



Zoning Text Amendment

Hinckley Township

Meeting: November 5, 2014
Applicant: Hinckley Township Zoning Commission (HTZC)
Hearing: October 2, 2014 (Zoning Commission)
Amendment: Chapters 3, 6, 7, 8, 10, and 17
Reviewer: Rob Henwood

Proposal: The HTZC has submitted various edits intended to clarify zoning text contained in Chapters 3, 6, 7, 8, 10, and 17. The public hearing was continued until November 6, 2014. The proposed amendments are listed below by section number.

Definitions

3.2 Delete definitions & add new definitions for home occupation; on-site & home-based: p. 2

3.2 Edit definition of directional sign: p. 2

R1 Single-Family Residential District

6R1.2(E)(1) Add text; home occupation: onsite is a permitted accessory use: p. 3

6R1.2(E)(1)c. Add text; home occupation: onsite is a permitted accessory use: p. 3

6R1.3(A) Add text; home occupation: home-based is a conditionally permitted use: p. 3

6R1.4(C) Add clarifying reference to definitions re. cul-de-sacs & lot width at street ROW: p. 3

6R1.4(H) Edits clarifying maximum building height: p. 3

6R1.4(J)(1)b. Edits clarifying min. lot width of sub-standard lots of record prior to 1970: p.3

6R1.4(J)(2)c. Edits clarifying min. lot width of sub-standard lots of record prior to 1975: p.3

6R1.4(J)(3)c. Edits clarifying min. lot width of sub-standard lots of record prior to 1994: p.3

6R1.7(E)(6) Edits clarifying maximum building height: p. 3

R2 Single-Family Residential District (33,000 sq ft lots)

6R2.2(D)(1) Add text; home occupation: onsite is a permitted accessory use: p. 4

6R2.3(A) Add text; home occupation: home-based is a conditionally permitted use: p. 4

6R2.4(C) Add clarifying reference to definitions re. cul-de-sacs & lot width at street ROW: p. 4

6R2.4(H) Edits clarifying maximum building height: p. 4

I1 Office/Light Industrial District

6I1.4(F) Edits clarifying maximum building height: p. 4

I2 Light Manufacturing/Industrial District

6I2.5(B) Change minimum front yard depth from 50 to 100 feet when located on a township road: p. 4

6I2.5(F) Edits clarifying maximum building height: p. 4

Conditional Zoning Certificate

7.5(A) Add text re. supplemental regulations for home occupation: home-based: p. 4

Non-Conforming Uses, Buildings, Lots & Structures

8.2(A) Add text clarifying maintenance & repair: p. 5

8.2(B) Add text clarifying alterations to use of non-conforming structures: p. 5

8.3(A) Add text clarifying alterations to use of non-conforming structures: p. 5

Sign Regulations

- 10.2(A)(3) Edit text clarifying determination of sign area or dimensions: p.5
- 10.3(D) Edit text regarding directional signs: p. 5
- 10.3(I)(1)c. Change the time period a non-residential temporary sign may be displayed: p. 6
- 10.3(I)(2)c. Add text clarifying the time period a residential temporary sign that is conditionally permitted may be displayed: p. 6

Riparian Setbacks

- 17.3(C)(1) Add text clarifying the type of water body subject to the regulations: p.6

Proposed Amendments: Staff comments are contained in the proposed submitted text below. Proposed deletions are shown as ~~struck through~~, new text is underlined, and staff comments are *italicized*.

CHAPTER 3: DEFINITIONS

Home Based Business:

~~Any business use primarily conducted away from the property and performed by the owner. That use which is conducted on the property shall be conducted entirely within the dwelling or accessory building by the owner and this use shall be entirely incidental and secondary to the primary use of the dwelling or accessory building and shall not change the character thereof nor be operated in such a way that they adversely affect adjacent property.~~

Home Occupation:

~~Any business use conducted entirely within a dwelling and performed by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.~~

Home Occupation:

A. On-Site

Any use customarily conducted entirely within a dwelling and performed by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

B. Home-Based

Any use primarily conducted away from the property and performed by the owner. That use which is conducted on the property shall be conducted entirely within the dwelling or accessory building by the owner and this use shall be incidental and secondary to the primary use of the dwelling or accessory building and shall not change the character thereof.

Sign, Directional:

A permanent sign located on private property, ~~at or near the public right-of-way,~~ directing or guiding vehicles ~~from the street onto private property.~~ *The ownership of the property, public or private is not relevant; delete the reference to property ownership. The township should consider language similar to “A permanent sign intended to direct or guide vehicles outside of the street right-of-way.”*

CHAPTER 6: DISTRICT REGULATIONS

SECTION 6R1: SINGLE-FAMILY RESIDENTIAL DISTRICT

Sub-Section 6R1.2 Permitted Uses

E. Accessory Uses

1. Home Occupation: On-Site: Such use shall be incidental to the use of the dwelling for dwelling purposes.
- c. The conducting of the on-site home occupation shall not occupy more than twenty-five (25) percent of the dwelling foundation area.

Sub-Section 6R1.3 Conditionally Permitted Uses

- A. Home Based Occupations: Home-Based *The term “Home-Based” is being added to the subsection title consistent with the definition change for Home Occupation: Home-Based.*

Sub-Section 6R1.4 Area, Yard and Height Regulations

- C. Minimum Lot Width at Street Right of Way: 175 feet, except 70 feet for lots on curved streets or cul-de-sac turnarounds measured on the arc. (See Definitions of “Cul-de-sac Street” and “Lot, Width of”.)

- H. Maximum Height of Buildings or Structures Requirements: All buildings and structures shall comply with the following height regulations: 35 feet.

1. The height of principal buildings shall not exceed thirty five (35) feet.
2. The height of accessory buildings/structures shall not exceed thirty five (35) feet.

J. Sub-Standards Lots

1. Lots of record as of August 21, 1970, failing to meet the requirements set forth herein, may be built on provided they... meet the following provisions:
 - b. Minimum Lot Width at Street Right of Way: 100 feet except 50 feet on cul-de-sac turnarounds measured on the arc (See ~~Chapter 3~~ Definitions of “Cul-de-sac Street” and “Lot, Width of”).
2. Lots of record as of November 7, 1975, failing to meet the requirements set forth herein, may be built on provided they... meet the following provisions.
 - c. Minimum Lot Width at Street Right Away: 125 feet except 50 feet on cul-de-sac turnarounds measured on the arc (See ~~Chapter 3~~ Definitions of “Cul-de-sac Street” and “Lot, Width of”).
3. Lots of record as of February 11, 1994, failing to meet the requirements set forth herein may be built on provided they... meet the following provisions:
 - c. Minimum Lot Width at Street Right of Way: 125 feet, except 50 feet on cul-de-sac turnarounds measured on the arc (See ~~Chapter 3~~ Definitions of “Cul-de-sac Street” and “Lot, Width of”).

Sub-Section 6R1.7 Development Standards and Criteria Conservation Development

E. Development and Site Planning Standards:

6. Maximum Height of Buildings Height or Structures: 35 feet
~~The maximum building height shall be thirty five (35) feet~~

SECTION 6R2: SINGLE-FAMILY RESIDENTIAL DISTRICT (33,000 SQ FT LOTS)

Sub-Section 6R2.2 Permitted Uses:

D. Accessory Uses:

1. Home Occupation: On-Site: Such uses shall be incidental to the use of the dwelling for dwelling purposes.
 - c. The conducting of the on-site home occupation shall not occupy more than 25% of the dwelling foundation area.

Sub-Section 6R2.3 Conditionally Permitted Uses:

- A. Home Based Occupation: Home-Based *The term “Home-Based” is being added to the subsection title consistent with the definition change for Home Occupation Home-Based.*

Sub-Section 6R2.4 Area, Yard and Height Regulations:

- C. Minimum Lot Width at Street Right of Way: 100 feet, except 50 feet for lots on curved streets or cul-de-sac turnarounds measured on the arc. (See Definitions of “Cul-de-sac Street” and “Lot, Width of”.)
- H. Maximum Height of Buildings or Structures Requirements: 35 feet
~~All buildings and structures, including accessory buildings shall not exceed thirty-five (35) feet in height.~~

SECTION 6I1: OFFICE/LIGHT INDUSTRIAL DISTRICT

Sub-Section 6I1.4 Area, Setback and Height Requirements

- F. Maximum Height of Buildings or Structures Regulations: ~~No structure shall exceed thirty-five (35) feet in height.~~ 35 feet

SECTION 6I2: LIGHT MANUFACTURING/INDUSTRIAL DISTRICT

Sub-Section 6I2.5 Area, Setback, & Height Requirements:

- B. Minimum Front Yard Depth: The building setback from the street right-of-way line shall be not less than one-hundred fifty (150) feet if located on a state or county road and not less than ~~fifty (50)~~ one hundred (100) feet if located on a township road.
- F. Maximum Height of Buildings or Structures Regulations: ~~No structure shall exceed thirty-five (35) feet in height.~~ 35 feet

CHAPTER 7: CONDITIONAL ZONING CERTIFICATE

SECTION 7.5 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES:

- A. Home Occupation: Home-Based Business: *The subsection title is being changed to be consistent with the definition change for Home Occupation: Home-Based.*
 3. The conducting of a ~~home-based~~ occupation: home-based ~~occupation~~ shall not occupy more than 25% of the dwelling foundation area and not be the primary use of the accessory building.

CHAPTER 8: NON-CONFORMING USES, BUILDINGS, LOTS & STRUCTURES

SECTION 8.2 NON-CONFORMING BUILDINGS/STRUCTURES

A non-conforming building/structure may continue to be used or occupied... subject to the following provisions:

- A. **Maintenance and Repair:** A non-conforming building/structure may be maintained and repaired provided that no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district ~~in which it is located~~.
- B. **Non-Conforming Building and Land:** A building/structure occupied by a non-conforming use shall be permitted to be altered, improved, enlarged, extended or ~~reconstructed one time only~~, provided such modification complies with the regulations of this Section. Any such alteration or enlargement shall not exceed ten (10) percent of the square footage of the floor area of the building or structure as it existed at the effective date of this Resolution, unless the building structure conforms to the use regulations of the district ~~in which it is located~~. *This section does not address land; delete the reference to land and change heading to read “Non-Conforming Use of Building/Structure.”*

SECTION 8.3 NON-CONFORMING USE OF BUILDINGS AND LAND

A non-conforming use may continue in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- A. **Alteration, Enlargement or Reconstruction of a Building Occupied by a Non-Conforming Use.** A building~~or~~/structure occupied by a non-conforming use shall be permitted to be altered, improved, enlarged, extended or ~~reconstructed one time only~~, provided such modification complies with regulations of this Section. Any such alteration or enlargement shall not exceed ten (10) percent of the square footage of the floor area of the building or structure as it existed at the effective date of this Resolution, unless the building structure conforms to the use regulations of the district ~~in which it is located~~.

CHAPTER 10: SIGN REGULATIONS

SECTION 10.2 COMPUTATIONS

The following principles shall control the computation of sign area and sign height:

- A. **Determining Sign Area or Dimension:**
3. The sign area shall not include the pole or other structural support unless such structural support is ~~designated~~ designed to constitute a display device.

SECTION 10.3 REGULATIONS AND MAXIMUM AREA FOR SIGNS

- D. **Directional Sign (No Permit Required):** Directional signs shall be located on the premises which they serve. ~~in all districts~~ Each sign shall not exceed four (4) square feet and shall not exceed four (4) feet in height. Such signs shall not obstruct the view of vehicles entering or exiting the property. A maximum of two signs shall be allowed per ingress and egress within twenty-five (25) feet of the road right of way. *The township may wish to consider permitting additional directional signs on the property.*

I. Temporary Signs:

1. **Non-Residential Districts (Permit Required):** The following regulations shall apply for temporary signs in non-residential districts:
 - c. **Other Temporary Signs (Permit Required):** One (1) temporary sign, either a ground sign or a banner attached to the front of the building, shall be permitted. Such sign shall not exceed thirty-two (32) square feet. A ground sign shall not exceed a height of eight (8) feet. These temporary signs may be displayed for a period of time not to exceed ~~ninety (90)~~ one-hundred, eighty (180) days in a twelve (12) month period. *Six months seems like a long time to permit a temporary sign. Was there a problem with the three month limitation?*
2. **Residential Districts:** The following regulations shall apply for temporary signs in residential districts:
 - c. **Temporary Signs for Uses Authorized by Conditionally Permitted Use (Permit Required):** One (1) temporary ground sign or one (1) banner attached to the front of the building shall be permitted. Such temporary sign shall not exceed twenty-four (24) square feet. A temporary ground sign shall not exceed six (6) feet in height. Such sign shall be located no closer than ten (10) feet from the street right-of-way line and twenty-five (25) feet from a side lot line. Temporary signs for conditionally permitted use authorized by Chapter 6, Subsection 6R1.3 and 6R2.3 may be displayed for a period of fourteen (14) days not more than three (3) times per calendar year.

CHAPTER 17: ESTABLISHMENT OF RIPARIAN SETBACKS

SECTION 17.3 ESTABLISHMENT OF DESIGNATED WATER COURSE & RIPARIAN SETBACKS

- C. The following regulations shall apply to riparian setbacks:
1. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse, except for existing in-line ponds as addressed ~~-,~~ in this Chapter;

Staff Recommendation: Staff recommends the MCPC **APPROVE WITH MODIFICATIONS** the proposed amendment to the Hinckley Township Zoning Resolution.