

NOTTAWA TOWNSHIP

St. Joseph County

Nottawa Township Planning Commission

Agenda

7:00 pm April 9, 2019

1. Call to order

2. Roll Call Greg Reed Lamar Rodgers Ellen Robinson James Schwartz Brenda Chobot
 Bill Butcher Eric Ruckert Gayle Brokaw Steve Clark

Absent

3. Agenda

4. Minutes January 8, 2019, Special Meeting March 12, 2019

5. Visitor comments:

6. Public Hearing on Proposed Ordinance No 48: Amendments to Zoning ordinances

7. New Business

A. Ordinance No 48 Amendments to Zoning

B. Master Plan review or update

C. Solar ordinance

D. Mixed Use Corridor: M-86 Nottawa to M-66 and west side of M-66 from M-86 north

Rezoning of 58926 M-66, Parcel ID 012 013 010 00, Grand Junction Mechanics, Nate Yoder

8. Communication and upcoming business

9. Calendar:

July 9, Tuesday 7:00 pm Planning Commission

October 8, Tuesday 7:00 pm Planning Commission

10. Adjourn

Proposed Amendments (strikes are deletions, and bold are additions)

1. R-3 waterfront 308.2.c, d uses permitted by right; 308.3.b,c special use(should only be in special use)
2. Accessory building 401.1.d
3. AR rear setback for accessory buildings 300.314- Schedule of Regulations
4. AR front/road setback 300.314
5. AR accessory building/uses by special use
6. Sign regulations Sec 405.3.e(5)
7. Zoning Board of Appeals 602.1
8. Anti-Funneling Provisions 408.1

Item 1 300.308 - R-3 Districts: Waterfront Residential District.

Sec. 308.

308.1 *Purpose.* It is the purpose of the waterfront residential district to provide for single-family residential uses, at moderate densities, in areas adjacent to lakes and water courses. It is further the purpose to require lot areas large enough to protect Township lakes, rivers and ground waters from pollution due to an over concentration of wastewater disposal and septic field systems.

308.2 *Uses Permitted by Right in an R-3 District.*

- a. Single-family residential dwelling on a parcel having an area of at least twenty-thousand (20,000) square feet.
- b. State licensed residential facilities and family child care homes as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), as amended.
- ~~e. Public and private hospitals, schools, churches and governmental buildings.~~
- c. Public utility structures and substations.
- d. Home occupations. Home occupations may consist of such things as, instruction in a craft or fine art, hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate, insurance sales, professional office for: not more than one physician, surgeon, dentist, attorney, architect, engineer, or recognized professional practitioner:
 - (1) The non-residential use shall only be incidental to the primary residential use.
 - (2) The occupation shall utilize no more than 25% of the ground floor area of the structure
 - (3) Only normal domestic or household equipment and equipment characteristic of a doctor or dentist office shall be used to accommodate the home occupation.
 - (4) The home occupation shall involve no more than one employee other than those members of the immediate family residing on the premises.
 - (5) All activities shall be carried on indoors, only in the principal building. No outdoor activities or storage shall be permitted.
 - (6) There shall be no external evidence of such occupations except a small announcement sign not larger than two (2) square feet in area.
 - (7) The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of nonresidential activities.

308.3 *Uses Permitted by Special Use Permit.* The following uses are permitted in this R-3 district subject to obtaining a special use permit as provided for in Article Five:

- a. Public and private parks, clubs, camps, and golf courses.
- b. Public and private hospitals, schools, churches and governmental buildings.
- c. Public utility structures and substations.
- d. Group child care homes as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), as amended.

Item 2 Accessory building description: Article 4

401.1 *Accessory Buildings.* Accessory buildings shall be subject to the following regulations:

- a. Accessory buildings, other than attached garages, shall not be located in the front yard of any lot, except for a lot having water frontage, where a customary detached private garage is permitted if it is located behind the required front yard setback line.
- b. Accessory buildings containing more than 200 square feet shall not be located closer to any side or rear lot line than the setback requirements for the principal building, except that boat houses may be permitted at or near the waters' edge provided that all other applicable local and state permits are obtained.
- c. Accessory buildings containing 200 square feet or less may not be closer than 5 feet to any side or rear lot line.
- ~~d. On residential lots of less than one (1) acre, only one (1) accessory building of not more than 200 square feet, is permitted in addition to an attached or detached private garage. On residential lots of one acre or more, an accessory building shall not exceed 960 square feet in size.~~
- d. On residential lots accessory buildings shall be permitted in addition to an attached or detached private garage in size as follows:**

less than one half (0.5) acre	not more than 200 square feet
0.51 – 1.0 acre	not more than 500 square feet
1.01 – 2.0 acre	not more than 1200 square feet
2.01 – 3.0 acre	not more than 1800 square feet
3.01 acre or more	not more than 2600 square feet
- e. **On residential lots (R1, R2, R3) a principal residence must be built before an accessory building**
- f. **On agricultural land (AR) accessory buildings may be built without a residence and limited in size so that the maximum lot coverage may not exceed twenty-five (25) percent.**

**Item 3 & 4 AR rear setback for accessory buildings
front yard/road setbacks/waterfront**

300.314 - Schedule of Regulations.

