



CITY OF BUCHANAN PLANNING COMMISSION

TUESDAY, JANUARY 14, 2025 – 6:00 PM

CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

AGENDA

The City of Buchanan Planning Commission, in compliance with Michigan’s Open Meetings Act, hereby gives notice of a Planning Commission meeting to be held in the Chamber of City Hall.

** Comments may also be submitted in writing at least 4 hours in advance to the Community Development Director Richard Murphy at rmurphy@cityofbuchanan.com*

** Buchanan City will provide necessary and reasonable auxiliary aide and services to those individuals with disabilities who wish to attend the public meeting upon receiving at least one (1) week’s prior notice. Any such individual requiring such aids or services should contact the city in writing or by telephoning: Buchanan City Clerk; 302 North Redbud Trail, Buchanan, MI 49107, 269-695-3844.*

I. Regular Meeting - Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Approve Agenda

V. Public Comments - Agenda Items

VI. Approve Minutes

A. *Consider approving the Regular Meeting Minutes from December 10th, 2024.*

VII. Old Business

VIII. New Business

A. *Discussion about ADUs.*

B. *Prioritize the zoning items that need to be included in our new zoning ordinance for Redevelopment Ready Certification.*

IX. Public Comment - Non-Agenda Items Only

X. Community Development Director Comments

XI. Commissioner Comments

XII. Adjournment



CITY OF BUCHANAN PLANNING COMMISSION
TUESDAY, DECEMBER 10, 2024 – 6:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI
MINUTES

III. Regular Meeting - Call to Order

The meeting was called to order by Chair McDonald at 6:00 PM.

IV. Pledge of Allegiance

Chair McDonald led in the Pledge of Allegiance.

V. Roll Call

Present: Chair Ralph McDonald, Matt Pleasant, Jake Brown, Commissioner Dan Vigansky, Peter Lysy

Absent: Vice-Chair Tony Houser, Secretary Jen Garry

City Staff: Director of Community Development/Zoning Administrator, Rich Murphy; City Clerk, Kalla Langston; Administrative Assistant, Emma Lysy

VI. Approve Agenda

Motion made by Vigansky, supported by Brown to approve the agenda, as presented. Voice votes carry unanimously.

VII. Public Comments - Agenda Items

No members of the public were present.

VIII. Approve Minutes

A. Minutes

1) Consider approving the Regular Meeting Minutes from May 14th, 2024.

Motion made by Brown, supported by Lysy to approve the Regular Meeting Minutes as presented with the correction of Jen Garry spelling and correct office titles. Voice vote carries unanimously.

2) Consider approving Special Meeting Minutes from July 18th, 2024.

Motion made by Pleasant, supported by Vigansky to approve the Special Meeting Minutes as presented with the correction of Jen Garry spelling and correct office titles. Voice vote carries unanimously.

IX. Old Business

A. Zoning Project- discussion on the Zoning Project objective and timeline.

Murphy started the discussion by reviewing what has been accomplished so far and how we reached this point. The zoning code is over 20 years old, whereas it should typically be updated every ten to fifteen years. Undertaking this project is significant; we applied to the state for funding and were granted \$50,000 to pay for the zoning overhaul.

We began the process by hiring Placemakers as our consulting firm. Unfortunately, we encountered some challenges that made it difficult to advance such a large project. Murphy reached out to MEDC to communicate the challenges we were facing, and they understood our situation. They offered us an extension to complete the zoning code by 2025. We are currently

working towards obtaining the RRC certificate, and one of the final items we need to address is updating our zoning code.

E. Lysy took over the discussion to present her findings and outlined the provisions that the RRC would like to see in the new Zoning Code. Please refer to *Attachment A* for more details. The most significant difference between the old and new zoning is that the new code will implement form-based zoning instead of land-based zoning. The document outline covers several key areas: Housing Diversity, Concentrated Development, Green Infrastructure, and Parking Flexibility. E. Lysy provided recommendations for the "by right" uses in each section and preferred zoning district.

Murphy discussed the concept of Tiny Houses, noting that with the housing market at capacity, Tiny Houses become a viable option. Accessory Dwelling Units (ADUs) have specific requirements for square footage and elevation, and it is important to prevent the establishment of substandard structures, or "shacks," in backyards. Therefore, regulations are necessary. Tiny Homes can thrive, particularly on properties with multiple acres, provided they adhere to regulations concerning setbacks, design, and construction quality.

A resident has submitted an ordinance regarding "Tiny Homes", which will need to undergo attorney review, receive recommendations from the Planning Commission, and ultimately gain approval from the City Commission. The Planning Commission generally agrees that this topic could be addressed by being incorporated into the new zoning code.

The upcoming meeting will focus on the Planning Commission reviewing Attachment A to select their "by-right" items. They will spend 30-40 minutes round table discussions to reach a consensus on the items within the categories.

X. New Business

A. Downtown Reconstruction Project and other Downtown Project Updates.

Murphy updated the planning commission on the USDA downtown reconstruction project. The downtown area will be under construction as new water and sewer lines are installed. This will create significant disruption, and we must rise to the challenge of keeping businesses open while effectively communicating with them and the public. We do not have a timeline for the project yet, but it is in progress. A communication plan is being developed, and the new streetscape will be beautiful.

