

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

ORDINANCE NO. 2023-1

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 14 day of June, 2023, at 6:50 P.M., Township Board Member Perkins moved to adopt the following ordinance, which motion was seconded by Township Board Member Gleeson.

An ordinance to amends the Interim Zoning Ordinance of Hamlin Township to, among other comprehensive changes, amend certain definitions, clarify language, update regulations on lots, flag lots, and private roads to add certain tables, and to provide for repealer of any ordinances inconsistent herewith for the public health, safety, and welfare of residents and visitors to Hamlin Township.

HAMLIN TOWNSHIP ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT TO SECTION 2.01: The Hamlin Township Interim Zoning Ordinance, Section 2.01 shall me amended to read:

Section 2.01- Rules of Construction. The following rules of construction shall apply to the text of this Ordinance:

1. Except with respect to the headings contained in Section 2.02, the headings that title a chapter, section, or subsection of this Ordinance are for the purposes of organization and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting any of its terms or provisions in any respect.
2. When inconsistent with the context, words used in the present tense shall include the future tense, words in the singular shall include the plural, and words in the plural shall include the singular.
3. The words “shall,” “must,” and “will” are always mandatory and not discretionary. The word “may” is permissive and discretionary.
4. A “building” or “structure” includes any part thereof unless specifically excluded. The word “building” includes the word “structure,” and “dwelling” includes “residence.”
5. The terms “person” or “entity” shall include a firm, association, partnership, joint venture, corporation, trust, municipal, or public entity, or equivalent entity or any combination of them as well as a natural person.

6. The words “used” and “occupied,” as applied to any land, building, or structure, shall be construed to include the phrases “intended to be,” “arranged to be,” or “designed to be” used or occupied.
7. The words “erected” or “erection” as applied to any building or structure, shall be construed to include the words “built,” “constructed,” “reconstructed,” “moved upon,” or any physical operation or work on the land on which the building or structure is to be erected, built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
8. The particular shall control over the general.
9. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms “and,” “or,” and “either or” shall be interpreted as follows:
 - a. “And” denotes that all the connected items, conditions, provisions, or events apply in combination.
 - b. “Or” and “either or,” indicates that the connected items, conditions, provisions, or events may apply singly or in combination.
10. Terms not herein defined shall have common, customary meanings.
11. The word “Township” shall refer to Hamlin Township.
12. The word “Ordinance” shall refer to the Hamlin Township Interim Zoning Ordinance, unless the context clearly indicates otherwise.

SECTION 2. AMENDMENT TO SECTION 2.04 “CONSTRUCTION”: The Hamlin Township Interim Zoning Ordinance, Section 2.04, Definition of “Construction” shall be amended to read as outlined below. All other definitions shall remain the same unless expressly amended in this Ordinance.

CONSTRUCTION. The erection, alteration, repair, renovation, demolition, or removal of any building or structure; and the excavation, filling, and grading of lands in connection therewith.

SECTION 3. AMENDMENT TO SECTION 2.07 “FENCE”: The Hamlin Township Interim Zoning Ordinance, Section 2.07, Definition of “Fence” shall be amended to read as outlined below. All other definitions shall remain the same unless expressly amended in this Ordinance.

FENCE. An artificially constructed barrier, either permanent or temporary, erected or built to enclose, screen, or separate areas.

SECTION 4. AMENDMENT TO SECTION 2.10 “INDUSTRIAL PROCESSING”: The Hamlin Township Interim Zoning Ordinance, Section 2.10, Definition of “Industrial Processing” shall be amended to read as outlined below. All other definitions shall remain the same unless expressly amended in this Ordinance.

INDUSTRIAL PROCESSING. Industrial processes are procedures involving chemical, physical, electrical or mechanical steps to aid in the manufacturing of a product or items. Examples include, but are not limited to livestock processing, industrial hemp processing, marihuana processing, and millworks.

