



City of Pleasant Ridge  
23925 Woodward Avenue  
Pleasant Ridge, Michigan 48069

Regular Planning Commission Meeting  
Monday, November 24, 2014

Members of the Planning Commission, and Residents: This shall serve as your official notification of the Regular Meeting of the Planning Commission to be held Monday, November 24, 2014, 7:00 P.M., at the Pleasant Ridge City Hall, 23925 Woodward Avenue, Pleasant Ridge, Michigan 48069. The following items are on the Agenda for your consideration:

**REGULAR PLANNING COMMISSION MEETING-7:00 P.M.**

1. Meeting Called to Order.
2. Roll Call.
3. Consideration of the following minutes:
  - a. Public Hearing and Regular Planning Commission Meeting held Monday, October 27, 2014.
4. **PUBLIC DISCUSSION** – Items not on the Agenda.
5. Consideration of the ordinance to amend Chapter 26 of the Pleasant Ridge City Code, *Zoning*; Article 3: *Zoning Districts and Map*, Section 26-3.5 *District Requirements*; Article 4: *Single Family Residential Districts*; and Article 13: *General Provisions*, Section 26-13.1 *Accessory Uses*, to list Accessory Dwelling Units as a Special Land Use in the Single Family Residential Districts, and to establish specific standards applicable to Accessory Dwelling Units.
6. Consideration of schedule for the December 2014 Pleasant Ridge Planning Commission Meeting.
7. Consideration of a non-resident member to serve on the Pleasant Ridge Planning Commission/Downtown Development Authority.
8. City Manager's Report.
9. Other Business.
10. Adjournment.

**In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the City at least seventy-two (72) hours in advance of the meeting, if requesting accommodations.**



**Regular Planning Commission Meeting  
Monday, October 27, 2014**

Having been duly publicized, Vice Chairman Sweeney called the meeting to order at 7:00 p.m.

Present: Commissioners Decoster, Laidlaw, Lenko, McCutcheon, O'Brien, Schlesinger, Stearn, Sweeney

Also Present: City Manager Breuckman, City Clerk Drealan, City Commissioner Liaison Perry

Absent: Commissioner Bolach

**Minutes**

**PC-2014-1500**

Motion by Commissioner Stearn, second by Commissioner O'Brien that the minutes of the Site Plan Meeting on Tuesday, July 15, 2014 and the Regular Planning Commission Meeting held Monday, August 25, 2014, be approved.

Adopted: Yeas: Stearn, O'Brien, Decoster, Laidlaw, Lenko, McCutcheon, Schlesinger, Sweeney  
Nays: None.

**Public Hearing - Accessory Dwelling Unit Ordinances**

Breuckman gave an overview of the two proposed ordinances amendments. One proposal is to allow accessory dwellings and the other is to prohibit them. The first proposed ordinance (Item 5) that will allow accessory dwellings as a special land use. A special land use does require a public hearing before the Planning Commission and approval by same. Section 2 would add specific standards in Section 26-13.5, new subsection [R] with the new criteria. A house must exist on the property in order to add one accessory dwelling and the lot minimum is 5,000 sq.ft. The proposed accessory dwelling shall not exceed 25-percent of the gross square footage of the primary unit or 750 sq.ft., whichever is less. The accessory dwelling may only be located as a detached structure, and may not have an exterior entrance visible from the street and must be setback a minimum of 5 ft. from any property line. The maximum building height for an accessory dwelling will be 17 ft. A minimum of three off-street parking spaces shall be provided onsite with one specifically assigned to the accessory dwelling. One of the dwellings shall be owner occupied. A separate water meter shall be on the accessory dwelling. A maximum two bedrooms are permitted in an accessory dwelling and occupancy limited to no more than two persons. Leasing/rental requirements shall not be less than 180 days. A restricted covenant shall be recorded with the City.

Breuckman reviewed the second proposed ordinance (Item 6) adds clauses to the existing ordinance that state: Residential occupancy of an accessory dwelling is prohibited and only one dwelling unit shall be permitted per lot of record.

Vice Chairman Sweeney opened the public hearing at 7:31 p.m.

Bob Sakat, 8 Fairwood, inquired if he could rent out his house and an accessory dwelling. Breuckman responded that both cannot be rented and that there will be mechanisms in place to have annual inspections on rental properties.

