

**NOTTOWA TOWNSHIP
SETBACK REQUIREMENTS**

Bob Griffioen

From: Roger Bird <rbird@sturgislawfirm.com>
Sent: Friday, June 16, 2017 8:42 AM
To: Bob Griffioen
Cc: juliannemdunning@gmail.com; Pat McColgan (patmccolgan3@yahoo.com)
Subject: Setback Requirements
Attachments: 559241 Compliance of condominium project with applicable local law ordinances an.pdf; Nottawa Township Ordinance.pdf

Bob-

The setback requirements for construction of a home on a condo unit are governed by the Township zoning ordinance. I have attached the Nottawa Township R-3 provisions. I believe all condo units are in the R-3 district.

Please call if you have any questions.

ROGER BIRD
BIRD, SCHESKE, REED & BEEMER, P.C.
227 West Chicago Road
Sturgis, MI 49091

Telephone: 269-651-2445
Facsimile: 269-651-4044
<http://sturgislawfirm.com>

NOTTOWA TOWNSHIP SETBACK REQUIREMENTS

307.4 *Regulations and Standards.* The following maximum and minimum standards shall apply to all uses and structures in the R-2 District:

- a. Minimum lot area:
 - (1) Single-family detached dwelling shall require a minimum parcel size of 20,000 square feet in area. Lot area requirements may be reduced for NO more than 25 percent of the lots in any one subdivision plat, provided those lots so reduced are no less than 12,000 square feet in area.
 - (2) Duplex or two-family residential dwelling shall require a minimum parcel size of forty thousand (40,000) square feet for each unit.
 - (3) Structures containing three (3) or more dwelling units shall require a minimum parcel size of twenty thousand (20,000) square feet for each unit.
- b. Minimum Lot Width: The minimum lot width shall be one hundred (100) feet, except in the case where a curvilinear street pattern produces irregularly shaped lots with non-parallel side lot lines, a lesser frontage width at the street may be permitted provided that the one hundred (100) feet. Interior lot widths may be reduced for no more than 25 percent of the lots in one subdivision plat provided those lots reduced are no less than eighty (80) feet in width and provided no more than two adjacent lots shall be less than eighty (80) feet in width.
- c. Maximum Lot Coverage: The maximum lot coverage shall not exceed thirty (30) percent.
- d. Yard and Setback Requirements:
 - (1) Front Yards: In accordance with the setback requirements on the Comprehensive Plan, for the type of street upon which the lot principally fronts.
 - (2) Side Yards: Ten (10) feet except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard. Side yards shall be increased by five (5) additional feet for each unit over one (1) on the parcel.
 - (3) Rear Yards: Thirty-five (35) feet.
- e. Maximum Height Requirements: Thirty-five (35) feet or two and one-half stories measured from the average finish grade at the front setback line.
- f. (1) Minimum living area: Same as in "AR" District. Refer to Section 305.4(f). Said floor area restrictions shall apply for each living unit, in the case of a two-family structure.
 - (2) Structures containing three (3) or more dwelling units shall contain a minimum of seven hundred and twenty (720) square feet per dwelling unit, exclusive of halls, stairways, basements, garages, or storage areas.

300.308 - R-3 Districts: Waterfront Residential District.

Sec. 308.

308.1 *Purpose.* It is the purpose of the waterfront residential district to provide for single-family residential uses, at moderate densities, in areas adjacent to lakes and water courses. It is further the purpose to require lot areas large enough to protect Township lakes, rivers and ground waters from pollution due to an over concentration of wastewater disposal and septic field systems.

308.2 *Uses Permitted by Right in an R-3 District.*

- a. Single-family residential dwelling on a parcel having an area of at least twenty-thousand (20,000) square feet.
- b. State licensed residential facilities and family child care homes as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), as amended.

- c. Public and private hospitals, schools, churches and governmental buildings.
- d. Public utility structures and substations.
- e. Home occupations. Home occupations may consist of such things as, instruction in a craft or fine art, hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate, insurance sales, professional office for: not more than one physician, surgeon, dentist, attorney, architect, engineer, or recognized professional practitioner:
 - (1) The non-residential use shall only be incidental to the primary residential use.
 - (2) The occupation shall utilize no more than 25% of the ground floor area of the structure
 - (3) Only normal domestic or household equipment and equipment characteristic of a doctor or dentist office shall be used to accommodate the home occupation.
 - (4) The home occupation shall involve no more than one employee other than those members of the immediate family residing on the premises.
 - (5) All activities shall be carried on indoors, only in the principal building. No outdoor activities or storage shall be permitted.
 - (6) There shall be no external evidence of such occupations except a small announcement sign not larger than two (2) square feet in area.
 - (7) The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of nonresidential activities.
- f. Signs.
 - (1) Signs not exceeding one square foot in area bearing only property number, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
 - (2) Flags and insignias of any government except when displayed in connection with commercial connotations;
 - (3) Legal notices, identifications, information, or directional signs erected or required by governmental bodies;
 - (4) Integral decorative or architectural features of buildings except letters, trademarks, moving parts of flashing lights;
 - (5) Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

308.3 *Uses Permitted by Special Use Permit.* The following uses are permitted in this R-3 district subject to obtaining a special use permit as provided for in Article Five:

- a. Public and private parks, clubs, camps, and golf courses.
- b. Public and private hospitals, schools, churches and governmental buildings.
- c. Public utility structures and substations.
- d. Group child care homes as required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206), as amended.

308.4 *Regulations and Standards.* The following maximum and minimum standards shall apply to all uses and structures in the "R-3" District:

- a. Minimum Lot Area: No building or structures shall be established on any parcel less than twenty-thousand (20,000) square feet in area.
- b. Minimum Lot Width: The minimum lot width shall be 100 feet.
- c. Maximum Lot Coverage: The maximum lot coverage shall not exceed thirty (30) percent.
- d. Yard and Setback Requirements:
 - (1) Front Yard: In accordance with the setback requirements of the Comprehensive Plan, for the type of street upon which the lot principally fronts.
 - (2) Side Yards: Ten (10) feet except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.
 - (3) Rear Yards: Fifty (50) feet.
- e. Minimum Living Area Per Unit: One thousand (1,000) square feet per unit.