



# City of Clarkston

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## PLANNING COMMISSION

### AGENDA

June 16, 2014

CITY HALL

829 5<sup>TH</sup> STREET

**CALL TO ORDER:            6:00 P.M.**

**ROLL CALL:**

**APPROVAL OF MINUTES:**

**June 2, 2014**

**PUBLIC HEARING:**

**Public Hearing on Proposed Changes to the Zoning Code, Establishing a New Zone called Neighborhood Commercial (NC) and Adding NC to the Zoning Matrix. Also Changes to the Hardship Exception for Recreational Vehicles.**

**REGULAR BUSINESS:**

**UNFINISHED BUSINESS:**

**COMMUNICATIONS:**

- A.     From Public
- B.     Written
- C.     From Planning Commission
- D.     Staff Reports

**ADJOURN:**



**TREE CITY USA.**

**CITY OF CLARKSTON**  
**PLANNING COMMISSION MINUTES**  
**June 2, 2014**

**CALL TO ORDER:** 6:00 P.M., Clarkston City Hall, Chair Murray  
**ROLL CALL:** Bob Gilbertson, Jim Merrill  
John Murray, Margo McCroskey.  
Staff: Jim Martin

**APPROVAL OF MINUTES:**

Minutes of the May 19, 2014 meeting were approved on a motion by MURRAY/MERRILL. Motion carried.

**REGULAR BUSINESS:**

**A. Discussion – Addition of New Zoning Designation – Neighborhood Commercial and Zoning Matrix Changes**

Chairman Murray requested Public Works Director Martin to summarize where the Commission is relating to the update of the matrix. Martin explained that the matrix has been considered for an update for a number of reasons. Over and above the need to incorporate I-502 (marijuana uses) there are other aspect of the matrix that are missing, outdated and / or inconsistent with current uses. Martin then explained that during the investigation of the possibility of regulating a use in one part of a specific zone while not another, it was determined that it would be beneficial to create a new zone that encompasses those Service Commercial zones that are removed from the Service Commercial zone north of Maple Street. Those “satellite” Service Commercial zones are located in predominantly residential neighborhoods. This would allow the Commission to place specific zoning allowances for that new zone without effecting the existing Service Commercial zone. This new Neighborhood Commercial zone would be established with a new definition that would help the Commission pick and choose what the allowable uses in the new NC zone might be. Martin and Murray both had examples of proposed definitions that were combined to the satisfaction of the Commission. That new definition reads...

**Neighborhood Commercial Zone:**

“This zone provides commercial uses for the day to day needs of the immediate neighborhood. This zone is intended to be small while still providing commercial uses to those living nearby. The intent is to ensure compatibility with the vicinity neighborhood character and to reduce trip length and frequency by allowing only those uses that primarily serve the neighborhood and that do not have a tendency to draw traffic from outside the neighborhood. Convenience goods (e.g. food, drugs, and sundries) along with personal services (e.g. dry cleaning, barbershops or beauty shops) are common goods and services offered.”

Discussion continued with the chairman suggesting that the Neighborhood Commercial zone be reviewed by going over the suggested allowable uses as suggested by staff. The review progressed alphabetically until drug stores were discussed. It was decided that given the neighborhood aspect of the new zone, it would be important to regulate the allowable size of retail type use. After much discussion, it was determined to match the matrix section addressing food stores where they are split between buildings less than 2,500 s.f. and greater than 2,500 s.f., giving the Commission better guidance with other retail uses in the new area. Martin pointed out that there are other aspect of the zoning code that restricts building size by other requirements such as parking. For example, each use requires a specific number of spaces that could control the overall size of the building. Use discussion continued alphabetically to marijuana uses where it was determined to allow retail sales in Service Commercial, Downtown Commercial, and Port Commercial. Martin reminded the Commission that processing and production had been previously determined to be allowed in Heavy Industrial zones only. Alphabetical review continued until complete. Martin showed the Commission how the setbacks from property lines, lot coverage and other aspect of the new zone would mimic the existing Service Commercial zone and it was agreed that they were applicable to Neighborhood Commercial zone. It was then decided to conduct the required public hearing on the new matrix on June 16, 2014 at 6:00 PM. The Neighborhood Commercial zones were once again identified as those areas now designated Service Commercial in two areas south of the existing Service Commercial lying north of Maple Street as indicated in the official zoning map of the City of Clarkston.

