

MEMO

TO: Northfield Township Planning Commission

FROM: Sally Hodges, AICP, Senior Vice President
McKenna Associates

SUBJECT: Consideration of Churches in all Zoning Districts

DATE: February 24, 2016

At your last meeting, the Planning Commission discussed our comments pertaining to church uses and asked us to expand our review to examine the uses permitted in the Township's other zoning districts, beyond the GC District. Factors to be considered include consistency and compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA) and impacts on other parcels in the vicinity if churches are permitted.

In order to facilitate that review and discussion, we have compiled two tables (attached) that list all the permitted and conditional uses currently permitted in each of the zoning districts. While they are still in draft form we believe they will be helpful, not only for your review of church uses, but also to easily compare zoning districts. The tables, one for the residential zoning districts and one for the nonresidential zoning districts, are laid out similar to the use tables included in the WLD District. So while our comments below concentrate on churches, the Residential Use Matrix and Non-Residential Use Matrix allow you to see the spectrum of uses (by district) permitted by right or as conditional uses.

The uses listed are organized into general categories by type. For example, Assembly Uses, Recreational Uses, Restaurant Uses, and so on. Also, some of the use descriptions overlap because the text of the Ordinance frequently describes the same uses in different combinations or with a slightly different context.

COMMENTS

1. Impacts of RLUIPA

As previously reviewed, RLUIPA was adopted by Congress in 2000 because of concerns that communities were "frequently placing excessive or unreasonable burdens on the ability of congregations and individuals to exercise their faith with little to no justification and in violation of the Constitution" (Department of Justice, 2010). You will recall RLUIPA states:

- *No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution –
(A) Is in furtherance of a compelling governmental interest; and
(B) Is the least restrictive means of furthering that compelling governmental interest.*
- *No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.*

Religious uses are not exempt from local zoning regulations, and a community may place conditions on its approval of religious uses, provided that the conditions are applied uniformly for all similar uses. We

believe that churches do not have to be permitted in all zoning districts if the distinction is supported by the community’s master plan and legitimate planning principles, finding that such uses and all similar uses are inappropriate in those districts. For example, the GI General Industrial District does not currently permit churches or religious institutions; it also does not permit schools, public buildings, assembly halls, dance halls or other uses that are places where large groups of people congregate, or that have “event-based” traffic characteristics (i.e. large volumes at specific times). It is also set aside for intensive uses that tend to have negative off site impacts that should be buffered and separated from most other land uses.

The Planning Commission may also wish to consider permitting churches as a use by right in one or more zoning districts where it would be consistent with other permitted uses. This would open up locations where a church could be established with only site plan approval and lessen the chances of a claim that a substantial burden under RLUIPA has been created.

2. Where are Churches and Religious Institutions Currently Permitted?

As you can see from the table below, churches are currently permitted in eight (8) of the Township’s zoning districts, all subject to conditional use approval. Five (5) zoning districts, the Local Commercial (LC), General Commercial (GC), Highway Commercial (HC), Enterprise Services (ES), and Planned Shopping Center (PSC) currently do not permit churches but do permit other, non-church uses that have some characteristics similar to churches. Our preliminary recommendations are summarized in the table below for consideration.

Zoning District		Churches Permitted		Uses with Similar Characteristics		Recommendations
		By Right	Conditional Use	By Right	Conditional Use	
RC	Recreation Conservation					No change
AR	Agriculture		✓		✓	No change
LR	Low-Density Residential		✓		✓	No change
SR1	Single-Family Residential		✓		✓	No change
SR2	Single-Family Residential					Consider whether churches should be added – existing church at East Shore Drive and Main St.
MR	Multiple-Family Res.		✓		✓	No change
MHP	Mobile Home Park		✓		✓	No change
WLD	Whitmore Lake Downtown - Downtown Sub district Waterfront Sub district North Village Sub district		✓	✓	✓	Amend to change commercial recreation facilities, (particularly indoor theaters) to conditional uses
LC	Local Commercial				✓	Amend to permit churches as conditional uses

GC	General Commercial			✓		Amend to change commercial recreation facilities, (particularly indoor theaters) to conditional uses; Amend to permit churches as conditional uses
HC	Highway Commercial				✓	Amend to permit churches as conditional uses
RO	Residential/ Office		✓		✓	No change
LI	Limited Industrial					No change
GI	General Industrial					No change
ES	Enterprise Service			✓		Consider amending to add churches as permitted uses. Otherwise - Amend to permit churches as conditional uses; and Amend to change commercial recreation facilities, (particularly indoor theaters) to conditional uses.
PSC	Planned Shopping Center			✓		Amend to change theaters to conditional uses; Amend to permit churches as conditional uses
RTM	Research/ Technology/ Manufacturing		✓	✓		Amend to change theaters, auditoriums, and meeting facilities to conditional uses

We look forward reviewing the districts and potential for church uses in each with you at the next meeting, Wednesday March 2, 2016.