The McCoy Creek trail extension has received two excellent bids, and the project will soon go under contract.

The ADA kayak launch project agreement has been signed by Murphy with the Department of Natural Resources (DNR), and it will be going out to bid soon. Additionally, Murphy received news that the grant for the boat launch scored the third highest in the state, and we will receive funding for that project.

The Livery Boutique Hotel is currently under full construction.

The Ross Sanders rehabilitation is a long-term project that is making progress. They are out for bids on complete historic rehabilitation and will be pursuing the National Register of Historic Places.

The Thistledown restaurant is set to open soon.

The Northside demolition project is also out for bid and is progressing.

There is a preliminary project in downtown involving a potential Vietnamese restaurant and a pharmacy developer who is looking in Buchanan.

XI. Public Comment - Non-Agenda Items Only

No members of the public were present.

XII. Community Development Director Comments

None.

XIII. Commissioner Comments

Lysy informed everyone that the library community room project is currently under construction. The windows have been replaced, providing a clear view of the entire downtown area. Regarding the zoning project, which has been losing momentum, suggested that the commission consider meeting every two weeks to maintain progress.

Pleasant informed everyone that the Moose Lodge was sold today. The tree friends just did their fall planting.

Brown has no comments.

Vigansky complimented the Planning Commission with their intelligence. He's happy to be here.

McDonald is looking forward to working on the zoning project again. McDonald will share the minutes from the Trail meeting at next month's meeting

XIV. Adjournment

Motion made by Vigansky, supported by Pleasant to adjourn the meeting at 7:21 pm. Voice votes carry unanimously.

Kalla Langston, City Clerk

Chairperson, Ralph McDonald

Must include in new zoning ordinance to be RRC ready (Certified level)

Alignment with Master Plan: The governing body has adopted a zoning ordinance that aligns with the goals of the master plan.

- We will need to provide a document showing the areas where our zoning ordinance aligns with the master plan

Housing Diversity: The zoning ordinance allows for a variety of housing options.

Must include 3 of the following housing types by right:

- Accessory dwelling units** - a smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home
- Townhomes/rowhouses** - Townhomes/ Rowhouses are single family dwellings that are attached to another dwelling by a common sidewall with an independent front entrance and often include a private rear or front yard.
- Triplexes**
- Quadplexes**
- Sixplexes**
- Stacked Flats** - Stacked flats are multi-level buildings with independent residential units on each floor of the building, often regarded as a hybrid between a townhouse and an apartment.
- ~~**Residential units above commercial**~~
- First Floor Residential** - Residential uses on the first floor of an all-residential or mixed-use building. For many years, it has been viewed as a best practice in planning to restrict first floor residential in Central Business, Office, or Commercial Districts to preserve valuable storefront real estate for commercial businesses that draw foot traffic and provide interesting streetscapes
- Micro Units** - Micro units are typically small apartments with an open floor plan between 200-400 square feet in area. They can be efficiency or even one-bedroom units.
- Cottage housing/bugalow courts** - A group of small, detached structures arranged around a shared court that may or may not be visible from the street. The shared court is an important community-enhancing element that could include a gazebo, garden, playground or other community amenity.
- Tiny houses** - Oftentimes, zoning ordinances have a minimum size regulation for single family homes, a restriction that is intended to prevent homeowners from building

houses that are significantly out of character and scale from the rest of the neighborhood. However, tiny homes can provide an affordable alternative for individuals who want the privacy of a single-family home, but do not require the same amount of space. In addition, communities may want to permit tiny homes to meet goals of encouraging infill development and combatting sprawl. To accommodate this type of housing, some ordinances include regulations to permit cottage housing, bungalows, and tiny houses with standards for compatibility with surrounding residential.

Other (speak to your RRC planner to see if something else might count)

Concentrated Development: The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired.

Must include 2 of the following:

Build-to lines - Build-to-lines are used to regulate the required distance a building shall be located from the lot line. It is the line, typically parallel to the street and set along the front lot line, along which the primary mass of the front façade must be set. Alternatively, a “setback” is a traditional zoning tool that regulates the minimum distance a building may be located from the lot line, a building regulated by a setback may be located anywhere on the site behind the setback line. When communities incorporate build-to lines into their ordinance, they should also consider how much building frontage should be required to be constructed at

Open store fronts - While many communities permit open storefronts, it is rare that regulations for open storefronts are provided in the zoning ordinance. Williamston’s regulations make it easy for business owners to understand that open storefronts are only subject to an administrative review; by including open storefronts as a permitted development activity and providing clear guidelines for the approval process, developers are encouraged to design buildings that include them. Open storefronts increase foot traffic and help contribute to a charming and vibrant downtown.