SECTION 5. AMENDMENT TO SECTION 2.11 “JUNK”: The Hamlin Township Interim Zoning Ordinance, Section 2.11, shall be amended to add the definition of “Junk.” “Junk” shall be placed alphabetically in Section 2.11 and the other definitions within the Section shall remain the same.

JUNK. Miscellaneous solid waste, rubbish, scrap, debris, and reclaimable material including, but not limited to, paper, rags, scrap metal and equipment, glass, household appliances, garbage, tires, vehicle parts, or motor vehicles which are inoperable, partially dismantled, wrecked, or abandoned, excluding farm machinery. Junk shall not be visible from any property line or right-of-way. Junk may be stored inside a fully enclosed building or be screened by an opaque fence of not less than six (6) feet in height.

SECTION 6. AMENDMENT TO SECTION 2.12 “KENNEL”: The Hamlin Township Interim Zoning Ordinance, Section 2.12, Definition of “Kennel” shall be amended to read as outlined below. All other definitions shall remain the same unless expressly amended in this Ordinance.

KENNEL. A parcel upon which the building(s) or lands are designed or arranged to house three (3) or more dogs, cats, fowl, or other domestic animals four (4) months or older, used for the sale, breeding, grooming, training, or care of animals for profit, but shall not include farm animals.

SECTION 7. AMENDMENT TO SECTION 2.19 “SOLID WASTE”: The Hamlin Township Interim Zoning Ordinance, Section 2.19, shall be amended to add the definition of “Solid Waste.” “Solid Waste” shall be placed alphabetically in Section 2.19 and the other definitions within the Section shall remain the same.

SOLID WASTE. Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolish building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste not including human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a re-user of slag or slag products.

SECTION 8. AMENDMENT TO SECTION 2.19 “STRUCTURE”: The Hamlin Township Interim Zoning Ordinance, Section 2.19, Definition of “Structure” shall be amended to read as

outlined below. All other definitions shall remain the same unless expressly amended in this Ordinance.

STRUCTURE. Anything attached to or upon the ground, the use of which requires permanent location on the ground or attachment to something having more or less permanent location on the ground including, but not limited to, buildings, decks, retaining walls, docks, swimming pools, accessory buildings, and fishing shanties.

SECTION 9. AMENDMENT TO SECTION 2.20 “TRAVEL TRAILER”: The Hamlin Township Interim Zoning Ordinance, Section 2.20, Definition of “Travel Trailer” shall be amended to read as outlined below. All other definitions shall remain the same unless expressly amended in this Ordinance.

TRAVEL TRAILER. A vehicular portable structure built on a chassis.

SECTION 10. AMENDMENT TO SECTION 3.03: The Hamlin Township Interim Zoning Ordinance, Section 3.03 shall be amended to read as outlined below.

Section 3.03. Interpretation of Boundaries. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following county boundaries shall be construed as following county boundaries.
4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
5. Boundaries indicated as lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

SECTION 11. AMENDMENT TO SECTION 3.06: The Hamlin Township Interim Zoning Ordinance, Section 3.06 shall be amended to read as outlined below.

Section 3.06 District Use Table. Specified Uses. In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Chapter.

DISTRICT USE TABLE

Zoning District	AG	R-1	C-1	I
Accessory Uses	P	P	P	P
Adult Entertainment Establishments			C	
Bed & Breakfast	C	C		
Campground			C	
Cemetery	C	C		
Child Care Facility	C	C		
Child Foster Care Facility	C	C		
Cellular Communications Towers			C	C
Commercial Recreational Facilities			C	
Farm	P	P		
Farm Processing				C
Financial Institution			P	
Funeral Home and Mortuary			P	
Garage, Public			C	
Government Facility			P	
Greenhouse	C		C	
Gun or Archery Range	C			
Golf Courses and Country Clubs	C			
Gunsmithing	C	C	C	
Home Occupation	C	P		

