

ARTICLE 2.00

DEFINITIONS

For the purpose of this Ordinance, certain words and terms are herewith defined. Words not herein defined shall have the meaning customarily assigned to them.

ACCESSORY DWELLING UNIT: A detached or attached, self-contained dwelling unit located on the same premises as a primary single-family dwelling-

MOTEL: A building or group of buildings, used for overnight accommodation of transient guests for compensation on a short-term basis (i.e, stays generally shorter than thirty consecutive days). The building or group of buildings are not built to be use as permanent residences.

OWNER, PRINCIPAL: The owner of not less than fifty (50) percent interest in the residence.

PERMANENT RESIDENT: An owner of a property or a tenant that live in a dwelling unit for more than 243 days a year.

SHORT TERM RENTAL UNIT: A dwelling unit or accessory dwelling unit that is rented wholly or partly, for periods of less than 30 consecutive days for more than 14 days per year, by persons other than the permanent resident. Short Term Rental Units including the following:

ACCESSORY SHORT-TERM RENTAL UNIT: A dwelling unit or portion of a dwelling unit rented or leased to transient guests for a period of less than thirty (30) consecutive calendar days per rental period and less than 122 day per calendar year.

BED AND BREAKFAST SHORT-TERM RENTAL UNIT: A structure which was originally constructed for single family residential use and is currently the private residence of the permanent resident. The permanent resident or residents act as the and are on site during the rental of the property. The residence is used for renting bedrooms, on a nightly basis to transient guests for a period of less than thirty (30) consecutive calendar days per rental period and may be rented 365 days per calendar year. Bed and breakfast short term rental units provide food at no extra cost to the transient guest.

HOSTED SHORT-TERM RENTAL UNITS: a short-term rental unit where a portion of the dwelling unit or the accessory dwelling unit is occupied by a permanent resident when the unit is rented or leased to transient guests.

PRIMARY SHORT-TERM RENTAL UNIT: A dwelling unit or portion of a dwelling unit rented or leased to transient guests for a period of less than thirty (30) consecutive calendar days per rental period and may be rented 365 days per calendar year.

ARTICLE 7.00 DISTRICT REGULATIONS

7.5.1 Permitted Use Tables:

In the case of a use not specifically mentioned, the requirements for a use which is so mentioned and similar in character, as determined by the zoning administrator, to the use not listed shall apply.

A. Residential Use Table

Residential Uses	RAA	RA	WFR	NR	RB	MHP	PPRF	NS	CS	LI	GI	MD	VC	VR	Use Standards
Single-family dwelling	P	P	P	P	P			S	S				P	P	7.6.1/7.6.4
Accessory Dwelling Units	P	P	P	P	P								P	P	7.6.2
Farming	P	P					P								7.6.3
Roadside Farm Stand	P	P					P								
Community Supported Agricultural	P	P													
Raising of horses	P	P	P	S			P								7.6.3
Raising of Poultry	P	P	P	S			P								7.6.3
Two Family Dwellings		S			S			S	S				P	S	7.6.4
Multi-Family Dwellings								S	S		S		P	S	7.6.4
Apartments								S	S		S		S	S	7.6.4
Mobile Home Parks						P									7.6.5
Live Work Unit								P	P			P	P	S	7.6.6
Accessory Short-Term Rental Unit	P	P	P	P	P								P	P	7.6.22
Primary Short-Term Rental Unit	P	P	P	P	P								P	P	7.6.22

C. Commercial Use Table

Commercial Uses	RAA	RA	WFR	NR	RD	MHP	PPRF	NS	CS	LI	GI	MD	VC	VR	Use Standards
Home Occupations	P	P	P	P	P								P	P	7.6.17
Minor Agricultural Commercial and Tourism Use	P														7.6.18
Major Agricultural Commercial and Tourism Uses	S														7.6.18
State Licenced Child Family Day Care Home	P	P	P	P	P									P	
State licensed Adult Family Care Home	P	P	P	P	P									P	
Group day care homes	S	S	S	S	S									S	7.6.19
Small and Large Adult Foster Care	S	S	S	S	S			S	S					S	7.6.20
Child Care or Day Care Centers								S	S				P		7.6.19
Kennels	S							S	S						7.6.21
Bed and Breakfast Short-Term Rental Unit	S-P	S-P	S-P	S-P	S-P			S	S			S	S-P	S-P	7.6.22
Firewood Sales	P	P						P	P						7.6.23
Outdoor Drive-in Theaters	S														7.6.24
Wholesale Stores									P	P	P				
Department Stores									P						
Retail Stores								P	P			P	P		
Food and Beverage Stores								P	P			P	P		
Restaurants w/o drive thru								P	P			P	P		
Service Businesses								P	P			P	P		
Business and Professional Offices								P	P	P	P	P	P		
Banks and Financial Institutions w/o drive-thru								P	P	P	P	P	P		
Small Repair Shop								P	P	P	P		P		
Open Air businesses								S	S						7.6.25
Dry Cleaner								S	P				P		7.6.26
Laundry Mat								S	P				P		7.6.27
Drive-thru Establishments								S	S				S		7.6.28
Gasoline Service Station								S	S	P	P		S		7.6.29
Marinas								S	P						7.6.30
Boat Sale and Service								S	P	P	P		P		7.6.31
Motor Vehicle Sales									S	P	P	S	S		7.6.32
Motor Vehicle and Trailer Rental									S	P	P	S	S		7.6.33
Service Studio (music, dance, martial arts, yoga ex..)								P	P				P		
Funeral Homes/Mortuaries									P	P			P		
Auto and Truck Washes									S				S		
Minor Automobile Repair									S	P	P		S		7.6.34
Major Automobile Repair									S	P	P		S		7.6.34
Lumber Yard and Building Supplies									S	P	P				
Greenhouses/ Nursery/Garden or Feed Center								S		P		S	S		
Apartments								S	S			S	S	S	7.6.4
Motels									P				P		