Outdoor dining – an example from the City of Royal Oak’s Zoning Ordinance:

- (Section 770-70) § 770-70 Outdoor cafe service. An outdoor cafe service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted, on private property of the principal use, subject to the following conditions:
 - A. An outdoor cafe shall be allowed only during normal operating hours of the establishment.
 - B. All food preparation shall take place inside the establishment.
 - C. If alcoholic beverages are to be served, the current Liquor Control Commission Rules and Regulations shall apply.

- D. The gross area of the cafe shall be included in the required parking calculation.
- E. No music, intercom or other noise shall be permitted that impacts adjacent properties.
- F. Appropriate screening and/or fencing shall be provided as determined to be necessary and advisable by the Plan Commission in the course of its site plan review process.
- G. Cafe service areas shall comply with all regulations and provisions required for the establishment/building.

- Minimum ground floor transparency** - Minimum ground floor transparency is a zoning requirement that regulates the amount of window space required on the first floor of a building. Tools like minimum ground floor transparency, permitting outdoor dining, and allowing open-store fronts help to foster an active and walkable district.
- Parking located in rear of the building** – (Example) The City of Howell’s ordinance includes a form-based section that emphasizes building form over land use; all new construction in the City of Howell eligible for site plan review must conform with these form-based requirements. The form-based section provides standards for different building types, with graphics to clarify the required lot arrangement. Nearly all permitted building types in the form-based code require parking in the rear and side of the building, except for buildings described as “building form C,” which limits parking in the front of the building to a single row (Building Form C is described as, “Single or multiple-tenant buildings for retail, restaurant, office, service, or residential uses.”) The ordinance also stipulates that when sideyard parking is constructed against the build-to-line adjacent to the right of way, specific screening requirements must be satisfied to reduce visibility. The different permitted building types have varying requirements with respect to building form, access, and setbacks, but all of the potential lot arrangements aim to leverage a site design that is human-scaled.
- Walk-up windows** - Walk-up windows are service windows at businesses that are intended to cater to a take-out service for pedestrians. With reduced needs for service or dining areas, walk-up businesses often require a smaller commercial footprint, creating an affordable opportunity for small businesses, while allowing for a higher density of storefronts along a commercial corridor. By interacting with pedestrians, walk-up businesses help to generate foot traffic, and communities should consider whether to incorporate zoning standards to encourage them. However, when allowing for walk-up windows, it is important to consider the potential for crowding on sidewalks and pathways and include requirements for designated stacking areas.
- Public Art Program** - Communities use a variety of different zoning tools to incentivize public art and ensure that public art is in key locations. For example, some communities require the inclusion of public art along with large developments or PUDES, while others include public art as eligibility criteria for an exception from typical standards (like a density bonus or landscaping waiver). In addition to incentives for public art, it is helpful to include standards to ensure that public art is cohesive with community character and

identity. In addition to using zoning as a tool to promote public art, many communities have established general code requirements and public art commissions to regulate, oversee, and incentivize public art. **Temporary or permanent parklets** - Parking spaces are often in areas of valuable real estate and may offer a higher and better use when adapted for an outdoor seating area, or parklet. Parklets have popped up in more and more communities following the Covid Pandemic, as communities seek new ways to provide safe outdoor spaces, while helping businesses that struggled during recent times of economic uncertainty.

Green Infrastructure: The zoning ordinance includes standards for green infrastructure.

Must include 3 of the following:

- Low impact development techniques (rain gardens, bioswales, etc.)** - Low Impact Development techniques are sustainable stormwater management strategies that consider site planning and natural features to emulate natural hydrologic processes. Common LID techniques include rain gardens, bioswales, bioretention, permeable pavements, or rain barrels. LID techniques help to reduce stress on existing stormwater infrastructure and mitigate community flood risk, while incorporating natural features and attractive landscape design elements into developments.
- Rain water collection (blue roofs, cisterns, water harvesting, stormwater vaults, etc.)** - Collecting rainwater through rain barrels, cisterns, water harvesting, and stormwater vaults, can provide a range of benefits to communities and residents by helping with water conservation, reducing stormwater runoff, and relieving m
- Green roofs** - Zoning ordinances that incentivize or require green roofs, particularly on buildings with substantial roof area, can help communities reduce the stress of stormwater runoff by converting impervious surfaces into ones that absorb stormwater. In addition, green roofs help to improve the energy efficiency of buildings and curtail the overall heat-island effect in urban areas.
- Permeable pavement** - Paved surfaces are impervious to rain, causing pooling and flooding without stormwater management and infrastructure. One way to reduce the stormwater runoff from paved surfaces is by permitting pervious pavement, or pavement that infiltrates rainwater. Pervious pavement should be well-maintained to ensure that sediment build-up does not prevent water from infiltrating, especially when developments are granted waivers from stormwater requirements because pervious pavement is located on the site.
- Steep slope protections** - Limiting the disturbance of steep slopes (typically those greater than 15%) can help prevent erosion, which degrades water quality and damages structures. Steep slopes can be protected by maintaining adequate vegetation, including trees, on hillsides and minimizing the amount of unvegetated open space on hillsides.

