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

To: Planning Commissioners
From: Amy Steffens, AICP
Planning and Zoning Director
Date: April 19, 2023
Project address and Description: Zoning Map Amendment 23-001 to change the zoning of the parcel commonly known as 6716 Winans Lake Road (TID 4715-14-400-008 and 4715-23-100-002) from Waterfront Residential (WFR) to Public and Private Recreation Facilities (PPRF) (Zoning Ordinance Section 36-185).
Owner: Freedom River



The subject sites (4715-14-400-008 and 4715-23-100-002) total 92 acres on the south side of Winans Lake Road and north of the Huron River. The subject property is zoned in the Waterfront Residential (WFR) district; the portion of the site along Huron River will remain in the Natural Rivers (NR) district. The site is vacant of residential development but has been used historically for agricultural purposes. In the [2020 Master Plan](#) the subject site has a Future Land Use Designation of medium density residential but the Master Plan should be revised to reflect a zoning map amendment.

PROJECT DESCRIPTION

On March 13, 2023, the applicant submitted a request to change the zoning district on this site from the WFR district to the Public and Private Recreational Facilities (PPRF) district.

The full list of permitted and special uses in the WFR district is as follows:

Sec. 36-174. Schedule of use regulations—WFR Waterfront Residential District.

(a) *Permitted uses.*

- (1) Single-family dwellings.
- (2) Home occupations subject to the provisions of section 36-213.
- (3) Signs subject to the provisions of article XIII of this chapter.
- (4) Accessory uses subject to the provisions of section 36-215.
- (5) Essential services subject to the provisions of section 36-216.
- (6) Raising and keeping of horses and other domestic animals, not for purposes of enumeration or sale, but as an incidental activity to the principal use of a single-family dwelling, subject to the provisions of section 36-187.
- (7) Raising and keeping of poultry subject to the provisions of section 36-187.
- (8) Family child homes, as provided in section 36-6, and state-licensed residential facilities, except for adult foster care facilities for care and treatment of persons released from or assigned to adult correctional facilities.
- (9) Accessory dwelling units subject to the provisions of section 36-239.

(b) *Special uses.*

- (1) Churches and other buildings associated with religious worship, including housing for religious personnel associated with such uses.
- (2) Public buildings, fire stations, community centers, and maintenance buildings.
- (3) Public or private elementary, junior and senior high schools and institutions or higher education, subject to the provisions of section 36-218.
- (4) Group day care homes conducted in a residential dwelling, subject to the provisions of section 36-219.
- (5) Public or private golf courses, parks, recreation clubs and open spaces.
- (6) Bed and breakfast inn.
- (7) Adult foster care large and/or small group homes, subject to the provisions of section 36-237.

(Zoning Ord. 2020, § 7.5.1(F), 1-5-2021)

The requested zoning district is the PPRF district. Permitted and special uses are as follows:

Sec. 36-185. Schedule of use regulations—PPRF Public and Private Recreational Facilities District.

(a) *Permitted uses.*

- (1) Caretaker/camp administrator quarters, accessory to any permitted or special land use.
- (2) General and specialized farming and agricultural activities including raising and growing of crops, fruit, nursery stock, livestock, and other farm animals, subject to the provisions of section 36-187.
- (3) Raising and keeping of horses and other domestic animals, including stables, subject to the provisions of section 36-187.
- (4) Roadside stands for the display and sale of products raised on the premises.
- (5) Public parks, public open space, public recreation areas, fields and buildings; excluding campsites, off-road vehicle courses and trails, fun and archery ranges; and other similar more intense recreational uses as classified by the planning commission.
- (6) Signs subject to the provisions of article XIII of this chapter.
- (7) Essential services subject to the provisions of section 36-216.
- (8) Raising and keeping of poultry subject to the provisions of section 36-187.