D. Industrial Use Table

Industrial Uses	RAA	RA	WFR	NR	RB	MHP		NS	CS	LI	GI	MD	VC	VR	Use Standards
Motor Freight Depots and Terminals											S				7.6.35
Warehouses and Distribution Centers										P	P	P			
Manufacturing/Processing/ Assembly of goods										P	P	S			
Printing/ Publishing and Related Activities										P	P	S			
Research and Testing Facilities										P	P	S			
Landscaping/Building and Other Contractor's Establishments										P					
Construction and Farm Equipment Sales										P					
Manufacturing of stone or tile										P					
Concrete or concrete products manufacturing										S					
Asphalt of Other Bituminous Plant										S					
Storage of Petroleum, chemical products, flammable liquides or gases										S					
Landfills, Incinerators, or Junk yards										S					
Quarries and Sand and Gravel Pits										S					
Storage Facilities											P S				
Outdoor Storage associated with a allowed use										S	S				
Adult Buisnesses										S					7.6.36

7.6 Specific Use Regulations. The following are supplemental regulations for specific uses.

Intent: It is the intent of the Township to allow specific uses as an allowed use if certain regulations are met. These regulations are created to promote the general health, safety, and welfare of Hamburg Township citizens by providing multiple housing types, preserving the appearance and character of the township, and protecting the neighboring properties from potential nuisances. The regulations provide minimum standards for the placement, operation, and maintenance for the allowed use within the Township to ensure that the uses remain clean and safe and do not create hazards to citizens, pedestrians or to vehicular traffic.

Purpose: The purpose of this section is to provide a clear understanding of the expectations for the following specific uses for operators, local residents, other businesses, and local officials.

7.6.22 Short-Term Rental Development Standards

- A. There are three types of short-term rental units Accessory Short-Term Rental Units, Primary Short-Term Rental Units, and Bed and Breakfast Short-Term Rental Units. Short-term rental units must apply for a Land Use Permit under Article 3 Section 3.3 Land Use Permits.
- B. All short-term rental units shall meet the following regulations:
 1. If there is an accessory dwelling unit on the subject site only one of the dwelling units can be used as a short-term rental unit. The accessory dwelling unit regulations in Section 7.6.2 shall be met.
 2. Maximum occupancy of 2 persons per bedroom plus an additional 2 persons per floor level with livable space.
 3. One off street parking space is required per bedroom. In the VC or VR districts if there is on-street parking along a property line of the subject property it may be counted for the required parking. If the short-term rental unit is hosted the hosts parking space must be unobstructed by the guest parking spaces.
 4. Noise during quiet hours 10:00 p.m. to 7:00 a.m. must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. The regulations of the Breach of Peace Ordinance shall apply.
 5. No Fireworks are allowed.
 6. No tents, recreation or other vehicles, or boats can be used as short-term rentals.
 7. Subject property shall have on site garbage service.