- Street tree planting standards** - Street trees provide many public benefits, they offer shade for pedestrians, improve the urban heat-island effect, reduce air pollution, and enhance stormwater management, while adding to the community's aesthetic charm. Zoning ordinances can include street tree planting requirements to ensure that new development aligns with the community's goals for tree-laden streetscapes and overall canopy cover.
- Tree preservation standards** - Tree preservation or replacement standards are zoning tools that communities use to maintain their canopy cover when new development takes place. Tree preservation standards are requirements for on-site tree preservation; communities often use a credit-based scoring system to allow developers some flexibility in determining which trees to preserve, with higher credits assigned to trees with greater maturity. Some communities also have replacement standards for trees, requiring a certain portion of trees proposed to be removed are replaced with new trees on-site, helping communities recover some of their lost canopy cover when new development takes place.
- Parking lot internal landscaping standards** - Internal lot landscaping standards, such as requirements for the landscaping of internal parking lot islands, make parking lots more attractive for users by providing shady places to park in aesthetically pleasing lots. Often times, landscape islands are engineered to improve and direct traffic flow within the site. In addition, internal landscaping also provides environmental benefit; islands can receive stormwater runoff and help with on-site stormwater management, and any canopy cover will help to reduce the overall heat island effect of the parking lot.
- ~~Open space preservation development (i.e. cluster housing) **** (Cluster Residential Development District (Open Space Preservation) (Article XIV))****~~
- Required native or low-maintenance plantings** - Some communities include requirements for new development to preserve or plant native or low maintenance plantings to conserve water and restore and preserve wildlife habitats. Native plantings create a vibrant landscape and offer a different aesthetic from the traditional American lawn.
- Renewable energy** - As technology for renewable energy continues to improve, communities should consider incorporating new requirements to incentivize renewable energy. In addition, zoning ordinances may require new standards to ensure that renewable energy uses are constructed to be in line with the local community vision.
- Buffering standards around water bodies or other natural resources** - s Many communities have adopted buffering standards into their ordinance, prohibiting development from taking place within a specified distance from wetlands, water bodies, or other important natural resources. These provisions protect natural resources, wildlife habitats, and biodiversity from development impacts, while improving stormwater management and flood control. In addition, protections for water resources help to provide aesthetic and recreational benefits community-wide.

- Off-site stormwater regulations allowing site developers to participate in district-scale stormwater management plan** - Some communities include provisions in their stormwater standards or zoning ordinance provisions that incentivize developers to work together to create district-scale stormwater plans and shared retention, bioswales, or other green infrastructure to manage stormwater across multiple sites. Unlike grey infrastructure, like pipes, curb, and gutter, these practices lead to reductions in overall stormwater runoff and help to protect water resources from nonpoint source pollution. In addition to the environmental benefits, green infrastructure systems frequently provide attractive enhancements to the neighborhood or district.

Parking Flexibility: The zoning ordinance includes flexible parking requirements.

Must include regulations for 3 of the following:

- Reduction or elimination of required parking when on-street or public parking is available** - Some communities may include ordinance provisions to grant reductions in required parking when on street or public parking are available. This prevents excessive or unnecessary parking from being constructed when adequate parking is already present.
- ~~C-3 Central Business District is exempt from the parking requirements and standards laid out in the zoning ordinance **** (section 19.03) ****~~
- Connections between parking lots** - Zoning ordinances often include a requirement or recommendation directing applicants to create access easements between parking lots. When access is provided between lots, the traffic burden is reduced from the primary road, improving flow and safety.
- Shared parking agreements** - Ordinances that permit shared parking reflect the fact that not all uses on a site – or on adjacent sites that share parking lots – have the same peak hour demand. In these instances, calculating required parking will lead to an oversupply of parking that may never be used. Adjusting the required parking to reflect shared parking will provide only the parking needed to serve actual demand and free up space for development or landscaping.
- Parking maximums.** - Zoning ordinances almost always provide a parking schedule with minimum parking requirements, but seldom include a maximum. Without a limitation on required parking, developers can construct parking lots that may exceed the necessary amount of pavement. Excessive parking contributes to sprawl and impervious surfaces are burdensome on local stormwater systems. In addition, when land is developed with more parking than necessary, it reduces the potential for a higher and better use.

