

**CITY OF TRAVERSE CITY  
HOUSING AND BUILDING COMMITTEE**

**Tuesday, December 16, 2014**

**3:00 p.m.**

**Planning and Engineering Conference Room  
Governmental Center, 2nd Floor  
400 Boardman Avenue  
Traverse City, Michigan 49684**

**Posted 12/11/14**

**AGENDA**

The City of Traverse City does not discriminate on the basis of disability in the admission or access to or treatment or employment in, its programs or activities. Makayla Vitous, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan 49684, 922-4440, T.D.D., 922-4766, has been designated to coordinate compliance with the non-discrimination requirements. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

Planning Commission  
c/o Russell Soyring, Planning Director  
400 Boardman Avenue, Traverse City, MI 49684  
231-922-4778

- 1. CALL MEETING TO ORDER**
- 2. APPROVAL OF MINUTES OF 11/10/14 MEETING (ACTION REQUESTED)**
- 3. ACCESSORY DWELLING UNITS (DISCUSSION)**
- 4. PUBLIC COMMENT**
- 5. ADJOURNMENT**

**MINUTES**  
**CITY OF TRAVERSE CITY**  
**HOUSING AND BUILDING COMMITTEE**

**MONDAY, NOVEMBER 10, 2014**  
**9:00 A.M.**

**Planning & Engineering Conference Room**  
**Governmental Center, 2nd Floor**  
**400 Boardman Avenue**  
**Traverse City, Michigan 49684**

**PRESENT:** Members Bergman (Chair), Jan Warren, Cecil McNally (9:05 a.m.), Kay Serratelli, Sarah Lucas (9:08 a.m.)

**ABSENT:** None.

**STAFF PRESENT:** Missy Luick, Planning and Engineering Assistant; Russ Soyring, Planning Director (9:20 a.m.)

**OTHERS PRESENT:** Gary Howe (9:55 p.m.)

**1. CALL MEETING TO ORDER**

Chairperson Bergman called the meeting to order at 9:03 a.m.

**2. APPROVAL OF MINUTES OF 7/15/14**

Member Warren made the motion, seconded by Member Serratelli to approve the 7/15/14 minutes. Upon vote, the motion passed.

**4. ACCESSORY DWELLING UNITS (DISCUSSION)**

Mrs. Luick summarized the comments from the Planning Commission discussion of ADU's at their 8/5/14 meeting.

General discussion. Recommendations were made to modify the conditions in the existing ADU ordinance including establishing a maximum limit of 10 ADU's per year, eliminating conditions that are handled elsewhere in the zoning code and stipulating that the dwelling unit have a lease length of at least 3 months.

**5. PUBLIC COMMENT**

Member McNally would like the Housing and Building Committee to look into affordable housing bonuses/density bonuses after ADU's.

**6. ADJOURNMENT**

The meeting was adjourned at 10:37 a.m.

# TRAVERSE CITY CODE OF ORDINANCES

## ORDINANCE AMENDMENT NO. \_\_\_\_\_

Effective date: \_\_\_\_\_

TITLE: ACCESSORY DWELLING UNITS IN SINGLE FAMILY DWELLING DISTRICTS WITH CONDITIONS

THE CITY OF TRAVERSE CITY ORDAINS:

That the Single Family Dwelling Districts Section 1332.01, *Uses Allowed*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

### 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:
  - (1) The existing site and use are substantially in compliance with this Zoning Code.
  - (2) There shall be a maximum limit of ten (10) additional 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) For new buildings or buildings that will be externally modified where such modification requires a building permit, the accessory dwelling unit's primary entrance shall be made less visible from the street view than the main entrance of the principal dwelling unit.
  - (7) Individual site plans, floor plans, elevation drawings and building plans for both the proposed accessory dwelling unit and primary dwelling shall be submitted with the application for a land use permit.
  - (8) The accessory dwelling unit incorporated in the principal dwelling may not exceed forty percent of the total floor area of the principal dwelling. A unit in an accessory building may not exceed 600 square feet and must meet all the requirements of Section 1332.07 with the exception of subsection 1332.07(d).
  - (9) The accessory dwelling unit must have at least 250 square feet of gross floor area for the first dweller and an additional 100 square feet of gross floor area for each additional dweller.
  - (10) The accessory dwelling unit that is rented shall not be leased for less than six months at a time.
  - (11) 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 minimum sixty percent principal residence tax exemption.
  - (12) The accessory dwelling unit will be registered with the City Clerk's Office.
- 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.

The effective date of this Ordinance is the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

I hereby certify the above ordinance amendment was introduced on \_\_\_\_\_, 2014, at a regular meeting of the City Commission and was enacted on \_\_\_\_\_, 2014, at a regular meeting of the City Commission by a vote of Yes: \_\_\_\_ No: \_\_\_\_ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

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Michael Estes, Mayor

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Benjamin C. Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on

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Benjamin C. Marentette, City Clerk

***Definition excerpts from 1320.07***

***Accessory building*** means a building or structure customarily incidental and subordinate to the principal building and located on the same lot as and spacially separated from the principal building.

***Accessory dwelling unit*** means a secondary, self-contained dwelling allowed only in conjunction with a detached single family dwelling. It is subordinate in size, location and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. It may be located within, attached to or detached from the primary single family dwelling.

***Accessory use*** means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**Alternative definition to consider from AARP article:**

1. **Definition.** An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:
  - a. Garden cottages are detached structures. Examples include converted garages or new construction.
  - b. Accessory suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.