(b) *Special uses.*

- (1) Private outdoor recreational areas and indoor recreational buildings, such as: recreational fields, rinks or courts, including football, baseball, batting cages, soccer, tennis, basketball, ice skating, swimming pools, animal racing and similar activities, and uses accessory to the above uses, such as refreshment stands, maintenance buildings, office for management functions, spectator seating, restrooms, and service areas. Such uses shall be subject to the following:
 - a. The site size shall be adequate to accommodate the intended uses, parking, and extensive buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust blowing debris, as determined by the planning commission. The applicant shall provide documentation the site size is adequate using national facility standards.
 - b. All ingress and egress shall be along a county road.
 - c. No building shall be located within 100 feet of a property line.
 - d. All buildings shall be setback 100 feet from the edge of any wetland or the shoreline of any lake, pond, river or stream.
- (2) Public or private campgrounds and lodges, including campgrounds for travel trailers, tent-campers, motor homes, tents, and cabins, subject to the following conditions:
 - a. Minimum lot size shall be 40 acres.

- b. All ingress and egress shall be along a county road.
 - c. Development features including the principal and accessory buildings and structures shall be located and related to minimize adverse effects on adjacent properties. Minimum setbacks for any buildings, structures or use areas shall be 200 feet from any property line abutting a residential district.
 - d. All buildings shall be setback 100 feet from the edge of any wetland or the shoreline of any lake, pond, river or stream.
 - e. Each campsite shall be at least 2,000 square feet in size.
 - f. Each camp site shall be provided with water and sanitary service approved by the health department or have convenient access to approved service buildings.
- (3) Common use or public water access sites provided such site shall comply with the standards contained in section 36-291.
- (4) Canoe and rowboat rental.
- (5) Off-road vehicle and go-cart courses, subject to the following conditions:
- a. Any such site shall be located in a predominantly undeveloped area so as to minimize any adverse effects on the adjacent properties due to reasons of dust, odor and noise. Any such site shall have a minimum area of at least 80 acres. All activity shall be setback a minimum of 125 feet from any lot line.
 - b. The hours of operation shall also be set by the planning commission to minimize any adverse effects on adjacent properties.
 - c. All ingress and egress shall be along a county road.
- (6) Gun and archery ranges, and hunt clubs, subject to the following conditions:
- a. Any such site shall be located in a predominantly undeveloped area so as to minimize any adverse noise effects on the adjacent properties. The hours of operation shall also be so regulated as to minimize any adverse effects on adjacent properties. Any such site shall have a minimum area of at least 80 acres.
 - b. All ingress and egress shall be along a county road.
- (7) Golf courses, driving ranges, miniature golf, including clubhouses and accessory structures.
- (8) Ski facilities, including lodges and accessory structures.
- (9) Public and private cemeteries, subject to the following conditions:
- a. Minimum lot size shall be 40 acres.
 - b. No building shall be located nearer than 100 feet from any property line.
- (10) Radio or television stations or transmitters occupying a site of no less than five acres.
- (11) Aircraft landing fields, subject to a specific duration of such use and further subject to such conditions as shall be deemed necessary and appropriate by the planning commission to protect the public health, safety, convenience and general welfare.

(Zoning Ord. 2020, § 7.5.1(Q), 1-5-2021)

PROJECT ANALYSIS

The Hamburg Township Zoning Ordinance provides for a process, following [Public Act 110 of 2006](#), to change the zoning map but does not provide standards by which a map amendment should be considered. Staff offers the following for consideration by the Planning Commission.

1. The zoning map amendment should be compatible with the goals, policies, and future land use map of the Master Plan.

The 2020 Master Plan envisions medium-density residential to the north, east, and west, and natural river residential to the south.

Table 1:	Current Zoning Classification	Current Use of Property	Future Land Use Designation
Subject	WFR/NR	Vacant residential /	
Site	April 19, 2023 ZMA to PPRF	agricultural	Medium density residential
North	RA—medium density residential	Single-family residential	Medium density residential
South	NR—Natural Rivers	Vacant / single-family residential	Natural river residential
East	RA	Single-family residential	Medium density residential
West	WFR—medium density residential	Single-family residential	Medium density residential

Future Land Use Map



This site is future planned to remain in the WFR district, which is primarily a single-family medium-density residential district; special uses include churches, public buildings, schools, and several outdoor related uses.