- Complete elimination of parking minimums** - Some communities have eliminated their minimum parking requirements altogether. Communities can better align the supply of parking spaces with the number of spaces needed by working with developers to design parking lots appropriate for site-context rather than estimating the parking need for different land uses. This helps to reduce surface parking and creates opportunities to conserve land or accommodate more active uses. Communities that eliminate parking minimums should also provide standards for non-motorized transportation options, such as requiring sidewalks and/or bicycle parking; providing alternative transportation options becomes even more essential when parking is not available.
- Parking waivers** - Many communities have parking regulations that include waivers from the required parking; typically, these waivers are only granted in certain zoning districts where on-street or public parking is accessible.
- Electric vehicle charging stations** - As more electric vehicles enter the roadways, communities must think about how and where electric vehicle charging stations should be permitted. Unlike gas stations, electric vehicle charging stations require vehicles remain parked for a period of time, making them more compatible with parking lots or structures than with service stations.
- Bicycle parking** - While street enhancements and infrastructure for bicycle travel help to make communities more accessible, the required parking areas for bicycles must also be granted consideration. Some zoning ordinances include minimum parking requirements for bicycles and standards for where bicycle parking should be located to ensure that new and improved buildings are designed to accommodate all transportation options and not only traditional automobile parking.
- Payment in lieu of parking** - One way to provide a waiver for street parking is to offer payment in lieu of parking; applicants may contribute to a fund for municipal parking in lieu of constructing the required spaces. This allows communities to plan for parking in the most strategic, beneficial locations, rather than having several small and sporadic surface lots.
- Reduction of required parking for complementary mixed-uses** - When a building is mixed-use, some ordinances will grant flexibility in the parking requirements. Often, mixed-use buildings include uses that have different peak times (e.g., residential and office) and do not need all the required parking. In addition, this additional flexibility can help to encourage mixed-use development.
- Banked/deferred parking** - Some communities allow parking flexibility by including options for banked or deferred parking; banked or deferred parking spaces are planned spaces on vacant land reserved for future parking and are often permitted in lieu of constructing all required parking. When an ordinance allows banked or deferred parking, more flexibility in the amount of surface parking is provided, without risk of land uses creating excess parking demand.
- Other (talk to your RRC planner if you think you have something else that might count)**

Are ADUs the Answer?

Zoning ordinances attempt to tackle housing shortages and affordability by allowing designs that increase density, but with new regulations come some challenges.

By Linda Reeder Issue 328 - Dec/Jan 2024



Could ADUs (accessory dwelling units) help solve America's housing crisis? Both homebuyers and renters are feeling the pinch of tight supply and high prices for housing in many parts of the country. The Harvard University Joint Center for Housing Studies (JCHS) found that nationwide, home prices have gone up 47% since early 2020, while rents have increased 26% in the same period.

Half of U.S. renters are considered rent-burdened. This means they are spending more than 30% of household income on housing. Homelessness has reached an all-time high. Several factors are contributing to this housing crisis. Home building hasn't kept pace with demand since the housing bubble burst in 2008.

ADVERTISING

The economic recession led to the closure of a number of home-building companies and drove some tradespeople to other jobs. As the industry slowly recovered, demand grew as millennials began shopping for their first homes. Adding to the problem are today's shortages of materials and labor, resulting in higher costs for both. And land for new homes in and around cities is typically both limited and expensive. Some policymakers have focused on this last issue in an attempt to address the problem.

Changes to Zoning Can Help

While local governments can do little to increase the number of tradespeople or to address supply-chain problems, they can change zoning regulations. Most land in the U.S. is zoned exclusively for single-family homes, JCHS found. Increasing the density on these lots can increase the land available for new housing.

Municipalities from Seattle to Boston have adopted zoning ordinances that allow this increase in residential density. JCHS reports that six states (California, Maine, Montana, Oregon, Vermont, and Washington) have enacted statewide laws overriding local zoning ordinances to permit different housing types on land previously designated exclusively for single-family homes.

Projects on lots up-zoned to increase density fall into three main categories: adding one or more accessory dwelling units (ADU) within an existing single-family residence; adding a detached accessory dwelling unit (DADU) to a property with a single-family home; and creating multiple single-family homes on one lot. All of these options present new challenges for residential designers, and they can also be very costly for homeowners and homebuyers.

Changes Bring Challenges

New ordinances are just that—new, and therefore untested. As designers comply with new regulations, they might stumble across some aspects that complicate things. They can seek a zoning modification or variance, or work around the complexity and hope the municipality revises the ordinance for future projects. But specific regulations are just one potential difficulty.

In some cases, the project team might have to deal with opposition from an adjacent property owner resisting the densification of the neighborhood. Matt Hutchins, AIA, a principal at CAST Architecture in Seattle, says he has been designing ADUs and DADUs for 15 years with no complaints from neighbors.

Another Way to Look At It

Utility Expenses Add Up

Design challenges may increase costs as well as difficulty. One example is the requirements for utility services, which can vary by location or project type. Architect John Linnert, AIA, of J Linnert Architecture in Costa Mesa, Calif., has had to include upgrading the water meter in the project budget when adding kitchens or bathrooms.

“This can be an expensive endeavor because there are additional processing fees (more than \$10,000 in one case) in addition to the extra expense of construction--related costs to install the new water meter as well as a new line from the new meter to the main water line under the street,” he says.

Architect Thomas Hirsch, FAIA, principal of Hirsch Group in Madison, Wis., identified some design considerations for basement ADUs. “One challenge is providing two exits; outside stairs can be intrusions into required side yards,” Hirsch says. Another is the basement’s existing headroom. Creating a continuous one-hour fire-separation assembly can be difficult where there is existing piping, ductwork, and other protrusions below the ceiling.

It can be more cost-effective to design an ADU as part of new construction. Architect Jasmit Rangr of Rangr Studio in Berkeley, Calif., designed a hillside home with an ADU planned for the future. While the house can comfortably accommodate a large family now, the clients anticipate their five children moving out some day.

