



MCKENNA

April 16, 2018

Planning Commission
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189

MEMORANDUM: Accessory Setback Clarifications - Revised

Dear Commissioners:

The current zoning ordinance has conflicting requirements for structures in the side yard between the general provision section and the district regulations. The language below is intended to clarify the ambiguity of the regulations without substantively modifying the requirements. Alternatively, Planning Commission may consider reducing the side yard requirements in the SR-1, SR-2, or MR districts. We have provided sample regulations from Hamburg Township and Dexter Township for discussion.

Please consider the following to approaches to the clarify the setback ambiguity for side yards.

OPTION I: REVISE ACCESSORY USE REQUIREMENTS

A. Sec. 36-98(d)(2)(b). - General provisions, Accessory uses and buildings

(d)

Accessory uses and buildings. Where a lot is devoted to a permitted principal use or a permitted conditional use, accessory uses are permitted as listed in the applicable zoning district. Accessory uses and buildings shall be subject to the following regulations:

(1)

Where the accessory building is attached to the principal building, it shall be subject to all regulations of the district in which located.

(2)

In any SR-1, SR-2, or MR district, accessory uses and buildings not attached to the principal building shall not:

a.

Not be located in front of the rear line of the principal building or, in the case of a corner lot, in the required side yard;

b.

~~Be located less than five feet from an interior side or rear property line; Comply with the interior side yard and rear yard requirements of the district. The minimum interior side yard and rear yard requirement shall be 5 feet.~~

- c.
Not exceed 15 feet in height.

B. Sec. 36-218 (4). - SR-1, Regulations and Standards

(4)

Yard and setback requirements.

- a.
Front yard. Not less than 35 feet.
- b.
Side yards. Least width of either yard shall not be less than ten feet, but the sum of the two side yards shall not be less than 25 feet; except in the case where the side yard on the road or street side shall not be less than 35 feet.
- c.
Rear yard. Not less than 20 feet.

The requirements of this subsection (4) shall apply to every lot, building or structure.

C. Sec. 36-248 (4). - SR-2, Regulations and Standards

(4)

Yard and setback requirements.

- a.
Front yard. Not less than 30 feet.
- b.
Side yards. Least width of either yard shall not be less than ten feet, except in the case where the side yard on the road or street side shall not be less than 30 feet.
- c.
Rear yard. Not less than 20 feet.
- d.



In the case of a through lot, the frontages along streets shall be considered front yards and all buildings and structures shall meet the minimum front yard requirements.

The regulations in this subsection (4) shall apply to every lot, building, or structure.

D. Sec. 36-278 (4) - MR, Regulations and Standards

(4)

Yard and setback requirements.

a.

Front yard. Not less than 50 feet.

b.

Side yards. Least width of either yard shall not be less than 15 feet, but the sum of the two side yards shall not be less than 35 feet except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 50 feet.

c.

Rear yard. Not less than 35 feet.

d.

Accessory structures shall meet the same yard requirements.

The regulations in this subsection (4) shall apply to every lot, building, or structure.

OPTION II: REVISE DISTRICT REQUIREMENTS

A. Sec. 36-98(d)(2)(b). - General provisions, Accessory uses and buildings

(d)

Accessory uses and buildings. Where a lot is devoted to a permitted principal use or a permitted conditional use, accessory uses are permitted as listed in the applicable zoning district.

Accessory uses and buildings shall be subject to the following regulations:


(1)

Where the accessory building is attached to the principal building, it shall be subject to all regulations of the district in which located.

(2)

In any SR-1, SR-2, or MR district, accessory uses and buildings not attached to the principal building shall not:



- 
- a.
Be located in front of the rear line of the principal building or, in the case of a corner lot, in the required side yard;
 - b.
Be located less than five feet from an interior side or rear property line;
 - c.
Exceed 15 feet in height.

B. Sec. 36-218 (4). - SR-1, Regulations and Standards

(4)

Yard and setback requirements.

- a.
Front yard. Not less than 35 feet.
- b.
Side yards. Least width of either yard shall not be less than ten feet, but the sum of the two side yards shall not be less than 25 feet; except in the case where the side yard on the road or street side shall not be less than 35 feet.
- c.
Rear yard. Not less than 20 feet.

