

# CHAPTER 1332

## R-1a and R-1b - Single-Family Dwelling Districts

The Single Family Dwelling - Large Lot (R-1a) District is for the purpose of primarily accommodating conventional single family dwellings.

The Single Family Dwelling - Small Lot (R-1b) district is for the purpose of accommodating single family dwellings on small lots.

Clustering (e.g. single-family attached, zero-lot-line detached dwellings) may be allowed in either district on larger parcels within the designated density guidelines as a means to protect sensitive soils and provide usable open space.

### CROSS REFERENCES

Zoning and planning in home rules cities - MCLA 117.4i

Regulation of location of trades, buildings and uses by local authorities - MCLA 125.581

Regulation of buildings; authority to zone - MCLA 125.582

Regulation of congested areas - MCLA 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a

Signs in residential districts - B & H 1476

<p>1332.01 Uses allowed.</p> <p>1332.02 Uses allowed by special and use permit.</p> <p>1332.03 Lot, density and impervious surface provisions.</p> <p>1332.04 Setbacks.</p>	<p>1332.05 Encroachments into the setbacks.</p> <p>1332.06 Building height.</p> <p>1332.07 Accessory buildings.</p> <p>1332.08 Parking, loading and driveways.</p>
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### **1332.01 USES ALLOWED.**

The following uses of land and buildings, together with accessory uses, are allowed in the Single Family districts:

- Accessory Dwelling Units meeting the following requirements:

The intent of this section is to:

1. Preserve and maintain the character of predominately single-family residential neighborhoods while broadening housing choices.
2. Have owner-occupancy to provide the necessary on-site supervision that enhances maintenance and the preservation of the character of the City's single-family neighborhoods.
3. Prevent disruption in the stability of the single family neighborhoods, speculation and absentee ownership.
4. Diversify housing options and create more affordable housing within existing single family neighborhoods.

5. Enhance neighborhood stability by providing extra income that potentially could allow homeowners to live in their houses longer and maintain their property better.
6. Provide homeowners with a means of accommodating extended families, companionship, security, or services through tenants in either the accessory dwelling unit or principal dwelling.
  - (1) The existing site and use are substantially in compliance with this Zoning Code.
  - (2) There shall be a maximum limit of ten (10) newly registered Accessory Dwelling Units per calendar year.
  - (3) The accessory dwelling unit is allowed only on a lot having at least 5,000 square feet.
  - (4) Only one accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
  - (5) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exterior appear to be single-family.
  - (6) Accessory dwelling units must meet the following additional requirements:
    - i. Location of entrances. Only one entrance may be located on the façade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
    - ii. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling.
  - (7) Individual site plans, floor plans, elevation drawings and building plans for the proposed accessory dwelling unit shall be submitted with the application for a land use permit.
  - (8) The accessory dwelling unit incorporated in the principal dwelling may be no more than 800 square feet or the size of the principal dwelling, whichever is less. A unit in an accessory building may not exceed 800 square feet and must meet all the requirements of Section 1332.07. The accessory dwelling unit must have at least 250 square feet of gross floor area.
  - (9) At least one owner of record shall occupy either the primary dwelling unit or the accessory dwelling unit. The owner occupant shall meet the requirements for a principal residence tax exemption.
  - (10) The accessory dwelling unit shall be registered with the City Clerk's Office.
  - (11) The Accessory Dwelling Unit shall not be leased for a period of less than three (3) months at a time. Upon request of the City, the owner of record shall provide a lease agreement evidencing the length of the lease.
  - (12) Each registered Accessory Dwelling Unit is subject to annual administrative review by the City. Registrant shall provide additional information as requested by the City.
- Adult foster care family home;
- Athletic fields;
- Boat houses if they are an accessory use, if they are designed for housing a boat, if

provisions are made for routing of any boardwalk, and if proper State and federal permits are obtained;