Rangr designed the single-family home so it can easily be divided into two one-story apartments and one lower-level ADU. Kitchenettes, bathrooms, and fire-separation details on each floor allow for the future conversion. Rangr also had to comply with height restrictions, which he accomplished by stepping back the structure with the uphill slope of the lot so no more than two stories overlap. To meet the off-site parking regulations, he added a garage by excavating into the hill.

DADU by Design

Converting an existing two-car garage into this DADU meant reusing the garage’s foundation and slab, saving money and materials. But the location came with challenges: No window openings are permitted on the south and east walls because of their proximity to the property lines. To compensate, a lofted upper level lets in daylight from a south-facing dormer window, which is 5 ft. back from the property line.

But Michael Malinowski, FAIA, president of Applied Architecture in Sacramento, Calif., had a different experience. His firm converted a single-family house on a corner lot into four units, each with its own entrance. Although the design was achieved with no additional building area and limited changes to the exterior, one neighbor was strongly opposed to the change.

Malinowski was understanding but unmoved. “I believe that increasing density does change the character of a block and a street, but it’s really a necessary move,” he says. Ultimately the city approved the project over the neighbor’s objections, since it complied with the new zoning ordinance. However, the delay cost the developer time and money.

Design considerations, while similar to those in any other residential project, can become more difficult to address on denser sites. Some ordinances allowing greater density don’t expand the allowable buildable area on each lot. Others place limitations on the allowable area of new construction. Fire separation, acoustical privacy, visual privacy, and daylight; access to the units and site amenities; additional parking where required; and stormwater management and utility services can all become more challenging.

ADUs Inside the Building Envelope

Converting the unfinished space of an existing home is an option allowed in many zoning ordinances written to promote greater density. For example, Chicago is piloting a program in five neighborhoods that allows dwelling units in attics, basements, or attached garages (or as freestanding structures). As in other locations, the city’s goal is to increase housing supply and affordability.

Architect Jean Dufresne, AIA, principal of SPACE Architects + Planners, serves on a neighborhood zoning committee in Chicago. His firm has designed two ADUs as part of the city’s pilot program. Converting a home’s unfinished basement or attic can be more affordable than building a detached ADU behind an existing home, Dufresne says. Yet he estimates the cost at \$200,000 to \$250,000—which is out of reach for many homeowners.

In many markets, a homeowner who imagines creating a rental stream by building an ADU might need some straight talk from a building professional. “Frequently it doesn’t pencil out, by the time all the costs to build are considered,” says Casey Hughes, AIA, LEED AP, principal of Hughes Architecture + Design in Napa, Calif. “The impacts on privacy, and negligible profits, mean that people shouldn’t automatically think an ADU will add value to a house.”

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Must include 2 of the following:

- Build-to lines** - Build-to-lines are used to regulate the required distance a building shall be located from the lot line. It is the line, typically parallel to the street and set along the front lot line, along which the primary mass of the front façade must be set. Alternatively, a “setback” is a traditional zoning tool that regulates the minimum distance a building may be located from the lot line, a building regulated by a setback may be located anywhere on the site behind the setback line. When communities incorporate build-to lines into their ordinance, they should also consider how much building frontage should be required to be constructed at
- Open store fronts** - While many communities permit open storefronts, it is rare that regulations for open storefronts are provided in the zoning ordinance. Williamston’s regulations make it easy for business owners to understand that open storefronts are only subject to an administrative review; by including open storefronts as a permitted development activity and providing clear guidelines for the approval process, developers are encouraged to design buildings that include them. Open storefronts increase foot traffic and help contribute to a charming and vibrant downtown.
- Outdoor dining** – an example from the City of Royal Oak’s Zoning Ordinance:
- (Section 770-70) § 770-70 Outdoor cafe service. An outdoor cafe service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted, on private property of the principal use, subject to the following conditions:
 - A. An outdoor cafe shall be allowed only during normal operating hours of the establishment.
 - B. All food preparation shall take place inside the establishment.
 - C. If alcoholic beverages are to be served, the current Liquor Control Commission Rules and Regulations shall apply.

- D. The gross area of the cafe shall be included in the required parking calculation.
- E. No music, intercom or other noise shall be permitted that impacts adjacent properties.
- F. Appropriate screening and/or fencing shall be provided as determined to be necessary and advisable by the Plan Commission in the course of its site plan review process.
- G. Cafe service areas shall comply with all regulations and provisions required for the establishment/building.

Minimum ground floor transparency - Minimum ground floor transparency is a zoning requirement that regulates the amount of window space required on the first floor of a building. Tools like minimum ground floor transparency, permitting outdoor dining, and allowing open-store fronts help to foster an active and walkable district.