The requirements of this subsection (4) shall apply to every lot, ~~and principle building or structure, and attached accessory building or structure.~~ Accessory uses and buildings not attached to the principal building shall not be located less than five feet from an interior side or rear property line per Sec. 36-98(d)(2)(b).


C. Sec. 36-248 (4). - SR-2, Regulations and Standards

(4)

Yard and setback requirements.

- a.
Front yard. Not less than 30 feet.
- b.





Side yards. Least width of either yard shall not be less than ten feet, except in the case where the side yard on the road or street side shall not be less than 30 feet.

c.

Rear yard. Not less than 20 feet.

d.

In the case of a through lot, the frontages along streets shall be considered front yards and all buildings and structures shall meet the minimum front yard requirements.

The regulations in this subsection (4) shall apply to every lot, ~~and principle~~ building or structure, and attached accessory building or structure. Accessory uses and buildings not attached to the principal building shall not be located less than five feet from an interior side or rear property line per Sec. 36-98(d)(2)(b)."

D. Sec. 36-278 (4) - MR, Regulations and Standards

(4)

Yard and setback requirements.

a.

Front yard. Not less than 50 feet.

b.

Side yards. Least width of either yard shall not be less than 15 feet, but the sum of the two side yards shall not be less than 35 feet except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 50 feet.

c.

Rear yard. Not less than 35 feet.

d.

Accessory structures shall meet the same yard requirements.

The regulations in this subsection (4) shall apply to every lot, ~~and principle~~ building or structure, and attached accessory building or structure. Accessory uses and buildings not attached to the principal building shall not be located less than five feet from an interior side or rear property line per Sec. 36-98(d)(2)(b)."



Section 7.6.1.
Schedule of Area, Height, and Bulk Regulations

District		Minimum Lot Area (Sq.Ft.) ^{1,6*}	Minimum Lot Width At Street (Feet) ^{2*}	Maximum Lot Coverage Buildings /Parking (%) ^{7*}	Minimum Yard Setback (Feet)			Maximum Building Height		Minimum Interior Space Sq.Ft./Unit	Additional Regulations Section 7.7
					F ^{3*}	S ^{4*}	R	Stories	Feet		
A.	CE – Country Estate Single Family Residential District	217,800	330	20/20	30	20	35	2.5	35	5*	Yes
B.	RAA-Low Density Rural Residential	87,120	200	20/20	30	20	35	2.5	35	5*	Yes
C.	RA-Medium Density Residential	43,560	125	35/40	25	10	30	2.5	35	5*	Yes
D.	RB-High Density Residential	10,000	70	35/40	25	8	30	2.5	35	5*	No
E.	RC-Multiple Family Residential	43,560 1st unit plus 2500 sq.ft. each additional unit	150	35/40	30	20	35	2.5	35	450-Efficiency 650-1 Bedroom Unit 800-2 Bedroom Unit 1000-3 Bedroom Unit	Yes
F.	WFR-Waterfront Residential	43,560	125	35/40	25	10	30	2.5	35	5*	Yes
G.	NR-Natural River Residential	43,560	150	35/40	25	10	30	2.5	35	5*	Yes
H.	MHP-Mobile Home Park Residential	See Section 7.7.4.						2.5	35	See Section 7.7.4.	Yes

* See Footnotes

Section 7.6.1. Continued
Schedule of Area, Height, and Bulk Regulations

District		Minimum Lot Area (Sq.Ft.) ^{1,6*}	Minimum Lot Width At Street (Feet) ^{2*}	Maximum Lot Coverage Buildings/ Parking (%) ^{7*}	Minimum Yard Setback (Feet)			Maximum Building Height		Minimum Interior Space Sq.Ft./Unit	Additional Regulations Section 7.7
					F ^{3*}	S ^{4*}	R	Stories	Feet		
I.	NS-Neighborhood Service	10,000	80	40/75	25	20	25	2.5	35	None	Yes
J.	CS-Community Service	43,560	150	40/75	30	20	25	2.5	35	None	Yes
K.	LI-Limited Industrial	43,560	150	40/75	30	20	25	3	40	None	Yes
L.	GI-General Industrial	87,120	200	40/75	50	20	25	3	40	None	Yes
M.	OH-Old Hamburg	5,000	50	80/80	10	5	15	2.5	35	None	Yes
N.	MD-Mixed Development	43,560	150	40/65	40	20	25	3	40	None	Yes
O.	Village Residential	21,780 ^{9*}	80	35/40 ^{11*}	20 ^{12*}	10	25	2.5	35	see note 14*	Yes
P.	Village Center	Residential with sanitary sewer: 10,600 ^{8,9,10*}	65	50/80 ^{11*}	see note 12*	10 ^{13*}	15	2.5	35	see note 14*	Yes
		18,700 ^{9*}									
Q.	PPRF – Public & Private Recreational Facilities District	1,742,400	660	20/20	100	50	100	2.5	35	None	Yes

