

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, September 23, 2015 – 7:30 PM
Board of Trustees Room**

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

MINUTES Approval of minutes from the regular meeting of September 9, 2015

CORRESPONDENCE

PUBLIC HEARING:

ITEM #1 **CASE #14-005 RZ**

TITLE: **THE APPLICANT, BELLEVILLE DEVELOPMENT, INC. IS REQUESTING TO REZONE APPROXIMATELY 11.316 ACRES CURRENTLY ZONED R-1B (SINGLE-FAMILY RESIDENTIAL) AND C-2 (EXTENSIVE HIGHWAY BUSINESS) TO C-2 (EXTENSIVE HIGHWAY BUSINESS) WITH CONDITIONS.**

LOCATION: Parcel numbers **V-125-83-064-99-0002-002, also known as 11105 Quirk Road, and V-125-83-064-99-0002-003, which is vacant,** are the two (2) subject parcels of this hearing. Parcel V-125-83-064-99-0002-002 measures approximately 7.421 acres and Parcel V-125-83-064-99-0002-003 measures approximately 3.895 acres. These parcels are located northeast of the intersection of Quirk Road and N. I-94 Service Drive.

- A. Commission opens Public Hearing
- B. Presentation by the applicant.
- C. Receipt of public comment.
- D. Commission closes Public Hearing.

OLD BUSINESS:

ITEM #1 **CASE #14-005 RZ (SEE ITEM #1 UNDER PUBLIC HEARING FOR DESCRIPTION AND LOCATION)**

- A. Presentation by Township staff and consultants.
- B. Planning Commission discussion.
- C. Planning Commission considers recommendation to the Township Board for the Rezoning application.

ITEM #2 **PROPOSED BELLEVILLE LAKE ORDINANCE. GENERAL DISCUSSION AND QUESTIONS REGARDING AMENDMENTS TO THE ZONING ORDINANCE TO ADD BELLEVILLE LAKE SHORELINE DISTRICTS AND ASSOCIATED REGULATIONS FOR ALL ZONING DISTRICTS ALONG THE SHORELINE OF BELLEVILLE LAKE.**

NEW BUSINESS: None

ITEM #1 **REQUEST BY CANTON TOWNSHIP FOR REVIEW AND COMMENT REGARDING AN AMENDMENT TO THE CANTON TOWNSHIP MASTER PLAN.**

GENERAL DISCUSSION

ADJOURNMENT

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
September 9, 2015
MINUTES**

Chairperson Thompson called the meeting to order at 7:31 p.m.

ROLL CALL:

Present: Johnson, Kelley, McKenna, Budd, Franzoi and Thompson.

Excused: Boynton.

Staff: Director Akers, Deputy Director Best and Secretary Harman.

Planning Representatives: McKenna Associate, Sally Hodges.

Audience: Eight (8).

APPROVAL OF AGENDA:

Motion Budd, McKenna second to approve the agenda as amended to include under Old Business Item #1 Update on Belleville Development rezoning application and Item #2 Recommendation to extend the medical marijuana moratorium, under New Business Item #1 Preliminary site plan review, possible site plan approval and recommendation to township board for special use approval for Trilogy Residences, LLC. Motion Carried.

APPROVAL OF MINUTES:

Motion Johnson, Franzoi second to approve the minutes from August 26, 2015 as presented.

Motion Carried.

PUBLIC HEARING:

ITEM # 1 CASE# 15-014 (SLU & SPR)

TITLE: THE APPLICANT, TRILOGY RESIDENCES, LLC, REQUESTS SPECIAL LAND USE APPROVAL FOR THE DEMOLITION OF THE EXISTING TENNIS COURTS AND CONSTRUCTION OF A CLUBHOUSE AND SWIMMING POOL IN THE SAME AREA. THE PROPOSED CLUBHOUSE AND SWIMMING POOL, WHICH ARE ACCESSORY TO THE EXISTING APARTMENT HOUSES, ARE SPECIAL LAND USES IN THE RM, MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT. THIS HEARING IS BEING HELD IN ACCORDANCE WITH SECTION 8.03 (PERMITTED USES WITH SPECIAL APPROVAL) OF THE ZONING ORDINANCE.

LOCATION: PARCEL TAX ID NUMBER V125-83-056-99-0019-001, ALSO KNOWN AS 41500 BELLRIDGE BOULEVARD, IS THE SUBJECT OF THIS HEARING. THIS SITE IS LOCATED ON THE WEST SIDE OF INDEPENDENCE LANE, NORTH OF THE I-94 SERVICE DRIVE.

Motion Kelley, McKenna second to open the public hearing. Motion Carried.

Engineer Tim Ponton gave the presentation for the applicant. The applicant is requesting special land use approval to make improvements to the amenities located at Bellridge apartments by demolishing the two 2 tennis courts currently on site to construct a clubhouse and pool in the same area. The

clubhouse will include offices for employees, a gym, movie room, coffee bar, pool area, cabana's, hot tub, outdoor cooking area with BBQ's and a fire pit area. The site will lose 2 of the 465 parking spaces currently on site with the change. The applicant has received review letters from the planning engineers and is looking to get started before winter hits.

Motion Johnson, McKenna second to close the public hearing. Motion Carried.

OLD BUSINESS:

ITEM #1 UPDATE ON BELLEVILLE DEVELOPMENT REZONING APPLICATION

Director Akers gave the rezoning application update. Belleville Development is revising the conditional rezoning agreement and planning staff has received comments from the Township Attorney. The first public hearing was published only for the northern parcel, the public hearing will need to be republished to include both parcels with the next public hearing date on 9-23-15.

Motion Budd, second Franzoi to extend the table on the conditional rezoning agreement. Motion Carried.

ITEM #2 RECOMMENDATION TO EXTEND THE MEDICAL MARIJUANA MORATORIUM

Director Akers presented information on the medical marijuana moratorium. On April 7, 2015 the Township Board approved a 6 month moratorium. Subcommittee members reviewed several aspects of other cities ordinances and visited a grow dispensary in Ypsilanti. Due to turnover in the planning department and lack of time put into this item, Director Akers is requesting the Planning Commission recommend to the Township Board an extension of the moratorium for an additional 6 months.

Motion Budd, Kelley second to recommend to the Township Board an additional six (6) months of moratorium to allow the subcommittee to complete their review and recommendation. Motion Carried.

NEW BUSINESS:

ITEM # 1 CASE# 15-014 (SLU & SPR)

TITLE: THE APPLICANT, TRILOGY RESIDENCES, LLC, REQUESTS SPECIAL LAND USE APPROVAL FOR THE DEMOLITION OF THE EXISTING TENNIS COURTS AND CONSTRUCTION OF A CLUBHOUSE AND SWIMMING POOL IN THE SAME AREA. THE PROPOSED CLUBHOUSE AND SWIMMING POOL, WHICH ARE ACCESSORY TO THE EXISTING APARTMENT HOUSES, ARE SPECIAL LAND USES IN THE RM, MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT. THIS HEARING IS BEING HELD IN ACCORDANCE WITH SECTION 8.03 (PERMITTED USES WITH SPECIAL APPROVAL) OF THE ZONING ORDINANCE.

LOCATION: PARCEL TAX ID NUMBER V125-83-056-99-0019-001, ALSO KNOWN AS 41500 BELLRIDGE BOULEVARD, IS THE SUBJECT OF THIS HEARING. THIS SITE IS

LOCATED ON THE WEST SIDE OF INDEPENDENCE LANE, NORTH OF THE I-94 SERVICE DRIVE.

Tim Ponton presented a rendering of the proposed clubhouse and explained the special land use approval needed.

Sally Hodges of McKenna Associates presented special land use review letter dated 9-3-15 recommending the Planning Commission recommend special approval to the Township Board, subject to final site plan approval.

Sally Hodges of McKenna Associates presented preliminary site plan review letter dated 9-3-15 recommending preliminary site plan approval subject to the conditions referenced in the letter.

Director Akers presented the WadeTrim preliminary site review letter dated 9-3-15 along with the Fire Department review letter dated 7-26-15, both recommend approval.

Commissioners discussed keeping the number of parking spaces at 465 (not reducing 2 spaces), barrier free ADA compliant parking spaces, ADA accessibility to the pool and clubhouse and visibility of the clubhouse from the roadway. No comments from the audience.

Motion Johnson, McKenna second to recommend the Township Board grant Trilogy, LLC special land use approval for the demolition of the existing tennis courts and construction of a clubhouse and swimming pool at parcel number V125-83-056-99-0019-001 also known as 41500 Bellridge Boulevard subject to final site plan approval.

Roll Call:

Yeas: Franzoi, Johnson, Kelley, McKenna, Budd and Thompson.

Nays: None.

Absent: Boynton.

Motion Carried.

Motion Kelley, Franzoi second to grant preliminary site plan approval for 41500 Bellridge Boulevard subject to the conditions in the McKenna Associates review letter dated 9-3-15, WadeTrim review letter dated 9-3-15 and Fire Department review letter dated 7-26-15 including 465 parking spaces and ADA compliance. Motion Carried. (Letters Attached)

GENERAL DISCUSSION: None.

Motion McKenna, Johnson second to adjourn at 8:07 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

PLANNING & ZONING APPLICATION

RECEIVED
SEP 10 2014

Case number R214-005

Date Submitted

APPLICANT INFORMATION

Applicant BELLEVILLE DEVELOPMENT, INC. Phone 248.544.2900
 Address 31100 STEPHENSON HWY. Fax 248.544.8600
 City, State MADISON HEIGHTS MI Zip 48071
 E-mail RHANNA@AMHOSPITALITY.COM Cell Phone Number 248.621.2161
~~Property Owner~~ Same Remy Hanna Phone 248-821-2161
 Address 46194 N E-94 Service Road Fax _____
 City, State Belleville MI Zip 48111
 Billing Contact APPA/ADDE R.H. Staslis Phone 810-665-0569 ANDY@BUDESIGN.COM
 Address 10175 SAGEHAWK ST. SUITE B Fax 810-665-0569
 City, State GRAND BLANC, MI Zip 48489

SITE/PROJECT INFORMATION

Name of Project TOWNE PLACE SUITES HOTEL
 Parcel ID No. V125-83-064-99-002-002 Project Address 11055 QUIRC ROAD
 Attach Legal Description of Property
 Property Location: On the NORTH Side of N. I-94 SERVICE DR. Road; Between BELLEVILLE Road and QUIRC Road. Size of Lot Width _____ Depth _____
 Acreage of Site 7.421 Total Acres of Site to Review 7.421 Current Zoning of Site R-1B
 Project Description: NEW HOTEL DEVELOPMENT WHICH INCLUDES LONG-TERM PARKING.
 Is a re-zoning of this parcel being requested? YES YES (if yes complete next line) NO
 Current Zoning of Site R-1B Requested Zoning C-2

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? NO YES (if yes complete next line) NO
 Section of Zoning Ordinance for which you are applying _____
 Is there an official Woodland within parcel? NO Woodland acreage _____
 List total number of regulated trees outside the Woodland area? _____ Total number of trees _____
 Detailed description for cutting trees _____

If applicable application MUST be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNER'S AFFIDAVIT

Print Property Owners Name Rimsen Hanna
 Signature of Property Owner _____
 Date 9/10/14

STATE OF MICHIGAN
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this 10 day of Sept 2014
 Notary Public, State of Michigan
My Commission Expires Sep 25, 2019
 County, Michigan My Commission expires 9/25, 2019
 AGING IN COUNTY OF Wayne

PLANNING & ZONING APPLICATION

RECEIVED
SEP 10 2014

Case number RZ14-005

Date Submitted

APPLICANT INFORMATION

Applicant BELLEVILLE DEVELOPMENT, INC. Phone 248.544.2900
 Address 3110 STEPHENSON HWY. Fax 248.544.8600
 City, State MADISON HEIGHTS MI Zip 48071
 E-mail RHANNA@AMHOSPITALITY.COM Cell Phone Number 248.821.2161
~~Property Owner~~ Same Remy Hanna Phone 248-821-2161
 Address 46194 N E-99 Service Road Fax _____
 City, State Belleville MI Zip 48111
 Billing Contact APPRAISER R.H. STASIS Phone 810-665-0569 ANDY@BUDDDESIGN.COM
 Address 10175 SAGEHAWK ST. SUITE B Fax 810-665-0569
 City, State GRAND BLANC, MI Zip 48429

SITE/PROJECT INFORMATION

Name of Project TOWNE PLACE SUITES HOTEL
 Parcel ID No. V125-83-064-99-002-002 Project Address 11055 QUIRE ROAD
 Attach Legal Description of Property
 Property Location: On the NORTH Side of N.1-94 SERVICE DR. Road; Between BELLEVILLE Road and QUIRE Road. Size of Lot Width _____ Depth _____
 Acreage of Site 7.421 Total Acres of Site to Review 7.421 Current Zoning of Site R-1B
 Project Description: NEW HOTEL DEVELOPMENT WHICH INCLUDES LONG-TERM PARKING.
 Is a re-zoning of this parcel being requested? YES YES (if yes complete next line) NO
 Current Zoning of Site R-1B Requested Zoning C-2

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? NO YES (if yes complete next line) NO
 Section of Zoning Ordinance for which you are applying _____
 Is there an official Woodland within parcel? NO Woodland acreage _____
 List total number of regulated trees outside the Woodland area? _____ Total number of trees _____
 Detailed description for cutting trees _____

If applicable application MUST be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNER'S AFFIDAVIT

Print Property Owners Name Rimsen Hanna
 Signature of Property Owner [Signature] Date 9/10/14

STATE OF MICHIGAN
 COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this 10 day of Sept 2014,
 Notary Public, State of Michigan
[Signature] County, Michigan My Commission expires 9/25, 2019
 MY COMMISSION EXPIRES SEP 25, 2019
 AGING IN COUNTY OF Wayne Rev 1/12/06

September 18, 2015

Planning Commission
Charter Township of Van Buren
48425 Tyler Road
Belleville, MI 48111

Subject: Case # VBT-RZ 14-005; Parcels 83-064-99-0002-002 and 83-064-99-0002-003, Town Place Suites; Rezoning with Conditions and Agreement Review #3

Dear Commissioners:

The applicant has revised his previous request for rezoning of parcel 83-064-99-0002-002 (Parcel 002) from R-1B (Single Family Residential) to C-2 (Extensive Highway Business). The request has been expanded to include the south part of his proposed site, parcel 83-064-99-0002-003 (Parcel 003) which is currently zoned C-2, in order to include both parcels in a request for Rezoning with Conditions. Subject to approval by the Township, the two parcels would be combined and zoned C-2 (Extensive Highway Business) with Conditions. Because the request for rezoning includes more land than originally proposed a new public hearing is required.

