



PLANNING COMMISSION

Thursday, November 13, 2014

1. Roll Call – 7:00 P.M. – City Hall Community Room

2. Old Business
 - (a) Discuss presentation of the Emmet County Housing Target Market Analysis
 - (b) Continued discussion of single family district amendments

3. Updates

4. Adjournment



BOARD: Planning Commission

MEETING DATE: November 13, 2014

DATE PREPARED: November 4, 2014

AGENDA SUBJECT: Emmet County TMA

RECOMMENDATION: Discussion

Several Commissioners will be attending the presentation by Networks Northwest on the housing market analysis, so we will take time to discuss the information provided as it relates to planning and zoning code change efforts.



BOARD: Planning Commission

MEETING DATE: November 13, 2014

DATE PREPARED: November 4, 2014

AGENDA SUBJECT: Single Family District Amendments

RECOMMENDATION: Discussion/Direction

At its September special meeting the Commission began its review of provisions within the single family districts, including home businesses, lot coverage, and garages and accessory structures. We will continue with discussion of lot coverage and accessory buildings at the November meeting.

Lot Coverage

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

The Commission asked for more information on the lot coverage issue. Looking at the ZBA requests, it is becoming a more frequent request, but is far less common than setback variance requests. The enclosed information summarizes some of these requests. First, the spreadsheet shows how conforming – or not- the property was before the request and what the end result of the variance was. Commissioners may want to visit the properties noted to get a better feel for how ‘built up’ the lot is after the request. If available, before and after ortho photos of the request were provided.

What is interesting is that several of the cases involved lots that were not non-conforming to their districts before the request. A 30% lot coverage for a standard City lot appears to be sufficient in most cases, but if encouraging use of existing structures and density are goals, should there be flexibility in the ordinance for smaller lots? Again, a fairly standard R2 District lot is between 6,750 and 7,500 square feet. Allowing a 6,500 square foot lot (50’ x 130’) the same footprint of structures as a standard R2 lot (2,160 square feet) would result in a 33.2% lot coverage. In the R-3 District, allowing 2,000 square feet of lot coverage is 33.3%.

How to provide visuals of a change across districts and lot sizes is

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? Or, if a certain amount of yard was maintained if the concern is lack of open space?
- 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.

Special Condition Uses

The Commission had discussed uses are required to go through the special condition use approval process in the R-1 and R-2 Single Family Districts back in 2013 and made several recommendations. Staff recommends that the Commission review these uses and their conditions of approval further to determine whether changes are needed. Staff has highlighted language that has previously been discussed as to needing an update, and suggested possible changes.

1. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. Buildings of greater than maximum height allowed in Article XVI Schedule of Regulations may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - b. The site has frontage or direct access to an existing or planned ~~major or collector~~ **principal or minor arterial** thoroughfare.

Should there be a size restriction on this use in the single family districts that would minimize the impact of parking areas?

2. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit, subject to the following condition: The site has frontage or direct access to an existing or planned ~~major or collector thoroughfare.~~ **Principal or minor arterial.**

Most existing schools are on collector streets, but if a new school were to be built, should it be allowed on a collector or only an arterial?

3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
4. Non-public recreational areas and recreation facilities when not operated for profit and primarily intended to serve residents of the immediate neighborhood ~~when approved by the Zoning Board of Appeals after first holding a public hearing.~~

I don't know why this would go to the ZBA. What constitutes "the immediate neighborhood"? I would assume this would not be a regional YMCA, but should this type of use also be limited to location on a collector or arterial? Should it have a size restriction?

5. ~~Golf courses, subject to the following requirements:~~
 - a. ~~The said use does not impair the natural appearance of the land or tend to produce unreasonable noise or annoyance to surrounding properties.~~
 - b. ~~The clubhouse, other structures and accessory buildings, as well as parking facilities pertaining to the use, shall have direct access to a major or collector thoroughfare and shall be located no closer than one hundred (100) feet from any adjacent residential lot lines.~~
 - c. ~~No business activities other than those directly related to golf or to the operation of a country club shall be permitted.~~

The Commission felt this would fall under the non-public recreational areas and facilities above.

6. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
 - b. All access to said site shall be directly from a major or collector thoroughfare. a principal or minor arterial.**
 - c. No building shall be closer than eighty (80) feet to any property line.
7. Cemeteries subject to the following:
 - a. All sides of the cemetery shall be adequately screened from any residential view.
 - b. All access to said site shall be directly from a major or collector thoroughfare.

8. Municipal office buildings when in character with the neighborhood.
9. ~~Private swimming pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:~~
 - a. ~~No swimming pool shall be located less than thirty-five (35) feet from any lot line.~~
 - b. ~~No swimming pool shall be located in an easement.~~
 - c. ~~For the protection of the general public all swimming pools shall be completely enclosed by a fence not less than six (6) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use.~~

The Commission felt these would be considered an accessory use and fencing issue would be addressed by the building code.

10. ~~Public or private swimming pool clubs subject to the following conditions:~~
 - a. ~~Front, side and rear yards shall be at least eighty (80) feet wide. There shall be no parking or structures permitted in these yards. The yards herein required shall be landscaped and planted in grass.~~
 - b. ~~Buildings on the premises shall not exceed one (1) story in height.~~
 - c. ~~Whenever the parking plan is laid out so as to beam automobile headlights toward any residential land, an obscuring wall, at least four feet six inches (4'-6") in height, shall be provided along that entire side of the parking area.~~
 - d. ~~Whenever a swimming pool is constructed, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be provided by means of a controlled gate.~~

The Commission felt these would fall under the non-public recreational areas and facilities above.

11. Accessory buildings and uses customarily incident to any of the above permitted uses.
12. ~~Duplexes~~ **Two-family dwellings** subject to the following standards:
 - a. **All regulations as contained in Article XVI, Section 1600, Schedule of Regulation for Uses, in accordance with the district in which the parcel is located. (NOTE: This means the structure would have to meet the setbacks, height and lot coverage of single family dwellings).**
 - b. ~~Lot width and area shall be twice the minimum required for a single-family residence in the zoning district in which the parcel is located.~~
 - c. ~~Side yards shall be at least ten (10) feet.~~
 - d. **A duplex two-family dwelling shall meet parking requirements of Section 1704.**
 - e. **A two-family dwelling shall not allow a garage to protrude beyond the front building plane.** ~~shall not be constructed on a parcel that shares a common lot line or lot corner with an existing duplex parcel.~~

The Commission has discussed the efficiency of two-family dwellings and that it is a housing type that could be allowed under special condition provisions in the R1 and R2 Districts. Staff believes the form of the two-family dwelling is what is important to complement a neighborhood, which is why the language on garages was added – to avoid “snout houses” – but this is just an attempt at language. Is it more the conversion of single family homes to two family homes or construction of new two family homes we want to address?

Are there other uses that could be considered in single family districts with certain conditions attached, such as group daycare homes (state definition is 7-12 children)? Currently, daycare homes with up to 6 are currently a permitted use in all districts and group daycare homes and centers are allowed in the RM-1 District and higher. Do we want to try and address urban agriculture again, perhaps for lots of a certain size?

CASE	ADDRESS	DISTRICT	CODE MINIMUM LOT AREA	ACTUAL LOT AREA	DISTRICT LOT COVERAGE ALLOWANCE	LOT COVERAGE BEFORE REQUEST	REQUESTED LOT COVERAGE	Use	
553	404 LIBERTY	RM2	8400	2250	30%	58	70	carport	approved
733	513 BAY	R1	8400	7500	30%	28%	32%	detached garage	approved
761	616 MICHIGAN	R2	7200	7250	30%	30%	36%	house addition	approved
763	114 E LAKE STREET	OS	8400	1875	30%	42%	49%	new house with attached garage	approved
771	105 DIVISION	R1	8400	8004	30%	34%	40%	attached garage	approved
788	602 STATE	R2	7200	5194	30%	32%	33.30%	house addition	approved
797	438 GROVE	R3	6000	7320	30%	30%	34%	detached garage	approved
799	448 GROVE	R3	6000	7320	30%	30%	32%	detached garage	denied
804	325 WATER	RM2	8400	3500	30%	34%	37.70%	house addition	denied