Vice Chairman Sweeney closed the public hearing at 7:32 p.m.)

Sweeney questioned if the house is being rented out, what will happen to the accessory dwelling. Breuckman explained that that is the reason for the separate water meter on the accessory dwelling, and that both structures cannot be rentals.

Lenko questioned if the separate water meter on the accessory dwelling is necessary and could other enforcement mechanisms be put in place, such as, shutting of the water to the primary residence if there is a violation. Breuckman explained that issuing citations, assessing fines to violators can be a prolonged legal and collections process for the city.

Stearn inquired as to how many accessory dwellings are currently in the city now, and Sweeney responded that there are possibly two to three that would fall under the requirements of the proposed ordinance.

McCutcheon inquired if “mother-in-law” quarters are included under this proposed ordinance, and Breuckman responded that because there would be no separate entrances to the structure to access this area, it would not fall under the ordinance.

Decoster inquired whether there are any neighboring communities with a similar ordinance. Breuckman responded that Huntington Woods does not permit them; Birmingham does not permit them, but does provide variances for them; Ferndale permits them as a special land use.

Sweeney inquired that if everyone met all the proposed requirements, is there any reason not to approve the accessory dwelling request. Breuckman responded that the Planning Commission has the discretion to approve or deny the request based on whether or not the accessory dwelling will be a good fit on the proposed property.

McCutcheon commented that he is happy with the proposed ordinance as a result of all the discussions held on this topic.

Schlesinger inquired if someone applies for an accessory dwelling, does the Planning Commission hear the matter first. Breuckman responded that the Planning Commission is the only body that will hear these cases as a special use requirement.

Sweeney inquired if there will be any costs associated with this process. Breuckman responded that there will be a fee to set up the public hearing due to the notification process and administrative costs.



Breuckman gave an overview on the proposed ordinance change that will eliminate “big-foot” housing. The maximum height requirement for accessory dwellings will be reduced from 18 ft. to 15 ft. Minimum setback from the front of 30 ft. will be changed to an established building line requirement. Maximum lot coverage on R-1A and R-1B would be 30-percent, and R-1C and R-1D would be increased to 35-percent. Scheduled regulations will be adjusted for the amended requirements and roof/gable requirements.

Vice Chairman Sweeney opened the public hearing opened at 7:47 p.m.

Betty Howe, 31 Cambridge, a former Planning Commission member 5 years ago, commended the Commission for considering these proposed changes because she had a big-foot addition added to the home next door that drastically changed the views in her backyard and the amount of light she now receives in her home. Ms. Howe stressed the need for enforcement policies other than complaints being made to the police department.

Vice Chairman Sweeney closed the public hearing at 7:53 p.m.

McCutcheon supports the proposed changes due to a big-foot home that was constructed near his house recently.

Stearn questioned if the 5 ft. setback is only from the back property line and how it would affect the existing building lines. Breuckman responded that a variance would be an option and that most properties in the city may only be a matter of a few feet to be concerned with in the back of the house.

Sweeney questioned if the 250 ft. is in either direction or if it is 125 ft. from center on each side of the house. Breuckman responded that 250 ft. is in both direction and only on the same block.

Sweeney inquired about the height/roof plane of 10 ft. and the fact that there are no other communities in Michigan that require this, and Breuckman added that it is for symmetric purposes.

Breuckman added that the proposed numbers are very liberal and can be adjusted down the road if needed.

Stearn inquired if there are any issues currently with 18 ft. garage/accessory dwelling height structures, and Breuckman responded that there have been some complaints generated through the Building Department.

**PC-2014-1503**

Motion by Commissioner Decoster, second by Commissioner Schlesinger, that the Planning Commissioner recommend to the City Commission to approve all four items requested in the proposed zoning ordinance amendment.

Adopted:                   Yeas:   Schlesinger , Decoster, Laidlaw, Lenko, McCutcheon, O’Brien.  
                                  Nays:   Stearn and Sweeney

**Woodward Avenue Action Association (W3)**

Breckman commented that this is a great project and the W3 brought a lot of money to the table. A meeting on Tuesday, November 11, 2014, 6:30 p.m., is scheduled to discuss this; location to be determined. On Thursday, November 13, 2014, 7:30 p.m., a summation of the project will be presented; location to be determined. The project team will probably have recommendations by February 2015.

