



Internal Memo

January 22, 2020

TO: Mark C. Meyers, City Administrator
FROM: Gerald Bartoszek, Public Works Director **GAB**
RE: Zoning Amendments

Attached are two memos from City Planner – Zoning Administrator, Ted Woodcock, outlining two proposed amendments to the zoning ordinances. These have been discussed with the Planning Commission at their January meeting to obtain general comments.

The first memo deals with the site plan process and the second memo addresses a proposed change to the size of detached accessory buildings.

I would like to discuss these with the City Council at the January Work Session to obtain their comments. If any comments are received, they will be addressed and the ordinance amendments formalized for a public hearing before the Planning Commission.

Please contact me if you have any questions or concerns.

GAB/sr



Internal Memo

January 23, 2020

TO: City Council Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Zoning ordinance amendment, Section 48-120, Site plan review procedures

Following please find comments regarding the zoning ordinance amendment for Section 48-120, Site plan review procedures.

INTRODUCTION

Section 48-120 of the Norton Shores Code of Ordinances describes the site plan review procedure. There are multiple subsections that outline the procedures and required application materials for when a site plan is submitted to the City for review. Included in this section are descriptions of what needs to be on a site plan, public notice requirements, application and review requirements, as well as industrial plan approvals.

CHANGE & REASONING

I am proposing two (2) amendments to this Ordinance section. Both are under Section 48-120(b)(1). This subsection explains the process for site plan reviews. Currently the verbiage says that the proposed site plan must be submitted to the planning commission instead of the Zoning Administrator. My amendments reflect the true procedure that all site plans and applications for site plan approvals should come to the Zoning Administrator or their designee. The second edit is that the planning commission as well as the Zoning Administrator or their designee should have the authority to require adjustments to the proposed plan to be consistent with City ordinances. **It should be noted that both amendments do not alter the current process of accepting site plans, applications, payments, and other applicable materials. The process is to remain the same, the amended verbiage reflects the current process.**

The reasoning for these changes is the inconsistency with submitting site plans and applications directly to the planning commission instead of the Zoning Administrator. This was brought to my attention by representatives from the Michigan Economic Development Corporation (MEDC). Currently, the City of Norton Shores is going through the Redevelopment Ready Community (RRC) process, which would certify the City as "redevelopment ready". By being "redevelopment ready" the City would then have access to tools and resources from the MEDC for future developments. This designation is crucial as it gives developers piece of mind about the City's processes when proposing a new development. In this case, the MEDC said the City is "partially aligned" with the goal of who the intake professional is when accepting new applications and site plans. This change is to get the City aligned with the RRC goals so that the City is one step closer to RRC certification.

Sec. 48-120. - Site plan review procedures.

- (a) *Notice requirement.* All owners per tax roll records within 300 feet, or 20 separate parcels of property regardless of the distance, on date of application shall be entitled to notice that a described adjoining parcel of land will be subject to site plan review on or before a time, date and place certain by the planning commission, and their review of the proposed plan and remarks are invited in writing or in person on date of review.
- (b) *Application and review.*
- (1) Prior to making application for a building permit, a site plan of a proposed development shall be submitted to the ~~planning commission~~ zoning administrator or their designee by the developer. Such site plan shall include the entire area proposed for development. The planning commission and/or the zoning administrator or their designee shall have the authority to require adjustments in the site plan as a condition for approval if such adjustments are deemed necessary by the commission and/or the zoning administrator or their designee to ensure that the proposed development meets all standards contained herein and shall not excessively disturb the natural shore environment or the general residential character of the area.
 - (2) Except as otherwise waived by the planning commission said site plan shall show and include the following, either existing or proposed:
 - a. Site plan drawn to scale;
 - b. Property dimensions;
 - c. Size, shape and location of existing and proposed buildings;
 - d. Existing vegetation;
 - e. Topographical information;
 - f. Hydrographical information;
 - g. Soil types;
 - h. Photographs (optional);
 - i. Streets and highways;
 - j. Parking areas;
 - k. Loading zones;
 - l. Entrances to public streets;
 - m. Anticipated amount of traffic to be generated and circulation of traffic;
 - n. Building location, dimensions and proposed uses;
 - o. Description of building design, including proposed construction materials;
 - p. Drainage facilities;
 - q. Location and description of method to dispose of sanitary wastes;

- r. All landscaping;
- s. Sidewalks;
- t. Anticipated market to be served by the proposed development, demonstrating that all proposed uses serve the ordinary needs of the surrounding residential area;
- u. Signs proposed;
- v. Any additional information such as a legal survey, engineering or architectural drawings or other information deemed by them to be necessary to carry out their duties; and
- w. Current zoning on all adjacent land.

