



**PLANNING COMMISSION
AND CITY COUNCIL**

January 28, 2019

A special joint Planning Commission and City Council meeting was held in the City Hall Council Chambers, Petoskey, Michigan, on Thursday, January 28, 2019. Roll was called at 5:30 P.M. and the following were:

Present: John Murphy, Mayor
Kate Marshall
Suzanne Shumway
Grant Dittmar
Lindsey Walker

Emily Meyerson, Chairperson
Dana Andrews
Cynthia Linn Robson
Rick Neumann
Ted Pall
Eric Yetter

Absent: Betony Braddock
Dean Burns

Others: Jonathan Scheel, 506 N Division
Michael Shumway, 907 Lindell Ave

Staff: Rob Straebel, City Manager
Amy Tweeten, City Planner

Planning Commission Chairperson Meyerson provided background on why the Commission had requested the meeting, the role of the Planning Commission according to the Planning Enabling Act and Zoning Enabling Act, specifically in regard to holding public hearings on zoning ordinance amendments. She explained that the ways ordinance changes are initiated will vary from the City Council requesting a change, to the public bringing issues forward, to addressing community issues proactively.

Fence regulations

Chairperson Meyerson explained that the discussion stemmed from issues brought forward by residents regarding garden fences, but also the number of variance requests for front yard fences. The issue had been extensively discussed before and the Commission had reviewed the past minutes and background information provided, but given the issue of gardens and the ZBA direction to the variance applicant to approach the Planning Commission, the Commission took the issue up again, drafted language and held a public hearing. The Commission wanted to discuss the language with Council and hear concerns to make a better ordinance before making a recommendation.

Council members asked how many variance requests there had been, how the 50% open was calculated and its significance, how many people attended the public hearing, how fence maintenance would be enforced.

Staff responded that there had been at least two corner-front yard fence variance denied, but at least three approved. Fences pre-existing the ordinance as well as fences granted through variances add to the confusion. The 50% is calculated by amount of solid versus open area – if a picket fence had pickets the same width as the opening. There had been two people who spoke at the public hearing, both of whom had installed fencing for garden purposes.

Council members further commented that there is a concern with front yard fence aesthetics creating a disunity in the landscape, that if front yard fences are to be allowed they should be 6 feet all around and solid, that enforcement is an issue as there is no enforcement officer, that government should not be regulating aesthetics, that there is a concern with corner yards, that deer can jump a five foot fence and repellent is effective for gardens, that there is a community garden that can be used rather than fencing a front yard, and that the social media campaign regarding the garden fencing had been effective and the process of bringing issues forward had worked.

Commissioners commented a 42" fence is more welcoming than a six foot solid fence, that many ordinances had been looked at to come up with proposed language, that there are a lot of existing fences on Lockwood Avenue and they are maintained and attractive, that enforcement is an issue every time an ordinance is adopted because enforcement is complaint driven, that with all the research done there was not another community found that didn't allow front yard fences, that allowing corner front yard fences allows more use of property on a corner lot, that regulating fencing is important as it contributes to a community sense of place and openness.

Staff noted that while it is being addressed as a fencing issue, the Commission discussed the front yard gardens in the context of urban agriculture and whether it is something we want to encourage for community sustainability purposes.

At this time the meeting was opened to public comment. Jonathan Scheel, 506 N. Division Road, commented that he had a concern about front yard garden fences and did not support the use of chicken wire as an allowed material. Michael Shumway, 907 Lindell raised a concern about dogs enclosed in front yards and that there should be a greater setback for this reason.

Accessory Dwelling Units

Staff explained that this was a topic initiated by the Commission as one of many ways to allow the creating of housing, and that there was not consensus by the Commission which is why input of Council is wanted before continuing discussion.

Commissioners noted the concerns of ADUs becoming vacation rentals, particularly if state legislation passes that prohibits regulation of short-term rentals; that enforcement again becomes an issue and that there are incentives for people to not comply; that they allow an increase in density where people want to live and provide options; that while there is a need for housing, there is too much of a concern about them becoming vacation rentals; that given cost of construction there won't be a sudden increase in requests but that it is a tool that a lot of communities are using.

Council members asked about the current vacation rental regulations and whether a business can be put in an accessory building; stated that there is a cost to neighbors if another unit is put in a backyard; that young people are in favor of ADUs but there would be enforcement issues; that this is just a tool to address housing needs and not a complete solution and that the role of government in the housing crisis is to eliminate barriers which allowing ADUs would accomplish; that it is an important issue and if the owner were on the premise it would be less likely to bring the neighborhood down; that a pilot program is an interesting idea; and that addressing the neighborhood character and enforcement is needed.

Commissioners commented that they had not discussed minimum lot size but that there may be a way to develop ordinance language that is sensitive to neighborhood character.

The public was invited to comment. Johnathan Scheel stated he was in support of ADUs and that Charlevoix has an enforcement officer to address the ordinance issues that were raised.

The consensus was that the Commission should continue its discussion of ADUs.

The meeting adjourned at 7:30 p.m.

Minutes reviewed by Dana Andrews, Vice Chair/Secretary

John Murphy, Mayor

Alan Terry, Clerk-Treasurer