



CITY COUNCIL AND PLANNING COMMISSION

November 8, 2021

Special Joint Meeting

1. Call to Order - 5:30 P.M. – City Council Chambers
2. Recitation - Pledge of Allegiance to the Flag of the United States of America
3. Roll Call
4. New Business
 - (a) Discussion of roles and responsibilities of the Planning Commission versus City Council
 - (b) Review and discussion of proposed ordinance amendments
 - (c) Discussion of current zoning issues and possible future amendments
5. Public Comment – This is an opportunity for the public to comment on items not on the meeting agenda
6. Adjournment

Alternatively, join the meeting via the Zoom platform

<https://us02web.zoom.us/j/87460100394>

Dial by Phone: 888-788-0099 US Toll-free

Meeting ID: 874 6010 0394

Persons with disabilities who require assistance in order to participate in the electronic public meeting should contact the City Clerk at the earliest opportunity by emailing aterry@petoskey.us or by calling 231-347-2500 to request assistance.

Persons interested in addressing the Planning Commission or City Council during the meeting under public comment period can press the “raise hand” button or send a chat message in Zoom or by phone press *9.

Public meetings are being monitored and violations of statutes will be prosecuted.



BOARD: City Council

MEETING DATE: November 8, 2021 **DATE PREPARED:** November 3, 2021

AGENDA SUBJECT: Planning Commission Recommended Ordinance Amendments to Remove Barriers to Housing Construction

RECOMMENDATION: Discussion

Background Beginning in May, 2021, the Planning Commission has been reviewing different sections of the zoning and subdivision ordinances to remove barriers to housing construction. At its October 21 meeting, the Commission held a public hearing on several changes that will be coming forward for ordinance introduction at the November 15 City Council meeting. The Commission also began discussion on changes in the single and multiple family districts but has yet to schedule a hearing.

Discussion The marked-up ordinance language for which the Commission held a hearing, made changes and is recommending to City Council is enclosed. Again, none of these changes will create housing, but may improve the likelihood that housing is constructed.

A. Appendix B to the Code of Ordinances, Subdivision (Section 1503)

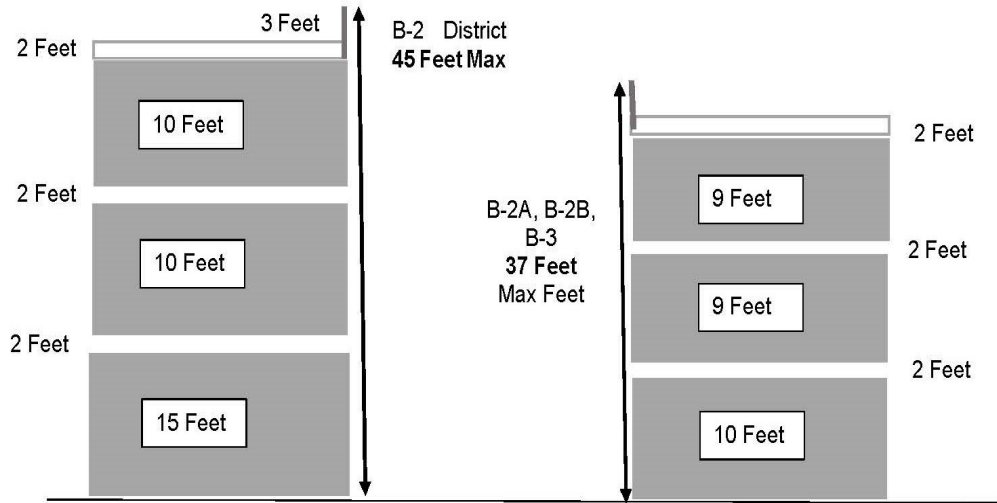
The one proposed change is to reduce the width requirement of private streets, while still allowing access by Public Safety vehicles.

B. Appendix A to the Code of Ordinances, Zoning

The proposed changes in the business and industrial districts (Sections 801, 1001, 1201, 1401, and 2601) would eliminate density restrictions. This allows a developer to determine the number of units based on other zoning requirements including building height, parking, and setbacks rather than an arbitrary calculation based on lot size.

The proposed building height changes in the B-2, B-2A, B-2B, B-3 and O-S Districts do not increase the number of stories in any district (number of stories in the O-S District is reduced), but allow for taller floor to ceiling heights, which improve the feasibility of a project and make it more likely to occur.

	Existing building height maximum	Proposed building height maximum
B-2, CBD	3 stories, 40 feet	3 stories, 45 feet
B-2A, B-2B	3 stories, 33 feet	3 stories, 37 feet
B-3	2 stories, 25 feet	2 stories, 30 feet
O-S	3 stories, 30 feet	2 stories, 30 feet



These height limits will also be changed in Section 1600, Schedule of Regulations.

Action No action required, these changes will be before City Council at the November 15 meeting.

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Enclosures

Proposed Subdivision and Zoning Ordinance Changes

Subdivision Ordinance (Appendix B to the Code of Ordinances)

Article XV. Standards for Private Roads

Sec. 1503. - Standards for size and type of road.

All private roads shall be paved and shall have a minimum paved width of 20 feet. A private road that is greater than 300 feet in length shall have emergency vehicle turnarounds subject to review and approval by the city. Parking restrictions shall be reviewed and approved by city staff.

~~A private road that provides access to eight or more single-family or duplex dwelling units shall be a minimum of 32 feet of paved width.~~

Zoning Ordinance (Appendix A to the Code of Ordinances) changes to eliminate density restrictions in the business and industrial districts

Sec. 801. - Principal uses permitted.

In a **B-1 Local Business District**, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance:

1. Any residential uses permitted in the RM-2 Multiple-family Residential District. Uses shall be subject to the regulations of the B-1 district.

~~All uses permitted and as regulated in the RM-2 Multiple-Family Residential District.~~

Sec. 1001. - Principal uses permitted.

In a **B-3 General Business District**, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance:

1. Any commercial uses permitted in the B-2 district and any residential uses permitted in the RM-2 Multiple-family Residential District. Uses shall be subject to the regulations of the B-3 district.

~~Any commercial use permitted in the B-2 district subject to the conditions of the B-3 district, except residential uses which shall be permitted as regulated in the RM-2 district.~~

Sec. 1201. - Principal uses permitted.

In an **O-S Office Service District**, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance:

1. Any residential uses permitted in the RM-2 Multiple-family Residential District. Uses shall be subject to the regulations of the O-S District.

~~All uses permitted and as regulated in the RM-2 Multiple-Family District.~~

Sec. 1401. - Principal uses permitted.

In an **I-2 General Industrial District**, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance.

1. Any uses permitted in the I-1 Light Industrial District and any residential uses permitted in the RM-2 Multiple-family Residential District. Uses shall be subject to the regulations of the I-2 General Industrial District.

~~All uses permitted in the I-1 Light Industrial District except residential uses shall be regulated as in the RM-2 Multiple Family District.~~

Sec. 2601. - Principal uses permitted and principal uses permitted subject to special conditions.

In a B-3B Business Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

- (1) Any uses permitted in the I-1 Light Industrial District including residential uses permitted in the RM-2 Multiple Family Residential District, provided that:
 - a. All uses shall be subject to the regulations of the B-3 Business Industrial District.
~~Residential uses shall be allowed with the permitted density and setback requirements of the RM-2 district; and~~

Zoning Ordinance Height Changes

Section 902 Table 9.3 Building Form

Building Height Maximum *	3 Stories, 40 45 Feet
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Section 2901 Table 2901.2

Building Height	3 stories, 33 37 Feet
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Section 3001 Table 3001.2

Building Height	3 stories, 33 37 Feet
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Section 1600 Schedule of Regulations

In addition to the changes above that would also be included in the Schedule of Regulations, the following changes are proposed

B-3 General Business District Maximum Height 2 stories, ~~25~~ 30 feet

O-S Office Service District Maximum Height ~~3~~ 2 stories, 30 feet



BOARD: City Council and Planning Commission

MEETING DATE: November 8, 2021 **DATE PREPARED:** November 3, 2021

AGENDA SUBJECT: Additional Ordinance Amendments to Remove Housing Construction Barriers

RECOMMENDATION: Discussion/direction

Background

After holding a hearing and recommending changes at its October 21 meeting, the Commission began discussion on additional zoning changes in the single and multiple family districts to remove housing construction barriers, but has yet to schedule a hearing.

Discussion

Below are numerous changes being discussed by the Planning Commission. The changes would allow two family dwellings as a permitted use in the single family districts, accessory dwelling units, would move bed and breakfasts from permitted to special condition uses in all residential districts (traditional B&Bs, not short term rentals), could change or eliminate minimum house sizes, would remove restrictions on day care centers, would clarify current ordinance language regarding density in the multiple family districts and how single family dwellings in multiple family districts are regulated, could change parking requirements for residential uses and regulate rooftop decks.

Changes to the R-1 and R-2 Single Family Districts (red strikethroughs are existing language proposed to be eliminated and highlights are proposed new text)

1. Change the Intent statement to acknowledge that we currently have, and may allow additional, two plus unit dwellings and accessory dwellings.

Sec. 400. - Intent.

~~The R-1 and R-2 Single-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially-related facilities which serve the residents in the district.~~

The R-1 and R-2 Single-Family Residential Districts are intended to continue the historic development pattern of primarily single family detached dwellings, with limited two and three-unit dwellings and accessory dwellings along with other residentially related facilities which serve the residents in the district.

2. Change the wording for the minimum single family detached dwelling size from 24'x24' to 576 square feet. The language provides additional flexibility if someone wanted a dwelling with different dimension. Another alternative would be to eliminate the minimum dwelling size altogether, while maintaining the other requirements.

Sec. 401. - Principal uses permitted.

1. Single-family detached dwellings provided that such dwellings meet the following minimum standards:

- a. The dwelling and any additions to said dwelling shall be permanently anchored to a foundation. The foundation shall be constructed in accordance with the ~~city building code~~ Michigan Building Code and all state regulations.
- b. The dwelling shall have permanently attached steps connected to the exterior door areas or to porches connected to said door areas where there is a difference in elevation between the dwelling floor and exterior grade or porch of seven and one-half inches or more.
- c. The dwelling unit shall have a minimum ~~exterior width of 24 feet and a minimum depth of 24 feet. Attached garages shall not be included in width or depth measurements.~~ **foot print of 576 square feet, not including an attached garage.**
- d. The dwelling roof shall meet the live load standards of the ~~city building code~~ **Michigan Building Code.**
- e. Wheels, towing or transportation mechanisms shall be removed from mobile- or modular-type dwelling units. The mobile or modular dwelling units shall be installed pursuant to the manufacturer's setup instructions.
- f. In addition to the requirements of paragraphs a., e. above, in the case of a mobile home, the mobile home shall be secured by an anchoring system compatible with those required by the Michigan Mobile Home Commission regulations. Mobile homes shall also comply with U.S. Department of Housing and Urban Development construction safety and energy standards. (Effective June 16, 1976.)

3. Change Bed and Breakfast operations from a permitted to a special condition use, requiring notification of neighbors.
4. Move two-family attached dwellings to permitted rather than special condition use. This would mean that a two-family dwelling, or the conversion of a single family dwelling to two-units would be an administrative review. The standards for lot coverage, setbacks and parking would remain, but it would now be a use by right. The design parameters that were previously listed under attached accessory dwelling units are now included.

Sec. 401. - Principal uses permitted.

8. **Two-family attached dwellings subject to the following standards:**

- a. **All regulations as contained in article XVI, section 1600, Schedule limiting height, bulk, density and area by zoning district, in accordance with the district in which the parcel is located.**
- b. **A two-family dwelling shall meet parking requirements of section 1704.**
- c. **A two-family dwelling shall not allow a garage to protrude beyond the front building plane.**
- d. **The second dwelling entrance shall only be located on a non-street fronting building façade.**
- e. **An exterior stairway to an upper level dwelling shall only be located on the side or rear of the structure and within the required building setbacks.**

5. Allow one (1) accessory dwelling unit subject to conditions. While ADUs may not solve the housing crisis, they do allow for additional residential units, at a low density scale, and where infrastructure already exists. If a limited number are allowed annually, it will give time to evaluate the impact in the event a change to the regulations is needed.

Sec. 401. - Principal uses permitted.

9. One (1) accessory dwelling unit (ADU) is allowed per residential lot subject to the following standards:

- a. An ADU is permitted on a parcel that has 1 single-family dwelling as the permitted principal use.
- b. The property owner shall occupy either the ADU or the single-family dwelling on the property, except for temporary absences not to exceed a combined total of six (6) months in a calendar year.
- c. An ADU shall not exceed 600 Square Feet.
- d. The property cannot exceed the lot coverage allowances of Section 1600 of the Zoning Ordinance.
- e. At least one (1) off-street parking space shall be provided for the ADU. Tandem or stacked parking in a driveway may count toward the off-street parking requirement.
- f. An ADU is not allowed on a property with a shared driveway.
- g. Leasing or rental of the ADU for less than three (3) months is prohibited.
- h. The accessory dwelling unit shall NOT have separate utility laterals.
- i. A deed restriction that runs with the land, on a form to be provided by the city, shall be filed with the Register of Deeds prior to issuance of occupancy, and it shall incorporate the following restrictions:
 - 1) The ADU may not be sold separately from the single-family dwelling.
 - 2) The owner occupancy requirement and rental time limits.
 - 3) The deed restriction shall be in effect until the ADU is removed.
- j. No more than 10 (15) new accessory dwelling units shall be permitted in a calendar year.
- k. The ADU cannot exceed 1 ½ stories and 16 feet, or the height of the principal structure, whichever is less.
- l. ADUs are only allowed in a rear yard and must have a minimum side-yard setback of five (5) feet, and a rear-yard setback of 15 feet. If located on an alley, accessory building setbacks shall apply.

Staff recommended changes to the RM-1 and RM-2 Multiple Family Districts.

Additional changes to incorporate form standards will follow, but these proposed changes will help clarify some of the language in the ordinance.

1. RM-1 District – changing the requirement for single family dwellings in the multiple family districts to the R-2 District standards, specifying that multiple family density requirements are provided in Section 1600(e)(1), and removing language about outdoor play area for day care centers and instead making subject to state regulations to not overly burden daycare providers who are critically needed.

Sec. 601. - Principal uses permitted.

- (1) All uses permitted and as regulated in the R-1 through R-3 Single-Family Residential Districts with the lot area and yards equal to **at least** the requirements of **the R-2 immediately abutting** Single-Family Residential District.

- (2) Multiple-family dwellings subject to Section 1600(e)(1).

Sec. 603. - Principal uses permitted subject to special conditions.

(1) Nursery schools, day nurseries, child-care centers (not including dormitories or family day-care homes), and group day-care homes (seven or more minor children), subject to state regulations. ~~provided that for each child so cared for, there is provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a minimum area of at least 1,200 square feet, and shall be fenced or screened from any adjoining residential land with planting.~~

2. RM-2 District – updating the Intent section to accurately reflect the areas of the City that are currently zoned RM-2, specifying where density regulations for multiple family dwellings are located (1600(e)(2)) and clarifying that single family dwellings are regulated by the R-2 Single Family District Standards.

Sec. 700. - Intent.

The RM-2 Multiple-Family Residential District ~~is designed to provides sites~~ provides a mix of residential uses from single family up to intermediate density multiple-family dwelling structures ~~primarily~~ in close proximity to high traffic and pedestrian generators such as the downtown area. This zone is designed to provide a zone of transition between such generators and other residential zoning districts.

Sec. 701. - Principal uses permitted.

In a RM-2 Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this section:

- (1) All uses permitted and as regulated in the RM-1 Multiple Family District with the following requirements:
 - a. Multiple family dwellings regulated according to Section 1600 (e)(2)
 - b. Single Family dwellings subject to the R-2 Single Family Residential District standards.

Proposed Changes to Section 1600 Schedule of Regulations

Based on the changes above and other needed clarifications, also enclosed are staff recommended changes to Section 1600 Schedule of Regulations that accomplish the following:

1. Eliminates footnote F that contradicts other RM-1 and RM-2 District standards;
2. Eliminates footnote G that conflicts with the requirement in Section 1704 that parking be put in the rear or side yard and screened;
3. Adds footnotes B and C to the RM-2 District that allows averaging front yard setbacks of adjacent buildings rather than using the standard 25 foot front yard setback, as is allowed in the single family districts.
4. The Commission previously discussed the B-3A Resort Commercial District, but decided to postpone further consideration pending completion of the master plan and as there were no pending reconstruction plans for the America's Best Hotel (agenda memo from 2019 enclosed). This is the district along Spring Street where there are numerous hotels over the existing district limit of 2 stories 25 feet (which was reduced from 4 stories 40 feet in 1988). The large setback of this district from Spring Street (50 feet) maintains the public view shed of Little Traverse Bay, thus staff believes that this district also warrants at least a three-story maximum height. So these standards are highlighted in the table.

Proposed Changes to Parking Requirements

Parking requirements take up a large amount of a redevelopment site. While parking is necessary, reducing the required amount of parking decreases housing development costs and could potentially allow more of a site to be used for housing. Below are ideas previously discussed, but changes to actual ordinance sections are not yet drafted.