Home Office	P			
Hotel/Motel			C	
Hospital			C	
Zoning District	AG	R-1	C-1	I
Industrial Processing				C
Industrial Manufacturing				C
Junk Yard				C
Kennel	C			
Long Term Care Facility	C		C	
Manufactured Home	P	P		
Manufactured Housing Community			C	
Manufacturing				C
Mining or Excavation Site	C			C
Mobile Home Park			C	
Multiple Family			C	
Nursery	C			
Personal Service Establishment			P	
Public Parks	P	C		
Religious Institution	P	P	P	P
Retail Use			P	P
Shooting Range	C			
Short Term Rentals		C		
Single Family Dwelling	P	P		
Solar Energy System, Large			C	C
Solar Energy System, Small	P	P		

Two Family Dwelling			C	
Warehouse				P
Wind Energy Conversion Systems, Non-Commercial	C	C		
Wind Park	C			C

Key:

P	Permitted Use
C	Permitted by Conditional Use Permit
Blank	Use Not Permitted

SECTION 12. AMENDMENT TO CHAPTER 4: The Hamlin Township Interim Zoning Ordinance, Chapter 4 shall be amended to read as outlined below.

CHAPTER 4 – GENERAL PROVISIONS

Section 4.01 Intent and Purpose. It is the purpose of this Chapter to establish within this Chapter regulations and conditions generally applicable to all Districts of this Ordinance.

Section 4.02 Jurisdiction. The jurisdiction of this Ordinance shall include all lands and waters lying within Hamlin Township. All buildings or structures-built hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance and are subject to the standards outlined in the zoning district in which such buildings, uses, or land shall be located.

Section 4.03 General Regulations and Specifications. The following regulations shall apply to all districts of this Ordinance unless specifically exempted elsewhere in this Ordinance.

- A. **Minimum Lot Requirements.** Every principal structure shall be placed on its own lot. Principal structures shall not share lots. A legal description of the lot must be presented when application is made for a Zoning Permit.
- B. **Access Required:** All lots created or adjusted after the effective date of this Ordinance shall have the required minimum lot width (frontage) along and adjacent to a public or

private road with access to that public or private road via a private driveway by either of the following:

1. **Flag Lots:** For legal parcels with a total area of four (4) acres or less in existence as of the date of adoption of this Ordinance, lots may be created from such parcel which have a minimum 44 feet of road frontage and may be provided access to a public road by that right-of-way 44 feet in width. For legal parcels with a total area of more than four (4) acres, lots may be created from such a parcel which have a minimum 66 ft. of road frontage and may be provided access to a public or approved private road by a right-of-way (sixty-six) 66 ft. in width. The road frontage and right-of-way area shall be established by recording transfers of legal or equitable title with the County Register of Deeds. A right-of-way shall provide access for a single lot without overlapping any existing access rights-of-way. No such right of way shall be established if it would adjoin or abut another such right-of-way serving an adjoining parcel.
2. **Private Roads:** Two (2) or more lots shall not share private driveways and must provide access to a public road with a private road. Lots served by private roads shall have the minimum lot width along and adjacent to the private road. A private road must meet the requirements of Section 14.28 and all other requirements of this Ordinance prior to the issuance of a private road or building permit.
3. All property addresses are subject to compliance with the Eaton County Address Ordinance.

C. Required Water Supply and Sanitary Sewage Facilities. No structure for human occupancy shall be erected, altered, or moved upon any premises and used in whole or in part for residential assembly, business, industrial, institutional, or mercantile purpose unless said structure shall be provided with a water supply and waste water disposal system that conforms with the requirements of the Barry-Eaton District Health Department, Michigan Construction Code Act, Public Act 368 of 1978, as amended, and any local ordinances, applicable to public sanitary sewer and public water supply.

D. Required Area or Space. A lot or lots owned by the same person, or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced to make it nonconforming with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be further divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

E. **Structures on More Than One (1) Lot.** If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot, subject to the Lot Frontage and Depth Ratios found in this Section.