**Northfield Township
Non-Residential District Use Matrix**

	WLD-D	WLD-NV	WLD-W	LC	GC	HC	RO	LI	GI	ES	PSC	RTM
Church, synagogue, cathedral, mosque, temple, or other building used for public worship	C	C	C				C					C
ASSEMBLY USES												
Commercial recreation facilities, including indoor theaters, bowling alleys, skating rinks, racket clubs	P	P	P		P					P		
Commercial, office, and service uses which are located, designed, and intended to support and complement permitted principal uses which are located in an RTM district, such as the following: theaters, auditoriums and meeting facilities												P
Drive-in theater.						C						
Other services, such as automobile service stations, bowling alleys, theaters, and skating rinks											P	
Places of amusement, entertainment or recreation such as a dancehall, bowling alley, miniature golf, commercial swimming pool.						C						
Primary and secondary schools.				C								
Public and private nursery schools, primary and secondary schools, colleges and universities	C	C	C									
Public and private nursery schools, primary and secondary schools.							C					
Public Building	C	C	C									
RECREATIONAL USES												
Bowling alleys, miniature golf courses, commercial swimming pools, skating rinks.					C							
Drive-in theater.						C						
Outdoor commercial recreation, public or private	C	C	C									P
Other services, such as automobile service stations, bowling alleys, theaters, and skating rinks											P	
Uses such as fire, police, and ambulance stations; technical and business schools; recreation facilities, both indoor and outdoor post office												P
RESTAURANT USES												
Bars or establishments principally used for the sale of beer, wine or intoxicating liquor for consumption on the premises					C							
Drive-through as an accessory to a restaurant, financial services, or other permitted use			C									
Drive-throughs, including restaurants, banks, laundries						C						
Food service shops, such as restaurants, cafeterias, cocktail lounges, and ice cream shops.											P	
Motel, hotel, restaurants.						P						
Permanently reserved areas for outdoor seating and/or service when associated with a restaurant	P	C	P	C	C	C						
Restaurants and cafeteria facilities for employees.								C				P

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Non-Residential District Use Matrix**

	WLD-D	WLD-NV	WLD-W	LC	GC	HC	RO	LI	GI	ES	PSC	RTM
Restaurants serving alcoholic beverages, provided that the gross receipts thereof derived from the sale of food and other goods and services exceed 50 percent of the total gross receipts.				C	C							
Restaurants, including those primarily devoted to serving alcoholic liquors for consumption on the premises and/or providing entertainment, but not including any business of a drive-in type or which have a drive-through	P	C	P									
PERSONAL SERVICES												
Financial services, not including a drive-through	P	P	P									
Financial services.											P	
Personal service offices, such as accountant, attorney, and real estate offices, provided such use shall not exceed 4,000 square feet of floor area in any building				P	P							
Personal services including clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop, and shoe repair shop	P	C	P	P	P							P
Personal services, including barber shop and beauty salon, medical and dental clinics, music studios, banks and saving and loan associations and other similar uses.				P	P					P	P	P
RETAIL USES												
Clothing and shoe stores.											P	
Contractor wholesale supply when in conjunction with general retail sales of items, including electrical, plumbing, lumber, and/or garden supplies	C	C	C		C					P		
Dry goods stores.											P	
Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market, and similar self-serve units but not including any business of a drive-in type.				P	P							
Food stores, such as supermarkets, meat and fish markets, delicatessens, bakeries, dairy products, and health food stores.											P	
Furniture and appliance stores, decorating shops, and china and glassware stores.											P	
General merchandise stores, such as department stores, variety stores, and catalog store											P	
Luggage and leather goods stores.											P	
Other retail stores, such as hardware, home improvements, automotive supplies, garden supplies, hobby supplies, records and tapes, musical instruments, books and stationery, pets and pet supplies, flowers, tobacco, drugs and cosmetics, greeting cards and gifts, photography equipment and services, and party supplies, including packaged beer, wine, and liquor.											P	P

