



Planning and Economic Development

Sara Roediger, AICP, Director

From: Kristen Kapelanski
To: Planning Commissioners
Date: 1/12/2018
Re: Proposed Zoning Ordinance Amendments - Updates

Planning staff has been working on amendments for the past year, along with input from the City's planning consultant Giffels Webster, the Building Department, the Zoning Board of Appeals and the City Attorney. The Planning Commission considered the draft version of those amendments and held a public hearing on November 21, 2017. The Commission asked for additional information and updates to several of those provisions and changes made to accommodate those requests are noted in italics throughout the memo.

On-site Signage for proposed rezonings and conditional use requests

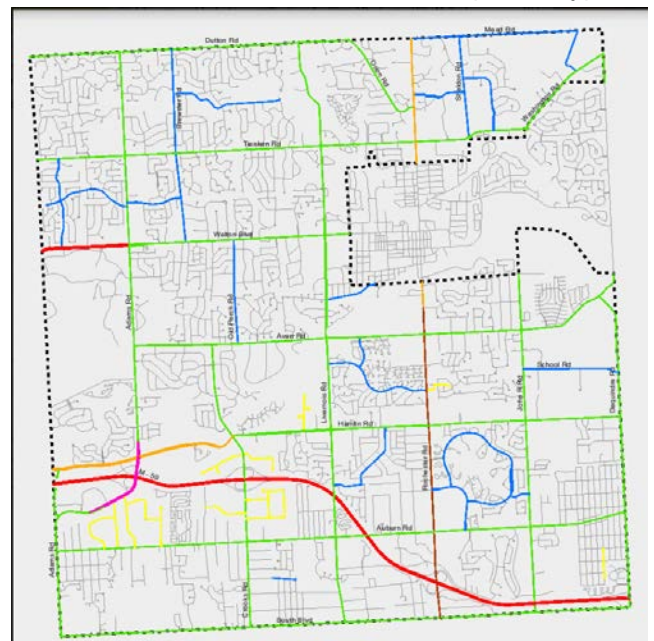
Text has been added to the Zoning Ordinance to require a 4 ft. x 6 ft. sign be posted on all properties where a rezoning or conditional use is proposed. This sign would need to be in place 15 days prior to the public hearing (in accordance with State of Michigan notice requirements for mailings and newspaper notices) and would remain in place until a decision is made by the City Council or the applicant withdraws the request. Many communities in the area require similar signage and this new provision will help to inform residents to potential changes in the zoning or use of property.

Following the recommendation of the Planning Commission at the November 21, 2017 meeting, a provision has been added to this section to require a sign along each road frontage on a parcel fronting multiple roads.

Places of Worship, Libraries and Museums

In the response to the direction of the Planning Commission and the moratorium put in place by the City Council, the amendment changes Places of Worship, Libraries and Museums from a permitted use to a conditional use in all single family residential districts, similar to the way Places of Worship are treated in our surrounding communities. The Zoning Ordinance provides identical "additional standards" for Places of Worship, Libraries and Museums noting requirements related to height, architectural features and location on a specific type of thoroughfare. In an effort to better protect single family residential neighbors from the potential negative effects of the aforementioned uses, staff has also proposed amending the text to allow these uses only on roadways with a planned right-of-way (ROW) of 120 feet or greater, instead of 86 feet, as currently permitted.

The adjacent map shows planned rights-of-way throughout the City. Streets in blue have an 86 ft. planned ROW and those in yellow have a 70 ft. planned ROW. As proposed, streets in green, orange, red, pink and blue would permit Places of Worship, Libraries and Museums as conditional uses provided they met all other required conditions. The proposed language considers existing places of worship, libraries and museums on roads with 86 ft. of planned ROW as conforming uses.



Following the recommendation of the Planning Commission at the November 21, 2017 meeting, a provision requiring a Landscape Buffer D in the side and rear yards has been added. A Landscape Buffer D must be 25 feet wide (or 8 feet if a screen wall is provided) and planted with shrubs and a variety of deciduous, evergreen and ornamental trees.

Publicly Owned Buildings and Public Utility Buildings

Following the recommendation of the Planning Commission at the December 19, 2017 meeting, all references to municipal buildings/uses and utilities have been consolidated under "Utilities and Publicly Owned Buildings and Uses". Previous versions of the amendment proposed removal of the use termed "Publicly Owned Buildings and Public Utility Buildings".

Employees as Part of State Licensed Residential Facilities

At the direction of the City Attorney, amendments to this section have been removed from the proposed amendment at this time to allow for future study. Proposed changes will be brought back to the Planning Commission at a future meeting.

Temporary Outdoor Display and Sales of Goods

Amendments to this section have been removed from the proposed amendment at this time to allow for future study. Proposed changes will be brought back to the Planning Commission at a future meeting.

Established Building Line to Average Front Setback.

In response to cases reviewed by and at the direction of the Zoning Board of Appeals, staff has proposed the elimination of the Established Building Line to be replaced with Average Front Setback. The Established Building Line contained contradictory language and figures and led to an application that did not meet the intent of the regulation, which is to achieve a standard building setback along roadways that may have setbacks that historically differ from those prescribed in the Zoning Ordinance. The Average Front Setback would allow for a setback that is the average of those homes within 200 feet on the same side of the street. This would only apply to areas with an average setback that differs from the required setback by more than 10 feet. Provisions related to corner lots have been clarified to ensure uniform application.

Signs in the FB District

All sign regulations for the FB District have been moved to the Chapter 134 of the City Code, the 'Sign Ordinance' in an effort to consolidate all sign provisions in one place. See the materials provided by Giffels Webster for a detailed description of proposed changes.

Detached Accessory Structures

At the direction of the Zoning Board of Appeals, provisions for Detached Accessory Structures have been modified to allow for a sliding scale of the maximum size of detached accessory structures based on the size of the parcel. For example, parcels less than 1 acre would be permitted a 1,000 sq. ft. accessory structure and those greater than 5 acres would be permitted a 2,000 sq. ft. structure. Language has also been added to clarify when a structure is considered detached based on the regulations in the Building Code. In no instance can the size of the accessory structure exceed the size of the main building.

Fences

A new section regulating residential and non-residential fences has been added. In general, fences (except those 3 ft. or less) would not be permitted in residential front yards. 8 ft. fences would be permitted in the side and rear yard and on non-residential parcels, with additional height permitted on non-residential parcels at the discretion of the Planning Commission. Provisions have also been added regulating the construction material, electrically charged fences and barbed wire fences.

The provisions contained in the Section 84-6 of the City Code have been moved to Section 138-10.108 of the Zoning Ordinance to consolidate all fencing regulations in one area. Definitions denoting different types of fencing that are not referenced at any location in the City Code or Zoning Ordinance have been removed.

Following the recommendation of the Planning Commission at the November 21, 2017 meeting, the maximum permitted height of residential fences was modified from 8 feet to 6 feet.

Proposed and Existing Right-of-Way

The proposed amendment eliminates references to 'proposed right-of-way' in favor of 'right-of-way' at the direction of the City's attorney.