This site could accommodate 79 single-family dwellings under strict zoning compliance, which would comply with the WFR and NR district regulations. However, this site does have sensitive wetlands and abuts both Gut Lake and the Huron River. Staff finds that the proposed PPRF could further the following goals and objectives of the Master Plan:

Goal 2: *Preserve the natural and historic character of Hamburg Township by accommodating a reasonable amount of development, but ensuring the development is in harmony with the natural features and the unique environmental requirements of the Township.*

Objective A: Direct future development to areas most suited for that type of development.

Objective B: Consider the location of the natural features on a site during review of future development layouts.

Goal 7: *Preserve the rural appearance of the Township as viewed from the roadways when appropriate.*

Goal 8: *Protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township.*

Objective A: Direct future development to areas most suited for that type of development.

Objective B: Consider the location of the natural features on a site during review of future development layouts.

Objective C: Encourage preservation of the existing landscaping, natural features, and rural/scenic quality of the Township.

The Master Plan notes that in the PPRF district *these types of land uses will also limit the need for extensive public services such as public water, sanitary sewer, and additional schools.*

It is important to note that changing the zoning district would permit any of the permitted uses in the PPRF district, as well as open up the possibility of an application for special use review for any of the special uses. However, Section 36-71 specifies that the Planning Commission would have site plan review responsibility over every permitted use except for general and specialized farming activities.

Section 36-71

A site plan approval shall be required prior to the issuance of a land use permit within all districts for the construction or expansion of any permitted or special use with the exception of individual single-family and two-family dwellings and general and specialized farming activities. A site plan approval shall also be required for all condominium projects as regulated under the Condominium Act. Site plan review shall be required for any of the following activities:

- (1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single-family dwelling.*
- (2) Any development which would, if approved, provide for the establishment of more than one principal use on a parcel, such as, for example, a single-family site condominium or similar project where a parcel is developed to include two or more sites for detached single-family dwellings.*

- (3) *Development of non-single-family residential uses in single-family districts.*
- (4) *Any change in use that could affect compliance with the standards set forth in this chapter.*
- (5) *Expansion or paving of off-street parking and/or a change in circulation or access for other than a single-family dwelling.*
- (6) *Any excavation, filling, soil removal, or mining or landfill, except as otherwise specified.*
- (7) *The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single-family dwelling.*
- (8) *Any use or development for which submission of a site plan is required by the provisions of this chapter.*

(Zoning Ord. 2020, § 4.3, 1-5-2021)

2. Compatibility of the site’s physical, geological, hydrological, and other environmental features with all uses permitted in the proposed zoning district compared to uses permitted under current zoning.

This site is uniquely situated with frontage on both Gill Lake and the Huron River, and is marked by pockets of wetlands. (The portion of the site zoned NR will remain in the NR district).

The uses permitted in the PPRF district would require less impactful development of the land compared to the single-family residential uses permitted in the WFR district. Previous plans submitted to the township for a residential development on this site indicated that the site could accommodate 79 dwelling units under current zoning. A residential development would necessitate greater infrastructure, whereas the uses in the PPRF lend themselves to keeping the site largely undeveloped. The Commission should consider the environmental features of the site, as well as the assumed environmental impact of uses in both the WFR and PPRF districts.

3. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

The applicant has indicated that the zoning map amendment is in support of a proposed “recreational facility dedicated and designed for veterans and their families as a place of relaxation and reflection.” The current zoning district’s permitted uses are single-family residential; special uses include schools, churches, or *Public or private golf courses, parks, recreation clubs and open spaces*. This special use would not allow for 29 RV spots or small tent camping area on the western portion of the site. Staff does not believe that amending a single-family residential district to include the proposed use would be appropriate in light of the PPRF allowing, with special use approval, the scope of uses under the proposal on a site that can adequately and appropriately accommodate PPRF district uses.

Approval of the zoning map amendment does not imply that every special use in the PPRF district would be appropriate at this site; the Commission would have discretion to approve or disapprove a special use that does not comply with [Section 36-36](#) of Ordinance.

4. The parcel can meet the requirements of the proposed zoning district

The parcel is 92 acres and is adequately sized to accommodate site improvements, structures, and utility installation that would comply with the Ordinance requirements for setbacks from property boundaries, wetlands, and waterbodies.

RECOMMENDATIONS:

Staff recommends the Planning Commission open the public hearing, take testimony from the applicant and staff as appropriate, discuss, and make a determination on zoning map amendment 23-001 to change the zoning of the parcel from WFR to PPRF.

