

**HAMLIN TOWNSHIP  
EATON COUNTY, MICHIGAN  
INTERIM ZONING ORDINANCE AMENDMENT**

**ORDINANCE NO. 2022-02  
Amendment #2**

At a regular meeting of the Township Board of Hamlin Township, Eaton County, Michigan, held at 6463 S. Clinton Trail, Eaton Rapids, MI 48827 on the 10<sup>th</sup> day of January, 2024, at 6:00 P.M., Township Board Member Perkins moved to adopt the following ordinance, which motion was seconded by Township Board Member King.

*An ordinance to amend the Interim Zoning Ordinance of Hamlin Township to, among other changes, amend certain definitions, clarify language, and update regulations on zoning districts, permitted uses, conditional use permits, zoning referrals, and site plan review for the public health, safety, and welfare of residents and visitors to Hamlin Township.*

HAMLIN TOWNSHIP ORDAINS AS FOLLOWS:

**SECTION 1. AMENDMENT TO SECTION 2.18 “RESTAURANT”:** The Hamlin Township Interim Zoning Ordinance, Section 2.18 shall be amended to add the following definition and read as outlined below. “Restaurant” shall be placed alphabetically in Section 2.18 and the other definitions within the Section shall remain the same.

**RESTAURANT.** Establishments where food and drink are prepared, served and consumed either within the principal building or on a take-out or drive-through basis.

**SECTION 2. AMENDMENT TO SECTION 2.23 “WEDDING VENUE/BANQUET HALL”:** The Hamlin Township Interim Zoning Ordinance, Section 2.23, shall be amended to add the definition of “Wedding Venue/Banquet Hall” and read as outlined below. “Wedding Venue/Banquet Hall” shall be placed alphabetically in Section 2.23 and the other definitions within the Section shall remain the same.

**WEDDING VENUE/BANQUET HALL.** A place of gathering for marriage or for the reception after a marriage. A banquet hall, function hall, or reception hall is a special purpose room, or a building, used for hosting large social and business events.

**SECTION 3. AMENDMENT TO SECTION 3.01:** The Hamlin Township Interim Zoning Ordinance, Section 3.01 shall be amended to read as outlined below.

**Section 3.01 Districts.** For the purpose of this Ordinance, all of the unincorporated areas in the Township of Hamlin are hereby divided into the following zoning districts, to be known as, and having the following symbols:

AGRICULTURAL	AG
LOW DENSITY RESIDENTIAL	R-1
LOCAL BUSINESS/COMMERCIAL	C-1
INDUSTRIAL	I

**SECTION 4. AMENDMENT TO CHAPTER 3:** The Hamlin Township Interim Zoning Ordinance, Chapter 3 shall be amended to remove the “District Use Table” and add the below Sections 3.06 through Section 3.09 and shall now read as outlined below. The remainder of Chapter 3 shall remain the same unless expressly amended by this Section.

**Section 3.06 AGRICULTURAL DISTRICT (AG).**

A. **Purpose.** Land use decisions within this District will support the continued use of land for agricultural purposes. Design standards will promote preservation through low density development and the use of cluster, or open space, development. It is the purpose of this District to promote the orderly development of Hamlin Township, and to preserve the economic value of agricultural and open lands of the Township. All uses permitted within this District shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with Public Act 94 of 1995, the Michigan Right to Farm Act.

B. **Permitted Uses.** Land and/or buildings in the AG District may be used for the following purposes:

1. Accessory Uses, as regulated by Chapter 4, Section 4.04
2. Farms, including farm houses and related accessory building
3. Home office
4. Manufactured home
5. Public Parks
6. Roadside stands of less than two-hundred (200) square feet
7. Single Family Dwelling
8. Solar Energy System, Small

C. **Uses Requiring a Conditional Use Permit.** The following uses are permitted in the AG District by obtaining approval from the Township Board after recommendation from the Planning Commission for a Conditional Use Permit after all applicable standards of Chapter 6 are satisfied.