The site is located at the northeast corner of Quirk Road and the North Service Road and is currently vacant. The applicant wishes to build a new 121 room suites motel and associated parking and has proposed to limit several aspects of the development via a Rezoning with Conditions Agreement.

A. CONDITIONAL REZONING

The Michigan Zoning Enabling Act, P.A. 110 of 2006, allows an applicant to voluntarily offer conditions upon his or her rezoning request. Per Section 18.09.D.1.c. of the Township Zoning Ordinance, an applicant for a conditional rezoning must submit a proposed rezoning with conditions agreement, which lists the conditions the applicant proposes to place upon the use. In this case, the applicant has offered several written conditions that would be attached to the new zoning of the land. All of these would become part of the use restrictions that will govern the site.

The applicant has not submitted a Rezoning with Conditions Plan because the conditions he is offering do not require a plan to be effective. Site plan approval by the Planning Commission would still be required if the rezoning is approved.

B. PROPOSED CONDITIONS

There are many conditions in the list submitted by the applicant, however most of them only reiterate rights that the applicant already has. The following proposed conditions are the most relevant for the Planning Commission to consider:

1. The applicant will apply for and agrees to combine the two parcels.

2. During the construction period, an emergency or temporary construction vehicle entrance/exit drive from the site to and from Quirk Road may be permitted, subject to application by the land owner and approval of the Township and all other agencies with jurisdiction.
3. After construction of the hotel, the applicant may request a permanent vehicle entrance/exit driveway to Quirk Road. The applicant agrees that the Township may deny or withhold such approval in its sole discretion.
4. The parcel shall be permitted one driveway on the North I-94 Service Road.
5. The hotel building shall be no taller than forty-five (45) feet. All other buildings that may be built on the land are subject to height regulations set forth in the Township's Zoning Ordinance. Building height will be calculated using the measurement methods set forth in the Township's Zoning Ordinance.
6. The hotel will have upgraded building façades and a peaked roof.

C. COMMENTS

In our review letter regarding Parcel 002, dated August 5, 2015, we addressed the need for satisfactory resolution of the Quirk Road access concerns and need to protect the residential neighborhood from negative impacts of commercial traffic if the site were to be rezoned. Those same concerns apply to parcel 003, although to a lesser extent since parcel 003 has frontage on the North Service Road which is an appropriate route for commercial vehicles. Therefore, our comments that follow include relevant analysis from that August review, and are refined based upon the conditions now being offered with the rezoning.

1. **Existing Conditions.** The site is located within the Township DDA in the Belleville Road District Plan area. The surroundings are summarized below:

Location	Existing Land Use	Master Plan	Existing Zoning
Site	Vacant, former tack shop, barn and accessory structures	Gateway Commercial	R-1B (Single Family Residential)
North	Wayne County Fairgrounds	Public/Semi Public	R-1B (Single Family Residential)
East	Motel	Gateway Commercial	C-2 (Extensive Highway Business)
South	Vacant and I-94 North Service Road	Gateway Commercial	C-2 (Extensive Highway Business)
West	Single Family Residential Subdivision	Medium Density Single Family A	R-1B (Single Family Residential)

2. **Zoning Ordinance.** Permitted uses in the site's existing R-1B District and the proposed C-2 District are summarized below:
 - a. Existing R-1B Zoning. The principal permitted uses in the existing R-1B District include detached single family detached dwellings; public owned and operated playgrounds,

libraries and recreational facilities; public, private or parochial schools; government buildings and facilities; family day care homes; adult foster care homes; and home occupations. By special approval, child care centers; public owned buildings/utilities; golf courses; child care centers; group day care homes; churches and places of worship; bed and breakfast and other uses consistent with those allowed in this district are among the uses permitted.

- b. Proposed (and Existing) C-2 Zoning District. The C-2 district permits all C-1 principal permitted uses and the following additional principal permitted uses, including but not limited to: hotels and motels; new car sales; building materials establishments; sales of recreation vehicles; shopping centers; furniture and equipment sales; commercial amusement places; assembly halls; light industrial uses such as warehousing with no outdoor storage; wholesaling and gas stations. By special approval, the following uses may be permitted: all uses allowed by special approval in the C-1 district; car wash establishments; bowling alleys and similar uses; drive-in/drive-through restaurants; service stations and commercial garages; open air businesses; planned shopping centers; self-storage facilities RV storage yard; outside storage of building and contracting equipment and supplies; auto rental and leasing; storage yards for construction; drive-in theaters; mining; air freight and similar uses.

3. **Master Plan Compliance.** The Township's Belleville Road Area Master Plan designates this land for Gateway Commercial uses. The Plan describes the Gateway Commercial designation as uses that benefit from the high visibility and accessibility from I-94. Gateway Commercial locations are intended to attract freeway traffic and direct it to the retail and restaurant corridor on Belleville Road. The Gateway Commercial plan designation corresponds to the C-2 zoning district.

The condition offered that agrees there will be no permanent driveway to Quirk Road unless approved in the future in the sole discretion of the Township will protect the neighbors from commercial traffic. The potential construction or emergency access drive to Quirk Road will have far less impact on the surroundings and could be consistent with the intent of the Master Plan. The building design with a peaked roof and upgraded materials will give it greater compatibility with the neighborhood, while maintaining commercial visibility and presence on the N. Service Road.

Although overall, the rezoning request is consistent with the Master Plan, care will still be necessary to sufficiently buffer the nearby single family residential neighborhood from the impacts of the future non-residential uses.

4. **Pattern of Development.** The parcels to the west are used, zoned and master planned for single family residential dwellings. The Master Plan recognizes the need for buffering the interface between single family residential and higher intensity commercial uses, and "residential protection". With adequate consideration for screening, landscaping, and prohibition of non-construction and emergency access to Quirk Road to mitigate any possible negative effects, including the conditions offered by the applicant, C-2 development can be appropriate for the site.

5. **Access and Traffic.** Quirk Road is a residential collector street, a classification that is not generally appropriate for commercial traffic such as would be generated by a C-2 use. The proposed rezoning condition combining the two parcels will give the entire site frontage on the North Service Road. If all traffic is restricted to the North Service Road, the use of the rezoning site for C-2 permitted uses is not expected to generate more traffic than compatible with the N. Service Drive corridor or the traffic created by the fairgrounds. Issues related to traffic on site, circulation patterns, ingress and egress will be reviewed in detail at the time of site plan submission.
6. **Utilities and Infrastructure.** The site is served by public water and sanitary sewer. Any necessary improvements will be addressed during the site plan review process.
7. **Criteria for Conditional Use Approval.** Section 18.09.E. lists the following 10 standards for conditional rezoning:
 - a. *Furtheres the goals and objectives of the master plan.* See Comment 3. above.
 - b. *Does not authorize uses not permitted in the proposed district.* The proposed hotel is a permitted use in the C-2 District, and all future uses of the vacant land will comply with the uses permitted in that district.
 - c. *Use is in complete conformity with all regulations in the zoning district.* The applicant has proposed that the hotel building have a 45 foot height maximum instead of 40 feet as permitted in the C-2 District. All other aspects of the use will be in conformity with the zoning regulations for the C-2 district. Section 18.09.E.3.b. gives the Township Board the authority to grant modifications to dimensional requirements of the Zoning Ordinance, such as building height.

The 5 foot increase in building height over that permitted will enable the applicant to build a 4 story hotel building. 40 feet will not accommodate a typical 4 story structure, and 4 stories are permitted in the C-2 District. The peaked roof offered by the applicant will further contribute to compatibility with the surroundings. The additional height will allow the building footprint to be smaller, creating less impervious surface and associated runoff, with more land to remain as greenbelt and landscaping, thus enhancing the development in the public interest.

- d. *Results in integration of the proposed development with the characteristics of the area and enhances the area in a manner not likely to be achieved without the conditional rezoning.* The rezoning with conditions will ensure that future development of this site will remain more compatible with the surroundings than otherwise likely to be achieved without the conditions. Prohibition of access to Quirk Road unless specifically approved by the Township, along with acknowledgement that such approval is in the sole discretion of the Township gives greater ability to protect the single family residential neighbors from the impacts of commercial development.

- e. *Is in the public interest to grant the conditional rezoning.* Granting the conditional rezoning is in the public interest as it will facilitate development of land that is master planned commercial while ensuring residential protection as envisioned by the Master Plan that might not otherwise be achieved.
 - f. *Proposed conditions will not preclude future zoning and planning actions by the Township.* Future zoning and planning actions are not precluded.
 - g. *Public services are capable of serving the potential uses if rezoned.* This condition has been met.
 - h. *The offered conditions are beneficial to the public good and are likely to be enforceable.* Conditions affecting building height, design and road access are all measurable, enforceable and beneficial to the public good as they will create a more attractive and well-functioning development than might otherwise be achieved.
 - i. *The conditions do not have the same effect as a use variance.* The conditions do not have the same effect as a use variance, since the conditional rezoning is consistent with the Master Plan.
 - j. *The proposed conditions do not relieve the requirement to secure site plan approval.* The Agreement specifies that site plan approval and all other agency approvals are still required.
8. **Rezoning with Conditions Agreement.** We recommend that the proposed Rezoning with Conditions Agreement be reviewed by the Township Attorney before the case is placed on the Township Board's agenda.

D. RECOMMENDATION

Based on the above analysis, we recommend that the Planning Commission recommend that the Township Board of Trustees approve the requested rezoning for the subject parcels from R-1B and C-2 to C-2 Extensive Highway Business District with Conditions, subject to review and approval of the Township Attorney of the Agreement, and subject to the written conditions listed in the Rezoning with Conditions Agreement submitted by the applicant on September 17, 2015, for the following reasons:

1. The requested C-2 zoning district is consistent with the planned Gateway Commercial district as proposed in the Township's Belleville Road District Master Plan and Future Land Use Map.
2. Compliance with the zoning ordinance requirements for screening, landscaping, setbacks, access management and other requirements will assist in mitigating possible negative off site impacts from C-2 development on the single family neighbors across Quirk Road.
3. Rezoning the parcel to C-2 will facilitate a consistent development pattern along the North Service Road, as envisioned in the Master Plan.

4. The proposed condition that will limit the site's access to be from only the North Service Road (unless otherwise specifically approved by the Township) protects the residential neighbors from incompatible traffic volumes that would otherwise occur on Quirk Road.
5. The proposed condition allowing additional building height would permit a 4 story building as otherwise permitted by the Zoning Ordinance, and the peaked roof and upgraded façade materials would improve the building's compatibility with the adjacent single family neighborhood. The Township Board may permit the height modification.
6. The change is not out of scale with the needs of the community and will not place an additional burden on the available infrastructure and municipal facilities.
7. The request satisfies the conditions of Section 18.09.E of the Zoning Ordinance as required for approval of a rezoning with conditions.

Respectfully submitted,

McKENNA ASSOCIATES

A handwritten signature in blue ink that reads "Sara J. Hodges". The signature is written in a cursive, flowing style.

Sara J. Hodges, AICP, IAP2
Senior Vice President

**REZONING WITH CONDITIONS AGREEMENT BETWEEN VAN BUREN TOWNSHIP AND
BELLEVILLE DEVELOPMENT, INC.**

This Rezoning with Conditions Agreement (the “Agreement”) is entered into by and between Belleville Development, Inc., a Michigan Corporation, the address of which is 31100 Stephenson Hwy., Madison Heights, MI 48071 (“Owner”), and the Charter Township of Van Buren, 46425 Tyler Road, Van Buren, MI 48111 (“Township”), a Michigan Municipal Corporation (collectively, the “Parties”). The Parties agree to the following terms and conditions:

1. Owner owns two separate, adjacent parcels of land in Van Buren Township, specifically: Parcel No. 83-064-99-0002-003 which is zoned as C-2 Extensive Highway Business, and Parcel No. 83-064-99-0002-002 which is zoned as R1-B, Single Family Residential. Please see Exhibit A for the specific Legal Property Descriptions of both parcels.
2. Owner wishes to combine both parcels of land specified in paragraph 1, above, and have the entire new parcel be classified as C-2 Extensive Highway Business with Conditions for the purpose of building and developing the land, including but not limited to construction of a new hotel (the “Hotel Development”). Owner understands that in order to combine the parcels, it must submit the proper application to the Township under the Land Division Act to request that the parcels be legally combined. Therefore, contemporaneous with and notwithstanding this Agreement, Owner is filing the appropriate application with the Township to combine the two parcels referenced in paragraph 1.

For the purposes of this Rezoning with Conditions Agreement, “**Land**” shall be defined as the newly-formed parcel with a C-2 Extensive Highway Business with Conditions classification. Once a new legal description that accurately reflects the new parcel dimensions and information is available, Owner will immediately update this Agreement to include the new legal description.

3. This Rezoning with Conditions is being proposed by the Owner. The Owner acknowledges that the conditions and Rezoning with Conditions Agreement are all authorized and applicable under all State, Federal, and Local laws, and the United States Constitution. This Agreement is valid and entered into on a voluntary basis, and represents a permissible exercise of authority on the part of the Township. No permit of approval shall be granted for any use or development that is contrary to the Statement of Conditions.
4. Both Parties agree and understand that the Land shall not be developed or used in a way that is inconsistent with the requirements of this Agreement. Owner shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Agreement. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
5. The approval and Rezoning with Conditions Agreement shall be binding upon and inure to the Township and Owner, and their respective heir, successors, assigns, and transferees.

