Planning Commission
App. No. 023-2024 TA

Zoning Text Amendment

Montville Township

Meeting: May 1, 2024
Applicant: Montville Township Zoning Commission (ZC)
Hearing: April 15, 2024
Amendments: Section 410 Single Family Residential District
Section 412 Planned Neighborhood Development
Section 414 Planned Residential Development
Reviewer: Rob Henwood
Recommendation: **APPROVE WITH MODIFICATIONS**

Proposal: In a letter dated April 1, 2024, Paul Jeffers, Montville Township Planning and Zoning Director, requested a review of changes proposed by the ZC to the Montville Township Zoning Resolution.

New text is underlined, and text to be deleted is shown as ~~strikethrough~~. The Department of Planning Services (DPS) staff comments are shown in black with ***bold and italics***.

CHAPTER 410
Single-Family Residential District Regulations

This section of regulations is applicable to all residential districts (R-R Rural Residential, R-1 Single-Family Low Density Residential, R-2 Single-Family Suburban Residential, and R-3 Single-Family Urban Residential)

Sec. 410.2 USE REGULATIONS

C. An accessory use that is clearly incidental to and located on the same lot as a use listed in Schedule 410.3 shall be permitted provided that the requirements of all other Township resolutions and this Zoning Resolution have been met. Accessory uses are further regulated as noted below:

~~1. Accessory buildings and structures, see also Sec. 410.8 D.~~
~~2.~~ 1. Family day care home, type B, see also Sec. 410.10.
~~3.~~ 2. Fences, walls and hedges, see also Sec. 410.8 K.
~~4.~~ 3. Home occupation, see also Sec. 410.9.
~~5.~~ 4. Off-street parking area, see also Sec. 410.8 F.
~~6.~~ 5. Ponds and lakes, see also Sec. 330.5.
~~7.~~ 6. Private swimming pool, see also Sec. 410.8 I.
~~8.~~ 7. Private stable, see also Sec.330.1 C.
~~9.~~ 8. Roadside stand, see also Sec. 330.1 B.
~~10.~~ 9. Shed/storage building and accessory structures, see also Sec. 410.8 H.
~~11.~~ 10. Signs, see also Chapter 510.
~~12.~~ 11. Storage or parking of recreational vehicles, see also Sec. 410.8 G.
~~13.~~ 12. Temporary buildings for uses incidental to construction, see also Chapter 320, Sec. 320.4.
~~14.~~ 13. Temporary garage sale or special event, see also Sec. 330.4.

Sec. 410.6 ADDITIONS AND HEIGHT REQUIREMENTS. (Revised _____)

A. Additions. (Effective _____)

1. A residential addition shall be attached, connected and/or joined to a principal building by means of a shared wall with permanent, open, interior pedestrian access between living spaces. Additional garage space shall meet all applicable building code requirements. The sum of all additions to the principal building shall be limited to 40% of the dwelling unit floor area of the original structure. ***The Township indicated the following reasons for the proposed text amendment:***
    - ***They do not want to permit additions as a means of converting a single-family dwelling unit into a two-family dwelling unit.***
    - ***They do not want to permit additions as a means of creating buildings that are too large for the surrounding neighborhood.***

    The Prosecutor's Office expressed that the Township has the authority to limit the maximum size of residential additions. However, they indicated that the Township may want to consider language specifically targeting areas of concern. For example, they may consider utilizing language that second dwelling units must not be created within the existing structure. The exterior of the structure shall be architecturally designed around the theme of the original principal structure in terms of, but not limited to, character, material, texture, color and scale. ***DPS staff recommends that the sentence be modified to read "The exterior of the structure shall be designed consistent with the architecture of the original principal structure in terms of, but not limited to, character, material, texture, color and scale."***
2. A storage building/shed addition shall be attached, connected and/or joined to an existing storage building/shed by means of a shared continuous exterior wall from floor to roof over the entirety of the structure and a continuous roofline over the entirety of the structure. Additionally, the exterior of the structure shall be architecturally designed around the theme of the original storage building/shed in terms of character, material, texture, color and scale. ***DPS staff recommends that the sentence be modified to read "Additionally, the exterior of the structure shall be designed consistent with the architecture of the original principal structure in terms of, but not limited to, character, material, texture, color and scale."*** The combined square footage of the existing storage building/shed and addition shall not exceed the maximum size requirements of Section 410.8 H.

B. Height Requirements.

All buildings and structures shall comply with the following height regulations.

1. The height of principal buildings shall not exceed 35 feet.
2. The height of sheds/storage buildings and accessory ~~buildings and~~ structures shall not exceed 20 feet, unless otherwise specified in this Zoning Resolution.
3. Permitted height exceptions are set forth in Sec. 330.2.

Sec. 410.7 DWELLING UNIT REQUIREMENTS.

A. Floor Area Requirements. In order to promote healthful living conditions and to stabilize the value and character of residential areas, single-family dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following minimum floor area requirements. For the purposes of calculating the floor area, all areas within basements, garages and/or any ~~attached or detached~~ storage buildings, sheds, or accessory ~~building or~~ structures shall not be included. (Revised 12/24/09)

Sec. 410.8 ACCESSORY USE REGULATIONS.

B. Location Requirements for Accessory Uses. A~~n~~ shed/storage building and/or accessory ~~building~~ structure or use permitted in a residential district shall be located as set forth in Schedule 410.8. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this Section.

C. Schedule 410.8: Yard Requirements for Sheds/Storage Buildings and Accessory ~~Buildings and~~ Structures. (Revised 3/14/24)

D. Maximum Coverage of Rear Yard. The total area of all detached sheds/storage buildings and/or accessory ~~buildings and~~ structures, including garage, swimming pool, decks, and storage sheds shall not exceed 30% of the rear yard area.

H. Sheds/Storage Buildings. (Effective 03/14/24)

5. The construction of a shed/storage building shall require a zoning certificate, in compliance with the application requirements set forth in Sec. 710.3A.

~~5~~.6. Please see Section 410.6 for information regarding additions to sheds/storage buildings.

I. Swimming Pools and Spas. Private swimming pools and spas may be located in any Residential District provided they comply with location and coverage requirements of Schedule 410.8, Sec. 410.8E and the following supplemental regulations:

1. Swimming Pools (Effective 06/22/06)

e) Fences shall be constructed so as to have no openings, holes, or gaps larger than four (4) inches in any dimension, except for doors or gates. A~~n~~ shed/storage ~~accessory~~ building may be used in or as part of such enclosure. (Revised 10/28/10)

2. Spas (Effective 06/22/06)

b) Such fence shall not be less than four (4) feet in height and shall be constructed so as to have no openings, holes, or gaps larger than four (4) inches in any dimension, except for doors or gates. A~~n~~ shed/storage ~~accessory~~ building may be used in or as part of such enclosure. (Revised 10/28/10)

M. Outdoor Wood-Fired Hydronic Heaters. (Effective 10/28/10)

1. Outdoor Wood-fired Hydronic Heaters (OWHH) are considered an accessory use in all Zoning Districts and require a zoning certificate. An OWHH shall not be counted as a~~n~~ shed/storage ~~accessory~~ building in residential districts.

2. The OWHHs shall only service the principal building(s) and/or shed/storage ~~accessory~~ building(s) upon the lot the unit is located.

12. Outdoor Wood-fired Hydronic Heaters shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

c) Setbacks for any new Outdoor Wood-fired Hydronic Heater that are EPA OWHH Phase II Program qualified:

i. The OWHH must comply with shed/storage ~~accessory~~ building setback and height requirements in the District it is proposed to be erected and shall be located a minimum of fifteen (15) feet from any structure.

Sec. 410.9 REGULATIONS FOR HOME OCCUPATIONS. (Revised 07/23/09)

A. The home occupation, including the storage of equipment, supplies or any apparatus related to the use shall be conducted entirely within the dwelling unit and no use of any shed/storage ~~accessory~~ building or yard space shall be permitted.