1. Bed & Breakfast

2. Cemetery
3. Child Care Facility
4. Child Foster Care Facility
5. Educational Facility
6. Greenhouse
7. Gun or Archery Range
8. Golf Courses and Country Clubs
9. Gunsmithing
10. Home Business/Occupation
11. Kennel
12. Long Term Care Facility
13. Mining or Excavation Site
14. Nursery
15. Religious Institution
16. Wind Energy Conversion Systems, Non-Commercial
17. Wind Park

**Section 3.07 LOW DENSITY RESIDENTIAL DISTRICT (R-1).**

- A. **Purpose.** This District recognizes that much of the land in this classification will eventually be converted from farm and vacant fields to residential use. This District is intended to preserve privacy and rural character, protect ground water quality, and recognize the limited ability of the Township to provide costly services associated with higher densities.
- B. **Permitted Uses.** Land and/or buildings in the R-1 District may be used for the following purposes:
  1. Accessory Uses, as regulated by Chapter 4, Section 4.04
  2. Farms, including farmhouses and related accessory buildings

3. Home office
4. Manufactured Home
5. Single Family Dwelling
6. Solar Energy System, Small

C. **Uses Requiring a Conditional Use Permit.** The following uses are permitted in the R-1 District by obtaining approval from the Township Board after recommendation from the Planning Commission for a Conditional Use Permit after all applicable standards of Chapter 6 are satisfied.

1. Bed & Breakfast
2. Cemetery
3. Childcare Facility
4. Child Foster Care Facility
5. Educational Facility
6. Gunsmithing
7. Home Business/Occupation
8. Public Parks
9. Religious Institution
10. Short Term Rentals
11. Wind Energy Conversion Systems, Non-Commercial

**Section 3.08 Local Business/Commercial District (C-1).**

A. **Purpose.** The Local Business/Commercial (C-1) District will focus on creating a commercial center within the Township that remains sensitive to existing and planned residential development and yet is able to accommodate the commercial needs of Township residents. In order to achieve this balance, regulations shall focus on site design including: building location, parking areas, driveway location, lighting, landscaping, road capacity, signs, noise and other potential nuisances, and location of activity areas.

**B. Permitted Uses.** Land and/or buildings in the C-1 District may be used for the following purposes:

1. Accessory Uses, as regulated by Chapter 4, Section 4.04
2. Financial Institutions
3. Funeral Home and Mortuary
4. Government Facilities
5. Personal Service Establishment
6. Restaurant
7. Retail Use

**C. Uses Requiring a Conditional Use Permit.** The following uses are permitted in the C-1 District by obtaining approval from the Township Board after recommendation from the Planning Commission for a Conditional Use Permit after all applicable standards of Chapter 6 are satisfied.

1. Adult Entertainment Establishments
2. Campground
3. Cellular Communications Towers
4. Commercial Recreational Facilities
5. Educational Facility
6. Garage, Public
7. Greenhouse
8. Gunsmithing
9. Hotel/Motel
10. Hospital
11. Long Term Care Facility
12. Manufactured Housing Community

13. Mobile Home Park
14. Multiple Family
15. Planned Unit Development (PUD)
16. Religious Institution
17. Solar Energy System, Large
18. Two Family Dwelling
19. Wedding Venue/Banquet Hall

**Section 3.09 Industrial District (I).**

A. **Purpose.** Due to the limited ability of Hamlin Township to provide a high level of public utility service, such as water and sewer, there is a limited number of industries which would be able to locate in the area. Sites which generally meet the following qualifications may be considered for light industrial development:

1. Adequate road capabilities to manage truck traffic;
2. Availability of public utilities;
3. Sufficient area for parking, loading, screening, and activities; and
4. Adequate separation from residential uses to prevent a nuisance.

B. **Permitted Uses.** Land and/or buildings in the Industrial (I) District may be used for the following purposes:

1. Accessory Uses, as regulated by Chapter 4, Section 4.04
2. Retail Use
3. Warehouse

C. **Uses Requiring a Conditional Use Permit.** The following uses are permitted in the Industrial (I) District by obtaining approval from the Township Board after recommendation from the Planning Commission for a Conditional Use Permit after all applicable standards of Chapter 6 are satisfied.

1. Cellular Communications Towers
2. Educational Facility

3. Farm Processing
4. Industrial Processing
5. Industrial Manufacturing
6. Junk Yard
7. Manufacturing
8. Mining or Excavation Site
9. Religious Institution
10. Solar Energy System, Large

**SECTION 5. AMENDMENT TO SECTION 4.04:** The Hamlin Township Interim Zoning Ordinance, Section 4.04 shall be amended to read as outlined below.