- Community Gardens;
- Dwellings, single family;
- Essential services;
- Golf courses;
- Home occupations subject to the following conditions:
  - (1) A home occupation shall be conducted within the dwelling which is the bona fide residence of the principal practitioner of the occupation, or in a building accessory to such dwelling.
  - (2) All business activity and storage shall take place within the interior of the dwelling and/or accessory building.
  - (3) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
  - (4) The home occupation shall not generate vehicular traffic beyond eight trip-ends per day.
  - (5) Only off-street parking facilities customary for a residential use and located on the premises may be used.
  - (6) No vehicles used in the conduct of the occupation may be parked, kept or otherwise be present on the premises, other than such as are customarily used for domestic or household purposes.
  - (7) Home occupations shall be conducted solely by persons residing at the residence, and no more than two such persons shall be employed in the home occupation.
  - (8) Any sign identifying the occupation must conform to the regulations of Traverse City Code Chapter 1476, *Signs*.
  - (9) No sale or rental of goods is allowed on the premises, except as secondary and incidental to the furnishing of a service.
  - (10) Instruction in crafts and fine arts are recognized as allowable home occupations if they meet the above conditions.
  - (11) The use shall not generate noise, vibration or odors detectible beyond the property line.
- Medical Marihuana Cultivation on a Parcel containing one Single Family Dwelling meeting the following requirements:
  - (1) No more than the maximum number of plants one (1) person may cultivate under the Michigan Medical Marihuana Act shall be cultivated per Parcel;
  - (2) The Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
  - (3) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the Primary Caregiver or Qualifying Patient cultivating the plants;
  - (4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the Parcel and shall not be visible from an adjoining public way;
  - (5) The Principal Use of the Parcel shall be a Dwelling and shall be in actual use as

such.

- (6) No transfer of Medical Marihuana to Qualifying Patients other than Qualifying Patients residing on the Parcel shall occur.
  - (7) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
  - (8) No vehicles used in cultivation may be parked, kept or otherwise be present on the Parcel, other than such as are customarily used for domestic or household purposes.
- Medical Marihuana Cultivation on a Parcel containing a more than one Single Family Dwelling, a Two Family Dwelling, or a Multiple Family Dwelling meeting the following requirements:
    - (1) No more than 12 Medical Marihuana plants shall be cultivated per Dwelling Unit;
    - (2) The Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
    - (3) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the Primary Caregiver or Qualifying Patient cultivating the plants;
    - (4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the dwelling unit and shall not be visible from an adjoining public way;
    - (5) The Principal Use of the Dwelling Unit shall be a Dwelling and shall be in actual use as such;
    - (6) No transfer of Medical Marihuana to Qualifying Patients other than Qualifying Patients residing within the Dwelling Unit shall occur;
    - (7) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
    - (8) No vehicles used in cultivation may be parked, kept or otherwise be present on the Parcel, other than such as are customarily used for domestic or household purposes.
  - Playgrounds;
  - Tourist homes meeting the following requirements:
    - (1) Rooms utilized for sleeping shall be part of the primary residential structure and shall not be specifically constructed or remodeled for rental purposes.
    - (2) The tourist home shall not be closer than 1,000 feet to an existing licensed tourist home.
    - (3) The exterior appearance of the structure shall not be altered from its single family character.
    - (4) There shall be no separate or additional kitchen facility for the guests.
    - (5) Off-street parking shall be provided as required by this Zoning Code and shall be developed in such a manner that the residential character of the property is preserved.
    - (6) A site plan is approved according to the Zoning Code. Certain site plan information may be waived at the discretion of the Planning Director.
    - (7) A City tourist home license is maintained.

- (8) A tourist home shall be an incidental and secondary use of a dwelling unit for business purposes. The intent of this provision is to ensure compatibility of such business use with other permitted uses of the residential districts and with the residential character of the neighborhoods involved, and to ensure that tourist homes are clearly secondary and incidental uses of residential buildings.

(Ord. 476. Passed 7-6-99. Ord. 649. Passed 8-16-04. Ord. 842. Passed 8-3-09. Ord. 875. Passed 8-16-10. Ord. 895. Passed 12-6-10. Ord. 1020. Passed 4-6-15.)