(c) *Industrial district preliminary plan approval procedures.*

- (1) In the event an owner of land or interested party within the district zoned GI-General Industrial wishes to submit a development plan for site plan review but does not have a particular development ready, a site plan review shall occur according to regular procedures, if the preliminary plan contains the following features:
 - a. Plat or survey of lots;
 - b. Water and sewer installation plans;
 - c. Electrical and telephone utilities locations;
 - d. Roads, drives and sidewalks;
 - e. Covenants or agreements imposed on use of the land governing:
 1. Landscaping;
 2. Storage;
 3. Berms, screens and fences;
 4. Parking and loading facilities;
 5. Drainage;
 6. Fill and cuts;
 7. Maintenance; and
 8. Signs.
- (2) The planning commission may take into consideration the standards for site plan approval contained in section 48-121, site and performance standards and conditions in section 48-122(b) and conditions and plan approval in section 48-123, and may require such acts or conditions they feel necessary to preserve the spirit and intent of this chapter. The planning commission may waive any requirement contained in section 48-120(b), if unnecessary to maintain the spirit and intent of this chapter.

- (3) Upon presentation of a detailed plan for development of a specific site within the area previously granted preliminary plan approval, the chairperson of the planning commission, or, in his absence, the vice-chairperson, together with two additional members of the planning commission appointed by the chairperson, or, in his absence, the vice-chairperson, may review such plan to further ensure the specific site plan complies with the spirit and intent of the requirements of this chapter. No further public hearing shall be required to enable him to grant final plan approval. He shall be empowered to require additional site conditions or agreements be made to ensure compliance with the spirit and intent of this chapter. Such conditions or agreements may be required to be made in writing and recorded in the form he prescribes.

(Ord. No. 369, § 15.808(11.101), 6-26-1981; Ord. No. 378, 4-6-1982; Ord. No. 522, 12-4-1992)



Internal Memo

January 23, 2020

TO: City Council Members

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Zoning ordinance amendment, Section 48-1081, Accessory buildings

Following please find comments regarding the zoning ordinance amendment for Section 48-1081, Accessory buildings.

INTRODUCTION

Section 48-1081 of the Norton Shores Code of Ordinances outlines the requirements for accessory structures, most notably their placement on a property, as well as the maximum allowable dimensions (size, height, lot coverage). Currently all properties in the City are allowed a maximum of two (2) accessory structures. One of the 2 has a maximum of 1,000 square feet, while the second cannot exceed 200 square feet. Recently, the Zoning Board of Appeals has heard and approved 2 variance requests for larger accessory structures on larger parcels, and I have fielded many more phone calls inquiring about the maximum size that an accessory building is allowed to be. A member of the Zoning Board of Appeals has requested that a draft ordinance be written to have larger accessory structures allowed on larger parcels.

CHANGE & REASONING

I am proposing a sliding scale for determining the maximum size of one of the 2 allowable accessory structures. Meaning the larger the parcel of land, the bigger the detached accessory structure would be allowed to be. I have also proposed that the maximum size allowed for agricultural use be eliminated in favor of the sliding scale that is based solely on parcel size and not the zoning district or parcel use. The final proposed change is to the height of the accessory structure. When an accessory structure exceeds 1,250 square feet, the accessory structure would be allowed to have a building height of 16 feet. (Building height is defined by City ordinance as: "the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line for mansard roofs and to the average height between eaves and ridge for gable, hip, and gambrel roofs.")

The changes are being proposed due to, as aforementioned, a Zoning Board of Appeals member asking City staff to look into how the maximum allowable size of accessory structures align with neighboring communities. After my research, it became apparent that other communities use a sliding scale to determine accessory structure size. The proposed changes seek to make Norton Shores consistent with the practices of other municipalities and eliminate some variance requests.

Sec. 48-1081. - Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
- (2) Detached accessory buildings shall not be erected in any required yard, except a rear yard, or except a private garage may be constructed in a side yard if it maintains the regular side yards and setback distance required for a principal building.
- (3) A detached accessory building may occupy not more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard. ~~provided that, in no instance, shall the accessory building exceed the ground floor area of the main building, or, 1,000 square feet. When located within agriculturally zoned districts and where the principal use of the building is related to the agricultural use of the property the size of accessory building shall be limited to 1,500 square feet.~~ The maximum allowable-size of a detached accessory structure shall be based on the size of the parcel:

Detached accessory structure maximum size	
Parcel size	Maximum allowable size
Less than 1 acre	1,000 square feet
1 acre to 2.49 acres	1,250 square feet
2.5 acres to 4.9 acres	1,500 square feet
5 acres to 6.9 acres	1,750 square feet
7 acres or larger	2,000 square feet

- (4) No detached accessory building ~~which is 14 feet or less in height~~ shall be located closer than six feet to any main building, nor shall it be located closer than five feet to any side or rear lot line.
- (5) No detached accessory building in R-1 through R-5, CR-6, PO, GO or C-1 districts shall exceed one story or 14 feet in height, unless the maximum allowable size of the approved accessory structure is greater than 1,250 square feet. No detached accessory structure greater than 1,250 square feet shall exceed 16 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to planning commission review and approval.
- (6) 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 line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is

substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.