**Section 4.04 Accessory Uses.** Accessory uses, buildings, and structures that are customarily incidental to that of the principal use of a parcel shall be permitted provided said accessory uses, buildings, and structures are not otherwise regulated by this Ordinance and are in compliance with the following:

- A. Attached Accessory Buildings and Structures: Shall be considered part of the principal building and shall conform to the site development standards of the land development district in which the structure is located.
- B. Accessory Dwelling Unit: A person may submit an application to the Zoning Administrator to construct an accessory dwelling unit. There shall be no more than one accessory dwelling unit per parcel. The Accessory Dwelling Unit may be no larger than 800 square feet and no smaller than 350 square feet per unit including kitchen and sanitary facilities. The accessory dwelling unit must be attached to the principal structure. The accessory dwelling unit shall be considered part of the principal building and shall conform to the site development standards of the land development district in which the structure is located. An accessory dwelling unit must use the existing septic system and drainage field as the principal structure.
- C. Lot Coverage: The lot coverage created by accessory buildings and structures when added to the lot coverage created by principal buildings and structures shall not exceed the maximum lot coverage for each land development district.

- D. Transportation: An accessory use in an Agricultural Zoning District or Local Business/Commercial Zoning District may include the use of vehicles that are used in an otherwise permitted principal use on the property such as transporting of agricultural or commercial goods for trade or business, including the transfer of goods between vehicles, the breaking down or the aggregation of shipments into smaller or larger loads, and the storage of goods for future transport. All items brought back to the site shall be stored in a fully enclosed building or located within a fully enclosed sight proof fenced area. This use shall be limited to no more than five (5) vehicles over 26,000 pounds gross vehicle weight and ten (10) trips (entrances and exits to the property) per day excluding trips generated by the principal use.

**SECTION 6. AMENDMENT TO SECTION 6.04:** The Hamlin Township Interim Zoning Ordinance, Chapter 6, Section 6.04(A)(1) shall be amended to clarify the process for Conditional Use Permit application review. All other Sections shall remain the same unless expressly amended in this Ordinance.

- A. Application: An application for permission to establish a Conditional Use shall be submitted and acted upon in accordance with the following procedures:
1. After the application is certified as complete by the Zoning Administrator pursuant to Section 6.07(B), the complete application and preliminary site plan shall be submitted to the Planning Commission. An application shall be accompanied by a fee in accordance with the Township schedule of fees established by the Township Board.

**SECTION 7. AMENDMENT TO CHAPTER 6:** The Hamlin Township Interim Zoning Ordinance, Chapter 6 shall be amended to add Section 6.07, which shall read as outlined below. All other Sections shall remain the same unless expressly amended in this Ordinance.

**Section 6.07 Conditional Use Permit Application and Review Guidelines.**

- A. An application for a Conditional Use Permit shall be submitted to the Zoning Administrator. Each application shall be accompanied by:
1. The payment of a fee, as established by the Township Board.
  2. A completed application form, as provided by the Township.
  3. A complete site plan in accordance with this Zoning Ordinance.
  4. A written project narrative and statement, as well as supporting evidence, relating to each applicable required Conditional Use Permit review standard listed within Section 6.04 C.



- B. Applications for a Conditional Use Permit shall be submitted at least thirty (30) days prior to the next Planning Commission meeting. Prior to review by the Planning Commission, the Zoning Administrator shall review all Conditional Use Permit applications for completeness with the application requirements in this Ordinance and shall inform all applicants of any application deficiencies preventing review by the Planning Commission.
- C. After certification of completeness by the Zoning Administrator, the administratively complete application and all related materials shall be forwarded to the Planning Commission for consideration.
- D. The Planning Commission shall hold a public hearing on the application, a notice of which must be published in a newspaper of general circulation in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 1,000 feet of the boundary of the property in question, and to the occupants of all structures within 1,000 feet. The notice shall be given not less than 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The Township Planning Commission shall have the discretion of notifying property owners beyond the 1,000 feet depending on the type of development. An affidavit of mailing or delivery of notice shall be maintained by the Township Zoning Administrator.
- E. The notice of public hearing must contain all of the following:
  - 1. Describe the nature of the Conditional Use Permit request.
  - 2. Describe the property which is the subject of the Conditional Use Permit request.
  - 3. State the date, time, and place of the public hearing.
  - 4. Indicate when and where written comments will be received regarding the request.
- F. The Planning Commission shall review the application and all other information available to it through the public hearing or other sources, including recommendations or reports from the Township Zoning Administrator, engineer, or other expert, with reference to the standards and findings required herein, and shall issue a written recommendation to the Township Board for either approval, approval with conditions, or denial of the request. The Planning Commission shall incorporate into its written recommendation a statement of the basis for its recommendation and any conditions it recommends.