6. This Agreement shall become null and void within one (1) year of its approval, pursuant to the requirements set forth in Van Buren Township's Zoning Ordinance Section 18.09(H). If the Township Board grants an extension, the new Agreement with the new expiration date shall be recorded. In addition, the termination provisions of the Township's Zoning Ordinance Section 18.09(L) shall apply.
7. If this Agreement becomes void in the manner set forth in paragraph 6, above, the Parties understand that no development, nor any permits for development, shall be issued, until the new zoning classification of the property has been established.
8. Each of the terms and conditions in this Agreement set forth a necessary and reasonable measure which, when taken into consideration with all other conditions and requirements, is roughly proportional to the increased impact represented by the use represented in the approved Rezoning with Conditions, taking into consideration the changed zoning reclassification and the specific use zoning classification granted.
9. This Agreement may affect or be affected by certain development regulations. To the best of the Parties knowledge and information, these regulations will be further enumerated and addressed in the Exhibits to this Agreement.
10. Nothing in this Statement of Conditions shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to the Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with the Township Zoning Ordinance and the Zoning Enabling Act (MCL 125.3010 *et seq.*). The Owner, its assigns and subsequent owners shall obtain the rights of an owner of a nonconforming use or statutory right whichever is greater. The "Nonconforming Use" provision provided in this paragraph notwithstanding, any classification or rezoning shall be conducted in compliance with Township zoning
11. Violations of the terms of this Agreement by Owner shall be deemed a violation of the Zoning Ordinance and the Township shall have all remedies available to it accordingly, including immediate termination of this Agreement. Owner acknowledges that if it violates the terms of this agreement, the Reclassification and Rezoning of the land referenced herein, shall revert back to its original zoning designation and all rezoning approval(s) contained herein will be revoked.
12. Owner is attaching the specific Conditions to this Agreement, attached as Exhibit B. Owner understands that all Exhibits to this Agreement supplement, but do not replace, any requirements for any preliminary or final site plans, special land use, or variance review and approval.
13. For the purposes of this Agreement, Owner shall be defined as the current Owner, and any subsequent person or entity that has interest in the Land.
14. This Agreement may not be modified, replaced, amended or terminated except as provided for in this Agreement. It may be amended in the same manner as is prescribed for the original rezoning and Statement of Conditions.

- 15. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
- 16. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.
- 17. The Owner represents and warrants that the person executing this Agreement on behalf of Owner has full and complete authority to do so, does so freely, and voluntarily offering and consent to the provisions and conditions in this Agreement and its exhibits, on behalf of Owner.

[SIGNATURES ON FOLLOWING PAGES]

BELLEVILLE DEVELOPMENT, INC

 By: _____
 Its: _____

STATE OF MICHIGAN)
) ss.
 COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this
 ___ day of _____, _____
 _____ on _____, 20__.

_____, Notary Public

Oakland County, Michigan
 My Commission Expires: _____

CHARTER TOWNSHIP OF VAN BUREN

 By: Linda Combs
 Its: Supervisor

 By: Leon Wright
 Its: Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this ____ day of _____, by
_____, on _____, 20__

, Notary Public
Wayne County, Michigan
My Commission Expires: _____

PREPARED BY:
Zubac Legal, PLC
31100 Stephenson Hwy.
Madison Heights, MI 48071

WHEN RECORDED RETURN TO:
Zubac Legal, PLC
31100 Stephenson Hwy.
Madison Heights, MI 48071



EXHIBIT A

LEGAL DESCRIPTION OF BOTH PARCELS TO BE COMBINED INTO ONE PARCEL:

PARCEL 1:

Part of the Southeast 1/4 of Section 16, Town 3 South, Range 8 East, described as: Beginning at a point distant North 02 degrees 06 minutes 41 seconds West 436.49 feet, along the North and South 1/4 line of Said Section 16 and North 85 degrees 24 minutes 25 seconds East 43.04 feet from the South 1/4 corner of Section 16; and proceeding thence North 02 degrees 06 minutes 41 seconds West 300.00 feet; thence North 85 degrees 26 minutes 38 seconds East 569.78 feet; thence South 00 degrees 49 minutes 34 seconds East 300.00 feet; thence South 85 degrees 24 minutes 25 seconds West 563.06 feet, along the Northerly line of Interstate 94, to the point of beginning.

Tax ID: 83-064-99-0002-003

PARCEL 2:

Part of the Southeast 1/4 of Section 16, Town 3 South, Range 8 East, described as: Beginning at a point distant North 02 degrees 06 minutes 41 seconds West 736.52 feet, along the North and South 1/4 line of said Section 16, thence North 85 degrees 26 minutes 38 seconds East 43.04 feet from the South 1/4 corner of Section 16; and proceeding thence North 02 degrees 06 minutes 41 seconds West 578.70 feet; thence North 88 degrees 48 minutes 08 seconds East 581.57 feet; thence South 00 degrees 49 minutes 34 seconds East 545.26 feet; thence South 85 degrees 26 minutes 38 seconds West 569.78 feet to the point of beginning.

Tax ID: 83-064-99-0002-002

**[LEGAL DESCRIPTION OF NEW PARCEL TO FOLLOW UPON ITS
FORMATION/COMBINATION OF ABOVE-LISTED PARCELS]**

EXHIBIT B
CONDITIONS TO CONDITIONAL REZONING AGREEMENT

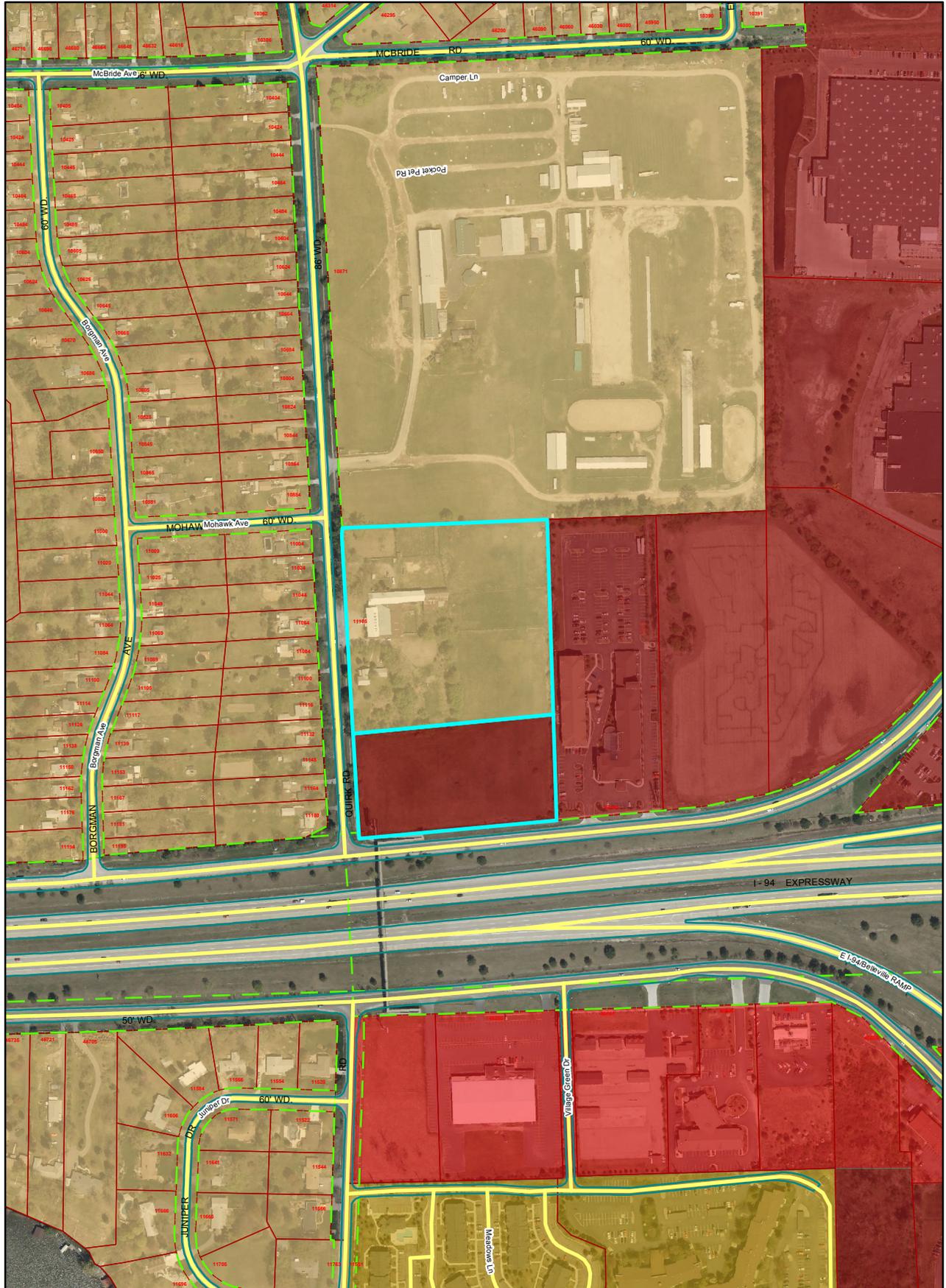
In consideration of Owner's obligations as contained in this Agreement and subject to Owner obtaining all permits and approvals from the Township and other agencies with jurisdiction, Owner and Township agree to the following terms as to Owner's rights to develop the Land:

1. Consistent with MCL 125.3405, the Land is (or has been) combined from the two existing parcels specified in Exhibit A of this Agreement. This parcel combination will be effectuated before, or as a condition of the rezoning. Owner acknowledges and understands that the Township's acquiescence to the terms of this Agreement are entirely contingent on the Township's approval of its separate application to combine the parcels under the Land Division Act.
2. Subject to site plan review and approval, including any conditions that may be imposed therein and all other requirements and approvals, the Land shall be permitted to be developed and used generally as a hotel development with associated parking, berming and landscape screening, stormwater control, and other uses as may be permitted in the C-2 Extensive Highway Business zoning district. All uses shall also be subject to the requirements and conditions of this Agreement. The development and use of the Land in accordance with this Agreement shall be deemed to be a permitted use of the Land under the Township Zoning Ordinance.
3. Owner shall not develop and use the Land in a manner inconsistent with this Agreement, unless this Agreement is amended mutually by the Township and Owner, following public hearing, or the Owner determines to develop and use the Land in accordance with the zoning applicable to the Land under the Agreement termination provisions below.
4. Site plan review and approval shall be governed by the Zoning Ordinance provisions applicable to the C-2 Extensive Highway District, subject to the provisions of this Agreement. In the case of conflict, this Agreement shall govern.
5. The entire 11.34 acre parcel may be used for development during the construction and in future phase(s) of development, subject to obtaining all required approvals from the Township and all other agencies with jurisdiction.
6. During the construction period, Owner shall have the right to seek from the Township the appropriate approval, permits and/or zoning of an emergency or temporary construction vehicle entrance and exit traffic lanes from the Land onto and from Quirk Road. Such approval shall also be subject to approval from the Township and all other agencies with Jurisdiction.
7. After the hotel construction period, Owner shall have the unalienable right to seek the appropriate approval, permits, and/or zoning of a permanent vehicle entrance and exit traffic lanes onto and from Quirk Road. Owner understands and agrees that Township may deny or withhold such approval in its sole discretion.
8. The parcel shall be permitted one driveway on the North I-94 Service Road.

9. The hotel which shall be built on the south portion of the property facing the North Service Drive, shall be no taller than forty-five (45) feet. All other buildings that may be built on the land are subject to height regulations set forth in the Township's Zoning Ordinance. Building height will be calculated using the measurement methods set forth in the Township's Zoning Ordinance.
10. Owner agrees to construct the hotel with an upgraded building façade with a peaked roof
11. This Agreement shall remain valid and enforceable for the amount of time set forth in the Township's Zoning Ordinance and this Agreement:
 - a. The Owner shall be required to submit materials required for site plan review in accordance with Township ordinance on or before the expiration of 6 months from the date of this Agreement; and,
 - b. The Owner shall have an additional 6 months from the date of final site plan approval in which to obtain other governmental approvals as may be required, complete construction plans for architectural and engineering, secure financing, and submit a building permit application; and,
 - c. The Owner shall have 6 months following issuance of a building permit to secure a contractor and commence on-site construction of the hotel development in accordance with the approved Site Plan, at least to the stage of completing the foundation for such improvement to the point of being able to in good faith call for a foundation inspection from the Township. Such dates shall be consistent with common law principles of substantial completion. The building shell construction will substantially complete within sixteen (16) months of the issuance of the building permit. Owner shall proceed diligently and in good faith as required by Ordinance to completion.
12. The time periods set forth above may be extended by the Township Board upon application of the Owner as allowed by Township Zoning Ordinance. If the Owner has been pursuing approvals and/or development in good faith, the Township agrees not to unreasonably deny Owner's applications unless there has been a material change of circumstances in the area of the Land. Township shall have no obligation whatsoever to extend a time period hereunder if more than 3 years has elapsed without any action on Owner's part following approval of this Agreement.
13. If Owner does not conform with the time requirements set forth above and Owner notifies the Township Clerk in writing prior to the commencement of construction that Owner desires to terminate this Agreement, then the rezoning of the Land to C-2 Extensive Highway Business with Conditions and this Agreement shall terminate and cease to be enforceable. The combined parcels will then be separated and return to their original zoning classifications, as provided in MCL 125.3405(2). The Township shall thereupon record with the Register of Deeds an affidavit bearing the legal description of the Land, reflecting that the rezoning and this Agreement have become unenforceable. If the rezoning and this Agreement becomes unenforceable as provided in this Paragraph, no permits shall be issued by the Township, and no development shall be undertaken by the Owner as otherwise contemplated in this Agreement.
14. If Owner desires to seek a change in zoning regulations applicable to the Land once site construction has been commenced and Township does not mutually agree, the Owner must file a new rezoning application in the normal course. In this event all law otherwise applicable to rezoning applications in the Township and State shall apply. Until the zoning is

modified in accordance with such law, the Owner shall not develop or use the Land in a manner inconsistent with this Agreement. However, if zoning is modified, this Agreement shall terminate and cease to be enforceable. The Township shall thereupon record with the Register of Deeds an affidavit bearing the legal description of the Land, reflecting that the rezoning granted incidental to this Agreement, and this Agreement itself, have become unenforceable.

14-005 RZ Area Map



C-1
 C-2
 R-1B
 RM
 TaxParcels
1 inch = 400 feet

September 18, 2015

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, MI 48111

Subject: Revised Draft Zoning Ordinance Amendments for Belleville Lake Shoreline Zoning Districts

Dear Commissioners:

Based on your review and comments, and some input from the Township's Environmental Commission, we have made several revisions to the draft Lake Zoning Ordinance regulations. The attached copy shows the revisions in red line and strike-out so you can easily see the changes to the text. There are a couple of topics on which I believe we still need to have further conversation; these and a summary of the major revisions are summarized below.