**Northfield Township
Non-Residential District Use Matrix**

	WLD-D	WLD-NV	WLD-W	LC	GC	HC	RO	LI	GI	ES	PSC	RTM
Retail sales of items that are the same as the items sold at wholesale on the premises, or are related by use or design to such wholesale items;								C	C			
Retail services, including department stores, furniture stores, appliance stores, and super markets.					P							
Retail services, including drug store, hardware, and gift shop, and dry goods and notions store.				P	P							
Retail, including food services retail, general retail	P	C	P									
Retail, sporting goods sales, souvenir and gift shop, public information booth.						C						
Temporary outdoor sales				C	C							
Temporary outdoor sales when conducted by a permanent business established on site	P	C	P									
OFFICE USES												
Business and professional offices	P	P	P	C	P							P
Commercial, office, and service uses which are located, designed, and intended to support and complement permitted principal uses which are located in an RTM district, such as the following: office supply sales; medical and dental offices; data processing and computing centers; computer and office machine service and repair establishments												P
Executive, administrative, legal, accounting, insurance, real estate and similar offices at a scale that will not generate off-street parking resulting in excessive traffic generated from the use which would be incompatible with the purpose of this district.							C					
Offices of architects, engineers, surveyors and similar professionals; provided that no trucks, drillings, rigs, and similar vehicles shall be stored on the premises and provided that no materials or field equipment shall be stored outdoors on the premises.							C					
Offices, such as legal, accounting, real estate, medical and dental.											P	
VEHICLE-RELATED USES												
Automobile or vehicle dealerships	C	C	C									
Automotive service station, including minor repair services					C	P				C		P
Boat sales and marinas		C	C		C							
Lots for the sale of used cars, used farm machinery, and other used vehicles and equipment, when not sold in conjunction with sales of new cars, machinery, vehicles, or equipment.					C							
Minor automotive repair facilities.					C					P		
Minor or major repair of vehicles.								C				

**Northfield Township
Non-Residential District Use Matrix**

	WLD-D	WLD-NV	WLD-W	LC	GC	HC	RO	LI	GI	ES	PSC	RTM
Showroom and sales of new automobiles, farm machinery, and other vehicle and equipment, and the display and sale of used cars, farm machinery, and other vehicles and equipment when in conjunction with a showroom and sales of new units thereof; and repair of same when in conjunction with a showroom and sales of new units thereof.					P							
Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards									P			
Vehicle towing services									C			
Wholesale auto auctions									P			
Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards.									P			
LODGING												
Bed and breakfast inns	P	P	P									
Hotel, tourist home and boarding and rooming house					C							
Motel, hotel, restaurants.						P						
Motels, hotels	P	C	P									
Transient lodging facilities												P
MEDICAL AND CARE USES												
Animal hospitals or clinics	C	C	C	C	C							
Child care facilities.					C							P
Family child care homes, adult foster care family homes, foster family homes and foster family group homes	P	P	P				P					
Group child care homes	C	C	C				C					
Hospitals, nursing homes, sanitariums	C	C	C							C		
Medical and dental clinics when associated with a hospital or nursing home (ambulatory health care facility) in which outpatient treatment for patients is provided	C	C	C									
Medical and dental offices	P	P	P									
Offices, such as legal, accounting, real estate, medical and dental.											P	
Public and private nursery schools, primary and secondary schools, colleges and universities	C	C	C									
Public and private nursery schools, primary and secondary schools.							C					
INDUSTRIAL USES												
Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.								P	P			
Automated production equipment, such as robots												P
Concrete and asphalt mixing or production plants.									C			
Contractor wholesale supply when in conjunction with general retail sales of items, including electrical, plumbing, lumber, and/or garden supplies	C	C	C		C					P		

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Non-Residential District Use Matrix**

