



Zoning Text Amendment

Liverpool Township

Meeting: October 1, 2014
Applicant: Liverpool Township Zoning Commission (ZC)
Hearing: September 4, 2014 (Zoning Commission)
Amendment: § 301.3(A-C) and 301.4(E) Rural Residential (RR) District Lot and Yard Requirements & Article XI Definitions (Accessory Building and Use and Residential Garage)
Reviewer: Rob Henwood

Amendments: Per the letter submitted by the ZC, the proposed changes are being initiated by the ZC as requested by the zoning inspector. The changes to § 301.3 are intended to clarify lot requirements when utilities are and are not available. The revisions to § 301.4(E) adds new regulations pertaining to accessory structures. Finally, a revised definition for “accessory building” and a new definition for “residential garage” are proposed in Article XI.

Proposed Text: Staff comments are incorporated into the proposed text below. Proposed new text is shown as underlined and text to be deleted is shown as ~~strikeout~~. Staffs comments are *italicized*. Additional “housekeeping” edits are included in the text.

Section 301.3 Lot Requirements

- A. Minimum Lot Area – Exclusive of road right-of-ways.
1. Single family dwellings
 - a. with both central water and sewer – one (1) acre
 - b. with on-site water or city water and ~~sewer~~ on-site septic – two (2) acres
 2. Two-family dwellings
 - a. with ~~both~~ central water and sewer – 1.5 acres
 - b. with on-site water or city water and ~~and sewer~~ on-site septic – 3.5 acres

Delete the repeated term “and.”
- B. Minimum Lot Frontage Width Continuous to Building Line
1. Single family dwellings
 - a. with both central water and sewer – 120 feet
 - b. with on-site water or city water and ~~sewer~~ on-site septic – 150 feet
 2. Two-family dwellings
 - a. with both central water and sewer – 150 feet
 - b. with on-site water or city water and ~~sewer~~ on-site septic – 225 feet
 3. Major Subdivisions – When new streets are developed, the minimum lot frontage for single family dwellings shall be:
 - a. In the bulb portion of cul-de-sacs with an arc of greater than 200 degrees
 - (1) with both central water and sewer -60 feet
 - (2) with on-site water or city water and ~~sewer~~ on-site septic – 60 feet
 - b. In the bulb portion of cul-de-sacs with an arc of less than 200 degrees
 - (1) with both central water and sewer – 110 feet
 - (2) with on-site water or city water and ~~sewer~~ on-site septic – 120 feet
 - c. On the outside radius line of curved streets
 - (1) with both central water and sewer – 110 feet

(2) with on-site water or city water and sewer on-site septic – 120 feet
Although not part of the submitted amendment request, the phrasing contained in 301.3.B.3, “in the bulb portion of cul-de-sacs with an arc of greater than or less than 200 degrees” is confusing. Frontage requirements are often reduced on cul-de-sacs to allow for more efficient use of land, as long as the full lot width is provided at the building line (as shown in §§ C below). Staff recommends deleting the text pertaining to arcs and utilizing a specified distance for lots fronting on cul-de-sacs. Staff suggests the following language be considered to replace 301.3.B.3:

3. *Major Subdivisions – When new streets are developed, the minimum lot frontage for single family dwellings fronting on the bulb portion of a cul-de-sac shall be:*
 - a. *with central water and sewer -60 feet This is half the distance required for a regular lot with central sewer and water.*
 - b. *with on-site septic – 75 feet Staff recommends 75 feet because it is also half the required frontage for a regular lot served with on-site septic system.*

In addition, staff does not recommend allowing reduced frontage requirements on curved streets. Delete section 301.3.B.3.c referencing reduced frontage requirements on curved streets.

- C. Minimum Lot Width at Building Line
 1. Single family dwellings
 - a. with both central water and sewer – 120 feet
 - b. with on-site water or city water and sewer on-site septic – 150 feet
 2. Two-family dwellings
 - a. with both central water and sewer – 150 feet
 - b. with on-site water or city water and sewer on-site septic – 225 feet

The following comments apply throughout § 301.3:

1. *The addition of the word “both” to “central water and sewer” is unnecessary. Use of the word “and” indicates both water and sewer are necessary for a one acre lot. Delete the term both.*
2. *The current text addresses proposed RR lots where central sewer is only sanitary sewage treatment available; on-site septic systems are not included as a permitted method of sewage treatment. The proposed change adds on-site septic systems to the determination of the required minimum lot area.*
3. *The term “city water” is inconsistent with the previous use of the term “central water.” “Central water” can describe a centralized water system without designating its source (i.e. a city or a county); the term “central water” should be used. Delete the word “city.”*
4. *Since a two acre lot is always required when a lot has a septic system, irrespective of whether the lot is served by a central water system or an on-site well, the source water service is irrelevant to determining the size of the lot; only the utilization of the on-site sanitary sewer treatment is relevant. The reference to on-site and central water service should be deleted.*

5. *The list of possible combinations of water service and sewage are not completely addressed; it is possible, albeit unlikely, that a lot may have access to central sewer but not central water. The LTZC should consider adding another subsection “with on-site water and central sewer” as one of the possible utility combinations.*

Section 301.4 Yard Requirements

- E. Accessory buildings shall meet all yard requirements, except the minimum rear yard requirement ~~shall be~~ is twenty (20) feet. For lots less than two (2) acres, the total square footage of all accessory buildings shall not exceed 2.25% of the total square footage of the lot. In addition, an accessory building shall not be built closer than forty (40) feet from any dwelling and not closer than forty (40) feet from any other accessory building.

Article XI Definitions

Accessory Building and Use - Use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building. A building 1) which is detached from a lot's principal buildings which are those buildings that include the dwelling together with a single residential attached/detached garage; and 2) whose use is subordinate/ancillary to those of the principal buildings. Accessory buildings/structures and accessory uses are not the same thing; as such accessory structures and uses should be defined separately. Staff recommends the following definitions for the LTZC's consideration in lieu of the proposed language:

Accessory Building/Structure - A detached subordinate building(s) or structure(s), the use of which is incidental to that of the principal structure and located on the same lot or parcel. An accessory building/structure is subordinate in area, extent, and purpose to the building/structure served. Accessory structures include but are not limited to garages, decks, sheds, and swimming pools.

Accessory Use - A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel. A use which is subordinate in area, extent, and purpose to the use served.

The following addresses text not contained in the proposed amendment. The definition for structure lists fences as an example of a structure. § 218 Fences states “[f]or purposes of this Resolution, fences are not considered structures.” The LTZC should consider amending the definition of structure by removing fences from the list of examples of structures.

Residential Garage - An attached/detached building used for the parking or temporary storage of boats and vehicles such as automobiles, trucks with under two (2) tons capacity, motorcycles, and travel trailers used by the occupants of the premises.

Recommendation: Staff recommends the MCPC **APPROVE WITH MODIFICATIONS** the proposed amendment to the Liverpool Township Zoning Resolution subject to staff comments.