* See Footnotes

Footnotes to Section 7.6.1. Schedule of Area, Height, and Bulk Regulations

1. Minimum lot areas are for all uses within District unless otherwise specified in Section 7.5.1., Schedule of Use Regulations. Minimum lot areas are exclusive of public street right-of-way or private road access easements.
2. Minimum lot widths are required along the street upon which lot principally fronts. *On cul-de-sacs or* Where a curvilinear street pattern results in irregularly shaped lots with non-parallel side lot lines, the following minimum lot widths shall apply:

<u>District</u>	<u>Minimum Lot Width at Right-of-Way</u>	<u>Minimum Lot Width at Building Line</u>
RAA	64 feet	106 feet
RA, WFR	64 feet	100 feet
RB	60 Feet	70 Feet
RC	100 Feet	150 Feet
NR	80 Feet	150 Feet

3. Minimum front yard setbacks are required as shown except where established buildings on adjacent lots vary from this minimum. In such case, a new building shall be constructed with a front yard of no less depth than the average front yards of buildings located on each side of the proposed building. In no case shall this provision be interpreted to allow a front yard of more than forty (40) feet or less than twenty (20) feet.

In any District where lots abut a lake or river, the yard adjacent to the water may be considered the front yard, provided all other setbacks are met.

In any District, a principal building and all attached structures shall not be permitted within fifty (50) feet of the ordinary high water mark of any body of water.

In NR-Natural River Residential, in addition to required front, side, and rear yard setbacks, all new buildings and structures shall be required to be setback a minimum of 125 feet from the ordinary high water mark, or if the ordinary high water mark cannot be determined, the setback shall be from the river's edge. The setback may be decreased ten (10) feet for every ten (10) foot rise in bank height to a minimum of seventy-five (75) feet from the ordinary high water mark.

4. On corner lots, both street yards shall provide the minimum front yard setback. The size of corner lots shall be large enough to accommodate both front yard setbacks and a building of a similar size to those on non-corner lots.

In NS-Neighborhood Service and CS-Community Service Districts, a principal building may be constructed on or near the property line provided that the combination of the two side yards shall total twenty (20) feet and the building's side wall be a fire wall meeting building code. In all cases, one side yard shall be provided which is sufficient to permit the access of emergency vehicles to the rear of the building.

5. Minimum square footage for residential dwellings shall be 1000 square feet above ground, excluding basements.
6. Lots shall contain a sufficient buildable site exclusive of any wetlands meeting the minimum zoning setback regulations plus off-street parking, septic disposal fields, well location and accessory building provisions.
7. The maximum lot coverage values are for the following:
 - a. Building lot coverage; the total footprint of buildings, parking, paved and gravel storage yards, driveways, streets, roads and sidewalks divided by the size of the site, excluding water bodies and wetlands.
 - b. Total impermeable surface; the total footprint of buildings, parking, paved and gravel storage yards, driveways, streets, roads, and sidewalks divided by the size of the site, excluding water bodies and wetlands.

Single family or two family residential lots may have up to an additional ten (10) percent lot coverage after approval of a grading and drainage plan prepared by a registered engineer of a registered Landscape Architect and approved by the Township Engineer.