Parking located in rear of the building – (Example) The City of Howell’s ordinance includes a form-based section that emphasizes building form over land use; all new construction in the City of Howell eligible for site plan review must conform with these form-based requirements. The form-based section provides standards for different building types, with graphics to clarify the required lot arrangement. Nearly all permitted building types in the form-based code require parking in the rear and side of the building, except for buildings described as “building form C,” which limits parking in the front of the building to a single row (Building Form C is described as, “Single or multiple-tenant buildings for retail, restaurant, office, service, or residential uses.”) The ordinance also stipulates that when sideyard parking is constructed against the build-to-line adjacent to the right of way, specific screening requirements must be satisfied to reduce visibility. The different permitted building types have varying requirements with respect to building form, access, and setbacks, but all of the potential lot arrangements aim to leverage a site design that is human-scaled.

Walk-up windows - Walk-up windows are service windows at businesses that are intended to cater to a take-out service for pedestrians. With reduced needs for service or dining areas, walk-up businesses often require a smaller commercial footprint, creating an affordable opportunity for small businesses, while allowing for a higher density of storefronts along a commercial corridor. By interacting with pedestrians, walk-up businesses help to generate foot traffic, and communities should consider whether to incorporate zoning standards to encourage them. However, when allowing for walk-up windows, it is important to consider the potential for crowding on sidewalks and pathways and include requirements for designated stacking areas.

Public Art Program - Communities use a variety of different zoning tools to incentivize public art and ensure that public art is in key locations. For example, some communities require the inclusion of public art along with large developments or PUDES, while others include public art as eligibility criteria for an exception from typical standards (like a density bonus or landscaping waiver). In addition to incentives for public art, it is helpful to include standards to ensure that public art is cohesive with community character and

identity. In addition to using zoning as a tool to promote public art, many communities have established general code requirements and public art commissions to regulate, oversee, and incentivize public art. **Temporary or permanent parklets** - Parking spaces are often in areas of valuable real estate and may offer a higher and better use when adapted for an outdoor seating area, or parklet. Parklets have popped up in more and more communities following the Covid Pandemic, as communities seek new ways to provide safe outdoor spaces, while helping businesses that struggled during recent times of economic uncertainty.

Green Infrastructure: The zoning ordinance includes standards for green infrastructure.

Must include 3 of the following:

- Low impact development techniques (rain gardens, bioswales, etc.)** - Low Impact Development techniques are sustainable stormwater management strategies that consider site planning and natural features to emulate natural hydrologic processes. Common LID techniques include rain gardens, bioswales, bioretention, permeable pavements, or rain barrels. LID techniques help to reduce stress on existing stormwater infrastructure and mitigate community flood risk, while incorporating natural features and attractive landscape design elements into developments.
- Rain water collection (blue roofs, cisterns, water harvesting, stormwater vaults, etc.)** - Collecting rainwater through rain barrels, cisterns, water harvesting, and stormwater vaults, can provide a range of benefits to communities and residents by helping with water conservation, reducing stormwater runoff, and relieving m
- Green roofs** - Zoning ordinances that incentivize or require green roofs, particularly on buildings with substantial roof area, can help communities reduce the stress of stormwater runoff by converting impervious surfaces into ones that absorb stormwater. In addition, green roofs help to improve the energy efficiency of buildings and curtail the overall heat-island effect in urban areas.
- Permeable pavement** - Paved surfaces are impervious to rain, causing pooling and flooding without stormwater management and infrastructure. One way to reduce the stormwater runoff from paved surfaces is by permitting pervious pavement, or pavement that infiltrates rainwater. Pervious pavement should be well-maintained to ensure that sediment build-up does not prevent water from infiltrating, especially when developments are granted waivers from stormwater requirements because pervious pavement is located on the site.
- Steep slope protections** - Limiting the disturbance of steep slopes (typically those greater than 15%) can help prevent erosion, which degrades water quality and damages structures. Steep slopes can be protected by maintaining adequate vegetation, including trees, on hillsides and minimizing the amount of unvegetated open space on hillsides.

- Street tree planting standards** - Street trees provide many public benefits, they offer shade for pedestrians, improve the urban heat-island effect, reduce air pollution, and enhance stormwater management, while adding to the community's aesthetic charm. Zoning ordinances can include street tree planting requirements to ensure that new development aligns with the community's goals for tree-laden streetscapes and overall canopy cover.
- Tree preservation standards** - Tree preservation or replacement standards are zoning tools that communities use to maintain their canopy cover when new development takes place. Tree preservation standards are requirements for on-site tree preservation; communities often use a credit-based scoring system to allow developers some flexibility in determining which trees to preserve, with higher credits assigned to trees with greater maturity. Some communities also have replacement standards for trees, requiring a certain portion of trees proposed to be removed are replaced with new trees on-site, helping communities recover some of their lost canopy cover when new development takes place.
- Parking lot internal landscaping standards** - Internal lot landscaping standards, such as requirements for the landscaping of internal parking lot islands, make parking lots more attractive for users by providing shady places to park in aesthetically pleasing lots. Often times, landscape islands are engineered to improve and direct traffic flow within the site. In addition, internal landscaping also provides environmental benefit; islands can receive stormwater runoff and help with on-site stormwater management, and any canopy cover will help to reduce the overall heat island effect of the parking lot.
- ~~Open space preservation development (i.e. cluster housing) ****(Cluster Residential Development District (Open Space Preservation) (Article XIV))****~~
- Required native or low-maintenance plantings** - Some communities include requirements for new development to preserve or plant native or low maintenance plantings to conserve water and restore and preserve wildlife habitats. Native plantings create a vibrant landscape and offer a different aesthetic from the traditional American lawn.
- Renewable energy** - As technology for renewable energy continues to improve, communities should consider incorporating new requirements to incentivize renewable energy. In addition, zoning ordinances may require new standards to ensure that renewable energy uses are constructed to be in line with the local community vision.
- Buffering standards around water bodies or other natural resources** - s Many communities have adopted buffering standards into their ordinance, prohibiting development from taking place within a specified distance from wetlands, water bodies, or other important natural resources. These provisions protect natural resources, wildlife habitats, and biodiversity from development impacts, while improving stormwater management and flood control. In addition, protections for water resources help to provide aesthetic and recreational benefits community-wide.