## **B. Update of Recreational Vehicle Use – Hardship Exception**

Martin presented new language for the “Hardship Exception” that establishes language requiring any RV used for such a hardship be located on the same property as where the care is given or received. Previous language did not specify. The Commission had also requested appropriate setbacks from property lines be established, which were included. The renewal requirement is proposed to change from an annual review to every six months. The Commission agreed with one exception due to the ongoing misuse of the program and lack of proper enforcement of illegal activities.

### **COMMUNICATIONS:**

A. From Public

Kelly Jackson addressed the Commission explaining his opinion as to the number of jobs that the marijuana industry will create locally.

B. Written: None

C. From the Planning Commission: None

D. Staff Reports: None

### **ADJOURNMENT:**

Meeting adjourned at 7:20 p.m.

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John Murray, Chair

June 3, 2014

Definition...

NC Zone: Neighborhood Commercial Zone

This zone provides commercial uses for the day to day needs of the immediate neighborhood. This zone is intended to be small while still providing commercial uses to those living nearby. The intent is to ensure compatibility with the vicinity neighborhood character and to reduce trip length and frequency by allowing only those uses that primarily serve the neighborhood and that do not have a tendency to draw traffic from outside the neighborhood. Convenience goods (e.g. food, drugs, and sundries) along with personal services (e.g. dry cleaning, barbershops or beauty shops) are common goods and services offered.

(as determined by PC June 2, 1014)

**EXCLUSIONARY ZONING**

17.03.030

	R-1	R-2	R-3	S-C	NC	D-C	M-C	P-C	H-I	Parking
Aircraft Hanger	N	N	N	N	N	N	N	Y	Y	Q
<del>Adult Concession</del>										
Adult Family Home	Y	Y	Y	N	N	N	Y	N	N	D
Apartment houses	N	Y	Y	N	N	N	Y	Y	N	B
Arcade	N	N	N	Y	Y	Y	N	N	N	Q
Asphalt plant	N	N	N	N	N	N	N	N	Y	O
Automobile body repair shop	N	N	N	Y	N	N	N	Y	N	M
Automobile rental	N	N	N	Y	N	N	N	Y	N	M
Automobile sales or service	N	N	N	Y	N	N	N	Y	N	M
Automobile storage	N	N	N	Y	N	N	N	Y	Y	O
Bakery	N	N	N	Y	Y	Y	N	Y	N	N
Bank/financial institution	N	N	N	Y	Y	Y	N	N	N	L
Bar, tavern or cocktail lounge	N	N	N	Y	N	Y	N	Y	N	P
Beauty, barbershop	N	N	N	Y	Y	Y	Y	N	N	K
Bed and breakfast inn	CU	CU	Y	Y	N	Y	Y	N	N	C
Billboard	N	N	N	N	N	N	N	N	N	
Boat building or repair	N	N	N	Y	N	N	N	Y	Y	N
Boat/mobile home sales/service	N	N	N	Y	N	N	N	Y	N	M
Boat Moorage Commercial	N	N	N	Y	N	N	N	Y	Y	L
Bottling plant	N	N	N	N	N	N	N	N	Y	O
Bowling alley/ <del>emrel-amusement</del>	N	N	N	Y	N	Y	N	Y	N	I
Brewery/Distillery/Winery	N	N	N	Y	N	Y	N	Y	Y	Q
Building supply outlet	N	N	N	Y	N	Y	N	Y	Y	L
Business or professional office	N	N	CU	Y	Y	Y	Y	Y*	N	K
Cabinet/furniture shop	N	N	N	Y	N	N	N	Y	Y	N
Car wash	N	N	N	Y	N	N	N	N	N	Q
Cement/clay products mfg	N	N	N	N	N	N	N	N	Y	O
Cemetery	Y	Y	Y	Y	Y	Y	Y	N	N	Q
Chemical storage <del>and mfg</del>	N	N	N	N	N	N	N	N	Y	O
Child day care center	CU	CU	CU	CU	CU	CU	CU	N	N	H
Church	Y	Y	Y	Y	Y	Y	Y	N	N	E
Concrete batch plant	N	N	N	N	N	N	N	N	Y	N
<del>Congregate housing</del>										
Contractors' storage yard	N	N	N	N	N	N	N	Y	Y	L