COMMENTS

1. *Page 5 and through-out:* Based on the Planning Commission's discussion, we have reduced the amount of dockage permitted on a single residential parcel from 10 to 6.
2. *Page 6 and through-out:* Based on a comment made by the Township engineer, we have reduced the amount of excavation considered to be a minor excavation from not exceeding 10 cubic yards and 1,000 sq. ft. impacted to not exceeding 5 cubic yards and 800 sq. ft. We based these numbers on standards used by MDEQ for minor permits in wetland and other locations.
3. *Page 6, Section 16.04C.a.:* Clarified that if a structure on Township Lake property is ordered by the Township to be removed, it is the responsibility of the owner of the structure to remove that item.
4. *Page 13, Section 16.04C.g.:* Added parameters for letter size and placement based on the Township's general ordinance that requires street address signs.
5. *Page 13, Section 16.04C.h.1:* Confirm that the Planning Commission wishes to present the draft to the public as written – prohibiting enclosed structures and use of the structure as a deck or living space.
6. *Page 14, Section 16.04C.h.4:* Confirm that the Planning Commission wishes to present the draft to the public as written – requiring any roof or cover to be pitched.
7. *Page 15, Section 16.04C.l:* Allow temporary markers and buoys for periods of less than 12 hours without Township approval.
8. *Page 15, Section 16.04C.p:* Based on a comment from the Environmental Commission, do not require that all boats be fueled at marinas.

We look forward to discussing these and other revisions with you Wednesday night.

Respectfully submitted,

McKENNA ASSOCIATES



Sara J. Hodges, AICP, IAP2
Senior Vice President

CHARTER TOWNSHIP OF VAN BUREN**COUNTY OF WAYNE
STATE OF MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE 6-2-92 AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO ADD A NEW ARTICLE XVIC, BELLEVILLE LAKE SHORELINE DISTRICTS.

THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:

SECTION 1. Add a new ARTICLE XVIC, BELLEVILLE LAKE SHORELINE DISTRICTS to read as follows:

SECTION 16.01C. PURPOSE.

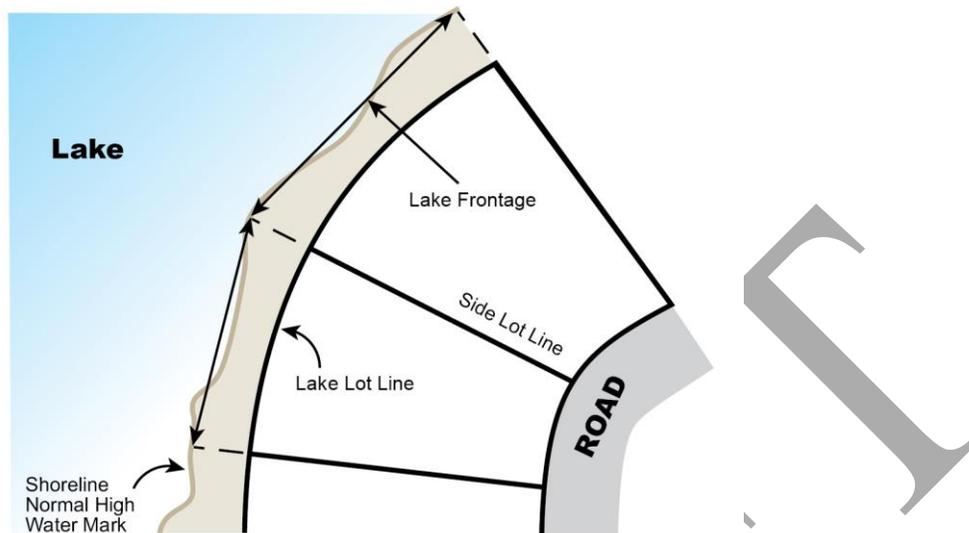
The Charter Township of Van Buren recognizes and concludes that the proper and safe use of Belleville Lake is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of the Lake in the Township, to preserve and protect the quality and safety of the Lake and shorelines and the rights of adjacent owners and users as well as the Township as a whole, to promote the public health, safety and welfare of all persons making use of the Lake within the Township and properties adjacent to the Lake in the Township, and to ensure compliance with federal and state laws in light of the Township's ownership of the land in and adjacent to Belleville Lake , as well as with the terms of the Federal Energy Regulatory Commission (FERC) license to operate the French Landing Dam. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the number and placement of docks, installation of sea walls, earth excavation or grading, and other matters with respect to Belleville Lake in the Township. It is further the intent of the Township Board to restrict the private use of Township-owned Lake property to those water-based uses and structures customarily accessory to a waterfront lot, and to affirm that abutting property owners are responsible for maintaining both their property at the periphery of the Lake and the Township-owned Lake property adjacent to their property clear of fallen trees, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.

SECTION 16.02C. DEFINITIONS.

For the purposes of this section:

- a. "Boardwalk" means a walkway made of planking.

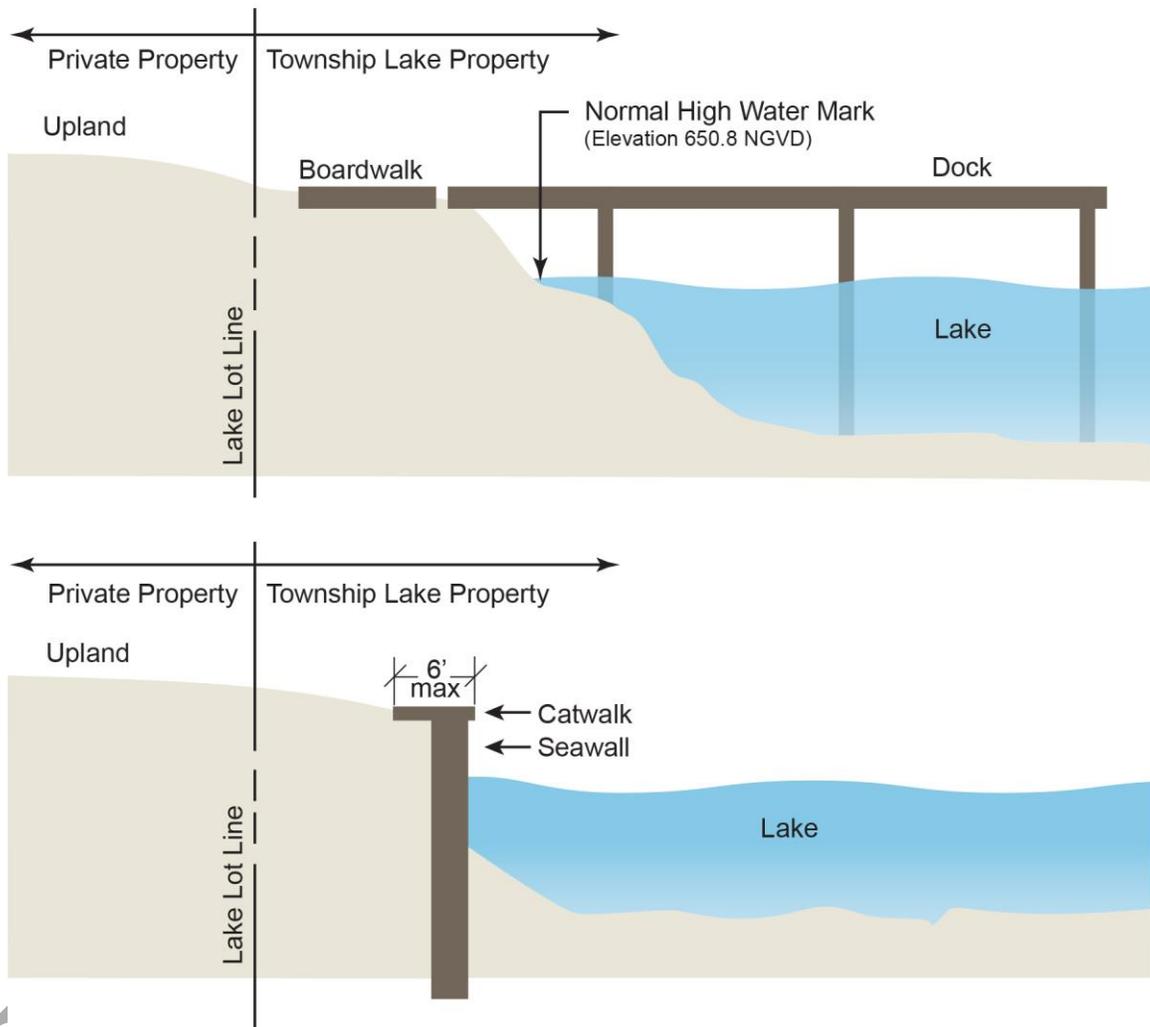
- b. "Boat" means every description of watercraft used or capable of being used as a means of transportation on water as defined under Part 801 of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, MCL 324.80101.
- c. "Boat cradle", "shore station", "boat hoist" and "boat lift" means a device for the purpose of mooring, anchoring or holding a watercraft in, on or above the water in the Lake.
- d. "Bottomland" means the land area that lies below the normal high water mark.
- e. "Catwalk" means a narrow footway along the edge of a seawall or similar feature raised above the shoreline.
- f. "Common use lot" means any private site, platted lot or other parcel held in common by a subdivision, association, or similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use Lake access to non-Lakefront lots or land owners.
- g. "Director" means the Director of Planning and Economic Development of the Charter Township of Van Buren, or successor charged with enforcing this Ordinance.
- h. "Dock" means a structure, platform or fixture extending from the shore or bottomlands into a Lake.
- i. "Dock Stem" means that portion of a dock or mooring structure that extends perpendicular to the shore.
- j. "Docked" or "docking" means the anchoring, tethering, or mooring of a watercraft directly to a pier, structure, platform, pole, anchor or dock; and also means the placement of a watercraft in an off-shore boat cradle or shore station, or anchoring or tethering to the bottomlands of a Lake.
- k. "Lake" or "Belleville Lake" means that portion of Belleville Lake within Wayne County.
- l. "Lake Frontage" or "Frontage" means the distance between the side lot lines of a lot or parcel as extended to the Belleville Lake shoreline, measured between their points of intersection with the shoreline at the normal high water mark.

Figure 16.02C.1**Lake Frontage**

- m. "Lake Lot Line" means the boundary line of a lot or parcel of land, lawfully existing on documentation recorded with the Wayne County Register of Deeds, which abuts the Township Lake property.
- n. "Lake Structures" means improvements constructed upon Township Lake property, as may be permitted by this Article XVIC.
- o. "Marina" means a facility that is owned or operated by an entity, extends into or over an inland Lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.
- p. "Moor" or "Mooring" means the anchoring, tethering or docking of a boat directly to a pier, structure, platform, pole, anchor or dock, and also means the placement of a boat in a boat cradle or shore station, the regular or overnight beaching of a boat, or overnight anchoring or tethering to the bottomlands of the Lake.
- q. "Non-Commercial Multi-Docking Facility" means a facility used for docking or mooring from one or more Lake frontage properties to serve more than one single family dwelling and limited to use by the residents of the property, such as at outlots (common use lots), mobile home parks, condominium and apartment developments, and other commonly owned or controlled points of access.
- r. "Normal high water mark" means the normal high water mark of the Lake as determined by the Federal Energy Regulatory Commission from time to time. Presently on Belleville Lake, "normal high water mark" means six hundred and fifty and eight-tenths (650.8) feet National Geodetic Vertical Datum (NGVD), 1929.

Figure 16.02C.2

Lake Structures Example



- s. "Ramp" or "Launch" means a short, hardened slope extending from the shoreline into the Lake for the purpose of launching or retrieving boats.
- t. "Seawall" or "Bulkhead" means a linear, rigid structure built along the shoreline to resist the erosion of the land caused by the Lake and which can also be used to moor boats and as a structure to receive and discharge a boat's passengers and cargo.
- u. "Separate frontage" means that portion of a lot or parcel of land lawfully existing on documentation recorded with the Wayne County Register of Deeds, which abuts or intersects with the normal high water mark of the Lake, whether such lot or parcel is owned by one or more persons, is commonly owned by several persons or combinations of persons, or occupied by a multiple-unit residential development.

- v. "Township Lake property" means land owned by the Township at Belleville Lake, whether or not it is above the normal high water mark and is the property that exists below the Lake Lot Line and extends into Belleville Lake and is generally recognized as the property below the 655' contour line (1929 NGVD) or brow of the hill.
- w. "Upland" means that the land area that lies adjacent to and above the Township Lake property.
- x. "Watercraft" means any boat, pontoon boat, hydrofoil, hovercraft, sailboat, Jet Ski, personal watercraft, jet boat, or similar vessel.

SECTION 16.03C. BELLEVILLE LAKE SHORELINE DISTRICTS

Two Belleville Lake Shoreline Districts are established in this section: the Belleville Lake Shoreline District A - Single Family Residential (BLA), and the Belleville Lake Shoreline District B - Non-Single Family Residential (BLB). These zoning districts regulate the use of the Township-owned Belleville Lake property.

The BLA District shall generally abut Lake frontage upland zoned R-1A, R-2A, R-1B, R-1C Single Family Residential districts, and AG or AG-A Agricultural and Estates districts. The BLB District shall generally abut Lake frontage upland zoned or used for more intensive uses that are not accessory to a single dwelling on a single family lot, including but not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

Accordingly, no improvements, modifications, alterations, removal, repairs or structures of any kind shall be constructed, installed or made on Township Lake property within the BLA and BLB districts unless those actions comply with the regulations of the respective district, obtain the approval of the Township as provided herein, and the approval of all other agencies with jurisdiction.

- a. **Belleville Lake Shoreline District A - Single Family Residential (BLA).** The BLA District is intended to provide for the use of the Township-owned Belleville Lake property for water-related uses that are customarily accessory to an abutting single family dwelling on a separate lot with Lake frontage.
 - 1. Uses Subject to Administrative Approval. In the BLA District, the following water-based uses and structures customarily accessory to one single family dwelling on a single family lakefront lot shall be permitted. All such uses shall be subject to Township administrative approval as described in Section 16.06C., herein.
 - a) Docks, piers, landings, boardwalks and catwalks that can accommodate no more than ~~6~~10 watercraft in total at one time on a single parcel.
 - b) Boat hoists, cradles and lifts.
 - c) Stairs, and walkways located on Township Lake property.

