

## REQUEST

At the November 3, 2021 meeting, the Planning Commission initiated a Zoning Ordinance amendment to Chapter 20 to revise the minimum site size requirement for K-12 schools. This became a topic of discussion when First Reformed Protestant Church applied for a special land use permit to run a school at their location. Before proceeding, the property had to seek a variance from the minimum site size requirement, which was granted by the Zoning Board of Appeals on August 16, 2021. The special land use permit was then granted by the Planning Commission on August 18, 2021. Both, the Zoning Board of Appeals and Planning Commission, came to the conclusion that the current ordinance appears to place an unfair burden on small private schools because they have to comply with local zoning standards that public schools do not – specifically the minimum site size requirement.

The Planning Commission had discussion on September 1, 2021 and November 3, 2021 to amend the ordinance as it pertains to the minimum site size requirement for K-12 schools. The notice was published on December 14, 2021 for a public hearing on January 5, 2022.

\*\*\*\*\*

### **(REZ2202) Ordinance 2022-02:**

#### **Sec. 20.4 Site Design Standards; (U) K-12 Schools**

- (1) ~~Minimum site size for elementary schools shall be 20 acres, middle schools shall be 30 acres, and high schools shall be 40 acres. Where a combination exists, the greater land area shall apply.~~ **Minimum site size for schools shall be 5 acres.**
- (2) Minimum lot width of 200 ft. abutting an arterial street; and at least one means of ingress and egress shall be located on such street.
- (3) Athletic fields shall not be located closer than two hundred (200) ft. from any property line abutting a residential district.
- (4) A greenbelt shall be provided in accordance with Sec. 3.11 where, in the opinion of the Planning Commission, screening is needed to minimize visual, noise, or other impacts from the proposed development.

\*\*\*\*\*

## HISTORY

In the early 1990's, ordinance standards for schools were adopted to regulate a private school that had multiple buildings, along with land for future buildings and expansions.

## CURRENT ORDINANCE REGULATIONS

K-12 schools are allowed in the following districts with a special use permit: AG, RR, LDR, LMR, MDR, MHR, HDR, MHP (not colleges or universities).

Not allowed in the following districts: Industrial.

Although K-12 schools are not allowed in the following districts, commercial schools, including art, business, music, dance, professional and trade are allowed by right: OS, NS, CS and HS.

### **HOW OTHER MUNICIPALITIES REGULATE SCHOOLS**

The included attachments describe how nearby municipalities regulate schools in their zoning ordinance. The spreadsheet compares their regulations on schools.

Depending on the zoning district, some municipalities require a special land use permit with specific site design standards while some require a special land use permit with no specific site design standards (which means the request only has to meet the zoning district's requirements). Also, some municipalities permit schools by right in certain zoning districts which means the school only has to meet the standard zoning requirements of its zoning district.

### **DISCUSSION**

Based on prior discussion at the ZBA meeting on August 16, 2021 and the PC meetings on August 18, 2021, September 1, 2021, and November 3, 2021, the current ordinance appears to place an unfair burden on small private schools when they are required to comply with standards that public schools do not.

A revision to the site design standards for K-12 schools under Sec. 20.4(U) was proposed at the PC meeting on September 1. The PC made a motion to have the proposed language be rewritten and discussed at a future meeting, at which point an ordinance amendment may be initiated. The proposed amendment was rewritten and presented to the Planning Commission at the November 3, 2021 meeting, at which point, an ordinance amendment was initiated.

A list of schools in Georgetown Township is provided, with each school's site size, lineal frontage, and street access.

After comparing the lineal frontage of all public schools and existing private schools, it appears that it is reasonable to continue to require a minimum lot width of 200 feet, setbacks for athletic fields from any property line that abuts a residential district and a greenbelt in accordance with Sec. 3.11 also seem reasonable.

Regarding the discussion about minimum site size. To put it into perspective, the only public elementary school that would meet the current requirement of 20 acres is Georgetown Elementary and it is located on the same 143-acre parcel as Baldwin Street Middle School; the site also has athletic fields for a variety of sports.

The Planning Commission determined at the November 3, 2021 meeting to lessen the minimum site size requirement to 5 acres. The change would address the Zoning Board of Appeals and Planning Commission's assessment that the requirement of 20 acres for elementary schools, 30 acres for middle schools, and 40 acres for high schools places an unfair burden on small private schools because public schools are not subject to local zoning standards.

**OPTION FOR MOTION**

Motion: To recommend to the Township Board to approve the following resolution:

**(REZ2202) Ordinance 2022-02:**

GEORGETOWN CHARTER TOWNSHIP  
OTTAWA COUNTY, MICHIGAN  
(Ordinance No. 2022-02)

At a regular meeting of the Township Board for the Charter Township of Georgetown, held at the Township Offices on \_\_\_\_\_, 2022, the following Ordinance/ordinance amendment was offered for adoption by Township Board Member \_\_\_\_\_, and was seconded by Township Board Member \_\_\_\_\_, upon recommendation from the Planning Commission:

AN ORDINANCE TO AMEND THE GEORGETOWN CHARTER TOWNSHIP  
ZONING ORDINANCE CHAPTER 20

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

Article I. The Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to revise Chapter 20 as follows:

**Sec. 20.4 Site Design Standards; (U) K-12 Schools**

- (1) ~~Minimum site size for elementary schools shall be 20 acres, middle schools shall be 30 acres, and high schools shall be 40 acres. Where a combination exists, the greater land area shall apply.~~ **Minimum site size for schools shall be 5 acres.**

Article II. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date that this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote in favor of this Ordinance/ordinance amendment was as follows:

YEAS:  
NAYS:  
ABSENT/ABSTAIN:

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/ordinance amendment adopted by the Township Board for Georgetown Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By \_\_\_\_\_  
Ryan Kidd  
Georgetown Charter Township Clerk