F. **Lot Frontage and Depth Ratio.** In order to conserve land resources including productive farmland, and to limit the overcrowding of land, all lots created or adjusted after the effective date of this Ordinance shall meet the standards of the following table with respect to the ratio of lot width to depth:

Width to Depth Table		
	Majority of Soils Characterized as	Majority of Soils NOT Characterized as
<u>Proposed Parcel Area</u>	<u>Essential Cropland</u>	<u>Essential Cropland</u>
25 Acres or More	No Ratio	No Ratio
10 to 24.99 Acres	1 to 4	1 to 4
Less than 10 Acres	1 to 4	1 to 4

G. **Earth Removal, Grading, and Filling.** In order to protect adjacent properties, public roads, public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. **Final Grade Surface.** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
2. **Grade Changes.** Filling a parcel of land with earth or other materials to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the County Drain Commissioner.
3. **Land Disturbance:** Any land development which disturbs the existing grade more than one (1) acre of land or lies within five-hundred (500) feet of a river, stream, wetland, flood plain, lake, or open drain, shall require a Soil Erosion and

Sedimentation Control Permit pursuant to Part 91, Act 451 of the Public Acts of 1994, as amended.

4. Fill or Excavate: Any development or use of property which proposed to fill or excavate the site such that more than three hundred (300) cubic yards of earth will be removed from the site or hauled to the site from another location, shall require the written approval of the County Drain Commissioner.

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. Detached Accessory Buildings or Structures: Shall not be located within the area required for the front yard of this Ordinance, and shall be no closer than ten (10) feet from other buildings or any lot line, provided that bus shelters, not to exceed one-hundred fifty (150) square feet in floor area, may be constructed in the front yard and with a minimum setback from the road right-of-way of eight (8) feet.
- C. Accessory Dwelling Unit: A person may make application to Zoning Administrator to construct an accessory dwelling unit for the purpose of housing a relative or domestic employee of the owner occupied principal dwelling structure. There may be no more than one accessory dwelling unit per a 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 may be attached or detached from the principal structure. If attached, it 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. If it is detached, accessory dwelling units may be no closer than 10 feet to any structure and no further than 200 linear feet from the principal dwelling structure and shall conform to the site development standards of the land development district in which the structure is located.
- D. 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.
- E. Transportation: An accessory use in an Agricultural District or 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 (site 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 4.05 Permitted Yard Encroachments. The minimum yard size and setback requirements of this Ordinance shall be subject to the following permitted encroachments.

- A. Existing Buildings or Structures: Shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants such as cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features may project into a required yard area no more than five (5) feet.
- B. Terraces, Patios, Porches and Decks: Provided that they are not covered with a roof, or that the deck or paved area is not more than thirty (30) inches above the average surrounding final grade, or that the deck or paved area is not fully enclosed by a wall or fence over five and one-half (5 1/2) feet in height above the average surrounding finished grade and provided that the paved area or deck is no closer than ten (10) feet from any lot line or public right-of-way line.

Section 4.06 Height Regulations. All buildings for human occupancy shall be limited to a maximum height of forty (40) feet above the median elevation of the finished grade line of the ground level within twenty (20) feet of the building to the highest point of the roof.

Section 4.07 Permitted Exceptions. The following structural appurtenances shall be permitted to exceed the height limitations, provided that no portion of said appurtenances shall be used for human occupancy. Any structural exception to the height limitation shall be erected only to such height necessary to accomplish its intended purpose. Structural appurtenances exceeding the maximum height limitations within two (2) miles of a public airport shall not be allowed without the approval of the Michigan Aeronautics Commission pursuant to R 259.292, Michigan Administrative Code.