Example Denial Motion:

The Planning Commission denies Zoning Map Amendment 23-001 to change the zoning of the parcel commonly known as 6716 Winans Lake Road (TID 4715-14-400-008 and 4715-23-100-002) from Waterfront Residential (WFR) to Public and Private Recreation Facilities (PPRF) (Zoning Ordinance Section 36-185) *for the following reasons*.

Example Approval Motion:

The Planning Commission recommends approval of Zoning Map Amendment 23-001 to change the zoning of the parcel commonly known as 6716 Winans Lake Road (TID 4715-14-400-008 and 4715-23-100-002) from Waterfront Residential (WFR) to Public and Private Recreation Facilities (PPRF) (Zoning Ordinance Section 36-185) *for the following reasons* and directs staff to forward the request to Livingston County Planning for review and to draft an amendment to the Master Plan.

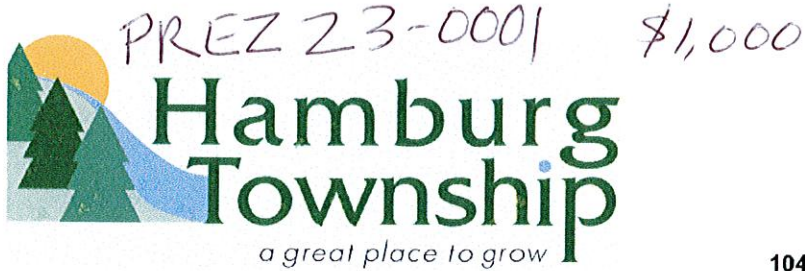
EXHIBITS:

Application

RECEIVED

MAR 13 2023

Hamburg Township
Planning Department
FAX 810-231-4295
PHONE 810-231-1000



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

ZONING AMENDMENT APPLICATION

Please note: All required information, copies, fees, and other materials as appropriate must be submitted and complete before the Township Planning Commission will set a public hearing date on the Zoning Amendment Application.

Application fees and review fees are required at the time of application.

Zoning Amendments have application fees and review fees. Review fees shall be placed into a non-interest bearing escrow account. Upon final review, review fee balances shall be returned upon receipt of final billing. The applicant shall be responsible for all costs incurred.

The undersigned hereby makes application for a Zoning Amendment for: (Check all that apply)

1. **TYPE OF PROJECT:** Zoning Text Amendment Zoning Map Amendment

2. **PROJECT NAME:** Freedom River Campground Submittal Date: 1/31/2023

3. **PROJECT ADDRESS:** 6716 Winans Lake Road Brighton, MI 48116

Tax Code Numbers: 15 - 14-400-008 15 - 23-100-002 15 - _____
15 - _____ 15 - _____ 15 - _____

Metes & Bounds Parcel Subdivision _____ Lot Numbers: _____

4. **ZONING MAP AMENDMENT:** (please attached the existing zoning map and a proposed zoning map as a separate document)

Existing Zoning District Classification: Waterfront Residential Proposed Zoning District Classification Public and Private Recreational Facility

Number of Lots Proposed: _____ Acreage of Project: 93.92

5. **ZONING TEXT AMENDMENT:** (please attached the existing zoning ordinance and the proposed revisions as a separate document)

Zoning Ordinance Section proposed to be amended _____

6. **PROJECT DESCRIPTION (reason for amendment):** _____

Recreational facility dedicated and designed for veterans and their families as a place of relaxation and reflection. Campground to include RV camping, tent camping, and short stay cabins to accommodate varying stay durations.