	R-1	R-2	R-3	S-C	NC	D-C	M-C	P-C	H-I	Parking
Recycling collection point	Y	Y	Y	Y	Y	Y	Y	Y	Y	Q
Recycling plant	N	N	N	N	N	N	N	N	Y	O
Rendering plant	N	N	N	N	N	N	N	N	N	
Research laboratory	N	N	N	Y	N	N	Y	Y	Y	L
Restaurant	N	N	N	Y	Y	Y	N	Y	N	P
Restaurant, Drive-in	N	N	N	Y	Y	N	N	N	N	P***
Retail store (flr area <2500 sf)	N	N	N	Y	Y	Y	N	Y	N	M
Retail store (flr area >2500 sf)	N	N	N	Y	N	Y	N	Y	N	M
Sanitary landfill	N	N	N	N	N	N	N	N	N	Q
Sales / Occasional	N	N	N	Y	Y	Y	N	Y	N	K
Schools (College)	N	N	N	Y	N	N	Y	N	N	H
Schools (K-12)	Y	Y	Y	Y	N	N	N	N	N	H
Second-floor apartment (all zones)	Y	Y	Y	Y	Y	Y	Y	Y	N	B
Service Station	N	N	N	Y	N	N	N	Y	N	L
Sign shop	N	N	N	Y	N	Y	N	Y	N	N
Single-family dwelling	Y	Y	Y	N	N	N	Y	N	N	A
Storage rental unit	N	N	N	Y	N	N	N	Y	N	Q
Terminal yard, trucking	N	N	N	N	N	N	N	Y	Y	Q
Tire shop	N	N	N	Y	N	N	N	Y	Y	M
Theater, Drive-in	N	N	N	Y	N	N	N	Y	N	Q
Theater / Interior	N	N	N	Y	N	Y	N	N	N	E
Transportation facilities	N	N	N	N	N	N	N	Y	Y	Q
Truck and tractor repair	N	N	N	N	N	N	N	Y	Y	M
Upholstery shop	N	N	N	Y	N	Y	N	Y	Y	N
Veterinary clinic	N	N	N	Y	N	N	N	Y	Y	M
Warehouse	N	N	N	Y	N	N	N	Y	Y	O
Wholesale distributing facility	N	N	N	Y	N	N	N	Y	Y	O
Wireless Telecommunication facility	Y*	Y*	Y*	Y*	Y	Y*	Y*	Y*	Y*	CU
Wood processing plant	N	N	N	N	N	N	N	Y	Y	O
Wrecking yard	N	N	N	N	N	N	N	N	N	

\*Review special requirements

\*\* Maximum of four (4) attached units (four-plex).

\*\*\* In addition to the parking requirement, eight stacking spaces for the drive up window, with a minimum of four such spaces designated for the ordering station. Such spaces shall be designed so as not to impede pedestrian or vehicular Circulation on the site or on any abutting streets.

