primary caregiver or patient, or the accessory structure located on the same parcel as the residential dwelling of the primary caregiver or patient.**
- f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.



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- g. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

**Township Planning Commission Recommendation: Approval.** The Cohoctah Township Planning Commission recommended Approval of the zoning ordinance text amendments to Article XVI. Supplemental Regulations, Section 16.21 Home Occupations, at their June 3, 2021 Planning Commission meeting. The minutes from the June 3, 2021 public hearing reflect that there were no public comments.

**Staff Recommendation: Approval.** The amendments to Section 16.21 Home Occupations, do a fine job of clarifying home occupations in accessory structures.