With no further business, Vice Chairman adjourned the meeting at 8:10 p.m.



# City of Pleasant Ridge

James Breuckman, City Manager

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From: Jim Breuckman, City Manager  
To: Planning Commission  
Date: November 19, 2014  
Re: Accessory Dwelling Units

Attached is an updated draft of the Accessory Dwelling Unit ordinance amendment that includes a new section addressing enforcement. This is in response to the specific comments from last month's meeting.

I look forward to reviewing this with you on the 24<sup>th</sup>.

*G:\Code and Ordinances\Zoning Ordinance\Amendment Working Files\Accessory Dwelling Units\ADU Memo 2014.11.19.docx*



City of Pleasant Ridge  
Ordinance No. \_\_\_\_

AN ORDINANCE TO AMEND THE PLEASANT RIDGE ZONING ORDINANCE, ARTICLE 3: ZONING DISTRICTS AND MAP, SECTION 26-3.5 DISTRICT REQUIREMENTS; ARTICLE 4, SINGLE FAMILY RESIDENTIAL DISTRICTS; and ARTICLE 13: GENERAL PROVISIONS, SECTION 26-13.1 ACCESSORY USES, TO LIST ACCESSORY DWELLING UNITS AS A SPECIAL LAND USE IN THE SINGLE FAMILY RESIDENTIAL DISTRICTS, AND TO ESTABLISH SPECIFIC STANDARDS APPLICABLE TO ACCESSORY DWELLING UNITS.

THE CITY OF PLEASANT RIDGE HEREBY ORDAINS:

**Section 1.** Article 3: Zoning Districts and Map, Section 26-3.5 District Requirements, Regulated Uses Table and Article 4: Single Family Residential Districts, List of Special Land Uses are hereby amended to list Accessory Dwelling Units as a special land use in the R-1A, R-1B, R-1C, and R-1D Single Family Residential Districts.

**Section 2.** Article 13: General Provisions, Section 26-13.5 Special Land Uses is amended to add a new subsection R under Standards for Specific Uses as follows:

- r. One (1) Accessory Dwelling Unit (ADU) may be permitted per lot of record. The Planning Commission shall take into consideration the proximity of a detached ADU to other surrounding residential structures, the availability of parking, and potential impact of the proposed ADU on the neighborhood as part of the special land use review. In order to approve an ADU, the Planning Commission shall make a finding that all of the standards of Section 26-13.5(4) are met.

The following specific regulations shall apply to any ADU:

1. Accessory Dwelling Unit Defined. An ADU is a second subordinate dwelling unit located on a lot of record where a one-family dwelling already exists.
2. One Unit. One (1) ADU shall be allowed in conjunction with an existing detached single family dwelling, located on a lot with a minimum area of five thousand (5,000) square feet.



3. Minimum/Maximum Size. The ADU shall not exceed twenty five (25) percent of the gross floor area of the primary dwelling unit, or 750 square feet in gross floor area, whichever is less.
4. Location and Design.
  - a. The ADU may only be located in a detached accessory structure.
  - b. The ADU may not have an exterior entrance that is visible from any street.
  - c. If an ADU is permitted on a property, the structure containing the ADU shall be the only accessory structure on the property.
  - d. Any detached accessory building containing an ADU shall be set back a minimum of 5 feet from any side or rear property line.
  - e. Any detached accessory building containing an ADU shall comply with all applicable standards of Section 26-13.1.
5. Building Height. The maximum height for a detached accessory structure containing an approved ADU shall be 17 feet.
6. Minimum Parking. A minimum of three (3) off-street parking spaces shall be provided on-site, with one (1) space specifically assigned to the ADU. Garage spaces may be counted towards the minimum parking requirement.
7. Owner Occupancy. One (1) of the dwelling units shall be owner-occupied and shall have been owner-occupied by the current owner for the twelve (12) calendar months preceding the date of application to create an ADU. If the parcel ceases to be owner-occupied, the ADU may not be occupied.
8. Separate Meter Required. The ADU shall have a separate water meter tied to the City water main.
9. Bedroom Maximum. A maximum of two (2) bedrooms are permitted within an ADU. Occupancy shall be limited to no more than two (2) persons.
10. Landlord License. The property owner shall register the accessory dwelling unit as a rental unit in accordance with Section 18, Article IV of the City Code of Ordinances and remain in compliance with the landlord licensing requirements at all times.
11. Leasing or Rental. Leasing or rental of the ADU for tenancies of less than one hundred eighty days shall be prohibited. The property owner shall submit signed copies of the lease agreement indicating such to the City.