	R-1	R-2	R-3	S-C	N-C	D-C	M-C
Minimum Lot Size	5,000 s.f.	5,000 s.f.	5,000 s.f.	5,000 s.f.	5,000 s.f.	NA	5,000s
Area required for additional dwelling units	3,500 s.f. <sup>1</sup>	2,500 s.f. <sup>2</sup>	1,500 s.f.	NA	NA	NA	NA
Minimum lot width	50	50	50	50	50	NA	NA
Minimum lot depth	100	100	100	100	100	NA	NA
<b>Primary building:</b>							
Front yard setback	25	20	20	15	15	0	20
Rear yard setback	15	15	15	15	15	0	15
Side yard setback	7 or 10 <sup>5</sup>	7 or 10 <sup>5</sup>	7 or 10 <sup>5</sup>	5	5	0	5
Side yard setback, corner lot, street side	15	15	15	0	0	0	0
<b>Auxiliary building: (less than 120 s.f.)</b>							
Front yard setback	25	20	20	15	15	0	20
Rear yard setback	3	3	3	0 or 15 <sup>3</sup>	0 or 15 <sup>3</sup>	0	0 or 15
Side yard setback	3	3	3	0 or 15 <sup>3</sup>	0 or 15 <sup>3</sup>	0	0 or 15
<b>Auxiliary building: (more than 120 s.f.)</b>							
Front yard setback	25	20	20	15	15	0	20
Rear yard setback	3 or 10 <sup>4</sup>	3 or 10 <sup>4</sup>	3 or 10 <sup>4</sup>	0 or 15 <sup>3</sup>	0 or 15 <sup>3</sup>	0	0 or 15
Side yard setback	5	5	5	0 or 15 <sup>3</sup>	0 or 15 <sup>3</sup>	0	0 or 15
Maximum lot coverage by structures	40%	45%	50%	60%	60%	100%	60%
Building height limit	35	35	35	35	35	35	35

<sup>1</sup> To a maximum of 2 units contained within a single structure (Duplex), and one structure per lot.

<sup>2</sup> To a maximum of four (4) units contained within a single structure, and one structure per lot.

<sup>3</sup> The larger setback is required where the yard adjoins a residential property.

<sup>4</sup> The larger setback is required where no alley adjoins the rear lot lot. The larger setback also applies to garages on alleys where the access to the garage is perpendicular to the alley or at an angle between 45 and 90 degrees to the alley, to allow for safe visibility.

<sup>5</sup> Seven foot setback required on each side if alley access, 7 on one side & 10 on the other if no alley access.

**NOTE:** The maximum eave overhang or other building projection allowed is four inches for every twelve inches of required setback. The required setback is measured from the property line to the outside of the foundation wall.

17.03.060 Recreational Vehicle Use.

A recreational vehicle shall not be used in any zoning district within the city of Clarkston for living or sleeping when the RV is located outside of a permitted RV Park or permitted MH Park except under the following conditions:

(1) Construction Exception. For residential occupancy during the period of construction of a dwelling unit on the same site, within the corporate limits of the city upon the following conditions:

- (A) The unit shall be connected to the city sewer;
- (B) A permit shall be obtained from the City;
- (C) The cost of the permit shall be \$50.00;
- (D) The permit shall authorize the temporary occupancy of the unit for a 90 day term. The term shall begin when the permit is issued;
- (E) An additional permit may be issued when a 90 day term expires upon payment of an additional \$50.00 permit fee. However, no more than three (3) permits may be issued to any individual in any 12 month period;
- (F) A permit will not be issued until a building permit has been issued for the dwelling unit;
- (G) The RV shall be located off the public right-of-way at all times and located no closer than 5 ft. to property lines.

(2) Hardship Exception. Relates to the need for on-site care of a family member with the use of an RV by either the care giver or the recipient of the care. Such exception will be reviewed and acted upon on a case-by-case basis. The approval of a hardship exception will be based on one or more of the following criteria:

- (A) The unit shall be connected to the city sewer;
- (B) A permit shall be obtained from the city;
- (C) The cost of the permit shall be fifty dollars (\$50.00);
- (D) A doctor's statement verifying need of continual care due to a person's physical or mental health may be required;
- (E) Utilization by family members only;
- (F) No income may be derived from the temporary mobile home;
- (G) Property owner must renew each hardship exception annually. Renewal will be based on the criteria herein;
- (H) The RV shall be located off the public right-of-way at all times and shall be located on the property where the care is given or received.
- (I) The RV shall not be allowed in the front setback area of the home and shall be no closer than 5 ft. from a side or rear property line.

(3) Non-Resident Visitor. This restriction shall apply when the user of the recreational vehicle is not a resident of the city, but is visiting a resident of the city, in which event the recreational vehicle may be lived in for a period not to exceed fourteen (14) consecutive days. Specific exceptions may be granted under this section. The RV shall not be permanently connected to separately metered gas, water or sewer service, but may be temporarily connected to existing water service and electric service. The RV shall be located off the public right-of-way at all times.