Pros:

- Prioritize housing over vehicle storage;
- Petoskey is mostly built out and houses have driveways and garages, so this would not have a large impact on existing neighborhoods; and
- On-street parking is an effective traffic calming method.

Cons/Issues Raised:

- Neighborhood concerns about on-street parking, particularly in winter; and
- Need to move cars for snow removal and street sweeping.

Currently, off-street parking requirements are as follows:

- Single and two family residential – 2 spaces per unit;
- Multiple family residential – 1.5 spaces per unit;
- B-2A and B-2B Districts allow for reduction of 75% of the full requirement; and
- Allowance for Planning Commission to approve up to 20% of requirement to be on-street parking, not to exceed six (6) spaces within 300 feet of property.

Possible Short Term Changes

- Decrease the requirement for one and two family units to one (1) space per unit. As most houses already have off-street parking on driveways or in garages this will not likely greatly impact currently built-out neighborhoods.
- Consider the allowance of no less than 75 percent of full requirement in additional zoning districts (currently B-2A and B-2B), subject to site plan review and demonstrated availability of nearby on-street parking.
- Increase the percent allowed on-street from 20 percent to 50 percent, keeping the maximum number at six (6) spaces.
- Change allowance to an administrative zoning permit approval for changes to existing structures that increase units.
- Allow use of stacking in driveway to meet requirement in single family districts.
- Change requirement for new multiple family construction to a minimum of one (1) space per dwelling unit plus X number of visitor parking spaces and maximum of 1.5 spaces per unit.
- Allow increased lot coverage of buildings if parking provided under-ground or under the building.

Possible Longer Term Changes

- Educate the public on the benefits of on-street parking in neighborhoods as a traffic calming method. Most of our streets are more than wide enough to handle parking and traffic flow.
- Require parking under the building.

Rooftop decks

Currently, roof top decks are not discussed in the ordinance, but because to have one a stairway and/or elevator shaft would likely be needed, it was suggested that regulations be created. Below are the Harbor Springs regulations (modified to incorporate the Michigan Building Code) to frame the discussion.

Definitions

Building, Height Of. The vertical distance from the average elevation of the natural, undisturbed terrain paralleling the front of a building, or if on a street corner, the average elevation of the natural undisturbed terrain paralleling the front and side of a building, measured at the building line to the highest point of the structure, but not including chimneys, spires, life-safety features, mechanical equipment and similar projections.

Deck, Roof Top. A deck constructed above any top plate of a structure and which is designed to function as useable outdoor area.

2) Roof Top Deck Commercial Usage.

Use of a roof top deck for commercial purposes may be permitted in the CBD, B, WF and TR Districts but only as a special land use and only as accessory to the principal use permitted for the building, and subject to the following restrictions:

(a) Planning Commission approval of the roof top deck usage as a special land use must be first obtained.

(b) Any structure on a roof top deck must be permitted under the Zoning Code.

(c) The Planning Commission may limit the number of persons using such roof top deck as determined necessary or advisable by the Planning Commission to prevent the City's noise ordinances from being violated.

(d) A building permit for any roof top deck **construction** activity must be obtained from the Emmet County Building Department and such usage is subject to construction ~~of~~ and maintenance of **all deck components guardrails** and other protective features as required by the **Michigan Building Code**.

(e) Such usage must be screened from view of adjacent properties and the area proposed for such usage shall not exceed fifty (50%) percent of the total square footage of the roof area.

(f) Structures for such usage shall be set back at least five (5) feet from the edge of any roof not fronting on a public street or right of way, and at least fifteen (15) feet from the edge of any roof that fronts on a public street or right of way. Mechanical, heating, or cooling equipment or structures that are required by the Building Code as a health or life-safety feature shall not be subject to this set back requirement.

(g) The dimensional area of all structures (other than a mechanical, heating, or cooling element or one that is required by the Building Code as a health or life-safety feature) shall not exceed fifteen (15%) percent of the square footage of the total top roof area.

(h) Amplified musical instruments are prohibited. Any other music or sound that would violate the City's noise ordinances and restrictions, or would exceed seventy (70) decibels measured at the property line of the property where the deck or patio is located, is prohibited.

(i) Roof top deck usage is permitted only between the hours of 7:00 a.m. and 11:00 p.m., except for special events approved by the City Council.

(j) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties.

Action

The Commission made it through initial discussion of the multiple family district changes at their October meeting and would like input from City Council on which of the many changes it would want brought forward before scheduling a public hearing.

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