7. **OWNER/PROPRIETOR INFORMATION:**

Name: Freedom River, Inc. Phone Number(s): 734-231-2792
Email: janna.yeakey@freedomriver.org Address: 9305 Huron Rapids Drive
City: Whitmore Lake State: Michigan Zip: 48189

8. **APPLICANT:**

Name: Freedom River, Inc. Phone Number(s): 734-231-2792
 Email: janna.yeakey@freedomriver.org Address: 9305 Huron Rapids Drive
 City: Whitmore Lake State: Michigan Zip: 48189

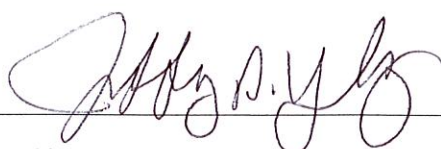
ZONING AMENDMENT PROCESS: (Zoning Ordinance, Article 12)

1. Application. Petitions for amendments by individual property owners shall be submitted to the Zoning Administrator on a standard application form provided and shall be accompanied by a fee in accordance with the duly adopted schedule of fees, to cover administrative and publication costs. No part of such fee shall be returnable to the petitioner if the public hearing is held.
2. Referral to Planning Commission. All proposals for amendment shall be referred to the Planning Commission for their review and recommendation. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal, the most likely effect on the community's physical development, and conformance with the Township Master Plan. The Planning Commission may recommend any additions or modifications to the original amendment proposal.
3. Public Hearing. Upon receipt of an application for an amendment, the Planning Commission shall hold a public hearing in accordance with the notification procedures described in Section 3.8.
4. Upon receipt of recommendation from the Planning Commission and the County Planning Commission, the Township Board shall consider the proposed amendment. The Township Board may hold additional hearings it deems necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper of general circulation in the Township not more than fifteen (15) days nor less than five (5) days before the hearing.
5. If the Township Board shall deem any changes to the proposed amendment advisable, it shall refer the same to the Planning Commission for a report within a time specified by the Township Board. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to a property owner who by certified mail addressed to the Township Clerk requests a hearing. The Township Board shall request the Planning Commission to attend the hearing.
6. Thereafter, the Township Board may adopt the amendment with or without changes by majority vote in accordance with procedures of Act 184 of 1943, as amended.
7. No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.
8. Amendments adopted by the Township Board shall be filed with the Township Clerk and one notice of amendment adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of amendment adoption shall contain the following information: either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; the effective date of the amendment; and, the time and place where a copy of the amendment may be purchased or inspected.

APPLICANT CERTIFICATION:

I hereby certify that all uses for which this application is made shall conform to the Ordinances of Hamburg Township, Livingston County and the State of Michigan. All information submitted as a part of the zoning amendment application is to my knowledge accurate. If the information is determined either now or in the future to be inaccurate any permits granted for the incorrect information shall be void and any structures built or uses approved may be in violation of the required ordinances and must otherwise be brought into compliance with all regulations.

I further agree that any deviation from the application submitted or the breach of any additional safeguards, conditions or requirements the Hamburg Township may impose in granting this application shall constitute a violation of the Ordinance and invalidate the permit granted.

PROPERTY OWNERS SIGNATURE:  DATE: 2/13/2023

*If an agent submits the project to the Township for the property owner a letter authorizing must be submitted.

