

CITY OF TECUMSEH
CITY COUNCIL STUDY SESSION
TECUMSEH CITY HALL
COUNCIL CHAMBERS
MONDAY, NOVEMBER 27, 2017
7:00 P.M.

AGENDA

1. Call to order
2. Roll call
3. Approval of Agenda *as Amended*
4. **Presentation by the City Manager**
5. Study Session Topics:
 - A. **REVIEW for Reconsideration of Determination of Similar Use for Transitional/ Emergency Women and Children Housing Facilities in the Office-Service (OS-1) District**
6. Council Comments
7. Public Comment Re: Items on the Agenda
8. Adjournment

The City of Tecumseh provides for reasonable accommodations for its programs, services and meetings under Title VI of its Non-Discrimination Policy and Limited English Proficiency Policy, with an advance notice to Dan Swallow at 517 424 6555.



**Agenda Item Review Form
City Council
City of Tecumseh**

Agenda Item Number: 5. Study Session Topic, Item A	Submitted by: Dan Swallow
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Item: Determination of Similar Use for Transitional/ Emergency Women and Children Housing Facilities in the Office-Service (OS-1) District	Department: Tecumseh City Manager
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Summary:

It is usually a straight-forward proposition to determine whether or not a particular land use is allowed at any given location. The owner finds out how the property is zoned – what zoning district applies to this parcel – and then sees whether the intended use is listed as a permitted use on the property. The ordinance may provide that the use is always allowed in the applicable zoning district (often referred to as a “use by right” or “permitted use”) or only allowed with a special review (a special or conditional use permit). But what if the zoning ordinance does not specifically address the intended use? Perhaps it is a new type of land use that was not contemplated when the ordinance was adopted, or perhaps the Planning Commission and City Council wanted to keep the ordinance simpler, by not listing every possible use that could ever be contemplated. In reality, it is not practical to list every possible land use that could ever be contemplated.

To deal with these cases, the City of Tecumseh Zoning ordinance has a procedure for Determination of Similar Uses. Just like it sounds, this is a process by which the Planning Commission and City Council determine if a proposed use is “similar to” the other uses in the Zoning District in question. If it is in fact determined that the proposed use is similar to the other uses in the zoning district, the Council can take action to add that use as a potential use in that district. As part of this action, the Council must also determine if the proposed use should be a permitted use, or only allowed with a special land use review. A determination of similar use does NOT approve any particular application; it ONLY clarifies whether or not the proposed use could be allowed in the zoning district, and if it should be permitted by right or through a special land use application.

(Continued on Page 2)

Recommendation:

RESOLUTION

THE CITY COUNCIL OF THE CITY OF TECUMSEH
RESOLVES:

that Transitional/ Emergency Women and Children Housing Facilities are compatible with the other land uses in the Office Service (OS-1) Zoning District, but it has unique characteristics such that it shall be subject to special land use approval under Division 3 (Sec. 98-101 through 98-104) of the City of Tecumseh Zoning Ordinance. Further, the use shall be subject to the general conditions and design standards outlined in the attached proposed Standards for Transitional/ Emergency Women and Children Housing Facilities.

Council Action:

Approved
 Denied
 Continued

Bid/Purchase Item:

Budgeted \$ _____
 _____ Page(s) in FY Budget
 Not Budgeted

Signature
Daniel E. Swallow Digitally signed by Daniel E. Swallow
Date: 2017.10.30 09:20:44 -04'00'

Signature

Department Head
City Manager

City Manager

Date
10/30/2017

Date



**Agenda Item Review Form
City Council
City of Tecumseh**

Summary: (Continued from Page 1)

When City staff was approached regarding potential use of the former Herrick Manor building as a "Transitional/ Emergency Women and Children Housing Facility," there was not a clear yes or no answer that could be supported by the City's Zoning Ordinance. Transitional Housing Facilities not listed in the Office Service District (OS-1), the zoning district in which the Herrick Manor is located; but it was also not listed in any other zoning district. Therefore, City staff was left with the question, which zoning district could this type of facility be located, and would it be appropriate to permit this type of land use in the OS-1 district?