	WLD-D	WLD-NV	WLD-W	LC	GC	HC	RO	LI	GI	ES	PSC	RTM
Contractor's establishment not engaging in any retail activities on the site.									P			
Heat treating processes.									C			
Junkyards and inoperative vehicle storage, subject to the provisions of this chapter and also to the provisions of the current junkyard resolution.									C			
Landscape and lawn care businesses.								P	P			
Light manufacturing industrial uses which by the nature of the materials, equipment and processes utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard, including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising displays; tents and awnings; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage, but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.								P	P			
Manufacturing product warehousing, exchange and storage centers and yards.									P			
Manufacturing.									P			
Manufacturing, compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, perfumes, pharmaceutical toiletries, and frozen food lockers.								P	P			
Mini-storage										C		
Mini-warehousing,				C	C	C						
Open industrial uses,									P			
Outdoor storage of recreational vehicles								C	C			
Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials; recycling centers.								P	P			
Plating shops.									C			
Printing, lithographic, blueprinting, and similar uses	C	C	C		P			P	P	P		P
Vehicle towing services									C			
Warehousing and material distribution centers; provided all products and materials are enclosed within a building.								P	P	C		
Warehousing, only for principal uses permitted and located in this district.												P
Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards.									P			
RESEARCH AND DEVELOPMENT USES												
Business research, development, and testing laboratories.												P

**Northfield Township
Non-Residential District Use Matrix**

	WLD-D	WLD-NV	WLD-W	LC	GC	HC	RO	LI	GI	ES	PSC	RTM
Business/technical schools, when licensed by the state,								C				
Commercial, office, and service uses which are located, designed, and intended to support and complement permitted principal uses which are located in an RTM district, such as the following: office supply sales; medical and dental offices; data processing and computing centers; computer and office machine service and repair establishments												p
Electricity transmission and distribution lines, gas and oil pipelines, and related structures; electricity switching and step-down stations.												P
Equipment services, including repair, radio and television, electrical appliance shop, plumber, electrician, and other similar services and trades	P	C	P		P					P		
Industrial research, development, and testing laboratories.												P
Measuring, analyzing, and controlling instruments; photographic (except chemicals and sensitized materials); medical and optical goods; watches and clocks.												P
Office, computing, and accounting machinery.												P
Pharmaceutical drugs.												P
Production and processing of genetic materials.												P
Prototype or pilot processing, manufacturing, and/or assemble												P
Research and testing facilities.								P	P			
Research oriented and light industrial park uses	C	C	C									
Scientific research, development, and testing laboratories.												P
Space vehicles and parts.												P
RESIDENTIAL USES												
Dwelling unit combined with an office; provided that the proprietor of the office resides in the dwelling unit.							C					
Home occupations	UP	P	UP				C					
Multiple-family dwelling and any use, building, or structure accessory thereto	UP	C	UP									
One dwelling unit within the principal building or structure for security purposes only.				C	C	C						P
Single-family dwellings and any use, building, or structure accessory thereto	UP	P	UP				P					
Two-family dwellings and any use, building, or structure accessory thereto	UP	C	UP				P					
OTHER USES												
Accessory uses, building, or structure	P	P	P	P	P	P		P	P	P		
Agricultural services, including machinery sales and repair establishments, and farm supply stores.					P							
Agricultural uses, as temporary uses prior to development of a parcel in the RTM district.												P
Bus, truck, taxi, and rail terminals	C	C	C					C				

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Non-Residential District Use Matrix**

	WLD-D	WLD-NV	WLD-W	LC	GC	HC	RO	LI	GI	ES	PSC	RTM
Commercial communications apparatus (Cell Towers)			C	C	C	C	C		C			P
Controlled uses as defined in section 36-710.					C							
Drive-through facilities for a use permitted in the GC district					C							
Essential services	P	P	P	P	P	P	C	P	P			
Funeral establishments	C	C	C									
Funeral establishments, mortuary.					C							
Open air display area for the sale of manufactured products	C	C	C		C			C				
Outdoor storage of materials and equipment to be used as part of the principal business, and products resulting from the principal business,								C				