- G. Thereafter, the Township Board shall review and consider the Planning Commission's recommendation on the Conditional Use Permit request at a public meeting after the Planning Commission issues its recommendation. The Township Board shall issue a decision on the Conditional Use Permit request, by either approving, approving with conditions, or denying the request, notwithstanding the Planning Commission's recommendation. The Township Board's decision must be incorporated into a statement containing the conclusions relative to the Conditional Use Permit under consideration which specifies the basis for its decision, and any conditions imposed, all of which shall be made part of the record of the meeting at which action is taken.
- H. No application for a Conditional Use Permit approval that has been disapproved may be resubmitted for a period of one (1) year from the date of disapproval, provided, however, that where there exist new and significant facts or conditions which might result in favorable action upon resubmittal; an application may be resubmitted earlier than one (1) year after the denial.
- I. A Conditional Use Permit requires any proposed development to be under construction within one (1) year after the date of approval of the Conditional Use Permit, except as noted below.
1. The Planning Commission may grant one (1) six (6) month extension of the approval time period, provided the applicant requests the extension prior to the date of the expiration of the Conditional Use Permit approval.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Conditional Use Permit approval shall be null and void.
- J. The Planning Commission shall have the authority to recommend to the Township Board that the Conditional Use Permit approval be revoked through utilization of the following procedures:
1. The Planning Commission shall consider the issue of revocation upon finding cause that a Conditional Use Permit approval may be in violation of conditions or standards under which it was approved.
  2. Upon finding just cause the Planning Commission shall hold a public hearing following the notification procedures for the original approval.
  3. After the public hearing the Planning Commission shall send a recommendation to the Township Board of whether to revoke or not to revoke the Conditional Use Permit approval. The recommendation shall include all pertinent facts that have led

to the decision, including the applicable requirements of this Chapter, other applicable sections of this Ordinance, and the conditions of the Conditional Use Permit approval.

4. The Township Board shall then make the final determination of whether to revoke or not to revoke the Conditional Use Permit approval based upon all applicable requirements and the facts presented.

**SECTION 8. AMENDMENT TO CHAPTER 8:** The Hamlin Township Interim Zoning Ordinance, Chapter 8 shall be amended to read as outlined below. All other Sections shall remain the same unless expressly amended in this Ordinance.

## **CHAPTER 8 – ZONING REFERRAL AND SITE PLAN REVIEW**

**Section 8.01 Intent and Purpose.** It is the intent and purpose of this Chapter to authorize review and approval of certain proposed developments by the Zoning Administrator or his/her designee and to require Site Plan Review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns and the character of future development in the area.

**Section 8.02 Zoning Referral.** All uses permitted by right shall be evaluated for conformance with this Ordinance and shall be so certified to the Eaton County Construction Code Department on a special form designed for that purpose adopted by the Zoning Administrator and accompanied by a fee in an amount established and amended from time to time, by resolution of the Hamlin Township Planning Commission.

**Section 8.03 Jurisdiction.** No zoning compliance permit for a use permitted by right shall be issued unless and until referred to and approved by the Zoning Administrator for compliance with the requirements of this Section. No development permit for a use permitted by Site Plan Approval or Conditional Use Permit shall be issued until the provisions of this Chapter are complied with in full and Site Plan Approval received.

**Section 8.04 General Standards.** Applications for Site Plan Review that meet the following standards in the judgment of the Planning Commission shall be approved:

- A. Ordinance Requirements. The proposed site plan shall fully conform with the requirements of this Ordinance.
- B. Surface Water Drainage. The proposed Site Plan shall fully comply with the published surface water drainage standards of the Eaton County Drain Commissioner.
- C. Driveway and Traffic Safety. The proposed Site Plan shall fully conform with the driveway and traffic safety standards of the Michigan Department of Transportation and the County Road Commission.

