



PLANNING COMMISSION

Thursday, September 11, 2014

1. Roll Call – 7:00 P.M. – City Hall Community Room
2. Planners Moments – “Infill Development” and “Great Lakes Levels”
3. New Business
 - (a) Discussion of Single Family Zoning District Code Issues
4. Updates
5. Adjournment



BOARD: Planning Commission

MEETING DATE: September 11, 2014

DATE PREPARED: September 2, 2014

AGENDA SUBJECT: Single Family District Amendments

RECOMMENDATION: Discussion/Direction

Several issues with the single family districts have come up over the years, which need direction for possible changes. Below are three subjects to begin with.

Home Businesses

The definition that was recently adopted is: “An enterprise or activity conducted by the occupant of the dwelling unit that is secondary and incidental to the primary use of the dwelling as a residence.”

Currently, the ordinance allows “Home Occupations” in the R-3 Single Family Zoning District, but not the R1 and R2 Districts, although we know there are many home-based businesses that exist, and others, such as bed and breakfasts, that are allowed to exist with restrictions and licensing. We also know that many entrepreneurs begin businesses in their homes, and that if it is a goal to promote entrepreneurs, these types of ventures should be allowed. Looking at other ordinances, the common restrictions are listed below. Staff recommends the restrictions that are highlighted be added to the R1 and R2 Districts language, which would then carry into the R-3, RM-1 and RM-2 districts.

Home Businesses that meet the following requirements:

1. Are incidental to the primary residential use.
2. Are conducted entirely within the principal residential building, and not evident in any way from the street or from any neighboring premises; No business signs are allowed.
3. Are carried on only by the inhabitants of the building plus not more than one nonresident.
4. Do not involve any outdoor activities, and have no visible display or storage of goods from outside the dwelling unit.
5. Do not change the character of the building in which it is conducted and do not constitute, create or increase a nuisance.
6. Employ only mechanical equipment which is similar in power usage and type used for household purposes, home offices, or hobby workshops.
7. Devote no more than twenty-five (25) percent of the principal building to the home business.
8. On-site sale of merchandise shall be limited to:

a. Items commonly traded or collected or occasionally bought and sold by hobbyists (i.e. antiques, stamps, coins, comics, etc.), but not including automobiles or firearms.

b. Crafts and artistic products produced on-site

9. Client traffic is restricted to the hours of 8:00 a.m. and 6:00 p.m.
10. Must not require parking spaces in excess two (2) spaces, located in the driveway or on the street directly adjacent to the property.
11. Must not generate noise, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines. Furthermore, the home business shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
12. Must provide sufficient solid waste receptacles sufficiently screened and maintain the property free of debris.
13. Must not generate vehicle trips in excess of ten (10) trips per day.

Lot Coverage

The Commission did preliminarily discuss the 30% lot coverage requirement, but as one of the most frequent variance requests (and approvals), further discussion is warranted.

One of the most common issues faced by the Zoning Board of Appeals is a request for a lot coverage variance, and often the requests are for lots that do not meet the current zoning size requirements. Having a non-conforming lot, when there are other non-conforming lots in the area is not truly a practical difficulty, although this has frequently been the finding of the ZBA.

While the newer platted or subdivided areas of the City have larger lots, a fairly standard City lot is 45'-50' x 145'-150' or between 6,750 and 7,500 square feet. However, there are also many lots that are smaller. When adopted, the Zoning Ordinance Bulk Standards created the following requirements:

| Zoning District | Minimum lot size (square feet) | Current Lot Coverage Ratio | Structure coverage area (square feet) |
|-----------------|--------------------------------|----------------------------|---------------------------------------|
| R1 | 8,400 | 30% | 2,520 |
| R2 | 7,200 | 30% | 2,160 |
| R3 | 6,000 | 30% | 1,800 |

As we have non-conforming sized lots that exist, should we provide an allowance for these situations? For example, if a R2-zoned lot is only 6,500 square feet (50' x 130'), allowing the same footprint of structures (2,160 square feet) as an R2 lot that met the lot minimum would result in 36% lot coverage. Is it reasonable to allow a lot of less than 7,200 square feet increased lot coverage, perhaps in the 34%-35% range? Or, allow an increased coverage as a special condition use?

To clarify, the coverage ratio is for roofed structures and does not include impervious areas. We know that the best way to reduce storm-water runoff is to reduce impervious surfaces. Should we change the lot coverage calculation to include all impervious areas, not just structures? Two

communities that use impervious area for lot coverage are do this are Traverse City (45% maximum impervious area but exempts areas for pedestrian circulation or recreational areas from the ratio) and Charlevoix (40% lot coverage, or up to 50% for lots less than the minimum district lot size). Making this type of change would increase the coverage ratio, but would also need more research to come up with a reasonable percentage for our community.

Garages and Accessory Buildings

This issue ties into lot coverage as well as setbacks, but also use issues such as office space or accessory dwelling units.

| | Rear-yard Setbacks | Height (measured roof midpoint) | Use |
|----------|---------------------------|--|---|
| Attached | 35 feet | 25 feet | Same as principal building |
| Detached | 3 feet | 14 feet | Storage only; ZBA may approve use for other purpose |

As garages are one of the most common requests, staff would like direction from the commission on the following:

- Given the many non-conforming accessory structures, would the Commission consider increasing the height allowance for a detached garage? As an example, Traverse City allows accessory buildings to be 25 feet or height of principal building, whichever is less (at roof midpoint).
- Staff's supposition for why an attached garage must meet principal building setbacks while a detached garage can be 3 feet from the property line is that an attached garage could have living space in it and be the same height at the house. But if an attached garage does not have living space, could it be allowed to be closer than 35 feet to the rear property line?
- The issue of accessory dwelling units (ADU) was discussed in the master plan, but no further action has occurred. Such a unit could currently be approved by the Zoning Board of Appeals, but staff thinks this is something that should either be established with conditions as an allowed use (Traverse City allows as a temporary use), or be reviewed by the Planning Commission as a special condition use (Boyne City allows as a special condition use on a owner-occupied property). Staff would like direction from the Commission on whether or how this is something that should be considered in the single family districts.