8. A local agent shall be designated. The local agent shall be available 24 hours a day while the unit is rented out. The local agent shall live within 45 minutes of the short-term rental unit.
 9. If advertised the advertisement shall include the permit number and maximum number of persons allowed.
 10. If there are more than 10 properties within 1000 feet of the subject property; only 30 percent of these properties may be used for short-term rentals. Of the allowed short-term rental units only 15% can be primary short-term rental units or bed and breakfast short-term rental units. If the subject property is greater than 10 acres this regulation does not apply. All approvals shall be granted on a first to apply basis.
 11. The following information shall be posted inside the unit, within 10 feet of the primary door of an un-hosted short-term rental unit: The Name and phone number of the local agent; A plan of the property that shows the property lines, buildings and parking spaces with a statement about trespassing on neighboring sites; information about garbage pick-up; the total number of people allowed; and other rules including but not limited to the quiet hours, and no fireworks.
 12. An annual land use permit (Article 3, Section 3.3) is required for all short-term rental units. If an annual land use permit for an existing short-term rental unit is not applied for by the first day of February the existing short-term rental unit shall no longer be used as a short-term rental unit until a new land use permit is approved for that property.
- C. Accessory and Primary Short-Term Rental Units:
1. Maximum occupancy of 10 persons per unit. This number would include the host and their family if the STR is within the same building. If the STR is hosted and the STR unit or the Host is in an Accessory Dwelling Unit the Maximum Occupancy on the site may be up to 14 persons.
 2. Structures used as short-term rental units shall meet the required setbacks of the zoning district it is located in.
 3. Special events (section 8.4) are not allowed while the property is being used as a short-term rental unit.
- D. Bed and Breakfast Inn Short-Term Rental Units:
1. Dining facilities for the purpose of serving meals shall not exceed a seating capacity of two and a half (2.5) times the number of sleeping rooms in the bed and breakfast establishment. No restaurant shall be permitted. Food service shall be limited to food provided at no extra cost to the transient guests.
 2. The sale and/or display of souvenirs of the inn and other local merchandise is allowed as long as it is accessory to the Bed and Breakfast Short Term Rental use.
 3. Bed and breakfast short-term rental units may not offer boating amenities, such as docking facilities, boat rental or boating tours, to guests. This provision shall not preclude the resident owner from docking or utilizing a boat for their own personal use.
 4. Bed and breakfast short-term rental units may be located in neighborhood service and community service zoning districts with approval of a Special Use Permit.
 5. Bed and breakfast short-term rental units may offer wedding and indoor concert events as long as they meet the regulations in section 7.6.22 (D)(10) and with approval of a Special Use Permit.

6. A structure utilized for a bed and breakfast short-term rental unit must be located at least 200 feet from any adjacent residence, measured between principal structures.
7. A structure utilized for a bed and breakfast short-term rental unit that is within 500 feet from the shoreline of any lake or river must be connected to a public sanitary sewer. A structure utilized for a bed and breakfast inn that is further than 500 feet from the shoreline of any lake or river may have a sanitary septic system as long as it is also located further than 500 feet from a body of water. Ponds which are completely contained within the subject parcel and not contiguous to any off-site body of water may be within 500 feet of the structure utilized for a
8. Bed and breakfast short-term rental units shall be limited to eight (8) guest sleeping rooms. The maximum occupancy of the Bed and Breakfast short-term rental unit shall be of 20 people including the host, their family, and other employees if staying at the site.
9. The parking areas shall not be located within the required yard setbacks. Landscape buffer strip, designed in accordance with Section 9.3, shall be provided between the parking lot and all adjacent residentially zoned land.
10. Bed and breakfast short-term rental units that want to hold wedding and indoor concert events shall meet the following regulations:
 - a. Maximum duration: No more than 20 events shall be allowed on a site per calendar year.
 - b. Location: Events shall not be allowed on property in or adjacent to any developed residential areas except on sites greater than 2 acres.
 - c. Noise: Events shall be required to meet the regulations of the Hamburg Township Breach of Peace Ordinance.
 - d. Hours of Operation: Events shall only take place between 8:00 am and 11 pm. No amplified music shall be allowed after 10 pm; setup and cleanup of the event and workers and attendees to the event shall not arrive or leave the site before or after the hours of operation.
 - e. Number of Attendees: Events shall be limited to a maximum of 150 persons, or the maximum occupancy of the space where the event is held, whichever is less.
 - f. Distance to neighboring structures: If an event is held outdoors all temporary structures and outdoor venues shall be at least 200 feet from an adjacent residential structure.
 - g. Parking: Parking may be provided, either on or off-site, and shall meet the requirements under Section 10.3.1 (7). If parking is provided off-site, a shuttle service must be provided.
 - h. Clean-Up. Adequate site and surrounding area clean-up shall be done within 48 hours following the event.
 - i. Lighting. All exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall any lighting become a nuisance as regulated in the Township Nuisance Ordinance. Lighting shall meet the applicable requirements under Section 9.11 Outdoor Lighting.

- j. Temporary Sign: One temporary sign may be allowed in addition to the signs allowed for bed and breakfast establishments in article 18 for the district in which they are located. The sign shall not exceed 8 square feet in size, shall only be placed on the private property where the event is being held, shall only be erected the day of the event and shall be removed within 24 hours following the event.
- k. Yearly Approval: In addition to the initial Special Land Use Permit, the owners of the establishment shall submit a land use permit application on a yearly basis which includes the following information for the Zoning Administrator to review. Should the Zoning Administrator deem necessary, the yearly application may be sent to the Planning Commission for consideration.
 - i. A list of the approximate dates that the bed and breakfast will be used for events, including the type of event.
 - ii. a plot plan that depicts the location of all event venues, bathroom facilities, parking, drop off areas, and any other information deemed by the Zoning Administrator to be necessary in the review of the project.
 - iii. The name and phone number of a contact person that will be at the events.
 - iv. A signed agreement with the property owner of any land to be used for off-site parking.
- l. Any of the requirements in a-k above may be altered, as necessary, to meet the requirements of the special use permit process. (Section 3.5).