- D. Fire Safety and Emergency. The proposed Site Plan shall comply with the applicable fire safety and emergency vehicle access requirements of the State Construction Code and/or any local Fire Code having jurisdiction.
- E. Soil Erosion and Sedimentation: The proposed Site Plan shall be in compliance with the Soil Erosion and Sedimentation Control Ordinance of Eaton County.
- F. Public Health: The proposed Site Plan shall comply with the applicable requirements of the Michigan Department of Public Health and the Barry-Eaton District Health Department.
- G. Water/Sewer/Waste Removal: The proposed Site Plan comply with all applicable local ordinances including but not limited to ordinances governing the use of public water, sanitary sewage, and solid waste removal.
- H. State and Federal Statutes: The proposed Site Plan shall conform with all applicable State and Federal statutes
- I. Meets the minimum parcel width required in this Ordinance;
- J. Meets the minimum parcel size required in this Ordinance;
- K. Is accessible by a public road, private road, easement or other similar means;
- L. Does not exceed the maximum number of divisions for the parent parcel, or the number of re-divisions for the division;
- M. Has adequate easements for public utilities from the parcel to existing public utility facilities;
- N. Does not result in land-locking a cemetery; and
- O. Does not have any unpaid property taxes and/or special assessments due for the last five years.

**Section 8.05 Uses Subject to Site Plan Review:** The Planning Commission shall conduct site plan reviews for the following:

- A. Uses permitted by right in all districts, excluding single-family dwellings and accessory uses in any district.
- B. Conditional uses in all Zoning Districts.

- C. Subdivisions of land and site condominium developments in all districts.
- D. Any change in a use subject to site plan review.

**Section 8.06 Site Plan Review.** Applications for site plan approval shall consist of the following:

- A. An application form supplied by the Township.
- B. A review fee as determined by resolution of the Township Board based upon the cost of processing the review. Such resolution shall be on file with the Township Clerk for public information.
- C. One (1) PDF copy and three (3) hard copies of the site plan documents prepared and sealed by a licensed professional in the State of Michigan at a scale of not less than one (1) inch equals one hundred (100) feet for properties more than three (3) acres and not less than one (1) inch equals twenty (20) feet for parcels less than or equal to three (3) acres with the following minimum information:
  - i. The seal, name and firm address of the professional responsible for the preparation of the site plan.
  - ii. The name and address of the property owner or petitioner.
  - iii. A location map.
  - iv. Legal description of the subject property.
  - v. The existing zoning and use of all properties abutting the subject property.
  - vi. Dimensions of property and of the total site area.
  - vii. Locations of all buildings, driveways, parking areas or other structures on adjacent properties within one hundred (100) feet of the property, including those located across the street from the property.
  - viii. Required and proposed building setbacks.
  - ix. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, including existing rights-of-way and pavement widths.

- x. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, streams, ponds, floodplains, hills and similar natural assets.
- xi. Location, screening, dimensions, and heights of existing and proposed buildings, structures, trash receptacles, utility pads, etc., including accessory buildings and uses, and the intended uses thereof.
- xii. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening such equipment, where appropriate.
- xiii. Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths.
- xiv. The location and size of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
- xv. Proposed grades and site drainage patterns, including necessary drainage structures. Where applicable, indicate the location and elevation(s) of 100-year flood plain.
- xvi. The location and size of all surface water drainage facilities.
- xvii. Proposed common open spaces and recreational facilities, if applicable.
- xviii. Signs, including location, height, and sizes.
- xix. Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic control signs, or devices, and service drives.
- xx. Exterior lighting photometric plan showing area of illumination and indicating the type of fixture to be used.
- xxi. Elevation drawings of proposed buildings, along with a general description of materials and colors to be used.

D. Traffic Impact Assessment, Traffic Impact Study: The Planning Commission or regulating road authority may require an applicant to submit (and pay for) either a Traffic Impact Assessment or Traffic Impact Study as part of any site plan review process. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below:

- i. Traffic Impact Assessment: A Traffic Impact Assessment shall be required for projects expected to generate either between fifty (50) to ninety-nine (99) directional trips during peak hour traffic or five hundred (500) to seven hundred fifty (750) directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall support and describe proposed access design and other mitigation measures that will positively affect traffic operations at these points.
  - ii. Traffic Impact Study: A Traffic Impact Study shall be required for projects expected to generate either one hundred (100) or more directional trips in the peak hour or over seven hundred fifty (750) trips on an average day. The impact study shall evaluate current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The impact study must also describe and support proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The impact study shall evaluate pedestrian access, circulation and safety. The Traffic Impact Study must take into account the Master Plan in analyzing future traffic developments.
- E. Development plans for residential projects, such as multiple family developments, mobile home subdivisions, and mobile home parks. The plans shall include the following additional information:
- i. Minimum floor area of the dwelling units.
  - ii. Total number of units proposed.
  - iii. Number of bedrooms per unit in multiple-family developments.
  - iv. Areas to be used for open space and recreation.
  - v. Space allowance for accessory buildings in mobile home subdivisions and mobile home parks.