CHAPTER 412
Planned Neighborhood Development Regulations

Sec. 412.3 PERMITTED USES

B. Accessory Uses:

3. Shed/Storage building ~~Accessory buildings~~ subject to Sec. 410.8 or as established by the Township Trustees as part of the Final Development Plan approval.

Sec. 412.7 DWELLING UNIT REQUIREMENTS AND ADDITIONS.

B, Additions. (Effective _____)

1. A residential addition shall be attached, connected and/or joined to a principal building by means of a shared wall with permanent, open, interior pedestrian access between living spaces. Additional garage space shall meet all applicable building code requirements. The sum of all additions to the principal building shall be limited to 40% of the dwelling unit floor area of the original structure. ***The Township may want to consider drafting language that more specifically targets their areas of concern.*** The exterior of the structure shall be architecturally designed around the theme of the original principal structure in terms of, but not limited to, character, material, texture, color and scale. ***DPS staff recommends that the sentence be modified to read "The exterior of the structure shall be designed consistent with the architecture of the original principal structure in terms of, but not limited to, character, material, texture, color and scale."***

2. A storage building/shed addition shall be attached, connected and/or joined to an existing storage building/shed by means of a shared continuous exterior wall from floor to roof over the entirety of the structure and a continuous roofline over the entirety of the structure. Additionally, the exterior of the structure shall be architecturally designed around the theme of the original storage building/shed in terms of character, material, texture, color and scale. ***DPS staff recommends***

that the sentence be modified to read "Additionally, the exterior of the structure shall be designed consistent with the architecture of the original principal structure in terms of, but not limited to, character, material, texture, color and scale." The combined square footage of the existing storage building/shed, and addition shall not exceed the maximum size requirements of Section 410.8 H.

CHAPTER 414
Planned Residential Development Regulations

Sec. 414.11 DWELLING UNIT REQUIREMENTS AND ADDITIONS.

A. Dwelling Unit Requirements.
Each dwelling unit shall comply with the minimum floor area for single-family dwelling units and siting requirements, accessory use regulations, and other regulations pertaining to single-family dwellings set forth in Sections 410.7 through 410.11. Sheds/storage ~~Accessory~~ buildings are not permitted in cluster home areas. (Effective June 22, 2006)

B. Additions. (Effective _____

3. A residential addition shall be attached, connected and/or joined to a principal building by means of a shared wall with permanent, open, interior pedestrian access between living spaces. Additional garage space shall meet all applicable building code requirements. The sum of all additions to the principal building shall be limited to 40% of the dwelling unit floor area of the original structure. ***The Township may want to consider drafting language that more specifically targets their areas of concern.*** The exterior of the structure shall be architecturally designed around the theme of the original principal structure in terms of, but not limited to, character, material, texture, color and scale. ***DPS staff recommends that the sentence be modified to read "The exterior of the structure shall be designed consistent with the architecture of the original principal structure in terms of, but not limited to, character, material, texture, color and scale."***

4. A storage building/shed addition shall be attached, connected and/or joined to an existing storage building/shed by means of a shared continuous exterior wall from floor to roof over the entirety of the structure and a continuous roofline over the entirety of the structure. Additionally, the exterior of the structure shall be architecturally designed around the theme of the original storage building/shed in terms of character, material, texture, color and scale. ***DPS staff recommends that the sentence be modified to read "Additionally, the exterior of the structure shall be designed consistent with the architecture of the original principal structure in terms of, but not limited to, character, material, texture, color and scale."*** The combined square footage of the existing storage building/shed and addition shall not exceed the maximum size requirements of Section 410.8 H.

DPS Recommendation: Staff recommends the Planning Commission **APPROVE WITH MODIFICATIONS** to the proposed amendments to the Montville Township Zoning Resolution. Staff also recommends that the Township consult with the Prosecutor's Office.