CASE	ADDRESS	DISTRICT	REQUIRED SETBACK	SETBACK BEFORE REQUEST	REQUESTED SETBACK	USE	
728	618 E LAKE	R2	35	51	3	Attach the house and garage	approved
766	820 STATE	R2	35	45	16.5	Attach the house and garage	approved

105 Division Street before variance



105 Division Street after variance



616 Michigan Street before variance



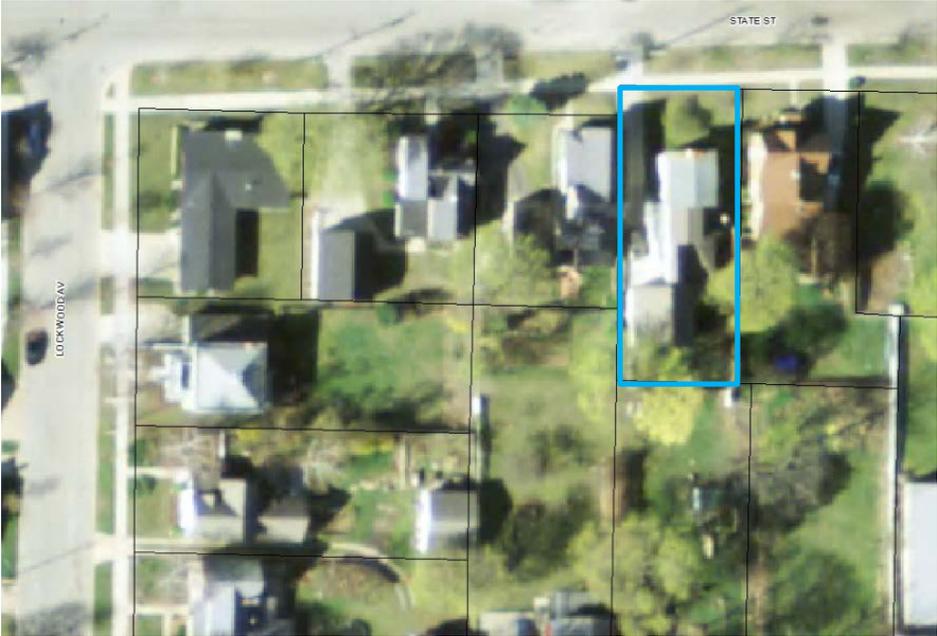
616 Michigan Street after variance



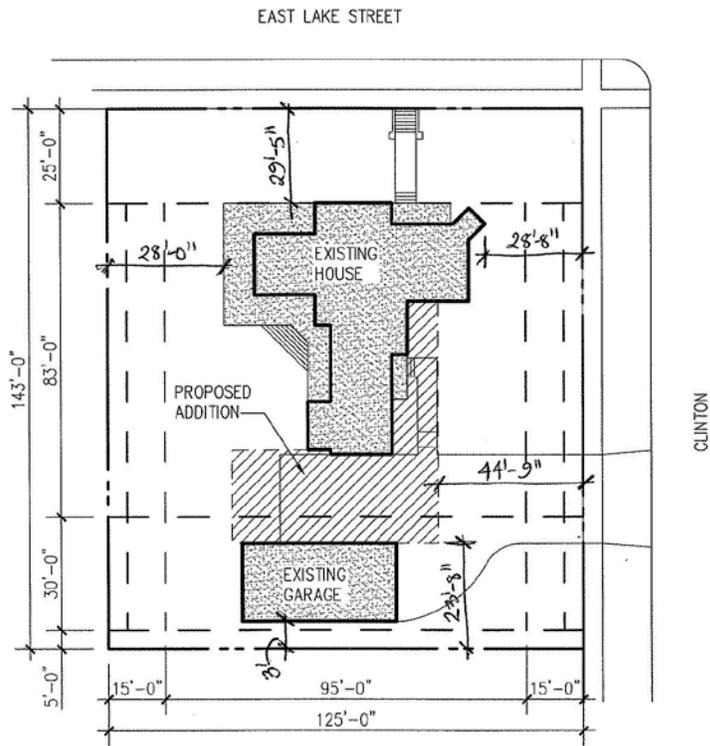
820 State Street before setback variance



820 State Street after setback variance



618 E Lake Street before variance (rear-yard setback to attach existing carriage house)



618 E Lake Street before variance (to attach existing carriage house)