**Northfield Township
Residential District Use Matrix**

	RC	AR	LR	SR-1	SR-2	MR	MHP
Church, synagogue, cathedral, mosque, temple, or other building used for public worship or a cemetery.		C	C	C		C	
Church, fire station, police station, government office building, and similar government buildings.							C
ASSEMBLY USES							
Church, fire station, police station, government office building, and similar government buildings.							C
Community or governmental building.		C					
Primary and secondary school, college and university.						C	
Primary and secondary school.				C			
Public and private nursery school, primary and secondary school.			C				
Public or private nursery school, primary or secondary school, business school, college, and university.		C					
Public or private nursery, primary, and secondary school, or day care center.							C
DWELLING USE							
Farm labor housing as an accessory use to a farm comply with all state, county, and local health, building, and zoning regulations.		C	C				
Home occupation.	P	P	P	P	P	P	P
Manufactured home dwelling units.							P
Multiple-family dwelling and any use, building or structure accessory thereto.						P	
Open space development in accordance with sections 36-718 and 36-726.		P	P				
Open space development where a minimum of 50 percent of the total buildable area is permanently preserved as dedicated open space				P	P		
Open space development where less than 50 percent of the total buildable area is permanently preserved as dedicated open space		C	C	C	C		
Planned unit residential development						P	
Single-family dwelling and any use, building or structure accessory thereto.	P	P	P	P	P	P	P
Two-family dwelling and any use, building or structure accessory thereto.		P		P	C	P	
MEDICAL AND CARE USES							
Adult foster care family homes, foster family homes, and foster family group homes.	P		P				
Child care and group child care home	C			C	C	C	
Child care centers and group child care homes.			C				
Family child care homes	P		P				
Family child care homes, adult foster care family homes, foster family homes and foster family group homes.		P		P	P		
Group child care homes, adult foster care family homes, foster family homes and foster family group homes.						P	
Group child care homes.		C					
Hospital, nursing home, or sanitarium.		C					
Medical and dental clinic, when associated with a hospital, nursing home or sanitarium.						C	
Public and private nursery school, primary and secondary school.			C				
Public or private nursery school, primary or secondary school, business school, college, and university.		C					
Public or private nursery, primary, and secondary school, or day care center.							C
Veterinarian or animal clinic and kennels		C					

**Northfield Township
Residential District Use Matrix**

	RC	AR	LR	SR-1	SR-2	MR	MHP
AGRICULTURE USES							
Agriculture/tourism business	C	C					
All buildings and structures accessory and incidental to permitted uses in this district.	C						
Bulk feed and fertilizer outlets.		C					
Farm labor housing as an accessory use to a farm		C	C				
Farm market/roadside stand.	P	P	P				
Farms and farming operations, including a riding academy or stable.	P	P	P				
Growing, stripping and removal therefrom of sod provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.	P	P					
Landscape nurseries, greenhouses, and landscaping businesses		C					
Maintenance of animals, not as part of a farm or farm operation and not for the purpose of commercial production of farm products	P	P	P				
Pick your own agricultural products including berries and similar products.	P	P	P				
Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.	P	P	P				
Raising or growing of plants, trees, shrubs and nursery stock.	P	P					
Removal of soil, sand, gravel, and other materials. See section 36-700.		C					
RECREATIONAL USES							
Club, golf course and country club house, swimming pool, golf driving range, and sale of food, beverages, and recreation equipment which is incidental to a permitted principal recreation use.	C						
Country club, public swimming pool, and recreation club, public and private park and playground			C	C			
Golf course with golf driving range.			C	C		P	
Gun clubs		C					
Marinas, boat launching facilities, and related sales and services, and similar water-related uses and structures; public beaches, swimming pools, and bathhouses	C						
Public and private camping ground.	C						
Public and private recreation areas, such as forest preserves, game refuges, recreation parks and reservations, and similar public and private use of low intensity use.		P	P				
Public or private forest preserve, game refuge, park, or similar recreation areas of low density and which utilize the natural features of the land.	P						
Public or private park, camping ground, golf course, golf driving range, club, hunting lodge, garden nursery, commercial greenhouse, and livestock auction yard		C					
PUBLIC UTILITIES							
Commercial communications		C	C				
Commercial communications apparatus, if located on existing commercial communications or electrical towers, or other existing appropriate structure	C			C	C	C	C
Distribution lines and structures, not including buildings, of essential services	P		P				
Essential services	C	C	C	C		C	
Public utility structure located on the surface of the ground including but not limited to transformer sub-stations, pumping stations, communications relay stations, gas and steam regulating valves and stations		C		C	C		
Public utility structures	C		C				

**Northfield Township
Residential District Use Matrix**

	RC	AR	LR	SR-1	SR-2	MR	MHP
Sanitary land fill site.		C					
Transmission lines and structures, not including buildings, of essential services	C						
OTHER USES							
Airport.		C					
Bed and breakfast operations.	C	P	C	C	C		
Commercial and service establishments							C
Funeral establishment.						C	
Radio and television broadcasting and receiving antenna	C	C					
Sawmills.		C					
Woodworking shop involved in the making of cabinets, furniture, and similar products from wood, but not including a sawmill		C					