**Section 8.07 Validity of Site Plans.** If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion within one year of approval, the approval of the site plan shall be null and void unless an extension is granted under this Ordinance.

**Section 8.08 Extension.** Upon written application that must be filed prior to the termination of the one (1) year review period, the Zoning Administrator may authorize a single extension of the time limit for approval of a site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood

of commencing construction within the one (1) year extension. If neither of the aforementioned provisions are fulfilled or the one (1) year extension has expired prior to construction commencing, the site plan approval shall be null and void.

**Section 8.09 Standards for Site Plan Approval.** In addition to the other requirements in this Ordinance, the Planning Commission shall require that the following standards be satisfied before approving the site plan:

- A. Adequate ingress and egress to public right of ways.
- B. Landscaping, landscape buffers and green belts shall be provided and designed in accordance with the provisions of the Zoning Ordinance.
- C. All elements of the site plan shall be designed to take into account the sites topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in the Zoning Ordinance.
- D. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography that are reasonably necessary to develop the site in accordance with the requirements of the Zoning Ordinance. Tree stumps and miscellaneous debris from clearing of the property shall not be buried in rights-of-way, possible future rights-of-way, or potential building sites.
- E. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.
- F. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Hamlin Township Fire Department.
- G. The proposed use shall not increase traffic hazards or cause congestion on the public thorough fares of the area. To demonstrate compliance with this standard, applicant shall obtain approval from Michigan Department of Transportation or the Eaton County Road Commission, as applicable.
- H. There shall be provided a pedestrian circulation system that is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, local shopping areas and other uses that generate a considerable amount of pedestrian traffic.



- I. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives that are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that required by the Eaton County Road Commission.
- J. All streets and driveways shall be developed in accordance with the Eaton County Road Commission, or Michigan Department of Transportation (MDOT) specifications and requirements, as appropriate. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or MDOT with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
- K. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. The proposed plan shall comply with soil erosion and sedimentation control requirements and groundwater management provisions of Local, State, and Federal laws.
- L. All loading and unloading areas and outside storage areas, including areas for the storage of trash that face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
- M. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
- N. For proposed uses in recreational districts, no building or structure shall be constructed within one hundred (100) feet of road rights-of-way or property lines.
- O. Landscaping buffers and greenbelts shall be required where a non-residential use is adjacent to residential use.
- P. Waiver from Landscaping and Screening Requirements: The Planning Commission during Site Plan review may determine that existing landscaping or screening intended to be preserved provides adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent

development of required buffer zones, off-street parking areas, landscaping, greenbelts or required buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this section. Criteria that shall be used when considering a waiver shall include, but shall not be limited to:

- i. Existing natural vegetation;
  - ii. Topography;
  - iii. Existing wetland, floodplain, and poor soil areas;
  - iv. Existing and proposed building placement;
  - v. Building heights;
  - vi. Adjacent land uses;
  - vii. Distance between land uses;
  - viii. Dimensional conditions unique to the parcel;
  - ix. Visual, noise and air pollution levels; and
  - x. Health, safety and welfare of the Township.
- Q. Site plans shall conform to all applicable requirements of County, State, Federal and Township statutes and ordinances. Approval may be conditional on the applicant receiving necessary County, State, Federal and Township permits before final site plan approval is granted.
- R. All provisions of the Township Zoning Ordinance must be complied with unless an appropriate variance has been previously granted by the Zoning Board of Appeals.

**Section 8.10 Conditions of Approval.**

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met.
- C. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- D. A record of conditions imposed shall be maintained. The conditions shall remain unchanged, unless an amendment to the site plan is approved.
- E. Additional Fees. If the Planning Commission determines the need for a professional opinion, monies for the services requested shall be provided by the applicant.