Map 5 Zoning Map

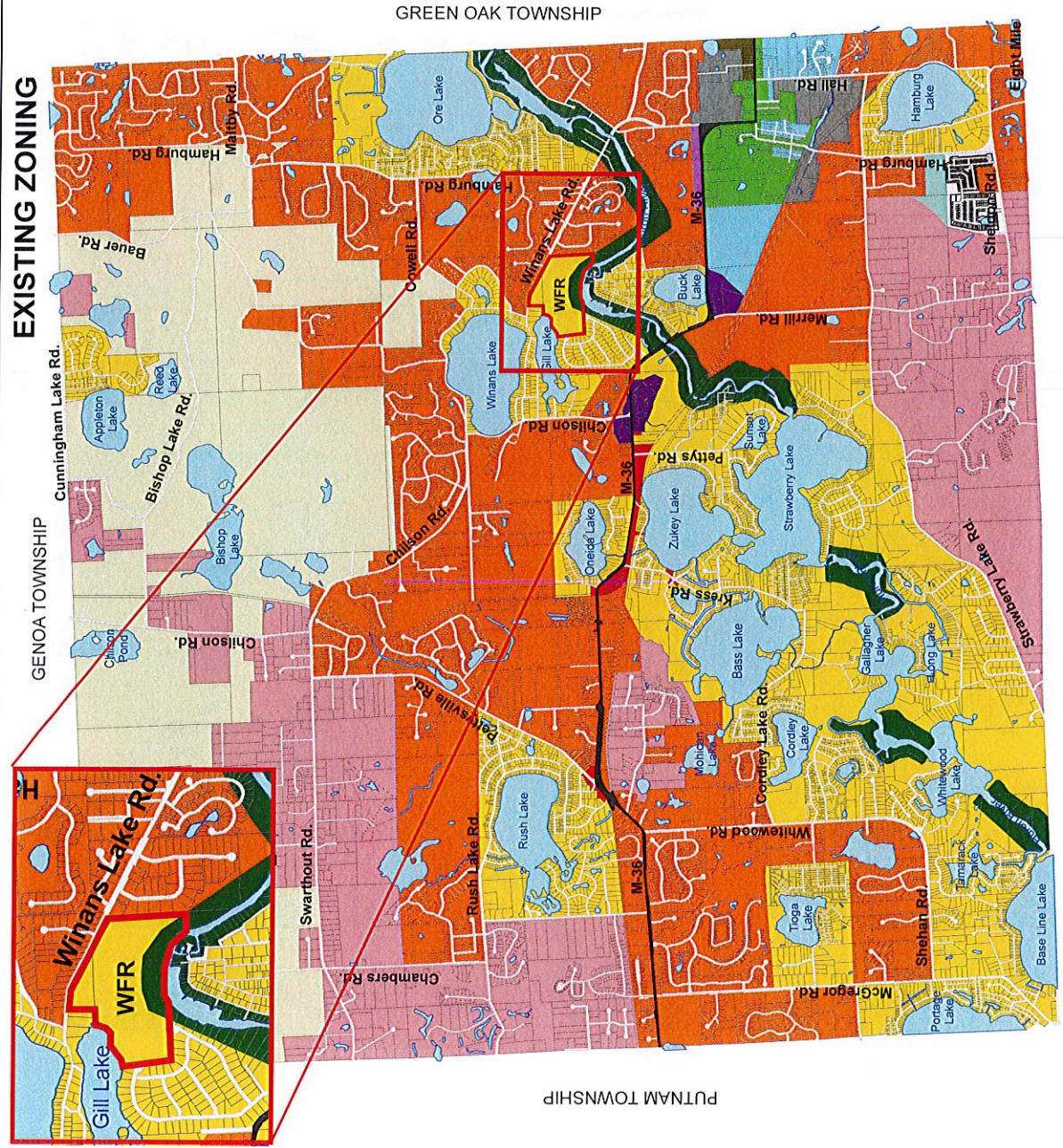
Hamburg Township,
Livingston County, Michigan

Zoning District

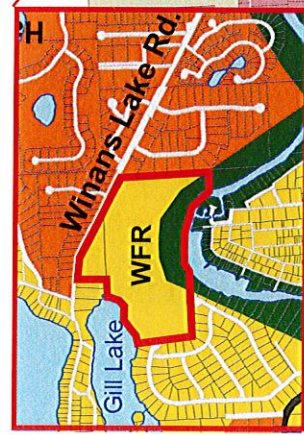
- RAA - Low Density Residential
- RA - Medium Density Residential
- RB - High Density Residential
- WFR - Waterfront Residential
- NR - Natural River Residential
- MHP - Mobile Home Park Residential
- NS - Neighborhood Service
- CS - Community Service
- LI - Limited Industrial
- GI - General Industrial
- MD - Mixed Development
- VC - Village Center
- VR - Village Residential
- PPRF - Public and Private Recreational Facilities



Source: Hamburg Township, 2020 08/2020



EXISTING ZONING



GREEN OAK TOWNSHIP

WEBSTER TOWNSHIP, WASHTENAW COUNTY

PUTNAM TOWNSHIP

Map 5 Zoning Map

Hamburg Township,
Livingston County, Michigan

Zoning District

- RAA - Low Density Residential
- RA - Medium Density Residential
- RB - High Density Residential
- WFR - Waterfront Residential
- NR - Natural River Residential
- MHP - Mobile Home Park Residential
- NS - Neighborhood Service
- CS - Community Service
- LI - Limited Industrial
- GI - General Industrial
- MD - Mixed Development
- VC - Village Center
- VR - Village Residential
- PPRF - Public and Private Recreational Facilities



Source: Hamburg Township, 2020 08/2020