- Off-site stormwater regulations allowing site developers to participate in district-scale stormwater management plan** - Some communities include provisions in their stormwater standards or zoning ordinance provisions that incentivize developers to work together to create district-scale stormwater plans and shared retention, bioswales, or other green infrastructure to manage stormwater across multiple sites. Unlike grey infrastructure, like pipes, curb, and gutter, these practices lead to reductions in overall stormwater runoff and help to protect water resources from nonpoint source pollution. In addition to the environmental benefits, green infrastructure systems frequently provide attractive enhancements to the neighborhood or district.

Parking Flexibility: The zoning ordinance includes flexible parking requirements.

Must include regulations for 3 of the following:

- Reduction or elimination of required parking when on-street or public parking is available** - Some communities may include ordinance provisions to grant reductions in required parking when on street or public parking are available. This prevents excessive or unnecessary parking from being constructed when adequate parking is already present.
- ~~C-3 Central Business District is exempt from the parking requirements and standards laid out in the zoning ordinance **** (section 19.03) ****~~
- Connections between parking lots** - Zoning ordinances often include a requirement or recommendation directing applicants to create access easements between parking lots. When access is provided between lots, the traffic burden is reduced from the primary road, improving flow and safety.
- Shared parking agreements** - Ordinances that permit shared parking reflect the fact that not all uses on a site – or on adjacent sites that share parking lots – have the same peak hour demand. In these instances, calculating required parking will lead to an oversupply of parking that may never be used. Adjusting the required parking to reflect shared parking will provide only the parking needed to serve actual demand and free up space for development or landscaping.
- Parking maximums.** - Zoning ordinances almost always provide a parking schedule with minimum parking requirements, but seldom include a maximum. Without a limitation on required parking, developers can construct parking lots that may exceed the necessary amount of pavement. Excessive parking contributes to sprawl and impervious surfaces are burdensome on local stormwater systems. In addition, when land is developed with more parking than necessary, it reduces the potential for a higher and better use.

- Complete elimination of parking minimums** - Some communities have eliminated their minimum parking requirements altogether. Communities can better align the supply of parking spaces with the number of spaces needed by working with developers to design parking lots appropriate for site-context rather than estimating the parking need for different land uses. This helps to reduce surface parking and creates opportunities to conserve land or accommodate more active uses. Communities that eliminate parking minimums should also provide standards for non-motorized transportation options, such as requiring sidewalks and/or bicycle parking; providing alternative transportation options becomes even more essential when parking is not available.
- Parking waivers** - Many communities have parking regulations that include waivers from the required parking; typically, these waivers are only granted in certain zoning districts where on-street or public parking is accessible.
- Electric vehicle charging stations** - As more electric vehicles enter the roadways, communities must think about how and where electric vehicle charging stations should be permitted. Unlike gas stations, electric vehicle charging stations require vehicles remain parked for a period of time, making them more compatible with parking lots or structures than with service stations.
- Bicycle parking** - While street enhancements and infrastructure for bicycle travel help to make communities more accessible, the required parking areas for bicycles must also be granted consideration. Some zoning ordinances include minimum parking requirements for bicycles and standards for where bicycle parking should be located to ensure that new and improved buildings are designed to accommodate all transportation options and not only traditional automobile parking.
- Payment in lieu of parking** - One way to provide a waiver for street parking is to offer payment in lieu of parking; applicants may contribute to a fund for municipal parking in lieu of constructing the required spaces. This allows communities to plan for parking in the most strategic, beneficial locations, rather than having several small and sporadic surface lots.
- Reduction of required parking for complementary mixed-uses** - When a building is mixed-use, some ordinances will grant flexibility in the parking requirements. Often, mixed-use buildings include uses that have different peak times (e.g., residential and office) and do not need all the required parking. In addition, this additional flexibility can help to encourage mixed-use development.
- Banked/deferred parking** - Some communities allow parking flexibility by including options for banked or deferred parking; banked or deferred parking spaces are planned spaces on vacant land reserved for future parking and are often permitted in lieu of constructing all required parking. When an ordinance allows banked or deferred parking, more flexibility in the amount of surface parking is provided, without risk of land uses creating excess parking demand.
- Other (talk to your RRC planner if you think you have something else that might count)**