**Section 8.11 Decision.** The Planning Commission shall approve the site plan; or approve the site plan subject to conditions; or deny the site plan. A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

**Section 8.12 Amendments to Approved Site Plans.** Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved plan.

- A. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original site plan approval. Minor changes shall include the following:
- i. Change in the building size, up to five percent (5%) in total floor area.
  - ii. Movement of buildings or other structures by no more than ten (10) feet.
  - iii. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  - iv. Changes in building materials to a comparable or higher quality.
  - v. Changes in floor plans which do not alter the character of the use.
  - vi. Changes required or requested by the Township, Eaton County Road Commission, or other County, State or Federal regulatory agency in order to conform to other laws or regulations.
- B. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

**Section 8.13 Appeals.** Any person aggrieved by the decision of the Planning Commission in granting or denying of a site plan or with conditions required, shall have the right to appeal the decision to the Zoning Board of Appeals. Conditional Uses and Planned Unit Developments, including the site plans for such discretionary uses, are not appealable to the Zoning Board of Appeals, and can only be appealed to the Circuit Court of Eaton County.

**Section 8.14 Conformity and Compliance.** The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate said approval following a public hearing. The change of use for an existing building shall be first approved by the Planning Commission.

**Section 8.15 Strict Compliance.** Property that is the subject of site plan approval must be developed in the strict compliance with the approved site plan and any amendments thereto that have received the appropriate approval. If construction and development does not conform to the approved plan, the approval thereof shall be revoked by the Township Zoning Administrator, by written notice of such revocation posted upon the premises involved and shall be mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than activities related to purpose of correcting the violation. However, the Planning Commission may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and the spirit, purpose, and intent of this Ordinance.

**Section 8.16 Site Plan Application and Review Guidelines for Applications Requiring Planning Commission Approval.**

- A. Site plans, a completed application form, and an application fee shall be submitted to the Zoning Administrator, by the petitioner or his designated agent, at least thirty (30) days prior to the next regular Planning Commission meeting. Prior to review by the Planning Commission, the Zoning Administrator shall review all site plan applications for completeness with the application requirements in this Ordinance and shall inform all applicants of any application deficiencies preventing review by the Planning Commission. After certifying the completeness of the site plan application, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. Notice of a public information meeting for the Final Site Plan Review shall be given in accordance with the following requirements:
  - 1. A written notice of the public information meeting shall be sent by mail or personal delivery to the owners of property for which approval is being considered and to all persons to whom real property is assessed within one thousand (1,000) feet of the boundary of the property in question.
  - 2. The notice shall be given not less than fifteen (15) days before the application will be considered.
  - 3. The notice shall describe the nature of the site plan review request, state when and where the site plan review request will be considered and indicate where and when written comments will be received concerning the request.
- C. The Planning Commission shall review the application and all other information available to it through the meeting or other sources, including recommendations or reports from the Township Zoning Administrator, engineer, or other expert, with reference to the standards and findings required herein, and shall issue a written recommendation to the Township Board for either approval, approval with conditions, or denial of the request. The Planning

Commission shall incorporate into its written recommendation a statement of the basis for its recommendation and any conditions it recommends, in accordance with the provisions of this Chapter and the purpose of this Ordinance.

- D. Thereafter, the Township Board shall review and consider the Planning Commission's recommendation on the final Site Plan Review request at a public meeting after the Planning Commission issues its recommendation. The Township Board shall issue a decision on the Site Plan Review request, by either approving, approving with conditions, or denying the request, notwithstanding the Planning Commission's recommendation. The Township Board's decision must be incorporated into a statement containing any conditions imposed, all of which shall be made part of the record of the meeting at which action is taken.
- E. Three (3) copies of the final approved site plan shall be signed and dated by the Township Zoning Administrator and the applicant. One (1) of these approved copies shall be kept on file by the Township Clerk, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the petitioner or his designated representative.

**SECTION 9. AMENDMENT TO SECTION 17.11:** The Hamlin Township Interim Zoning Ordinance, Section 17.11 shall be amended to read as outlined below.

**Section 17.11 Appeal Requirements:**

- 1. Appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals or by general rule, by filing with the Zoning Administrator within such time as the Zoning Board of Appeals provides from when the appeal is taken and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Township Clerk shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action for appeal was taken.
- 2. The applicant must supply the following written information to the Township Clerk before the case will be heard:
  - A. Applicant's name, address, phone number, and legal property description.
  - B. A copy of written Zoning Compliance Permit application denial from the Ordinance Enforcement Officer or Zoning Administrator. The denial should state the reason for denial.
  - C. Written request for an appeal hearing.
  - D. An accurate plan of property showing location, size, and use of all existing and proposed structures, street right-of-way, structures on adjoining property, surface drainage patterns, lot dimensions, yard setbacks, and other pertinent data.