Sec. 98-23. Determination of similar uses., of the Zoning Ordinance sets up the process and criteria for how these cases are addressed. The primary criteria that the Planning Commission and City Council are asked to consider as part of this process are as follows:

a) Determination of compatibility. In making the determination of compatibility, the city council shall consider specific characteristics of the use in question and compare such characteristics with those of the uses that are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.

b) Conditions. If the city council determines that the proposed use is compatible with permitted and existing uses in the district, the council shall then decide whether the proposed use shall be permitted by right, by special approval, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The city council shall have the authority to establish additional standards and conditions applicable to the use.

When reviewing this potential use for the OS-1 District, you start with the statement of purpose: The OS-1 office service districts are designed to accommodate uses such as offices, banks and personal services that can serve as a transitional area between residential and commercial districts and to provide a transition between major thoroughfares and residential districts. In addition to the statement of purpose, there should be a review of the other land uses that are currently listed in the OS-1 district:

Permitted land uses: Apartment, Assisted living facility, Attached one-family dwelling Unit, Bank/credit union, Child care center, Clinic, medical or dental, Colleges, universities and institutions of higher learning, Community center, Detached one-family dwelling unit, Gallery- art, photography, etc., Home Occupation, Hospital, Housing for the elderly, Municipal and government buildings and uses, Nursery school, Nursing/ convalescent home, Office, medical or professional, Personal service establishment, Pet boarding facility, Private clubs and lodge halls, Public institutions, Public parks and recreation facilities, Religious institutions, Schools- primary or secondary, public or private, State licensed residential facilities- all types, Two-Family dwelling unit, Veterinary clinic, and Vocational schools.

Special land uses: Bed and breakfast, Drive in or drive through facility, Funeral Home, Retail Sales - less than 20,000 sq. ft. floor plate, and Utility and Public Service Buildings - without outdoor storage yards.

In making its determination, City Council is being asked find that either A) YES, a "Transitional/ Emergency Women and Children Housing Facility," IS similar to the other uses already permitted in the OS-1 District, and is largely compatible with those other uses. IF it is compatible, Council must also determine if the use should be by right or by special land use because of some unique characteristics - or - B) NO, a "Transitional/ Emergency Women and Children Housing Facility," is NOT similar to the other uses in the OS-1 District, and it is NOT compatible because of the characteristics such as traffic generation, types of services offered, or methods of operation.

The Planning Commission's recommendation (attached) is advisory, and City Council is the only body with the authority to make a Determination of Similar Uses.

EXAMPLE Special Land Use Standards and Conditions

Transitional/ Emergency Women and Children Housing Facilities

- 1) *Minimum Lot Area.* Transitional/Emergency Housing Facilities shall have a minimum lot area of 1-acre.
- 2) *Off Street Parking.* A minimum of 1 space per 500 sq. ft. of non-residential building area and 0.75 spaces per unit shall be provided. All parking areas shall be landscaped in accordance with section 98-672. Parking lot landscaping.
- 3) *Licensing.* In accordance with applicable state laws, each component of a Transitional/Emergency Housing Facility that is required to be licensed by the State of Michigan, shall comply with the minimum standards outlined for such facilities.
 - a) *Child Care Center.* Child care centers shall be licensed and approved as required by Michigan Public Act No. 116 of 1973, as amended.
 - i) *Outdoor recreation area.* A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per child at the licensed capacity of the child care center, provided that the overall area shall not be less than 5,000 square feet.
 - ii) The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses with a decorative opaque fence with a minimum height of four feet and a type b buffer in accordance with section 98-671. Buffer requirements.
 - iii) The planning commission may approve the use of off-site outdoor recreational facilities to satisfy this requirement, in which case documentation citing state approval of such shall be provided.
- 4) *Other review considerations.* Proposed Transitional/Emergency housing facilities shall be evaluated in terms of their convenience and/or accessibility by residents to various commercial and service facilities. Consideration shall be given to the type of facilities proposed, resident needs, effective proximity to service facilities, and transportation services provided and/or available.