**1332.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.**

The following uses of land and buildings, together with accessory uses, are allowed in the Single Family districts if a special land use permit is issued according to the standards of this Chapter:

- Adult foster care small group home;
- Clustered single family dwellings;
- Conversions of one family dwellings to two-family dwellings;
- Essential services buildings;
- Group day care homes;
- Places of worship;
- Schools;
- Temporary accessory dwelling units.

(Ord. 895. Passed 12-6-10.)

**1332.03 LOT, DENSITY AND IMPERVIOUS SURFACE PROVISIONS.**

<u>Lot width (min.)</u>	<u>Lot area (min.)</u>	<u>Density (maximum)</u>	<u>Impervious surface</u>
R-1a: 90 feet	9,000 sq. feet	Not applicable	30% maximum
R-1b: 35/45 feet <sup>1</sup>	5,000 sq. feet	Not applicable	45% maximum

<sup>1</sup>The minimum lot width for parcels located north or east of the US31/M-72, east of Milliken Drive and south of Eastern Ave are 45 feet.

(Ord. 476. Passed 7-6-99. Ord. 621. Passed 2-2-04. Ord. 916. Passed 6-6-11. Ord. 956. Passed 1-7-13)

**1332.04 SETBACKS.**

(a) **Front setbacks:**

**Building:**

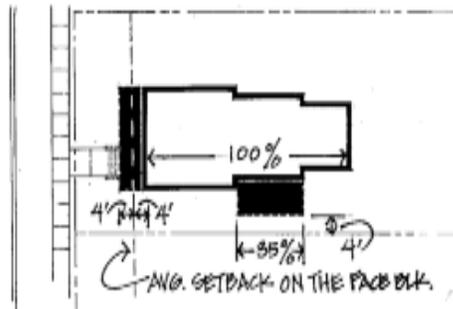
**R-1a:** 25 feet minimum.

**R-1b:** Within 4 feet of the average setback of principal buildings on the same face block, but no closer than 6 feet from the front property line.

**Parking area:**

**R-1a:** 3 feet minimum.

**R-1b:** 3 feet minimum.



(b) **Side setbacks (minimum):**

**Building:**

**R-1a:**

One side

8 feet

Aggregate

20 feet

**R-1b:**

6 feet\*

14 feet

\*35% of a building side wall may be located no closer than 4 feet from the side property line.

**Parking area:**

2 feet

(c) **Rear setbacks (minimum):**

**Building:**

**R-1a:**

30 feet

**R-1b:**

25 feet

**Parking area:** None.

- (d) **Through lots and corner lots** having a frontage on two streets shall provide the required front setback on both streets.
- (e) **Water setbacks:** 50 feet inland from the ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25 feet from the ordinary high water mark of Boardman River. Where the dock line is established by City ordinance, it shall be measured inland from the dock line.
- (f) **Storage** of a boat, motor home, camper, utility trailer or other recreational vehicle or equipment is limited to the rear yard only. Storage shall mean parking the vehicle or equipment in an area unused for the purpose for which it was designed for a period of 30 consecutive days or more.

(Ord. 476. Passed 7-6-99. Ord. 757. Passed 7-2-07.)

### 1332.05 ENCROACHMENTS INTO THE SETBACKS.

No encroachments into the required setbacks are allowed except:

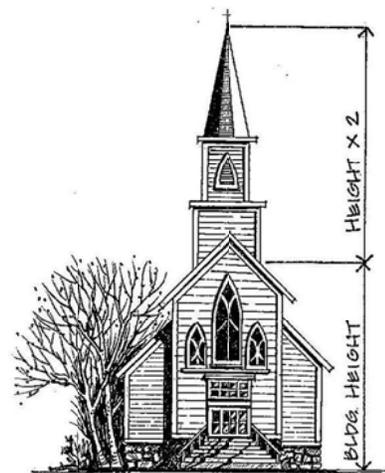
- (a) **Eaves, chimneys, sills, belt courses, cornices and ornamental features** not to exceed 18 inches are permitted to extend within the setbacks.
- (b) **Terraces, patios, decks, uncovered and unenclosed porches and other ornamental features** which do not extend more than 30 inches above grade at the nearest side property line may project into a required side setback provided these projections are no closer than 2 feet from the subject side property line.
- (c) **An unenclosed balcony, porch or deck** may project into a rear setback for a distance not exceeding 10 feet.
- (d) **An unenclosed balcony or porch** may project into a front setback not more than 8 feet from the exterior building line, but not closer than 6 feet from the front property line.