- E. Names and addresses of all adjoining property owners within three-hundred (300) feet of the subject property.
- 3. A notice of the Public Hearing shall be mailed to the chairperson of the Planning Commission.
- 4. The Zoning Board of Appeals may waive portions of the data required.

**SECTION 10. REPEAL AND FORM:** This Ordinance hereby repeals any ordinances in conflict herewith. Moreover, the content of this Ordinance may be codified in a complete copy of the Hamlin Township Interim Zoning Ordinance.

**SECTION 11. SEVERABILITY:** The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clauses is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**SECTION 12. SAVINGS CLAUSE:** That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

**SECTION 13. PUBLICATION AND EFFECTIVE DATE:** This Ordinance is hereby declared to have been adopted by the Hamlin Township Board at a meeting thereof duly called and held on the 10<sup>th</sup> day of January, 2024, was ordered to be given immediate effect subject to MCL 125.3404(3). Publication of a notice of adoption of this Ordinance amendment shall be published according to Section 401 of the Michigan Zoning Enabling Act.

YEAS: 5  
 NAYS: 0  
 ABSENT/ABSTAIN: 0

HAMLIN TOWNSHIP

BY: 

Phillip Bombrys, Supervisor

ADOPTED: January 10 2024

PUBLISHED NOTICE OF ADOPTION: January 27, 2024

EFFECTIVE UPON ADOPTION

**CERTIFICATION**

I, Katherine King, the Clerk of Hamlin Township, Eaton County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No 2022-02 Amendment #2, adopted by the Hamlin Township Board at a regular meeting held on January 10, 2024.

The following members of the Township Board of Trustees were present at that meeting:

Erin Reincke, Matt Gleeson, Katherine King, Phillip Bombrys, Denise Perkins

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The Ordinance was adopted by the Township Board of Trustees with 5 members of the Board voting in favor and 0 members voting in opposition. Notice of adoption and publication of the Ordinance will be published in the Flashes on January 27, 2024. The Ordinance shall be effective immediately pursuant to MCL 125.3404(3).

By:



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Katherine King, Township Clerk

**HAMLIN TOWNSHIP, EATON COUNTY  
NOTICE OF ADOPTION OF  
INTERIM ZONING ORDINANCE AMENDMENT**

An amendment to the Hamlin Township Interim Zoning Ordinance was approved by the Township Board of Hamlin Township of Eaton County, Michigan, at a meeting held on January 10, 2024. The Township Board voted to give the amendment to the Hamlin Township Interim Zoning Ordinance immediate effect upon adoption, pursuant to MCL 125.3404(3).

This Interim Zoning Ordinance Amendment amends the Interim Zoning Ordinance of Hamlin Township to, among other things, amend certain definitions, clarify language, and update regulations on zoning districts, permitted uses, conditional use permits, zoning referrals, and site plan review for the public health, safety, and welfare of residents and visitors to Hamlin Township. It includes the following sections and catch lines: SECTION 1. AMENDMENT TO SECTION 2.18 “RESTAURANT”; SECTION 2. AMENDMENT TO SECTION 2.23 “WEDDING VENUE/BANQUET HALL”; SECTION 3. AMENDMENT TO SECTION 3.01; SECTION 4. AMENDMENT TO CHAPTER 3; SECTION 5. AMENDMENT TO SECTION 4.04; SECTION 6. AMENDMENT TO SECTION 6.04(A)(1); SECTION 7. AMENDMENT TO CHAPTER 6; SECTION 8. AMENDMENT TO CHAPTER 8; SECTION 9. AMENDMENT TO SECTION 17.11 SECTION 10. REPEAL AND FORM; SECTION 11. SEVERABILITY; SECTION 12. SAVINGS CLAUSE; and SECTION 13. PUBLICATION AND EFFECTIVE DATE.

A copy of the amendment to the Interim Zoning Ordinance may be purchased or inspected during regular business hours or by appointment at the Township Hall at 6463 S. Clinton Trail, Eaton Rapids, MI 48827.

Published by Order of the Township Board  
Hamlin Township, Eaton County, Michigan

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Hamlin Township Supervisor  
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Publication Date: January 27, 2024