- i. Shall only be permitted if determined necessary by the Township to access the permitted uses.
 - ii. Shall be subject to the maximum Lake frontage coverage and other standards applicable to the use.
- d) Embankments, bulkheads, gabion baskets, retaining walls and similar structures for erosion control to protect the existing shoreline.
 - e) Minor excavation, grading or earth modifications, defined as those that do not exceed ~~105~~ cubic yards or disturb an area of ~~8001,000~~ square feet or less within 100 feet of the normal high water mark of the Lake.
 - f) Navigational markers or buoys.
 - g) Any other use of the same nature or class of water-based uses listed in this district which, in the determination of the Township is consistent with the purpose of this district and which will not impair the present or potential use of the Lake and adjacent properties. Any such use shall be limited to the use of the lakefront by a single family residential dwelling on an individual lot.

At the discretion of the Director, any BLA use may be referred to the Planning Commission for public hearing, recommendation to and special approval by the Township Board, and/or site plan review and approval in accordance with the provisions of this Ordinance.

2. General Restrictions on all BLA Uses. All uses permitted in the BLA District shall be subject to the following restrictions:
- a) All uses and structures shall comply with the standards and requirements of Section 16.04C. Development Standards, herein.
 - b) No use or structure shall be permitted if there is not a single family dwelling on the abutting frontage lot.
 - c) Private ramps, launches or docks intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium or other development are prohibited.
 - d) No signs shall be permitted other than those approved by the Township and necessary for public safety.
 - e) No use or structure or combination thereof shall be permitted that can accommodate more than ~~106~~ watercraft at one time on a single parcel.
 - f) All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLA District are limited solely for the use and quiet enjoyment of the abutting frontage lot owners and their invited guests. No such facilities as listed above shall be rented, leased or allowed to be used by any other persons. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities.

b. **Belleville Lake Shoreline District B – Non-Single Family Residential (BLB).** The BLB District is intended to provide for the use of the Township-owned Belleville Lake property for water-related uses customarily accessory to land zoned or used for more intensive uses than a single family dwelling on a separate lot with Lake frontage. Such more intensive uses include, but are not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

1. Uses Subject to Administrative Approval. In the BLB District, the following water-based uses and structures shall be permitted subject to Township administrative approval as described in Section 16.06C., herein.
 - a) Embankments, bulkheads, retaining walls and similar structures for erosion control, to protect the existing shoreline.
 - b) Minor excavation, grading or earth modifications, defined as those that do not exceed ~~510~~ cubic yards or disturb an area of ~~1,000~~800 square feet or less within 100 feet of the normal high water mark of the Lake.
 - c) Navigational markers or buoys.

At the discretion of the Director, any BLB use may be referred to the Planning Commission for public hearing, recommendation to and special approval by the Township Board, and/or site plan review and approval in accordance with the provisions of this Ordinance.

2. Uses Subject to Planning Commission Approval. In the BLB district, the following water-based uses and structures may be permitted, subject to Planning Commission site plan approval.
 - a) Docks, piers, landings, boardwalks, catwalks or similar features that can accommodate no more than ~~106~~ watercraft in total at one time on a single parcel. Such features shall serve an abutting upland parcel used for permitted commercial, office, public or institutional purposes, including but not limited to restaurants, public parks, private clubs, transient dockage under public ownership and control, and other uses determined similar in the discretion of the Planning Commission and not otherwise specifically provided for in this Article.
 - b) Non-commercial multi-docking facilities that can accommodate no more than ~~610~~ watercraft in total at one time on a single parcel.
 - ~~c) Boat hoists, cradles and lifts as part of a non-commercial multi-docking facility permitted under this Section 16.03C.b.2.b), that are under common ownership and are all of the same style.~~
 - ~~d)c)~~ Decks, stairs, and walkways located on Township Lake property.
 - i. Shall only be permitted if determined necessary by the Township to access the permitted uses.
 - ii. Shall be subject to the maximum lot frontage coverage and the other standards of Section 16.04C Development Standards.
3. Uses Subject to Special Approval. The following water-based uses and structures

shall be permitted subject to special approval in accordance with the requirements of Sections 4.46 and 18.08 of this Ordinance. These uses shall require public hearing by the Planning Commission, recommendation to and special approval by the Township Board, and Planning Commission site plan review and approval.

- a) Non-commercial multi-docking facilities with docks, piers, landings, boardwalks, catwalks or similar features that can accommodate more than ~~106~~ watercraft in total, at one time on a single parcel.
- b) Boat hoists, cradles and lifts as part of a non-commercial multi-docking facility permitted under this Section 16.03C.b.3. a) which are under common ownership and are all of the same style.
- c) Docks, piers, landings, boardwalks, catwalks or similar features that can accommodate more than ~~610~~ watercraft in total at one time on a single parcel. Such features shall serve an abutting upland parcel used for permitted commercial, office, public or institutional purposes, including but not limited to restaurants, public parks, private clubs, transient dockage under public ownership and control, and other uses determined similar in the discretion of the Planning Commission and not otherwise specifically provided for in this Article.
- d) Marinas.
- e) Watercraft minor service uses, including sale of gasoline, only permitted as part of a marina.
- f) Boat launches and ramps, for public access only.
- g) Any other use of the same nature or class of water-based uses listed in this district as either a principal use permitted or a use subject to special approval which, in the determination of the Township is consistent with the purpose of this district and which will not impair the present or potential use of the Lake and adjacent properties.
- h) Major excavation, grading or earth modifications, defined as those greater than ~~510~~ cubic yards or that disturb an area of more than ~~8001,000~~ square feet within 100 feet of the normal high water mark of the Lake.

4. General Restrictions on BLB Uses. All uses permitted by right or by special approval in the BLB District shall be subject to the following restrictions:
 - a) No boat lifts, cradles or hoists shall be permitted at marinas.
 - b) No buildings or covered structures shall be permitted on the water or on Township Lake property.
 - c) There shall be no major repair of watercraft conducted on the water or Township Lake property.
 - d) All uses and structures shall comply with the standards and requirements of Section 16.04C. Development Standards, herein.
 - e) Private ramps or launches intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium, multiple family development or other non-frontage uses shall be

- prohibited.
- f) No signs shall be permitted other than those approved by the Township and necessary for public safety.
- g) All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLB District are limited solely for the non-commercial use and quiet enjoyment of the abutting frontage lot owners, lessees, renters, and their invited guests. No such facilities as listed above shall be rented, leased or allowed to be used by any other persons unless approved by the Township in conjunction with a ~~an approved~~ marina. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities. For purposes of this section, commercial use shall mean the rental, lease or allowed use of docks, boat cradles, shore stations and boat lifts by persons who are not abutting frontage owners, lessees, or renters, excluding those facilities that are open to the public and operated by the Township, City or State of Michigan. Any prior approvals or authorizations granted by the Township for uses inconsistent with this section are hereby cancelled, revoked and of no further force and effect.

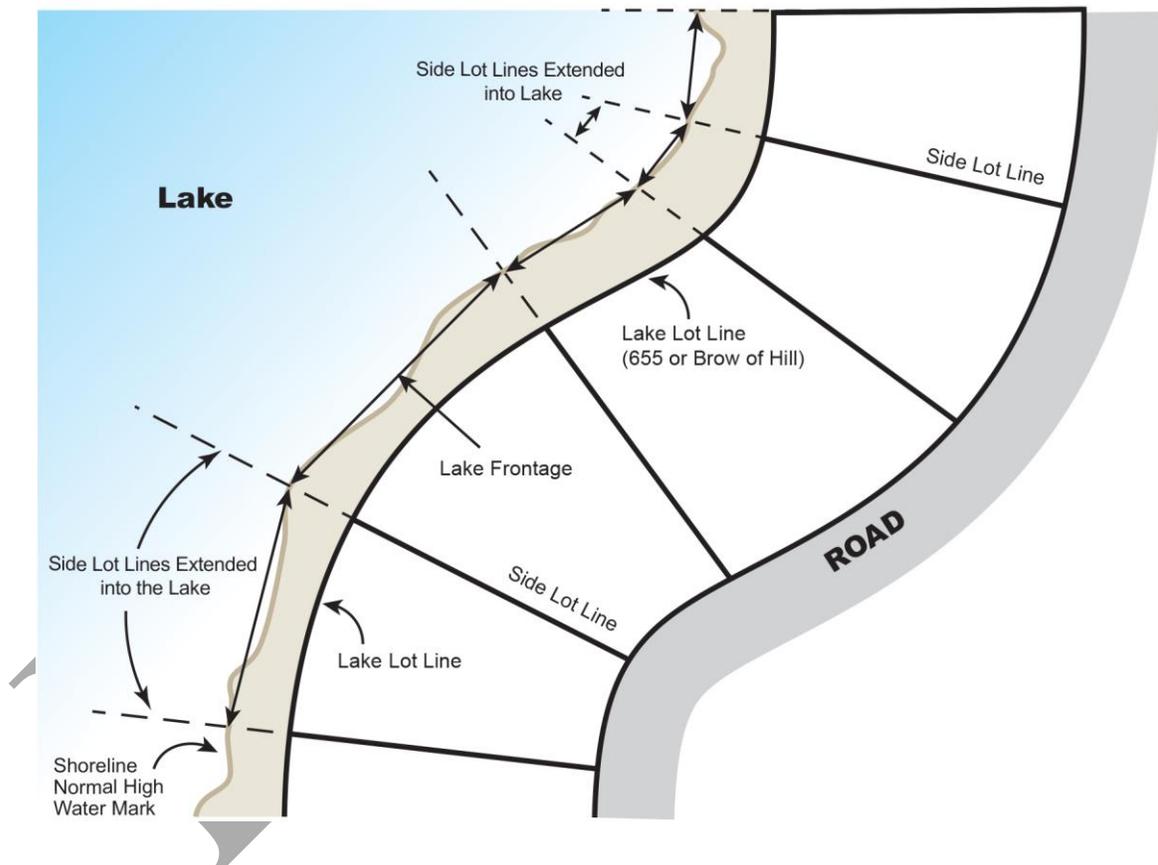
SECTION 16.04C. DEVELOPMENT REGULATIONS

- a. **General.** No buildings are permitted on Township Lake property, and no buildings or other structures are considered vested. Provided however that the presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license and the Township's approval, and the Township may force their removal at any time with or without cause. If the ~~land~~ owner of a structure does not remove that structures ~~when~~ ordered by the Township, and ~~the~~ use the Township must remove it such structures, the ~~land~~ owner of the structure shall either pay the costs of removal or if the structure's owner owns the abutting upland parcel those costs shall become a lien upon ~~that e-parcel, or the Township may take any enforcement action authorized by law.~~ property. Further, no structure within the BLA or BLB districts shall be considered an accessory structure as regulated under Section 4.14 of this Ordinance.
- b. **Dock Location.** No dock shall be placed or maintained in a location where it can present a hazard to navigation, or create a risk that boats will run aground while attempting to moor at the dock. No person shall install or maintain a dock except on shoreline or bottomlands abutting a frontage in which they have an ownership interest. All docks shall be positioned perpendicular to the shore, and in a manner that does not unreasonably encroach on the use and enjoyment of the Lake by neighboring lots.

- c. **Measurement of Lake Frontage.** Each side lot line of the abutting upland lot shall be extended as a straight line from its point of intersection with the boundary of the Township Lake property (Lake Lot Line) to its intersection with the Lake frontage line at the normal high water mark. A lot's total Lake frontage shall be measured as a straight line connecting the points of intersection of the extended side lot lines with the normal high water mark.

For purposes of measuring setbacks for docks, boat lifts and similar structures, the side lot lines shall be extended to the Lake frontage line and then extended on the same line, straight into the Lake from the shoreline.

**Figure 16.04C.1
Lake Frontage Measurement**

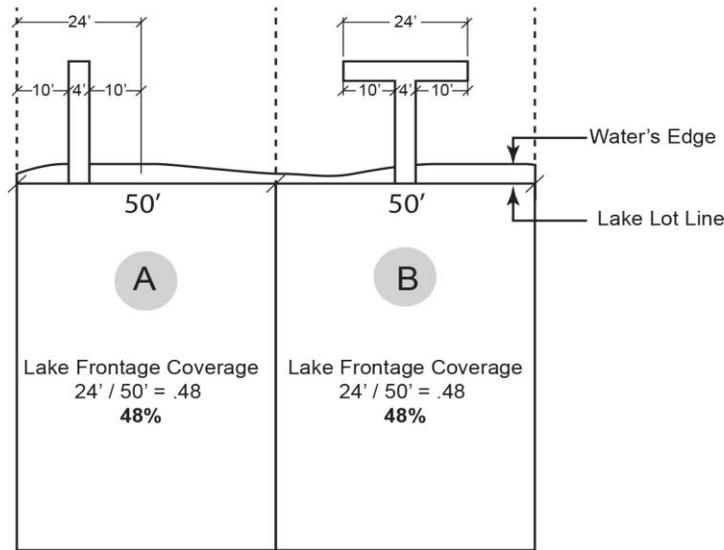


- d. **Setback Requirements.** Side setbacks shall be measured from the side lot lines of the abutting upland lot as extended into the water, as defined in Section 16.04C.c.
1. **Docks.** No dock shall be constructed, installed or placed within 15 feet of the side lot lines of the abutting upland lot as extended into the water.
 2. **Boat Lifts and Boat Cradles.** No boat lift or boat cradle shall be located within five feet of a side lot line of an abutting upland lot as extended into the water.