Sec. 314.

<i>DISTRICT</i>	<i>MINIMUM LOT SIZE</i>	<i>MINIMUM LOT FRONTAGE</i>	<i>SIDE YARD SETBACK</i>	<i>REAR YARD SETBACK</i>	<i>ROAD SETBACK FROM R_O_W</i>	<i>MINIMUM LIVING AREA PER UNIT</i>
AR Agricultural Residential	2 acres	300 ft.	20 ft.	50 ft. 20 ft. ^[A]	County local 40' Co. Primary 50' State Hwy 50' ^[B]	1,000 sq. ft. first floor - one story 800 sq. ft. first floor - two story
R-1 Low Density Residential	1 acre	200 ft.	15 ft.	35 ft.	Sub./Plat 25' County local 40' Co. Primary 50' State Hwy 50' ^[B]	1,000 sq. ft. first floor - one story 800 sq. ft. first floor - two story
R-2 Medium Density Residential	sf 20,000 sq. ft. 2f 40,000 sq. ft. 3+f 20,000 sq. ft. per unit	100 ft.	10 ft.	35ft. Waterfront lot; 401.7	Sub./Plat 25' County local 40' Co. Primary 50' State Hwy 50' ^[B]	sf 1,000 sq. ft. 2f 1,000 sq. ft./ per unit 3+f 720 sq. ft./ per unit.
R-3 Water Front Residential	20,000	100 ft.	10 ft.	35 ft. 50 ft ^[C]	Sub./Plat 25' County local 40' Co. Primary 50' State Hwy 50' ^[B]	1,000 sq. ft.
RM-1 Mobile Home Park	10/acres/park 12,000 sq. ft. site	Variable	20ft/10ft	10 ft	Sub./Plat 25'	800 sq. ft.
RM-2 Mobile Home Subdivision	1 acre	200 ft.	15 ft.	35 ft.	Sub./Plat 25'	800 sq. ft.
C Commercial	20,000 sq. ft.	100 ft.	15 ft.	30 ft.	County local 40' Co. Primary 50' State Hwy 50' ^[B]	—
I Limited Industrial	20,000 sq. ft.	100 ft.	15 ft.	30 ft.	County local 40' Co. Primary 50' State Hwy 50' ^[B]	—

^[A] Rear setback for accessory building in A-R is 20' when adjacent lot is also A-R

^[B] State Hwy R-O-W varies, check with zoning administrator

^[C] From the water see Sect 401.7

202.55 *Yards: a. Yard, front* - An open space extending the full width of the lot and lying between the front line of the lot or the street right-of-way and the nearest point of the principal building. ~~In the case of a waterfront lot, the line which fronts on the water shall be designated the front lot line.~~

305.4.d.(1) Front Yard: In accordance with the setback requirements ~~of the Comprehensive Plan~~ **Sec 314 Schedule of Regulations** for the type of street upon which the lot principally fronts.

306.4.d.(1) Front Yard: In accordance with the setback requirements ~~of the Comprehensive Plan~~ **Sec 314 Schedule of Regulations** for the type of street upon which the lot principally fronts.

307.4.d.(1) Front Yard: In accordance with the setback requirements ~~of the Comprehensive Plan~~ **Sec 314 Schedule of Regulations** for the type of street upon which the lot principally fronts.

308.4.d.(1) Front Yard: In accordance with the setback requirements ~~of the Comprehensive Plan~~ **Sec 314 Schedule of Regulations** for the type of street upon which the lot principally fronts.

309.4.c.(1) Front Yard: In accordance with the setback requirements ~~of the Comprehensive Plan~~ **Sec 314 Schedule of Regulations** for the type of street upon which the lot principally fronts.

311.4.d.(1) Front Yard: In accordance with the setback requirements ~~of the Comprehensive Plan~~ **Sec 314 Schedule of Regulations** for the type of street upon which the lot principally fronts.

312.4.d.(1) Front Yard: In accordance with the setback requirements ~~of the Comprehensive Plan~~ **Sec 314 Schedule of Regulations** for the type of street upon which the lot principally fronts.

Item 5 AR districts accessory buildings/ uses by special use

300.305 - AR Districts: Agricultural Residential District.

Sec. 305.

305.1 *Purpose.* It is the purpose of the Agricultural Residential District to preserve the rural, countryside atmosphere of Nottawa Township; and to encourage the continuation of agricultural activities yet permitting residential uses without substantially changing the agricultural character of these areas. Provision for an agricultural residential district is expected to prevent scattered semi-urban development which cannot efficiently be served by public utilities or Township services. It is also the intent of this district to help maintain land values at levels which farm activities can support and to avoid property value increases through speculation for higher density uses, which force prime farm land into non-agricultural uses.

305.2 *Use Permitted by Right in an AR District.*

- a. One single family dwelling per lot of record in accord with the requirements for AR Districts as established in section 300.314, Schedule of Regulations.
- b. State licensed residential facilities and family child care homes as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), as amended.
- c. Public and private conservation areas and structures for the development, protection and conservation of open space, water sheds, water, soil, forests, and wildlife resources.
- d. General and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs; and the incidental sale of crops, products and foodstuffs raised or grown on the premises.
- e. Raising or keeping livestock, whether for profit or pleasure, provided that pens or shelters are maintained in a sanitary condition and that such livestock are fenced in or otherwise prevented from roaming at large off the premises.
- f. Raising or growing of plants, trees, shrubs and nursery stock, but not including retail sale of premises.
- g. Accessory uses including:
 - (1) Barns, silos, sheds, equipment storage, and similar structures and uses customarily incidental to the permitted principal uses and structures.
 - (2) Roadside stand for agricultural produce raised on the property.
 - (3) Home occupation. Home occupations may consist of such things as, instruction in a craft or fine art, hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate, insurance sales, professional office for: not more than one physician, surgeon, dentist, attorney, architect, engineer, or recognized professional practitioner:
 - (a) The non-residential use shall only be incidental to the primary residential use.
 - (b) The occupation shall utilize no more than 25% of the ground floor area of the structure
 - (c) Only normal domestic or household equipment and equipment characteristic of a doctor or dentist office shall be used to accommodate the home occupation.
 - (d) The home occupation shall involve no more than one employee other than those members of the immediate family residing on the premises.
 - (e) All activities shall be carried on indoors, only in the principal building. No outdoor activities or storage shall be permitted.
 - (f) There shall be no external evidence of such occupations except a small announcement sign not larger than two (2) square feet in area.
 - (g) The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of nonresidential activities.

h. Storage buildings for personal use

305.3 *Uses Permitted by Special Use Permit in an AR District.* The following uses are permitted in this district subject to obtaining a special use permit as provided for in Article Five:

- a. The removal of soils, sand, gravel and other materials.
- b. Public and private parks, camps, golf courses, clubs, and commercial stables.
- c. Public and private hospitals, schools, cemeteries, churches, and government buildings.

- d. Airports.
- e. Public utility structures and substations.
- f. Veterinarian offices, commercial kennels, and animal clinics.
- g. Public or private sanitary landfills or junk yards.
- h. Bulk seed, feed and fertilizer outlets and distribution centers.
- i. Single-family mobile home residences in accordance with the requirements established in Section 506. This does not apply to mobile homes that fall under the definition of single-family dwelling in section 202.14.
- j. Concentrated animal feeding operations.
- k. Group child care homes as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), as amended.
- l. Storage buildings for commercial use**
- j. Accessory buildings for the purpose of light manufacturing or commercial use**

305.4 *Regulations and Standards*. The following maximum and minimum standards shall apply to all uses and structures in the "AR" District:

- a. Minimum lot area: No building or structure shall be established on any parcel less than two (2) acres in area.
- b. Minimum lot width: The minimum lot width shall be three hundred (300) feet.
- c. Maximum lot width: The maximum lot width shall not exceed ten (10) percent for the area of the lot.
- d. Yard and Setback Requirements:
 - (1) Front Yard: In accordance with the setback requirements of requirements of ~~the Comprehensive Plan~~ **Sec 314 Schedule of Regulations** for the type of street upon which the lot principally fronts.
 - (2) Side Yard: Twenty (20) feet except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Rear Yard: Fifty (50) feet **if adjacent to other than A-R lot. Twenty (20) feet if adjacent to A-R lot.**
 - (4) In any case, no permanent or temporary structure housing livestock, or for storage of feed or manure shall be located any closer than 100 feet to a lot line.
- e. Maximum Height Requirements: For dwelling and non-farm structures, height shall not exceed thirty-five (35) feet.
- f. Minimum living area: Minimum gross living space per residential dwelling unit shall not be less than one thousand (1,000) square feet on the first floor if one story, or eight hundred (800) square feet on the first floor level if two stories. In any case, the total living area shall not be less than one thousand (1,000) square feet, exclusive of garages or basements.