(Ord. 476. Passed 7-6-99.)

### 1332.06 BUILDING HEIGHT.

- (a) **Building height (both districts):**  
Maximum 35 feet.
- (b) **Exceptions:**  
**Steeple and clock towers** may be erected to a height not exceeding twice the height of the attached building.  
**Parapet walls** may be used to screen existing equipment may be erected if the wall extends around the perimeter of the building and incorporates exterior building materials similar to those of the main building.

(Ord. 476. Passed 7-6-99. Ord. 726. Passed 3-19-07.)



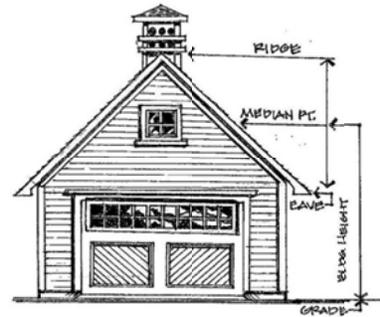
### 1332.07 ACCESSORY BUILDINGS.

Accessory buildings shall:

- (a) Only be permitted in the rear yard except accessory buildings may be located streetward on lots on navigable water and may be located streetward of the principal building on the less traveled street on through lots.
- (b) Not exceed 25 feet or the height of the principal building,

whichever is less.

- (c) Not be closer than 4 feet to any side or rear property line. A boat house up to 250 square feet in gross floor area may be built to the water's edge.
- (d) Have a total gross floor area of all accessory buildings on the lot no greater than 80% of the gross floor area of the principal building.
- (e) Be constructed using materials and features similar to the principal building if the accessory building exceeds 200 square feet in gross floor area.



(Ord. 476. Passed 7-6-99.) Ord. 542. Passed 8-20-01. Ord. 554. Passed 2-4-02. Ord. 637. Passed 4-5-04. Ord. 1020. Passed 4-6-15.)

### **1332.08 PARKING, LOADING AND DRIVEWAYS.**

Minimum parking space requirements for single family dwellings are 1 per dwelling unit.

Additional requirements for parking, loading and driveways are contained in Chapter 1374.

Any residential building or driveway constructed after the effective date of this zoning code which has access to a maintained alley shall not have access to a street nor shall a parking area be located in the front yard.

For parcels having alley access, the parking of a boat, motor home, camper, utility trailer or other recreational vehicle is limited to the rear yard.

Any parking area for single or two family residential use shall, at a minimum, be surfaced and the area clearly defined with gravel, crushed stone, concrete, asphalt, brick or equal material, and be maintained substantially free of dust, mud and standing water.

Parking for motor vehicles shall occur only on a surface permitted by this code.

In addition, athletic fields may provide up to 50% of the required number of organized parking on an area developed in turf grasses. Grassed parking areas are considered as providing one parking space for every 350 square feet of continuous turf-covered area. All grassed parking areas shall be maintained in a healthy, vigorous growing condition and shall not be used more than 12 times per calendar year. When use requires more frequent parking, an impervious surface or approved pervious hard surface parking area shall be developed.

(Ord. 476. Passed 7-6-99. Ord. 758. Passed 7-2-07.)

### **1332.09 SPECIAL REQUIREMENTS.**

To preserve and reinforce the development patterns of the Single Family Dwelling District the following special requirements shall apply:

- (a) In the Boardman and Central Neighborhood Historic Districts, attached garages for parcels with alley access shall be prohibited.
- (b) In the Boardman and Central Neighborhood Historic Districts, the distance between dwellings and accessory buildings greater than 200 square feet that have alley access shall not be less than 30 feet. The 30 foot separation between dwellings and accessory buildings can be reduced to 20 feet if it is determined to be impractical by the Planning Director.

R-1a AND R-1b – SINGLE FAMILY DWELLING DISTRICTS

(c) (Ord. 974. Passed 7-1-13)