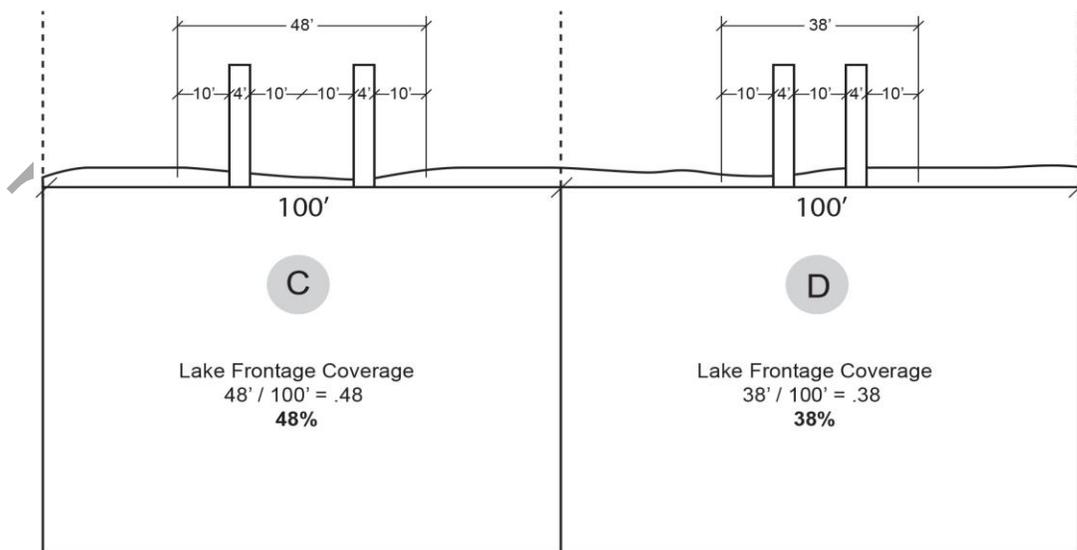
3. **Launching, Storing, Mooring or Docking.** No boat or portion thereof shall be launched, stored, moored or docked within five feet of the side lot lines of an abutting upland lot as extended into the water.
 4. **Boardwalks and Catwalks.** Boardwalks, catwalks and other walkways located on Township Lake property shall be permitted to extend to the side lot line as extended. No boardwalk, catwalk, or other walkway shall extend more than one foot over the water, nor shall any such structure be more than 6 feet in width. These structures shall be generally parallel the shoreline and shall be exempt from the computation of Lake frontage coverage.
- e. **Dock Length and Width.** No dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth. Maximum dock widths shall be four feet in the BLA and six feet in the BLB districts.
- f. **Size and Extent Restrictions.** (See Figure 16.04C.2)
1. In the BLA District, docks, other mooring structures, boat cradles, boat hoists, similar structures and watercraft shall extend across no more than 50% of the Lake frontage of the single family lot to which they abut.
 2. In the BLB District, docks, other mooring structures, boat cradles, boat hoists, similar structures and watercraft for non-commercial multi-boat docking facilities shall extend across no more than 60% of the Lake frontage of the lot which they abut. Such watercraft and structures shall be clustered along the parcel frontage into no more than four groupings. For marinas, public uses, or abutting commercial sites, the Township may authorize docks, other permitted structures and watercraft to extend across up to 100% of the Lake frontage, as deemed appropriate and subject to special approval.
 3. The extent of frontage coverage shall include the coverage by docks, other mooring structures, projections including boat hoists, boat cradles, lifts and similar, and watercraft. Permitted boardwalks, catwalks upon retaining walls, and shoreline protection structures that parallel the shore shall be excluded from the computation of frontage coverage.
 4. Extent of distance across a lot's Lake frontage shall be measured along the lake frontage line determined in accordance with Section 16.04C.c. The extent of structures across the lake frontage shall be the width of the structures measured parallel to the abutting lot's lake frontage line plus 10 feet of additional width for boat dockage on any side of the structure that can accommodate dockage, divided by the total length of the lot's lake frontage. The width of a "T" or "L" dock shall be measured at its widest point generally parallel to the lake frontage,

and shall include a minimum of 10 feet of additional width parallel and adjacent to the “stem” for boat dockage.

**Figure 16.04C.2
Extent Coverage Examples**



NOTES: 10' minimum side setback. Boat must be 5' from side lot line.



- On any parcel with multiple docks, boat lifts, or similar water based structures, including but not limited to marinas and non-commercial multi-docking facilities, any such structures that are separated by 10 feet or less shall be considered one

unit for purposes of calculating extent across the lake frontage. Structures that are separated by more than 10 feet shall be considered as individual units, and the space between those units shall not be included as Lake frontage coverage.

6. No docks, other mooring structures or combination thereof on a single site that accommodate more than ~~106~~ watercraft shall be permitted, except as provided in the BLB District under Section 16.03C.b., above. Further, no such docks, other mooring structures or combination thereof that accommodate more than 10 watercraft shall be permitted unless it is approved by FERC, all other agencies with jurisdiction, and receives special approval of the Township as provided herein.
7. Boardwalks, catwalks and other walkways on Township Lake property shall be a maximum of four feet wide, except at publicly owned docks, public or private marinas or other commercial uses in the BLB district, where they may be up to six feet wide. The Township may approve additional width as it deems appropriate, subject to special approval.
- g. **Dock and Raft Ownership Identification and Repair.** The owner(s) of a dock, boat lift, boat storage device, raft, swimming platform or other similar structures shall place a numerical address sign on such item or on a sign located no more than 25 feet from the normal water's edge~~the shoreline~~ that conspicuously identifies the ~~current~~ abutting property address of the owner(s). The sign shall include both the address number and street name in reflective, non-illuminated Arabic block-style characters and shall be legible from the water. The address shall be displayed in a manner that structural elements and other features do not block or obscure the display. The minimum character size shall be 3 inches high by 2 inches wide, and the~~The~~ sign shall not exceed 6 square feet in area. ~~and shall be placed no more than 5 feet above the waterline.~~

All docks, boat lifts, boat cradles and rafts shall be kept in good repair. Good repair means free from defects which might cause a hazard to persons or boats and free from defects which may result in interference with navigation of boats in the Lake.

- h. **Boat Storage Devices.** Each boat cradle, hoist or boat lift used in conjunction with the Lake shall meet all of the following requirements, in addition to the other requirements of this Ordinance.
 1. It shall not have walls, nor shall any part of the structure be used as a deck or outdoor living space. REVISIT
 2. It shall be designed for not more than two boats.
 3. It shall be designed with not more than three attached docks. Boat lifts with seating on three or more sides shall be prohibited.

4. Any roof or other cover over a boat lift shall have a minimum pitch of 4:12.
REVISIT
 5. No boat cradle, hoist or lift shall exceed the minimum height necessary to raise the boat out of the water.
- i. **Excavations, Grade Changes, and Earth Modifications.** All earth modifications, excavations and grade changes, shall meet the following criteria:
1. Minimize changes to the contour of the shoreline.
 2. Maintain lateral earth support to prevent slope failures and to avoid potential negative impacts to adjacent lots.
 3. Rip-rap and gabion baskets are the preferred methods of erosion control and bank stabilization, where practicable.
 4. A Soil Erosion permit must be obtained from Wayne County, if required by the Soil Erosion and Sedimentation Control Act, P.A. 451 of 1994. Any earth disturbance greater than one acre or within 500 feet of the Lake requires a Soil Erosion and Sedimentation Control permit from Wayne County. The County may grant a waiver from permitting for gardening and very limited earth disturbances, but the abutting upland owner remains responsible for making the application.
 5. All major excavations and grade changes (**greater than 5 cubic yards or 800 sq. ft. area disturbed**) under this Ordinance are subject to the approval of the Township Engineer.
- j. **Channels and Canals.** No new channels or canals shall be created or expanded along the Belleville Lake shoreline for the purpose of creating additional Lake frontage or for the mooring of boats.
- k. **Seawalls and Bulkheads.** Gabion baskets and rip-rap are generally preferred means for shoreline stabilization. All existing seawalls, bulkheads and other erosion protection devices shall be kept in good repair to prevent soil erosion and sedimentation into the Lake. As new erosion protection devices are required, seawalls and bulkheads shall only be permitted where gabion baskets and rip-rap are not feasible. New or replacement seawalls or bulkheads shall have at least one egress ladder or steps per 70 linear feet. **Further, variation in seawall height may be required to accommodate emergency exit from the water.**
- l. **Markers or Buoys.** No marker or buoy shall be placed or maintained in a location where it may present a hazard to navigation, or create a risk that boats will become entangled while navigating the Lake. Township approval is required to place any

markers or buoys, except that temporary markers or buoys placed for a special event for a period of less than 12 hours shall be permitted without Township approval.

- m. **Floating Rafts.** Floating rafts, swimming platforms, trampolines, slalom buoys, ski jumps or floats shall be located in the Lake so as to not impede navigation or present a safety hazard to boats; and shall be located on bottomlands immediately adjacent to a Lake frontage in which ~~the raft~~-owner of the raft, platform, trampoline, buoy, jump or float has an ownership interest.
- n. **Stairs.** Stairs, walkways, and ~~landings~~~~decks~~ for access from the abutting upland lot to the shoreline may be permitted on Township Lake property only if the Township determines that it is necessary and is the minimum practical for reasonable access.
1. To minimize visual and physical impacts on the frontage, such structures shall be limited to no more than one per frontage lot, or the number of dock clusters, whichever is greater. Stairs, walkways and ~~decks~~landings shall be included in the calculation of, and subject to the limitations on maximum lot frontage coverage, and the other standards of Section 16.04C Development Standards.
 2. Stairs, walkways and landings must be placed entirely above the normal high water markline, except in cases where such structures~~stairs~~ are required to access the water due to a seawall or bulkhead.
- o. **Marinas and Non-Commercial Multi-Docking Facilities.** Marinas and non-commercial multi-docking facilities must meet all the requirements that apply to their component docks, seawalls, and other facilities, as well as the following:
1. Dry docks and dry land storage of watercraft are not permitted on Township Lake property.
 2. Suitable fire extinguishers, grounding cables, and other safety devices are required at any fueling stations. Fueling stations are not permitted at a non-commercial multi-docking facility.
 3. Such uses shall comply with all applicable construction standards and permit requirements of the MDEQ.
 4. All docks, hoists and similar structures installed shall be under common ownership and of a common design so as to create a unified appearance at the site. Hoists and similar structures shall not be permitted at a marina.
 5. All such uses shall be located so as to protect the neighboring property owners from potential off-site impacts of the use and so as to protect navigation on the Lake.

6. When reviewing a proposed new or changes to an existing marina or, non-commercial multi-docking facility or changes to an existing facility, the Township shall consider factors including, but not limited to the location of the facility on the Lake, its visibility and potential impacts on the aesthetic and recreational quality of the Lake, the separation from other marinas, and other considerations for the public health, safety and general welfare.
- p. **Watercraft Repairs.** Minor watercraft repairs, including fueling, shall be permitted only at marinas. Major repair is not permitted in the BLA or BLB district, nor is exterior painting, varnishing, or intensive restoration work.
- q. **Overnight Anchorage.** There shall be no overnight watercraft anchorage in open water permitted.
- r. **Rental Prohibited.** There shall be no rental of watercraft dockage or storage space except at a Township approved marina.
- s. **Fences Prohibited.** There shall be no fences permitted on Township Lake property.

SECTION 16.05C. EXEMPTIONS

A Lake frontage property owner who does or causes the following activities to be conducted on Belleville Lake, his or her frontage, or on abutting Township Lake property is not required to obtain Township approval a permit under this Article 16C. Exemption under this Section does not alleviate the responsibility of a property owner to obtain all other permits and approvals required by the Township and other entities with jurisdiction.

- a. Routine maintenance and repair of docks, seawalls, bulkheads, boat cradles, boat lifts, hoists, ramps or launches due to normal wear and tear.
- b. A minor earth change, 540 cubic yards or less, that impacts less than 800 square feet and that is stabilized within 24 hours of the initial disturbance.
- c. Earth changes necessitated by the installation, repair, or maintenance work performed in a public utility easement or approved private easement for public utilities.
- d. Gardening, if the natural elevation of the area is not changed.
- e. Planting of trees, shrubs, and other vegetation.
- f. Removal of trees, shrubs, and other vegetation, in a manner that does not cause erosion.
- g. Normal and customary residential landscaping. Native and natural plantings are preferred.

- h. Temporary stockpiling of soil, sand, or gravel not greater than ~~510~~ cubic yards, as part of a construction project on the Lake, provided that the loose material is protected to prevent wash or erosion.

SECTION 16.06C. BELLEVILLE LAKE SHORELINE DISTRICT APPROVAL PROCESS

- a. **Approval Required.** Except as otherwise provided in this Section, no person shall do or cause any one of the following on Belleville Lake, on his or her frontage, or on abutting Township Lake property without first having obtained Township approval in accordance with the provisions of this Ordinance:
1. Install, construct or expand a dock, boat cradle, boat lift, boat hoist, ramp, or launch.
 2. Install, construct or expand a seawall, bulkhead, dike, levee or other erosion control device.
 3. Install, place or maintain a ski jump or other rigid platform.
 4. Install, place or maintain a navigational marker or buoy.
 5. Excavate, grade, or make earth modifications other than those exempted under this Ordinance.
- b. **Application Requirements.** Only the property owner or authorized designee may apply for approval under this Section. Each applicant shall submit the following documents and drawings. If determined necessary and required by the Township, the drawings and documents shall be signed by licensed professional(s).
1. A completed application form, including a description of the proposed improvements and modifications and description of any other required permits.
 2. A plan that shows the boundaries of the abutting upland lot, the location of the proposed installation and the location of the shoreline, and location of any existing structures within 50 feet of the proposed installation.
 3. A copy of any existing survey from the abutting upland lot and photographs of the existing conditions.
 4. Plans, elevations and sections, with dimensions, showing the height, length, width, distance to the lot lines and configuration of the proposed installation.
 5. Specification of the materials to be used in construction or installation.

6. Water depth at the farthest point of projection, when additional dock length is requested.
 7. Distance from the farthest point of projection to the opposite shore (if less than 250 ft.).
 8. A description of the existing shoreline features and uses.
 9. A description of any shoreline erosion control or shoreline stabilization (seawalls, bulkheads and similar) proposed as part of the project.
 10. Other information as determined necessary by the Township to protect the public health, safety and welfare of the Township's residents, those who use Belleville Lake and the shoreline habitat.
 11. The application fee established by the Township Board.
 12. Completed application for review by Michigan Department of Environmental Quality, and if required, by FERC.
 13. Any other applicable elements of Site Plan and/or Special Approval applications, as required by this Ordinance.
- c. **Review Process.** All plans and applications for approval under these Belleville Lake Shoreline Districts shall be submitted to the Director of Planning and Economic Development or other designated Township official for Township review. The plans and applications shall be reviewed to ensure compliance with the submittal requirements of this Ordinance, and consistency with Belleville Lake Shoreline District zoning and development regulations. Review shall be by one of the following processes: Administrative, Site Plan, and/or Special Approval, as further specified below.
1. Administrative Approval. Uses listed under the Belleville Lake Shoreline District A – Single Family Residential (BLA), Section 16.03C.a., and those uses in the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), Section 16.03C.b.1., above, are subject to administrative approval by the Director of Planning and Economic Development. The Director shall review the plan for compliance with the requirements of this Ordinance.
 - a. The Director of Planning and Economic Development may forward any application for a use under this Section to the Planning Commission for its site plan review and/or public hearing, recommendation and special approval by the Township Board upon finding that unique characteristics of the site or the application warrant such consideration.
 - b. Every application submitted for review shall be in accordance with the

requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard. Approval by all other agencies with jurisdiction, including FERC is also required.

2. Site Plan Approval by the Planning Commission. The uses permitted under the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), Section 16.03C.b.2. above, are subject to site plan approval by the Planning Commission. For purposes of the Belleville Lake Shoreline Districts, the information required for a site plan shall contain all information required by this Zoning Ordinance Section 4.33 Information Required for site plan approval, and also that information specified under Section 16.06C.b. above. The Planning Commission shall review the plan for compliance with along with compliance with all applicable requirements of this Zoning Ordinance. Approval by FERC may be required for such uses, along with the approval of other agencies with jurisdiction.
3. Special Approval by the Township Board. The uses permitted in the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), Section 16.03C.b.3. above, are subject to special approval by the Township Board. All such uses shall be subject to the standards, criteria, procedures and requirements of Sections 4.46 Review and Authorization of Special Approval Uses, and 18.08 Powers of the Township Board Concerning Special Approvals, of this Zoning Ordinance, including public hearing and recommendation by the Planning Commission and approval of the Township Board. All special approval uses also require submission and approval of a site plan, along with compliance with all other applicable requirements of this Zoning Ordinance. Approval by FERC and other agencies with jurisdiction is also required for all special approval uses.
- d. **Approval Criteria.** The Township shall find that the following criteria are met prior to granting approval for any use of Township Lake property in the Belleville Lake Shoreline District. In addition, for those uses that required special approval of the Township Board, the criteria of Section 18.08.f. must also be met.
 1. The application shall demonstrate compliance with all of the requirements of Section 16.04.C. above, and all other applicable requirements of this Zoning Ordinance.
 2. The structure(s) shall not unreasonably interfere with the adjacent property owners' or public's use and enjoyment of the waters of Belleville Lake. The facilities are so designed as to protect the neighboring property owners from negative off site impacts.
 3. The structure(s) will not create a risk to the health, safety and welfare of persons

who use Belleville Lake for recreational purposes, and will not interfere with safe navigation on the Lake.

4. The structure(s) will be constructed of materials which will not impair the water quality, water flow or water levels of Belleville Lake.
 5. To the extent feasible, the structures(s) shall protect and enhance the scenic, recreational and environmental quality of Belleville Lake. The location of the facilities shall be such that they will not create a negative visual impact for the general public.
 6. Marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake.
 7. Consideration shall be given to maintaining consistency with the upland zoning and land use.
 8. Uses approved shall be consistent with the primary goal of permitting reasonable use by Lake residents and land owners.
- e. **Approval Issuance.** The Director of Planning and Economic Development shall authorize the issuance of a Township approval letter if, following review in accordance with the procedures of this Ordinance, all conditions and standards of the Ordinance and the approving body are met. Approvals from FERC, MDEQ and any other agency with jurisdiction that cannot be obtained until the Township's approval is issued, shall be required before any construction, earthwork or site changes begin, and a copy of all such other approvals must be submitted to the Township Director of Planning and Economic Development. If an application is denied by the Township, a written record shall be provided to the applicant listing the reasons for the denial. In addition:
1. No structure within the BLA or BLB districts shall be considered an accessory structure for purposes of this Ordinance.
 2. Any other activities conducted on the land or water shall comply with all applicable federal, state and local laws.
- f. **Existing Boat Docks, Structures and Uses.**
1. General. No buildings are permitted on Township Lake property, and no buildings or other structures are considered vested. Provided however that the presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license and the Township's approval, and the Township may force their removal at any time with or without

cause. If the landowner does not remove structures as ordered by the Township and the Township removes such structures, the land owner shall either pay the costs of removal or those costs shall become a lien upon the property. Further, no structure within the BLA or BLB districts shall be considered an accessory structure as regulated under Section 4.14 of this Ordinance.

2. **Easements.** The lawful mooring, docking, or launching of boats or installation and usage of docks, boat lifts, boat cradles, or platforms on or from a Lake access easement recorded prior to the date of adoption of this Section shall be permitted to continue. However, any easement recorded after the date of adoption of this Section shall not permit the mooring, docking, or launching of boats or installation and usage of docks, boat lifts, boat cradles, platforms or rafts on the Lake.
3. **Continuation of Lawful Existing Uses.**
 - a. The lawful mooring, docking, or launching of boats or usage of docks, boat lifts, boat cradles, piers, platforms or rafts on or from a particular lot, parcel, or frontage occurring prior to the date of adoption of this Section shall be permitted to continue without change. However, if any existing dock, boat lift, boat cradle, pier, platform, raft or similar structure shall be removed, it shall thereafter fully comply with the provisions of this Section. Further, any change, alteration, or expansion of such prior usage which occurs after the date this Section becomes effective shall fully comply with the provisions of this Section.
 - b. Normal maintenance and repair of docks, seawalls, and bulkheads due to normal wear and tear shall not be deemed a change, alteration, or expansion of prior usage.
 - c. Whether a Lake use or structure is approved by the Township or not, it is the obligation of all property owners to maintain both their property at the periphery of the Lake and the Township Lake property adjacent to their property clear of fallen trees, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.
 - d. The burden of proof in asserting and establishing a defense under this Section is on the property owner who asserts a lawful existing use. The Board of Zoning Appeals may hear and decide appeals regarding the existence or expansion of any lawful existing uses under this Section. The Board of Zoning Appeals shall not decide any such appeal until after it has held a public hearing pursuant to Article 19 of this Ordinance.

g. Exceptions, Modifications and Appeals.

1. **Board of Zoning Appeals.** For the purposes of this Article 16C., the Board of Zoning Appeals (“BZA”) as established and regulated in Article 19 of this Ordinance shall be the reviewing body. All provisions of said Article 19 shall apply except as specifically modified in this Section 16.06C.g.
 2. **Powers.** The BZA may interpret the provisions of this Article 16C. if questions arise and may approve modifications to particular provisions of this Section, and grant special exceptions for a given case. In exercising its powers, the BZA shall have the primary goal of reaching an equitable conclusion and allocation of use of the Township Lake property for the purposes stated in Section 16.01C Purpose of this Ordinance.
 3. **Standards for Special Exceptions.** The BZA shall not grant a special exception to any provision of this Article 16C. unless it first makes all of the following findings:
 - i. Enforcement of the provision(s) requested for special exception would unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of persons or property;
 - ii. The special exception would not unduly prevent the realization of the purposes of this Ordinance;
 - iii. The special exception would not cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance;
 - iv. Unusual circumstances or conditions are involved; and
 - v. The special exception is consistent with the goal of providing reasonable, equitable access to all abutting lake owners.
 4. **No Precedent.** Granting a specific special exception does not set a precedent for consideration of future special exception requests, as each request is to be decided on a case by case basis.
 5. **Special Exception.** Upon making the findings above, the BZA may grant a special exception to provisions of this Article 16C. subject to complying with all other requirements of this Ordinance. The BZA may also attach reasonable conditions to the granting of an exception.
 6. **Public Hearing.** Appeals and requests for special exceptions to this Article shall be considered only at a duly held public hearing and meeting of the BZA. Notice of the hearing shall be given in accordance with Article 19. In addition the Township shall give at least fifteen (15) days prior written notice of such hearing to any Lake or property owners association if the association has provided its address to the Township beforehand.
- h. **Indemnification.** By accepting any Township approval, the applicant agrees to execute

an agreement to defend, indemnify and hold harmless the Township and its elected and appointed officials, agents, representatives, employees, boards and commissions against and with respect to any and all actions, suits, proceedings, claims, demands, judgments, costs and expenses resulting from the erection or usage of a structure or facility pursuant to this Article 16C. By virtue of any approval under this Article, the applicant further agrees to permit the Township to take access to the property at reasonable times for inspections and for purposes of public safety.

- i. **Obligations.** Abutting property owners shall be responsible for maintaining both their property at the periphery of the Lake and the Township Lake property adjacent to their property clear of fallen trees, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.

j. **Penalties and Enforcement.**

1. **Penalty.** Violation of this Article is a civil infraction~~s~~, for which fines shall be not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) for the first offense and not less than Two Hundred Dollars (\$200) nor more than Two Thousand Five Hundred Dollars (\$2,500) for subsequent offenses, in the discretion of the court, and in addition to all of the costs, damages and expenses provided by law. For purposes of this Article, "subsequent offense" means a violation of this Article committed by the same person within twelve (12) months of a previous violation of the Article for which said person admitted responsibility or was adjudicated to be responsible, provided however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.
2. **Injunction.** Any violation of this Article is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Article by proceeding under Section 6.06C.j.1. above, the Township or any Township resident ~~may~~ institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.
3. **Enforcement and Administration.** This Article shall be enforced and administered by the Township Director of Planning and Economic Development, or such other Township official as may be designated from time to time by resolution by the Township Board.

SECTION 2. Conflicts. If any provision of the Zoning Ordinance conflicts with this amendment to the Zoning Ordinance, the most restrictive provision shall apply.

SECTION 3. Severability. This Ordinance and the various parts, sentences, paragraphs, sections, and clauses thereof are hereby declared to be severable. Should any part, sentence,

paragraph, section, or clause be declared unconstitutional, null, or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining parts, sentences, paragraphs, sections, and clauses of this Ordinance.

SECTION 4. Effective Date: This Ordinance shall be effective upon publication in a newspaper of general circulation within the Township.

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a Regular Meeting, called and held on the ___th day of _____, 2015.

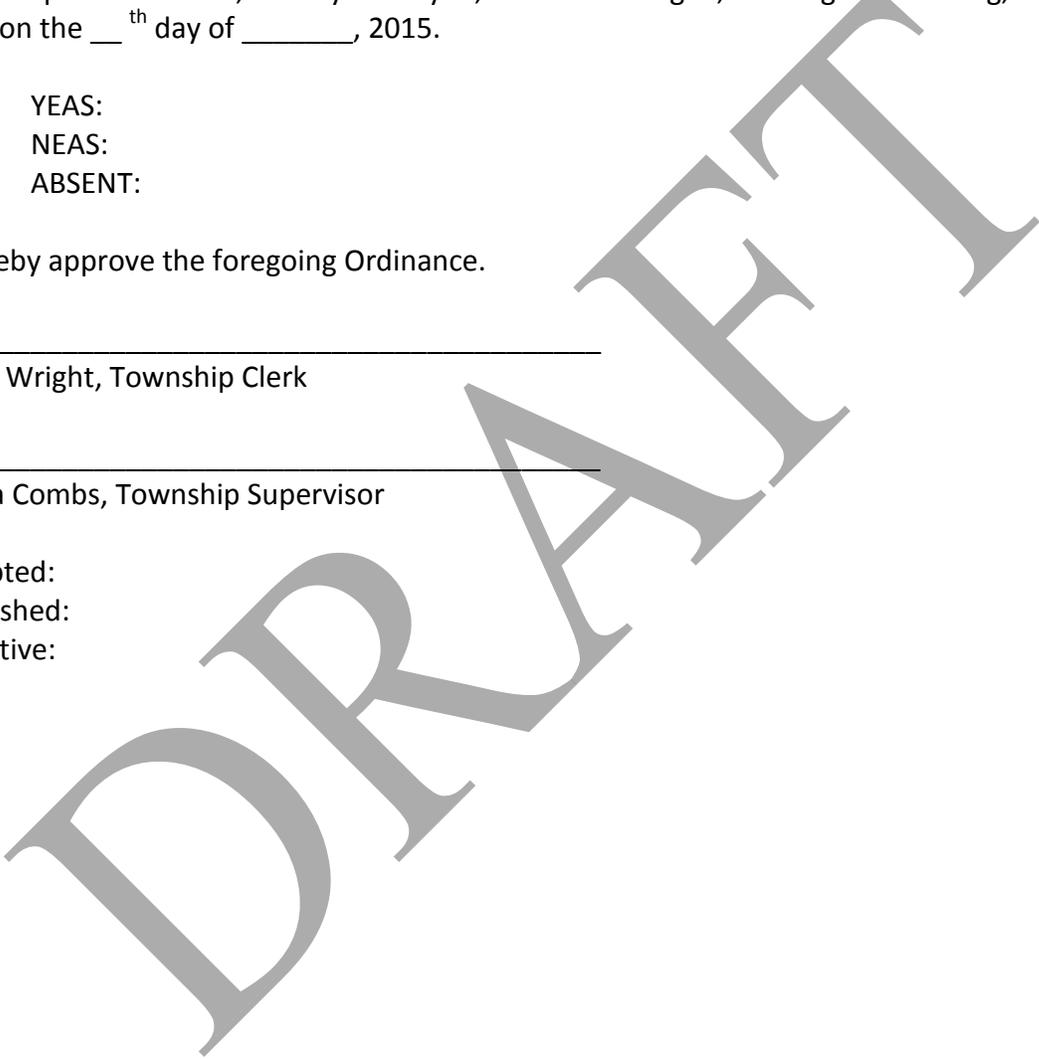
YEAS:
NEAS:
ABSENT:

I hereby approve the foregoing Ordinance.

Leon Wright, Township Clerk

Linda Combs, Township Supervisor

Adopted:
Published:
Effective:





Charter Township of Van Buren

BOARD OF TRUSTEES

SUPERVISOR
Linda H. Combs

CLERK
Leon Wright

TREASURER
Sharry A. Budd

TRUSTEE
Phillip C. Hart

TRUSTEE
Jeffrey L. Jahr

TRUSTEE
Brenda J. McClanahan

TRUSTEE
Reggie Miller

MEMO

From: Director Akers

To: Van Buren Township Planning Commission

Date: September 23, 2015

Re: Request by Canton Township for review and comment regarding an amendment to the Canton Township Master Plan.

The Michigan Planning Enabling Act requires that a proposed amendment of a Master Plan is to be distributed to the Planning Commission of an adjacent municipality. Due to this requirement Canton Township has provided us with information regarding an amendment to their Master Plan. The proposed amendment would change the Township's future land use map in two areas. These are at the southeast corner of Denton and Geddes roads and the other is on the south side of Warren road between Naper road and Ridge road. As a request has been made, should the Planning Commission chose to provide written comments regarding the plan I will ensure that they are sent to Canton Township. I look forward to your discussion on this matter.



**NOTICE OF INTENT TO CONSIDER AN AMENDMENT TO THE CANTON
TOWNSHIP COMPREHENSIVE PLAN AND REQUEST FOR REVIEW AND
COMMENT**

Pursuant to PUBLIC ACT 33 of 2008, (the Michigan Planning Enabling Act), the Charter Township of Canton Planning Commission intends to consider amendments to the Future Land Use element of the Township's Comprehensive Plan.

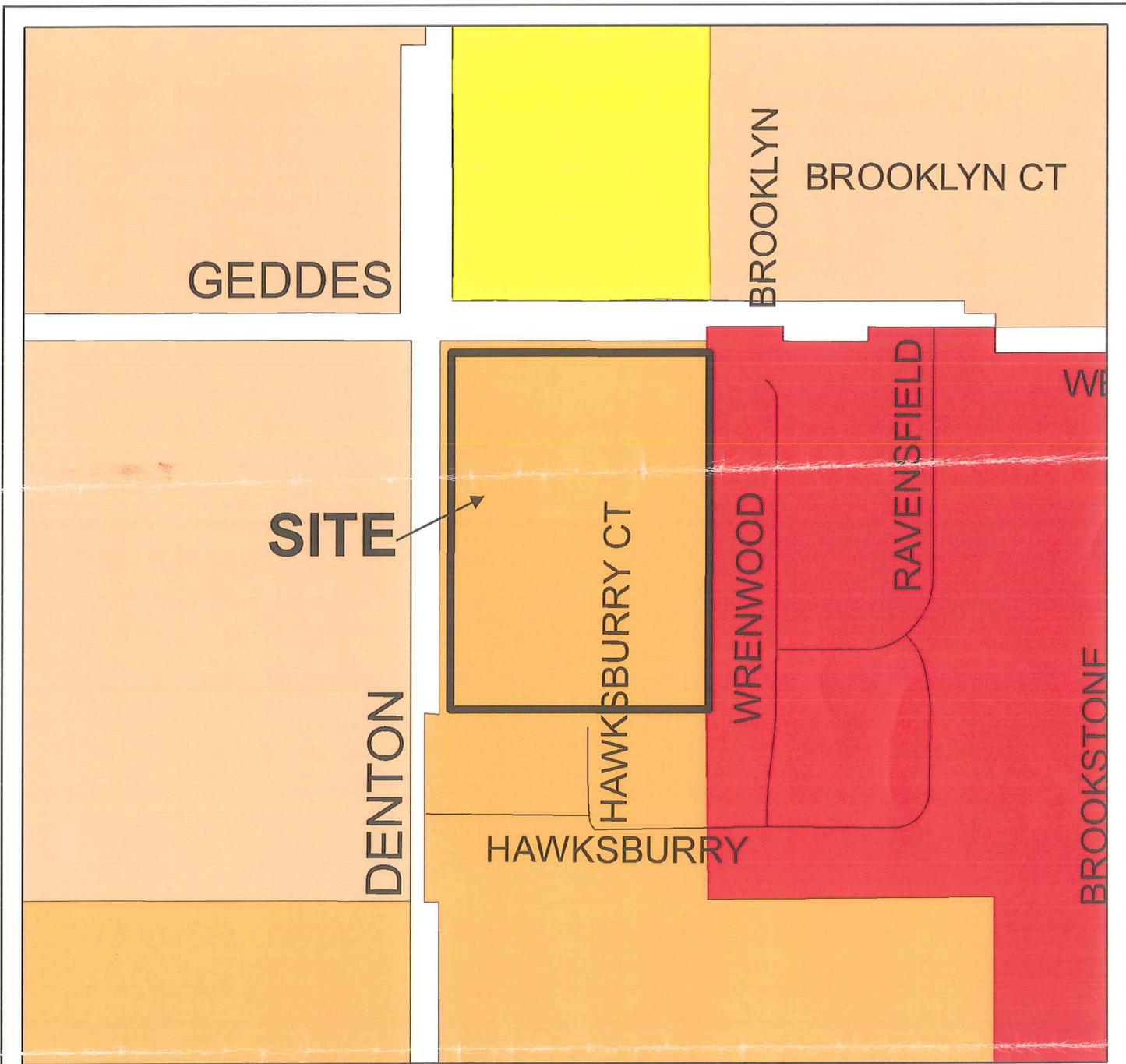
The Township Board has approved of the distribution of the proposed plan amendments and the Planning Commission is requesting review and comment (if any) regarding the proposed changes to the Township Comprehensive Plan within 65 days.

Please find attached material relevant to the proposed change(s):

CISMAN FUTURE LAND USE AMENDMENT – CONSIDER REQUEST TO AMEND THE FUTURE LAND USE MAP FROM MEDIUM LOW DENSITY RESIDENTIAL TO MEDIUM HIGH DENSITY RESIDENTIAL FOR PARCEL NO. 126 99 0008 701. PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DENTON AND GEDDES ROAD.

MCCLUMPHA TRUST FUTURE LAND USE AMENDMENT – CONSIDER REQUEST TO AMEND THE FUTURE LAND USE MAP FROM RURAL RESIDENTIAL TO VERY LOW DENSITY RESIDENTIAL FOR PARCEL NOS. 025 99 0004 701 AND 026 99 0001 701. PROPERTY IS LOCATED SOUTH OF WARREN AND WEST OF RIDGE ROAD.

Please forward any comments to: *Charter Township of Canton
Planning Services Division
1150 Canton Center S.
Canton, MI 48188*



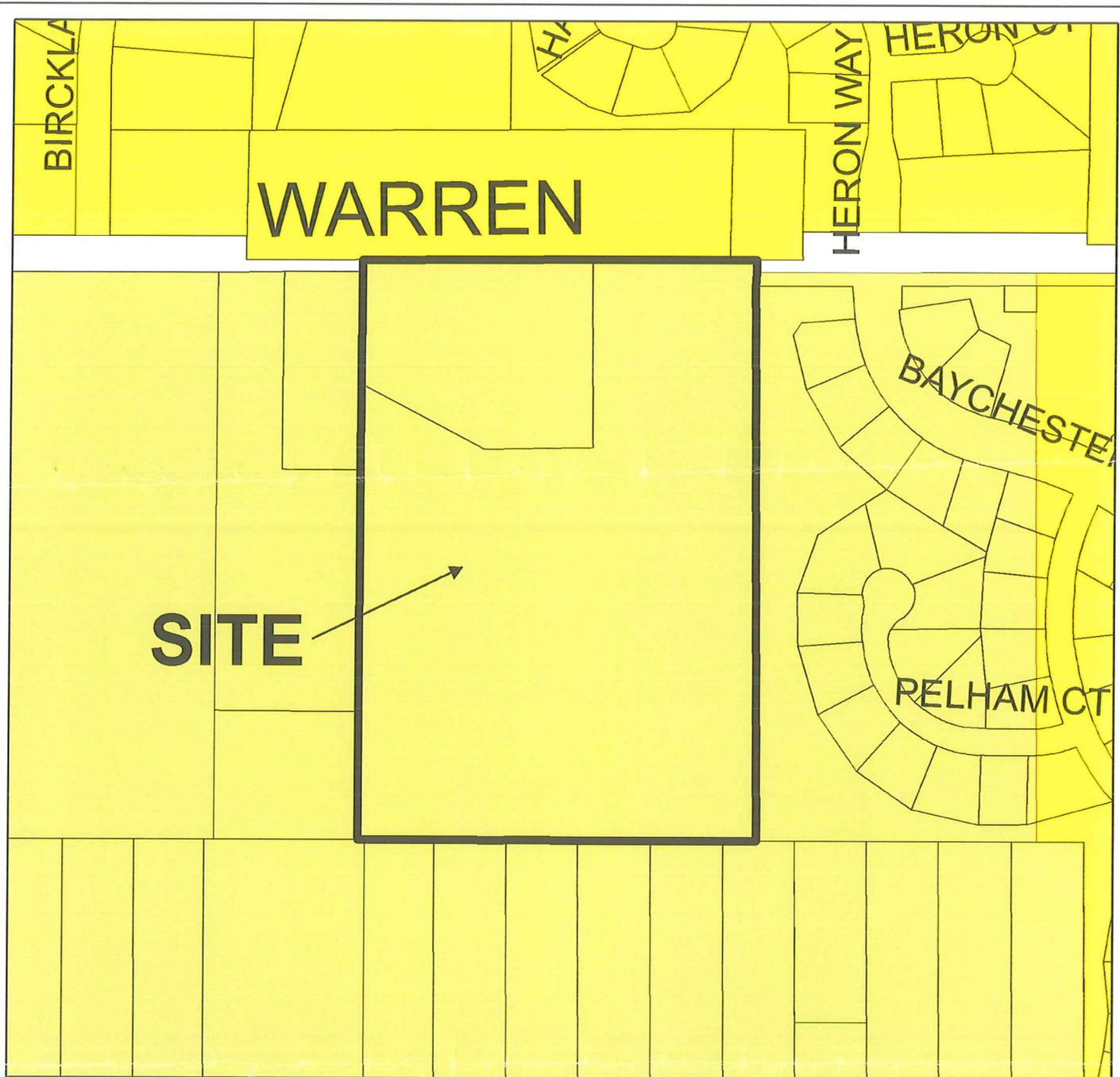
Cisman Future Land Use Amendment 126-MLP-2783
 Medium Low Density to Medium High Density

Legend

-  Very Low Density Residential (1 d.u./acre)
-  Low Density Residential (2 d.u.s/acre)
-  Medium-Low Density Residential (3 d.u.s/acre)
-  Medium-High Density Residential (8 d.u.s/acre)

CREATED BY:
 CANTON TWP. PLANNING SERVICES
 1150 S. CANTON CENTER ROAD
 CANTON, MI 48188
 (734) 394-5170
 CREATED ON:
 July 14, 2015





McClumpha Trust Future Land Use Amendment
 026-MLP-2826 Rural Residential to Very Low Density Res.

Legend

-  Rural Residential (1 d.u./2 acres)
-  Very Low Density Residential (1 d.u./acre)

CREATED BY:
 CANTON TWP. PLANNING SERVICES
 1150 S. CANTON CENTER ROAD
 CANTON, MI 48188
 (734) 394-5170
 CREATED ON:
 July 23, 2015



Google Maps Google Maps

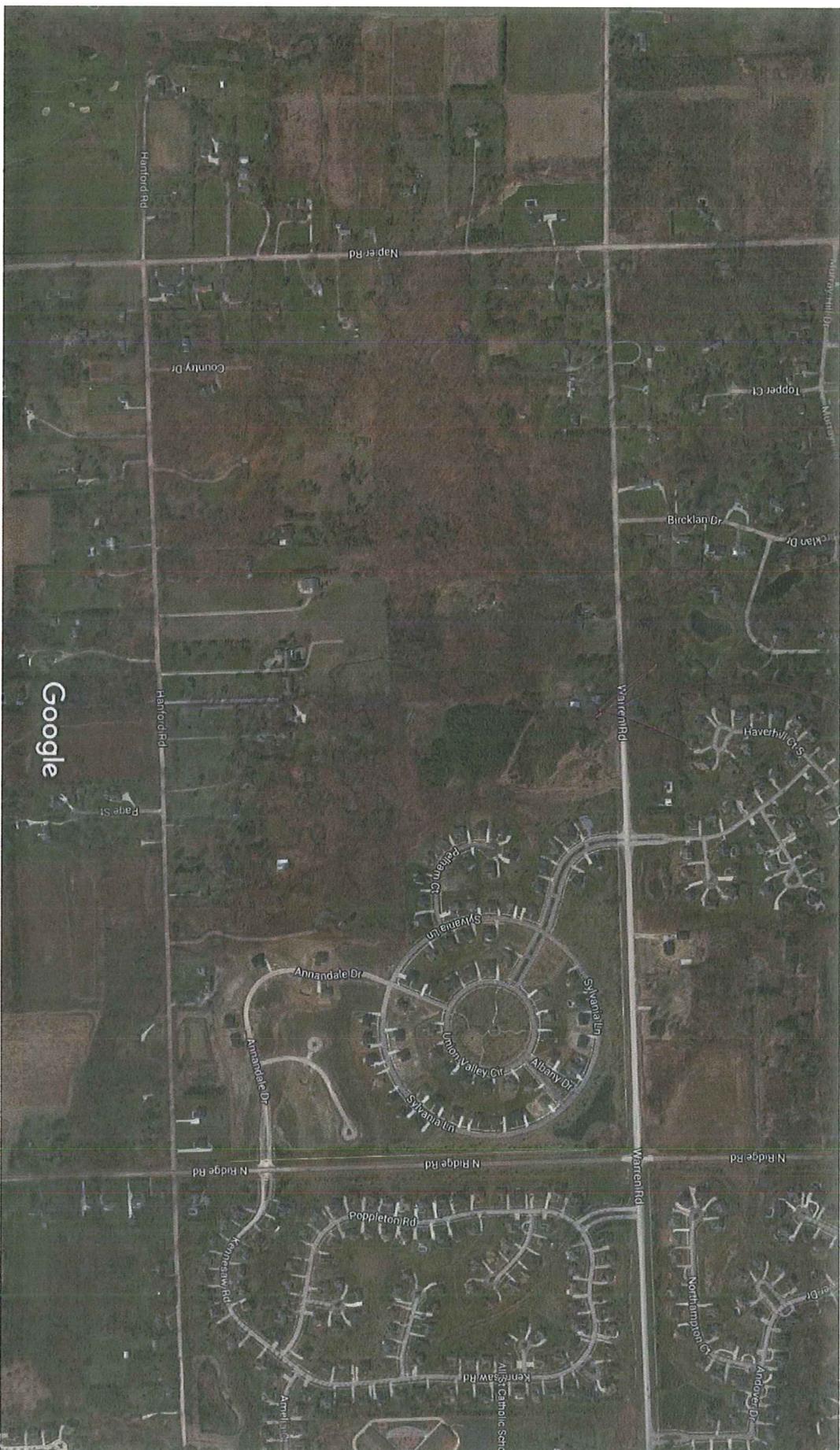
Area



Imagery ©2015 Google, Map data ©2015 Google 200 ft

Google Maps Google Maps

Area



Google

Imagery ©2015 Google, Map data ©2015 Google 500 ft