- A. Ornamental structural appurtenances such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, and monuments.
- B. Appurtenances necessary to mechanical or structural functions of a building and structures, such as chimney, smoke stacks, water tanks, wind generators and pumps, elevators, stairwell, penthouses, ventilators, bulkheads, cooling towers, barns, grain

elevators, and silos; provided that structural appurtenances in the Low Density Residential (R-1) District, that are designed to serve the occupants of the individual residential use, and do not exceed seventy-five (75) feet in height as measured from the ground level at the base of the structure, and that structures for agricultural operations or designed to serve the occupant of a dwelling in the Resource Conservation (RC) or Limited Agricultural (LA) Districts shall not exceed one-hundred (100) feet in height as measured from the ground level at the structure.

- C. Antennas, masts, or aerials as an accessory use of a building provided that it does not exceed eighty-five (85) feet in height as measured from ground level at the base of the structure

Section 4.08 Allocation of Lot Areas. No portion of a lot shall be used more than once in compliance with the site development requirements.

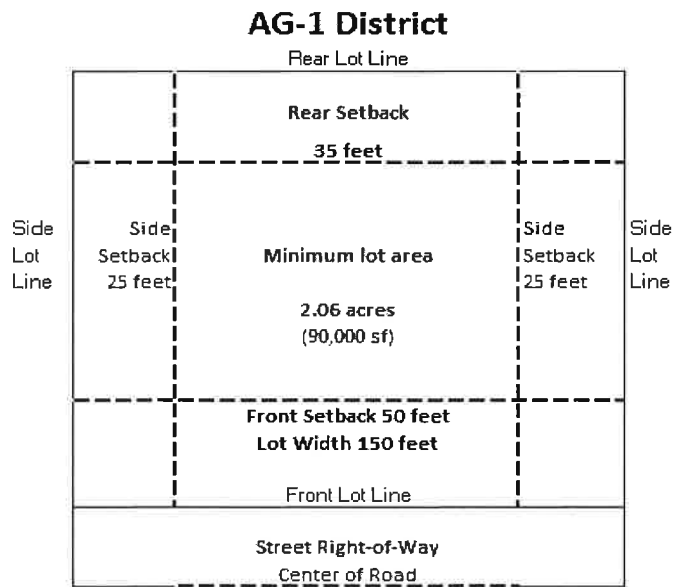
Section 4.09 Site Development Standards.

	AG	R-1	C-1	I
Minimum Lot Width (ft)	150	150	100	200
Min Lot Area in Sq Feet	90,000	90,000	90,000	90,000
Min Setback from Road R/W (ft)	50	50	50	75
Minimum Front and Rear Setback in Feet	35	35	30	50
Min Side Yard Setback (ft)	25	25	25	30
Maximum Lot Coverage	30%	30%	50%	50%
Min Floor Area in Square Feet	720	720	None	None

Key:

- a) Platted
- b) When attached to public sanitary sewer facilities
- c) Total both sides
- d) Including mobile homes
- e) Per dwelling unit
- f) Multiple family dwelling units
- g) When fronting on a major street as defined in this Ordinance
- h) When subdivided and served by a public water supply

TABLE A

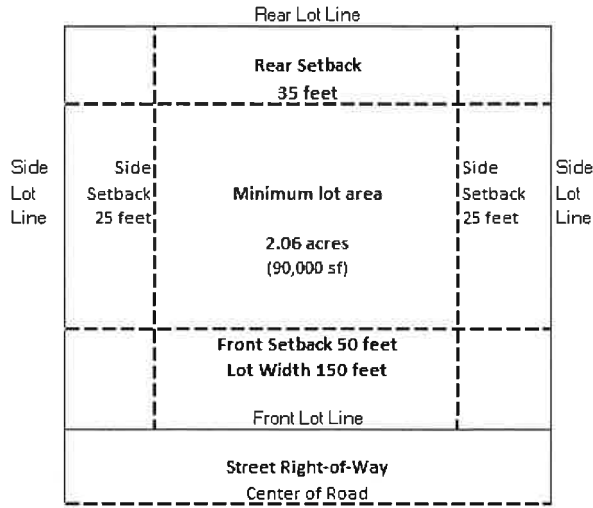


Set back begins where the road ROW ends.