12. Restrictive Covenant. A restrictive covenant, the form of which shall be approved by the city attorney, enforceable by the City shall be recorded prior to the issuance of a building permit stipulating that the ADU may not be conveyed separately from the primary dwelling unit, and that the ADU may only be occupied if the owner of the parcel is an occupant of the principal or accessory dwelling unit.

13. Enforcement. In addition to the other remedies available to the City provided in Article 21 for violations of this Ordinance:

a. Should the zoning inspector determine that any of the provisions of this subsection have been violated, the Zoning Inspector may do any or all of the following:

i. Notify the property owner of a requirement to show cause why the approval for the ADU should not be revoked or modified. If the City determines that there is cause to revoke or modify the ADU approval, it shall schedule a hearing before the Planning Commission for such purpose.

ii. Require additional periodic inspections of the property.

iii. Suspend water service to the ADU, following the expiration of the term of any then-existing lease agreement, until such time as the property owner can demonstrate compliance with the provisions of this subsection.

iv. The property owner may appeal a decision of the Zoning Inspector pursuant to subsections 13(a)(iii) and 13(a)(iv), above.

b. Should the Planning Commission determine that any of the provisions of this subsection have been violated, it may, following a show-cause hearing, with notice given to the property owner:

i. Revoke or modify the ADU approval. If revoked, the improvements added to convert the accessory structure to an accessory dwelling unit shall be removed within 45 days of the Planning Commission's decision.

ii. Provide that the lot of record is not permitted to have an ADU for some specified period of time.

**Section 3.** Severability – This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**Section 4.** Repeal and Effective Date

Repeal – All regulatory provisions contained in other City ordinances which are inconsistent with the provisions of this ordinance are hereby repealed.

Effective Date - This Ordinance shall be effective fifteen days after enactment and upon publication.

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Kurt Metzger, Mayor  
City of Pleasant Ridge

Certificate

I hereby certify that the foregoing ordinance was adopted by the City Commission of the City of Pleasant Ridge at a meeting thereof on \_\_\_\_\_, 20\_\_

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Amy M. Drealan, Clerk  
City of Pleasant Ridge

Planning Commission Public Hearing: .....Monday, October 27, 2014  
Planning Commission Recommendation: .....  
City Commission Introduction: .....  
City Commission Public Hearing: .....  
City Commission Adoption:.....  
Published:.....  
Effective:.....



## City of Pleasant Ridge

James Breuckman, City Manager

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From: Jim Breuckman, City Manager  
To: Planning Commission  
Date: November 19, 2014  
Re: Business Owner Representation on PC/DDA

Attached is a letter from the City Attorney regarding the potential to appoint a non-resident to our Planning Commission/DDA. I asked the City Attorney to provide us with an opinion on this matter as we could benefit from having the perspective of a local business owner on our PC/DDA.

I believe there would be advantages to having such a perspective. Our local business community is an important segment of the community that currently does not have an official voice in City business. Many planning decisions, and by nature all DDA decisions relate to and impact our business district.

One of the recommendations of the Citizens Advisory Committee was to separate the PC and DDA functions. While this is standard practice for most Cities, I have concerns about our long-term ability to fill out a 9+ member DDA board with the limited number of businesses that are in town. Further, our DDA budget is quite small, and I am concerned that seating a separate DDA would create expectations for action that are beyond our financial means.

Reserving one seat on the PC/DDA for a business representative that may or may not live in Pleasant Ridge would begin to act upon one of the recommendations of the CAC, and also to address the intent of State Law that the Planning Commission represent all important segments of the community. It would also conform to best practices for ensuring that the DDA is representative of the needs of the business community.

I would like to discuss this with you at the meeting on the 24<sup>th</sup> before the City Commission begins the appointment process to seat a new PC/DDA member at the end of Commissioner Sweeney's term.