Item 6 Sign regulations

300.405 - Sign regulations.⁶¹

Sec. 405.

405.1 *Purpose.* It is the purpose of this section to regulate the size, placement, and general appearance of all privately owned signs in order to promote the public health, safety, morals, convenience, and general welfare, and the stated purposes of this Ordinance. These purposes include the enhancement of the aesthetic desirability of the environment, and the reduction of hazards to life and property in Nottawa Township.

405.2 *Signs in Residential Districts.* Signs in accordance with the definition set forth in Section 202.48 of this Ordinance shall be permitted subject to the following restrictions:

a. Signs no larger than ten (10) square feet in area shall be permitted for any of the following purposes:

- (1) Sale or lease of property (real or personal).
- (2) Advertising home occupation.

b. Signs advertising new subdivision or major developments may be permitted by the Planning Commission for no more than one (1) year, provided they do not exceed twenty-five (25) square feet in area.

c. Public institutions and churches permitted in residential districts shall comply with regulations for commercial uses.

405.3 *Signs in Commercial or Industrial Districts.* Signs shall be permitted subject to the following restrictions:

a. Signs shall pertain exclusively to the business carried on within the building.

b. Signs may be placed flat against the main building or parallel to the building on a canopy and may face only the public street or parking areas that are a part of the development. Signs shall not project above the roof line or cornice.

c. Signs painted or affixed to building shall not exceed ten (10) percent of the surface area of the building face to which attached.

d. Signs may be illuminated, but no flashing or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.

e. Freestanding Signs shall:

- (1) Not obstruct a clear view of traffic.
- (2) Not exceed twenty-five (25) feet in height.
- (3) Set back at least ten (10) feet, measured from the right-of-way line to the leading edge of the sign.

(4) Not exceed ~~twenty-five (25)~~ **forty (40)** square feet in area.

(5) Not exceed one per property, ~~regardless of the number of businesses.~~ **With multiple businesses on one property, multiple sign panels not to exceed twenty (20) square feet each may be placed on one freestanding sign structure not to exceed a total of eighty (80) square feet.**

Item 7 300.602 Zoning Board of Appeals

602.1 *Established; Membership.* A Zoning Board of Appeals is hereby established in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended. The Board shall consist of ~~three (3)~~ **five (5)** members: ~~The Chairman of the Planning Commission, a member of the Township Board appointed by the Township Board, and a third member.~~

One of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission. The remaining regular members and any alternate members shall be appointed by the Township Board from the electors residing in the unincorporated area of the Township. **One member may be a member of the Township Board.**

The term of office of the member from the Township Board shall not exceed his term of office on the Township Board. **Appointed members shall serve a three-year term.** Members may be reappointed. No elected officer of the Township or any employee of the Township may serve simultaneously as such officer or employee and as ~~the third~~ **a** member of the Zoning Board of Appeals.

Item 8 Sec. 408. Anti-Funneling/Keyholing

408.1 *Anti-Funneling Provisions.* Definitions: Funneling is herein defined as the use of an inland waterfront parcel or property as common open space, providing waterfront and waterfront access for: 1) a larger development that has lots which are not contiguous to the waterfront; 2) individuals who are not riparian property owners (not considering the funneling property) on the same body of water; or 3) individuals who may be riparian property owners (not considering the funneling property) but who combine with non-riparian property owners for purposes of gaining access. The key characteristics of a waterfront-funneling situation include but are not limited to the following:

- a. Non-riparian property owners being provided access to the water.
- b. Non-waterfront property under a separate legal description.
- c. Riparian and non-riparian parcels are often separated by a public or private roadway.
- d. Multiple property owners who combine ownership for purposes of having waterfront and water access.

This ordinance will not prohibit joint ownership of a residence property held primarily for residential purposes, which may also include waterfront access.

Suggested addition: Keyholing would be the use of a waterfront parcel to provide boat launching or mooring to the water body contiguous to said parcel, by anyone other than the said parcel owner.

PROHIBITION: Waterfront-funneling practices are hereby prohibited in Nottawa Township. This prohibition shall not apply against the use of any public park or public access site maintained by a unit of government.

Attorney's comment: This suggestion is almost impossible to enforce. Who and how?