- (7) When an accessory building in any residence, business or office district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the planning commission.
- (8) An existing detached accessory structure may not be structurally attached to a principal structure if the distance between the two structures is greater than 15 feet.

(Ord. No. 369, § 15.500(6.100(1)—(7)), 6-26-1981; Ord. No. 653, 5-17-2002; Ord. No. 749, §§ 2, 3, 2-5-2013)

Accessory Structure Variance Requests March 2017 – Present

1. March 2017, 873 Eugene Avenue – variance request granted to place accessory structure in front yard.
2. September 2017, 4380 Hackley Point Lane – variance request granted to place accessory structure in front yard.
3. September 2018, 98 W. Mount Garfield Road – variance request granted to exceed the 1,000 square foot maximum for an accessory structure. The variance request was for 1,248 square feet.
4. September 2018, 972 Randall Street – variance request granted to place accessory structure in front yard and to be closer to the high-water mark than City ordinance requires.
5. April 2019, 5065 Pine Ridge Drive – variance request granted to place accessory structure in front yard with a front yard setback of 23 feet, rather than the 30 feet as required by City ordinance.
6. September 2019 (rescheduled meeting), 518 E. Farr Road – variance request granted to exceed the 1,000 square foot maximum for an accessory structure. The variance request was for 1,920 square feet.
7. September 2019, 40 E. Farr Road – variance requests were granted to exceed the 1,000 square foot maximum and to exceed the building height. The variance request was for 1,872 square feet and for 18 feet in building height.

SUMMARY

Since March 2017 there have been nine (9) variance requests that deal with accessory structures (some of the above requests have multiple variance requests). Out of these nine requests, only three (3) were directly related to the size of the accessory structure. All other requests had to do with placement and/or height.

City of Grand Haven	
Principal building height	Accessory building height
Less than 18 ft.	Not to exceed principal structure
Between 18 ft. and 23 ft.	May not exceed 18 ft.
Greater than 23 ft.	May not exceed 80% of height of principal structure
Square footage: An accessory structure may not exceed 1,000 sq. ft. in SFR, MDR, DR, NS, S, E, OT, B, OR NMU districts Lot coverage: No accessory structure may exceed more than 25% of rear yard in SFR, MDR, DR, NS, S, E, OT, B, or NMU districts	
Fruitport Township	
Land size	Accessory building height
Less than 5 acres	24 ft. from avg. grade to top of roof
5 acres or more	35 ft. from avg. grade to top of roof
Square footage: dependent on lot size; total floor area of all buildings on a lot shall comply with the maximum percentage of building coverage allowed in the relevant district.	
Georgetown Township	
Zoning Districts LDR, LMR, MDR, MHR	
Accessory building height	Mean height not to exceed 14 ft.
	Door height not to exceed 12 ft.
Square footage	No greater than 600 sq. ft.
Zoning Districts HDR & MHP	
Accessory building height	Mean height not to exceed 14 ft.
	Door height not to exceed 12 ft.
Square footage	No greater than 960 sq. ft.
Zoning Districts RR & AG	
Accessory building height	Mean height not to exceed 16 ft.
	Door height not to exceed 14 ft.
Land Size	Accessory building size allowance
Less than 2 acres	960 sq. ft.
2 to 5 acres	1,200 sq. ft.
More than 5 acres	1,500 sq. ft.

City of Roosevelt Park	
Land Size	Accessory building height and size allowance
10,000 sq. ft. or less	16 ft. to highest point; 720 sq. ft.
Greater than 10,000 sq. ft. up to 1 acre.	18 ft. to highest point; 960 sq. ft.
Greater than 1 acre	20 ft. to highest point; 1,500 sq. ft.

Note: Only 1 accessory structure allowed on residential parcels in the City.

Spring Lake Township		
Zoning Districts Agricultural & Rural Residential		
Land Size	Number of buildings; size allowance	Accessory building height
Greater than 5 acres	4; 2,400 sq. ft. with no single building exceeding 1,600 sq. ft.	Supporting walls shall not exceed 18 ft. Unless regulated elsewhere, height shall not exceed 25 ft.
Greater than 1 acre and less than or equal to 5 acres	3; 1,600 sq. ft.	Supporting walls shall not exceed 16 ft. Unless regulated elsewhere, height shall not exceed 22 ft.
Greater than 1/2 acre and less than or equal to 1 acre	2; 960 sq. ft.	
Less than or equal to 1/2 acre	2; 768 sq. ft.	
Zoning Districts R-1, R-2, R-3, and R-4		
Land Size	Number of buildings; size allowance	Accessory building height
Greater than 1 acre	2; 960 sq. ft.	Supporting walls shall exceed 10 ft.
Greater than 1/2 acre and less than or equal to 1 acre	2; 768 sq. ft.	Height shall not exceed 20 ft and shall not be greater than one (1) story.
Less than or equal to 1/2 acre	2; 576 sq. ft.	