AG-1 District Regulations	
Minimum Lot Width	150 square feet
Minimum Lot Area S.F.	90,000 square feet
Minimum Front Setback from Road ROW	50 feet
Minimum Rear Setbacks	35 feet
Minimum Side Yard Setbacks	25 feet
Maximum Lot Coverage	30%
Minimum Floor Area in S.F.	720 square feet
Maximum Height	40 feet

TABLE B

R-1 District



Set back begins where the road ROW ends.

R1 District Regulations	
Minimum Lot Width	150 square feet
Minimum Lot Area S.F.	90,000 square feet
Minimum Front Setback from Road ROW	50 feet
Minimum Rear Setbacks	35 feet
Minimum Side Yard Setbacks	25 feet
Maximum Lot Coverage	30%
Minimum Floor Area in S.F.	720 square feet
Maximum Height	40 feet

SECTION 13. AMENDMENT TO SECTION 5.03(B): The Hamlin Township Interim Zoning Ordinance, Section 5.03(B) shall be amended to read as outlined below. The remainder of Section 5.03 shall remain the same.

B. Does not result in a parcel narrower than 1:4;

SECTION 14. AMENDMENT TO SECTION 6.04(A): The Hamlin Township Interim Zoning Ordinance, Section 6.04(A) shall be amended to read as outlined below. The remainder of Section 6.04 shall remain the same.

A. Application: An application for permission to establish a Conditional Use shall be submitted and acted upon in accordance with the following procedures:

1. An 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.

2. In addition to any established application fee, the Planning Commission Chair shall establish an amount to be deposited by the applicant with the Zoning Administrator as an escrow deposit. The escrow deposit shall defray anticipated costs to be incurred by the Township for attorneys, planners, engineers, or other experts in the review of the application. The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Zoning Administrator. Any unused portions of the escrow deposit remaining after consideration and processing of the application(s) shall be returned to the applicant(s).
3. The Planning Commission may impose conditions with permit approval that it deems necessary to ensure compliance with the standards contained in this Ordinance. Said conditions shall be considered an integral part of the Conditional Use Permit and shall be enforced by the Zoning Administrator
4. Any additions to or expansions of an existing establishment or land use listed under Conditional Uses, shall also require a Conditional Use Permit issued by the Planning Commission.

SECTION 15. AMENDMENT TO SECTION 6.04(C)(2)(4): The Hamlin Township Interim Zoning Ordinance, Section 6.04(C)(2)(4) shall be amended to read as outlined below. The remainder of Section 6.04 shall remain the same.

4. Whether the proposed use will adversely affect neighboring lands, including whether the proposed use will produce, create, or result in more traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste other than permitted uses in the district or increase hazards to the subject property or neighboring lands.

SECTION 16. AMENDMENT TO SECTION 6A.03(7): The Hamlin Township Interim Zoning Ordinance, Section 6A.03(7) shall be amended to read as outlined below. The remainder of Section 6A.03 shall remain the same.

7. All campgrounds shall be licensed by the Michigan Department of Health and Human Services, or its successor, and maintain compliance with all regulations set forth by the Barry-Eaton District Health Department, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), and the Michigan Department of Natural Resources.

SECTION 17. AMENDMENT TO SECTION 6A.07(A): The Hamlin Township Interim Zoning Ordinance, Section 6A.07(A) shall be amended to read as outlined below. The remainder of Section 6A.07 shall remain the same.

- A. Is located not closer than one thousand five hundred (1,500) feet to any of the following:
1. A licensed group day-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 218 of 1979, being section 400.701 and 700.37 of the Michigan Compiled Laws.
 3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Chapter 6 of Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 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.

SECTION 18. AMENDMENT TO SECTION 6A.11(C)(7): The Hamlin Township Interim Zoning Ordinance, Section 6A.11(C)(7) shall be amended to read as outlined below. The remainder of Section 6A.11 shall remain the same.

7. Regulations and Conditions:
 - a. A report from a professional engineer which describes the tower height and design including a cross-section of the structure; demonstrates the tower's compliance with applicable structural standards; and describes the tower's capacity, including the number and type of antennas that it can accommodate. Towers must accommodate, at a minimum, the tower applicant and three additional carriers for a total capacity of at least four carriers.
 - b. A photocopy of the Federal Aviation Administration (FAA) "Determination of No Hazard", a photocopy of the Federal Communications Commission (FCC) license and a photocopy of the Michigan Aeronautics Commission (MAC) "Tall Structure Permit" must be submitted at the time a zoning referral is approved prior to construction.
 - c. Height: No tower shall be higher than one hundred and ninety-nine (199) feet unless an applicant can demonstrate that such a restriction is commercially unreasonable based upon the industry standard height. All towers shall be located on the lot so that the distance from the base

of the tower to any adjoining property line is a minimum of one hundred (100%) percent of the proposed tower height.

- d. Accessory Buildings: Any accessory buildings or structures shall be located a minimum of fifty (50) feet from any adjoining property line. The accessory facilities shall not include offices, long-term vehicle storage, other outdoor storage of broadcast studios, or other uses that are not needed to send or receive transmissions, except for emergency purposes.
- e. Construction: All towers shall be self-collapsing and comply with all Michigan Building Code regulations. The applicant shall provide all appropriate engineering information, Site Plans, and drawings to the Hamlin Township Zoning Administrator at the date of application. No building, sidewalk, parking lot, or other area with anticipated pedestrian or vehicular traffic shall be permitted within the self-collapsing or "safe fall" area to be defined by the Applicant's Engineer.
- f. All new Communication Towers and Antennas approved shall be designed to accommodate at least three (3) additional carriers each with nine panel antennas, having a wind area of nine square feet per antenna. Applicants shall agree as a condition of approval to permit the collocation of future installations by others on said new tower.
- g. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- h. Compatibility: The entire facility must be aesthetically and architecturally compatible with the surrounding environment. The use of residentially compatible materials such as wood, brick and stucco is required for associated support buildings which shall be designed to architecturally match the exterior of residential structures within the neighborhood. In no case will metal exteriors be allowed. At a tower

site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend with the natural setting and surrounding buildings.

- i. Lighting: Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views. When lighting is required and is permitted by the FAA or other Federal or State authority, the Planning Commission shall approve any and all lighting on the tower. It shall be oriented inward so as not to project onto surrounding properties.
- j. Fencing: Six (6) foot in height, climb proof fencing must be provided to prevent access to the tower.
- k. Landscaping: Trees, shrubs, and other plants shall be installed to screen the tower and its appurtenant structures and equipment from public view. Plantings shall be done at the borders of a tower site, along its frontage, and in any direction where existing vegetation does not screen the tower structure, guys, anchor structures, or equipment enclosures. Existing mature trees and shrubbery and the natural landscape shall be preserved to the maximum extent possible and may be used to achieve this standard.
- l. Signs: Signs and logos are prohibited on the tower. At least one (1) but not more than two (2) signs totaling twelve (12) square feet in area shall be placed on the fence that is visible and legible from the entrance to the site. Signage shall be weather durable and should include the name and address of the communication tower owner or operator, a phone number, and contact person from whom additional information may be obtained. Appropriate Township permits shall be obtained prior to installation of the signage.
- m. Maintenance: The site, including the tower, accessory structures, support cables, and landscaping shall be reasonably well maintained in relationship with surrounding properties. A copy of the annual FCC license and general maintenance report shall be submitted yearly to the Township.
- n. Abandonment: A tower which remains unused for a period of twelve (12) months will be considered abandoned. Applicants or current owners are required to demolish and remove any unused tower, accessory buildings, fences, and any other related cellular facility

effects. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation.

- o. Financial Guarantees: A minimum bond of \$10,000 shall be filed with the Township prior to receiving any construction related permits for the tower to ensure removal of the tower when it has been abandoned or is no longer needed. The bond shall be in the form of a surety bond executed by a reputable surety company authorized to do business in the State of Michigan or a cash bond posed in lieu of a surety bond filed with the Township.
- p. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- q. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in Hamlin Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
- r. Public Notice. For purposes of this Section, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners as required by the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

SECTION 19. AMENDMENT TO SECTION 6A.21(C): The Hamlin Township Interim Zoning Ordinance, Section 6A.21(C) shall be amended to read as outlined below. The remainder of Section 6A.21(C) shall remain the same.

- C. One (1) non-illuminated wall sign not to exceed four (4) square feet in area is permitted.

SECTION 20. AMENDMENT TO SECTION 6A.43(5)(2): The Hamlin Township Interim Zoning Ordinance, Section 6A.43(5)(2) shall be amended to read as outlined below. The remainder of Section 6A.43 shall remain the same.

2. Setbacks:

Non-Participating Properties: Setbacks to be 150% of the height of the WECS from the base to the property line. 200% of the height of the WECS from the base to a habitable structure. 100% of the height of the WECS from the base of a structure to a public road right-of-way and utility.

Participating Properties: 100% of the height of the WECS from the base to a principal structure.

SECTION 21. 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 22. 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 23. 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 24. 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 June, 14, 2023, 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: June 14, 2023

PUBLISHED NOTICE OF ADOPTION: July 1, 2023

EFFECTIVE UPON ADOPTION

CERTIFICATION

I, Jacque Collins, the Clerk of Hamlin Township, Eaton County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 2023-1, adopted by the Hamlin Township Board at a regular meeting held on June 14, 2023.

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

Gleeson, Perkins, Bombrys, Collins, Reincke

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 July 1, 2023. The Ordinance shall be effective immediately pursuant to MCL 125.3404(3).

By: Jacque Collins
Jacque Collins, Township Clerk

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

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 June 14, 2023. 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).

The Interim Zoning Ordinance amends the Interim Zoning Ordinance of Hamlin Township to, among other things, amend certain definitions, clarify language, update regulations on lots, flag lots, and private roads, and to add certain tables, and to provide for repealer of any ordinances inconsistent herewith 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 2.01; Section 2: AMENDMENT TO SECTION 2.04 “CONSTRUCTION”; Section 3: AMENDMENT TO SECTION 2.07 “FENCE”; Section 4: AMENDMENT TO SECTION 2.10 “INDUSTRIAL PROCESSING”; Section 5: AMENDMENT TO SECTION 2.11 “JUNK”; Section 6: AMENDMENT TO SECTION 2.12 “KENNEL”; Section 7: AMENDMENT TO SECTION 2.19 “SOLID WASTE”; Section 8: AMENDMENT TO SECTION 2.19 “STRUCTURE”; Section 9: AMENDMENT TO SECTION 2.20 “TRAVEL TRAILER”; Section 10: AMENDMENT TO SECTION 3.03; Section 11: AMENDMENT TO SECTION 3.06; Section 12: AMENDMENT TO CHAPTER 4; Section 13: AMENDMENT TO SECTION 5.03(B); Section 14: AMENDMENT TO SECTION 6.04(A); Section 15: AMENDMENT TO SECTION 6.04(C)(2)(4); Section 16: AMENDMENT TO SECTION 6A.03(7); Section 17: AMENDMENT TO SECTION 6A.07(A); Section 18: AMENDMENT TO SECTION 6A.11(C)(7); Section 19: AMENDMENT TO SECTION 6A.21(C); Section 20: AMENDMENT TO SECTION 6A.43(5)(2); Section 21: REPEAL AND FORM; Section 22: SEVERABILITY; Section 23: SAVINGS CLAUSE; and Section 24: 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

Phillip Bombrys
Hamlin Township Supervisor
(517) 663-7777

Publication Date: July 1, 2023