8. In VC and VR, for multiple family dwellings with sanitary sewer, the following maximum densities shall be allowed:

Housing type	Maximum dwelling units per acre	
	Village Center	Village Residential
Apartments	10	8
Townhouses	8	6
Duplexes	6	5

9. In VC and VR, the minimum lot area for residential (single and multiple family) may be reduced by up to twenty five (25) percent, provided that at least half the total area by which residential lots are reduced below the minimum lot size be provided as common open space, meeting the requirements of Section 7.7.9.
10. In VC and VR, the minimum lot area for residential (single and multiple family) with sanitary sewer may be reduced to the sanitary sewer minimum lot size.
11. In VC and VR, no building shall be greater than thirty thousand (30,000) square feet gross floor area except for a group of uses, each with individual pedestrian entrances.
12. In VC and Vr, buildings shall be placed no more than twenty (20) feet from the front lot line. A lesser setback may be required by the Planning Commission where the established setbacks of adjacent buildings is less than twenty (20) feet. Where the average front yard setbacks for the

adjacent buildings on either side of the proposed use is greater than twenty (20) feet the Planning Commission may permit a front yard setback above twenty (20) feet but not to exceed the average front yard setbacks for the adjacent buildings. For a structure with a garage door facing a public street or private road, the accessory garage building, or the front wall of the attached garage, shall be setback a minimum of five (5) feet behind the front building line of the principal structure.

13. In VC, the side yard setback shall be a minimum ten (10) feet except a zero (0) foot setback may be permitted where the building abuts another building which is separated by an approved fire wall.

14. In VC and VE, minimum floor area per dwelling unit shall be as follows:

Single-family/Duplex - 1000 square feet

Multiple-family:Efficiency - 450 square feet

1 Bedroom Unit - 550 square feet

2 Bedroom Unit - 650 square feet

3 Bedroom Unit - 800 square feet

Section 7.7. Additional District Regulations

7.7.1. RAA-Low Density Rural Residential; RA-Medium Density Residential; WFR-Waterfront Residential; and NR-Natural River Residential.

- A. General and specialized farming and agricultural activities shall be subject to the following conditions:
1. Minimum lot size shall be ten (10) acres.
 2. No building housing animals shall be located nearer than seventy-five (75) feet from any property line.
- B. Raising and keeping of horses and other domestic animals shall be subject to the following conditions:
1. Minimum lot size shall be two (2) acres.
 2. Two (2) horses or large domestic animals are permitted on parcels meeting the minimum lot size. For each additional horse or large domestic animal, two (2) additional acres shall be required.
 3. Animals must be kept within a fenced area which shall be located no nearer than one hundred feet (100) from any water body. This requirement shall not apply to a water body which is located entirely within the subject property and is not connected to any water body off the subject property.

E. Continued Conformity With Yard and Bulk Regulations

1. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have (a) narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this Ordinance.
3. No part of yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

F. Division and Consolidation of Land

The division and consolidation of land shall be in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended. No lot or parcel shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all lots resulting from each such division or sale conform with all regulations of the zoning district in which the property is located.

G. Unlawful Buildings, Structures, Site Designs and Uses

A building, structure, or use which was not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

Section 3.02 ACCESSORY STRUCTURES

All accessory buildings and structures permitted in this Zoning Ordinance shall be subject to the following:

- A. Relation to principal building:** Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

- B. Maximum number and coverage:** There shall be a maximum of one (1) detached building of over one hundred (100) square feet and a maximum of two (2) total detached accessory buildings on any lot. The combined total of all accessory buildings, structures and uses, excluding swimming pools, shall occupy a maximum of twenty five percent (25%) of a required rear yard (as defined by minimum set backs).
- C. Restrictions on placement:** Accessory buildings shall not be erected in any right-of-way, easement, or required front yard. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In the case of attached residential dwelling developments, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Commission recommends approval of the site plan, landscaping, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.
- D. Required setbacks (attached):** Where the accessory building, structure or use is structurally attached to a principal building, structure or use (e.g. a deck, garage or breezeway), it shall be subject to all the regulations of this section applicable to principal buildings, structures and uses.
- E. Required setbacks (detached):** Detached accessory buildings shall be at least ten (10) feet from any principal building or other accessory building or public street right-of-way line, at least three (3) feet from any side or rear lot line, at least fifty (50) feet from any shoreline and at least ten (10) feet from the boundary of a wetland regulated by the Michigan Department of Natural Resources or the federal government.
- F. Maximum, height:** The maximum building height of any detached accessory building or structure in any One-Family Districts shall be fourteen (14) feet, measured from the average height between the eaves and the ridge. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Zoning Appeals' review and approval if the building exceeds one (1) story or fourteen (14) feet in height.
- G. Drainage:** The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.
- H. Restrictions on use:** Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation.