



The City of Traverse City

Communication to the City Commission

FOR THE CITY COMMISSION REGULAR MEETING OF MARCH 16, 2015

DATE: MARCH 12, 2015

FROM: PENNY HILL, ACTING CITY MANAGER

PH

SUBJECT: ACCESSORY DWELLING UNIT REGULATIONS

Attached is a previously submitted memo from Planning Director Russell Soyring regarding the Planning Commission recommended ordinance amendments to requirements regarding Accessory Dwelling Units. As mentioned previously, this amendment would limit the number of new Accessory Dwelling Units to ten per calendar year and would require all Accessory Dwelling Units to be registered with the City Clerk's Office. Attached you will find Administrative Rules for Accessory Dwelling Units prepared by Mr. Soyring to illustrate the process to be following for registering these units.

The proposed amendments would repeal Chapter 1377, Accessory Dwelling Units Overlay Districts which allowed Accessory Dwelling Units in the Traverse Heights Neighborhood only, and amend Chapters 1320 and 1332 to allow permanent Accessory Dwelling Units in Single-Family Districts. This amendment would also amend Chapter 1374, Circulation and Parking, to eliminate the parking permit requirement for those residents living within an Accessory Dwelling Unit.

As noted by the City Planning Director, Temporary Accessory Dwelling Units are currently allowed by Special Land Use Permit in single family zones for a person(s) with substantial need. The proposed ordinance amendment would allow for the development of permanent Accessory Dwelling Units by right as described in the attached memo from the City Planning Director; please also refer to the attached map which delineates the zoning areas in which Accessory Dwelling Units would be allowed by this ordinance amendment.

I recommend the following motion:

that an amendment to the Traverse City Code of Ordinances, Sections 1320.07, Accessory Dwelling Units Definition Amendment; 1332.01, Single Family

Dwelling (R-1a, R-1b) District Uses Allowed; 1332.07, Accessory Dwelling Units in Single Family Dwelling Districts with Conditions; 1374.03, Accessory Dwelling Units No Parking Required Amendment, and 1377, Repeal of Accessory Dwelling Units Overlay Districts Ordinance Chapter 1377, as recommended by the Planning Commission, be enacted with an effective date of March 26, 2015.

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copy: Russell Soyring, Planning Director

Memorandum

The City of Traverse City
Planning Department



TO: JERED OTTENWESS, CITY MANAGER
FROM: RUSS SOYRING, PLANNING DIRECTOR *R. Soyring*
SUBJECT: ACCESSORY DWELLING UNIT REGULATIONS
DATE: FEBRUARY 5, 2015

The City Planning Commission on a 6-2 vote recommended that Accessory Dwelling Units (ADU's) be allowed by right with specific requirements in the R-1a and R-1b (Single Family Dwelling Districts), RC (Residential Conservation District) and the MU (R-1b / Mixed Use PUD-Morgan Farms Area) . The recommended regulations would replace the set of regulations that allow ADU's by right with requirements in the Traverse Height's neighborhood.

During public comment, ten people spoke; six made supportive comments regarding the regulations and; four either expressed opposition or had concerns regarding the specific requirements proposed for ADU's.

Over the last couple decades the Planning Commission discussed and made recommendations to allow Accessory Dwelling Units by right in single family residential zones. More recently, in 2013, the Planning Commission recommended that the single family zoned areas of Traverse Heights Neighborhood be allowed to have accessory dwellings by right. The City Commission passed the amendment on April 15, 2013. The existing conditions limit the number of accessory dwellings to five per calendar year. To date, there have been no accessory dwelling units constructed in Traverse Heights neighborhood.

In May 2014, the Planning Commission asked the Housing and Building Committee (a committee of the Planning Commission) to discuss the possibility of expanding the areas where accessory dwelling units would be permitted. At the August 5, 2014 meeting, the committee presented draft ordinance amendment recommendations to the Planning Commission and received feedback. The committee reconvened and presented another draft amendment to the Planning Commission on December 2, 2014 and received additional feedback. The Housing and Building Committee met again and revised the ordinance.

Memorandum

The City of Traverse City
Planning Department



Construction of accessory dwelling units would assist with the following:

1. Would help to implement a goal of the Traverse City Master Plan which is to expand residential choices.
2. Creates new housing units while respecting the look and scale of single-family residential zones
3. Supports more efficient use of existing housing stock and infrastructure.
4. Offers environmentally friendly housing options with smaller living quarters.
5. Addresses the needs of the changing family needs, smaller household size and escalating housing costs.
6. Provides accessible housing for seniors and persons with special needs.

It is worthy to note that Temporary accessory dwellings are allowed by Special Land Use Permit in single family zones for a person(s) with a substantial need. When the circumstances change where the substantial need no longer exists, the accessory dwelling must be discontinued. (Please see Section 1364.08(n).) Should the attached set of regulations for ADU's be enacted by the City Commission the regulations for Temporary accessory dwelling would not be needed and could be deleted as a future revision to the Zoning Code.

Please pass on the City Planning Commission's recommendation for an amendment to the Traverse City Code of Ordinances Sections 1320.07, *Definitions*; 1332.01 Single Family Dwelling (R-1a, R-1b) District *Uses Allowed*; 1332.07 Single Family Dwelling (R-1a, R-1b) District *Accessory Buildings*; 1374.03 *Circulation and Parking Motor Vehicle Parking*; and Chapter 1377 *Accessory Dwelling Units Overlay Districts* to allow accessory dwelling units in the single-family dwelling districts with conditions be recommended to the City Commission for adoption.

Attachment: Draft Regulations



**Administrative Rules for
Issuance of Registrations for Accessory Dwelling Units**

1. Applications will not be accepted until the effective date of the ordinance. (Possible effective date is March 26,2015)
2. Applications will be taken at the City Planning Department in order on a first come, first served basis. Partial applications will be rejected.
3. Complete applications will be reviewed by the Zoning Administrator for Zoning Code compliance.
4. If an application is approved, the Zoning Administrator will issue a land use permit and notify the City Clerk, City Assessor and Fire Marshall.
5. The City Clerk will issue a registration as required by the ordinance, which registration shall be considered one of the ten allowed in the given calendar year. If an applicant withdraws their request for a registration in writing with the City Clerk, the City Clerk shall revoke the registration.
6. Once ten (10) registrations referenced herein any additional applications will be kept on file in the order they were received for processing in the next calendar year.
7. The land use permit will state that the accessory dwelling will be complete with a final occupancy permit within one year of the date of the application. Inactivity will result in a forfeiture of the land use permit which may be appealed to the Board of Zoning Appeals.
8. The registration issued by the City Clerk shall state that the validity of the registration is contingent upon a valid land use permit.

Approved by:

Benjamin C. Marentette, MMC
City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ACCESSORY DWELLING UNITS DEFINITION AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That the Circulation and Parking Section 1320.07, *Definitions*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1320.07 DEFINITIONS.

As used in this Chapter:

Abutting means a lot or parcel which shares a common border with the subject lot or parcel.

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.~~ smaller, secondary home on the same lot as a principal dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of shelter, heating, cooking and sanitation. There are two types of accessory dwelling units:

- a. Accessory dwelling in an accessory building (examples include converted garages or new construction)
- b. Accessory dwelling that is attached or part of the principal dwelling (examples include converted living space, attached garages, basements or attics; additions; or a combination thereof).

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.

Adult Foster Care Family Home means a private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home State licensee shall be a member of the household and an occupant of the residence.

Adult foster care small group home means a State licensed adult foster care facility with the approved capacity for not more than 12 adult residents to be provided foster care.

Affordable housing means housing units for eligible low-income households where the occupant is paying no more than 30% of gross income for housing costs.

Aggrieved person means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Airport terminal means the main passenger location of an airport and includes all office, hotel and retail uses commonly occurring at such locations.

Alley means a way which functions primarily as a service corridor and provides access to properties abutting thereon. "Alley" does not mean "street".

Alteration means any change, addition or modification in construction or type of occupancy; any

change in the structural members of a building, such as walls or partitions, columns, beams or girders.

Basement means that portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story (see Figure 1-1). A cellar is a basement.

Berm means a constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

Block means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Block, face. "Face block" means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boat house means an enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

Boat livery means any structure, site or tract of land utilized for the storage, servicing, docking or rental of watercraft for a fee.

Brew pub means a facility as defined such by the State of Michigan.

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, height of. See "Height of building".

Building, principal. "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located.

Cemetery means property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or household pets.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists or similar professions.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the public.

Cluster means a development design technique that concentrates building on a portion of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

Communication Antenna means a device, dish or array used to transmit or receive telecommunications signals mounted on a communication tower, building or structure that is greater than one square meter in a residential district or two square meters in a non-residential district. Antenna does not include federally-licensed amateur radio station, television or radio receive-only antennas or antennas used solely for personal use. Communication antennas are not "essential services," public utilities or private utilities.

Communication tower or tower means any structure that is primarily designed and constructed for the purpose of supporting one or more antennas for telecommunications, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. Communication towers are not "essential services," public utilities or private utilities.

Community Garden means a parcel gardened collectively by a group of people.

Convenience store means a retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Country club. See "golf course".

Critical root zone means a circular area surrounding a tree, the radius of which is measured outward from the trunk of a tree one foot for each one inch of diameter at breast height. The critical root zone shall also extend to a depth of four feet below the natural surface ground level.

Cultural facilities means facilities for activities for the preservation and enhancement for the cultural well-being of the community.

Development means all structures and other modifications of the natural landscape above and below ground or water on a particular site.

Diameter at breast height means the diameter of a tree trunk in inches measured by diameter at four and one-half feet (4.5') above the ground.

District means a section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, setbacks and the intensity of use are uniform.

Drive-in means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Drive-through means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service or obtain goods intended to be consumed off-premises.

Dripline means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Driveway means a means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

Driveway, Service means a point of access solely for the use of vehicles designed to load and unload trash receptacles three cubic yards or more in size.

Dwelling means any building or portion thereof which is designed for or used exclusively for residential purposes and containing one or more dwelling units.

Dwelling, multiple family. "Multiple family dwelling" means a building or portion thereof containing three or more dwelling units and designed for or occupied as the home of three or more families living independently of each other.

Dwelling, single-family. "Single-family dwelling" means a detached building containing one dwelling unit and designed for or occupied by only one family.

Dwelling, two-family. "Two-family dwelling" means a building designed for or occupied exclusively by two families living independently of each other.

Dwelling unit means one or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. The existence of a food preparation area within a room or rooms shall be evidence of the existence of a dwelling unit.

Eligible household means a household meeting the income criteria included in Chapter 1376, with income determined in a manner consistent with determinations of lower-income households and area median income under Section 8 of the U.S. Housing Act of 1937, as amended (Section 8 Housing Program).

Eligible housing nonprofit means a 501(c)3 nonprofit housing organization with the means and capacity to guarantee and enforce long-term affordability of affordable housing units meeting the requirements of Chapter 1376.

Emergency shelter means a facility operated by a governmental or nonprofit agency where supportive services and shelter are offered to homeless persons.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential services means the installation, construction, alteration or maintenance by public utilities or governmental agencies of underground, surface or overhead telephone, electrical, gas, steam, fuel, or water distribution systems, collections, supply or disposal systems, streets, alleys, sidewalks, or trails, including pavement, traffic control devices, signs, poles, wires, mains, drains, sewers, pipes, conduits, cables, padmount transformers, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or governmental agencies for the general public health, safety, convenience or welfare. "Essential services" do not include communication antennas and communication towers.

Essential service-structures. The erection, construction, alteration or maintenance by public utilities or governmental agencies of structures not in the right-of-way over 800 cubic feet in area including, but not limited to, towers, transmission and subtransmission facilities, or buildings related to essential services in all districts.

Facade means the exterior wall of a building exposed to public view.

Family means one or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel.

Fence means a constructed barrier made of wood, metal, stone, brick or any manufactured materials erected for the enclosure of yard areas.

Flood plain, 100 year. "100 year flood plain" means the lowland areas adjoining inland and coastal waters which are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency) and which are estimated to have a one per cent chance of flooding in a given year.

Floor area. See AGross Floor Area@.

Frontage means the total continuous width of the front lot line.

Golf course/country club means any golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges and miniature golf courses as a principal use.

Grade means

1. **For buildings having walls adjoining one street only:** the elevation of the public sidewalk, top of curb, or centerline of the street right-of-way, whichever is closest to the building, where a building wall adjoins a street.
2. **For buildings having walls adjoining more than one street:** the average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
3. **For buildings having no wall adjoining the street:** the average of the lowest and highest ground surface elevations in an area within six feet of the foundation line of a building or structure. Any building or structure wall within 35 feet of a public or private street shall be considered as adjoining the street. (See Figure 1-2.)

Greenbelt means a strip of land of definite width and location upon which existing vegetation is preserved or an area is reserved for the planting of living plant materials to serve as an obscuring screen or buffer strip in carrying out the requirements of thisCode.

Grocery store means a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Height of building means the vertical distance from the grade to the highest point on a mansard

or flat roof or to the median height between the eaves and the ridge for gable, hip and gambrel roofs. (See Figure 1-3).

Home occupation means an accessory use of a dwelling unit for business purposes.

Impervious surface means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

Impervious surface ratio means the area of impervious surface less those areas used exclusively for pedestrian circulation or outdoor recreational facilities divided by the gross site area.

Kennel means any lot or premises used for the sale, boarding, or breeding of dogs, cats or other household pets or the keeping of five or more dogs or cats in any combination over the age of six months.

Land clearing means:

1. The clearing of over 8,000 square feet of vegetation from any site, or
2. The removal of more than 20 trees more than 6 inches in diameter at breast height within 50 feet of a public or private street or river.

Mowing, trimming or pruning of vegetation to maintain it in a healthy, viable condition is not considered land clearing.

Landing area means a landing pad, area, strip, deck or building roof used to launch or receive aircraft, including, but not limited to, power-driven winged or delta-winged aircraft, gliders, balloons and helicopters.

Landscaping means some combination of planted trees, vines, ground cover, flowers or turf so long as a minimum of 80 per cent of the landscape area is covered by living plant material. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, pools, art works, screens, walls, fences and benches.

Laundromat means a business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including one principal building together with accessory buildings, open spaces and parking areas required by this Zoning Code, and having its principal frontage upon a street or upon an officially approved private street. The word "lot" includes the words "plot", "tract" or "parcel".

Lodging Facility means a commercial establishment with one or more buildings whose primary use is to provide temporary overnight accommodations within individual guest rooms or suites to the general public for compensation. Accessory uses may include eating places, meeting rooms and other similar uses.

Lot, corner. "Corner lot" means a lot which has at least two contiguous sides abutting on and at the intersection of two or more streets.

Lot of record means a lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat.

Lot, through. A Through lot means an interior lot having frontage on two more or less parallel streets.

Lot width means the horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Manufacturing means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

Marina means a commercial mooring, berthing, or docking facility for watercraft with or without provisions for launching, haulout, servicing, fueling or sales of accessory supplies.

Medical Marihuana means marihuana as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq. grown, used, or transferred for "medical use" as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical Marihuana Collective means a use where Medical Marihuana is transferred, pursuant to the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical Marihuana Cultivation means a use where Medical Marihuana is grown as permitted by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical Marihuana Cultivation Facility means a use where more than 72 plants are being cultivated on a Parcel.

Microbrewery means a facility as defined as such by the State of Michigan.

Non-conforming use means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nursing home. See "Residential care and treatment facility".

Open space, common. "Common open space" means land within or related to a development, not individually owned that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Operator of Medical Marihuana Collective means any person who is employed by or otherwise involved in the operation of a Medical Marihuana Collective.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is identified along Grand Traverse Bay and the lower Boardman River as elevation 581.04 feet USGS.

Owner means any person having an ownership interest in a premises as shown on the latest Traverse City tax records.

Parcel. See a "lot".

Parking area means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles. including parking lots, driveways and legally designated areas of public streets.

Parking area, commercial. "Commercial parking area" means a tract of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot and which contains parking space rented to the general public or reserved for individuals by the hour, day, week or month.

Parking area, off-street. "Off street parking area" means a land surface or facility providing vehicular parking spaces off of a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of motor vehicles.

Parking area, private. "Private parking area" means a parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking area, public. "Public parking area" means a publicly owned or controlled parking area available to the public, with or without payment of a fee.

Parking space means an area of land provided for vehicles exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

Parking structure means a building or structure consisting of more than one level and used to store motor vehicles.

Pavement. "Pavement" and "paved" mean permanent and completely covered with concrete, a bituminous surface, brick or other surface approved by the Planning Director.

Pedestrian scale means design and construction considerations based upon the scale of a human being which imbue occupants and users of the built environment with a sense of comfort and security.

Person means a corporation, association, partnership, trust, firm or similar activity as well as an individual.

Place of worship means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Planning director means the head of the City Planning and Zoning Department or the designee of that person.

Plat means a map of a subdivision of and recorded with the Register of Deeds pursuant to State statute

Primary Caregiver means a primary caregiver with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Public utility means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Qualifying Patient means a qualifying patient with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

R-District means a residence district, namely an RC, R-1a, R-1b, R-2, R-9, R-15, and R-29 district.

Recreational facilities means buildings, or grounds, excluding amusement parks, where a variety of sport or exercise activities are offered.

Recreational vehicle means a vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Residential Care and Treatment Facility means a facility providing:

1. Services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation;
2. Temporary emergency shelter and services for battered individuals and their children in a residential structure.

Restaurant, family means an establishment where food and drink are prepared and served to seated customers. Customer turnover rates are typically less than one hour. Generally, these establishments serve breakfast, lunch, and dinner and sometimes are open 24 hours a day. It may include cafeteria-style facilities.

Restaurant, fast food means an establishment where food and drink are served to customers at a counter. Such establishments may or may not have seating facilities. Generally, food and drink is ordered and taken to be consumed outside the restaurant building.

Restaurant, fine means an establishment where food and drink are prepared and served. Customer turnover rates are typically one hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch.

Right-of-way means a public or private street, alley or easement permanently established for the passage of persons or vehicles.

Rooming house means a residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include lodging facilities, apartment houses, two and multi-family dwellings or fraternity and

sorority houses.

School means an educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

Screen means a structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Screen, opaque means a masonry wall, fence sections, earthen berm, evergreen hedge or a combination of these elements which completely interrupt visual contact and provide spatial separation.

Setback means the distance required between a lot line and a building wall.

Setback, front. A Front setback@ means the minimum required distance, extending the full lot width, between the principal building and the front lot line.

Setback, rear. A Rear setback@ means the minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front line.

Setback, side. A Side setback@ means the minimum required distance, extending from the front setback to the rear setback, between the principal and accessory building and the side lot line.

Site diagram means a drawing, drawn to scale, showing the location of buildings and structures on a lot, as well as driveways, curb cuts, alleys, streets, easements and utilities. See Appendix 1, Figure 1-4.

Site plan means a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

Stop work order means an administrative order which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Code.

Street means any public way, such as a public street, avenue or boulevard, at least 16 feet wide. Street does not mean "alley". See also "Private street".

Street, access. "Access street" means a street or alley designed primarily to provide access to properties.

Street, arterial. "Arterial street" means a street designed to carry high traffic volumes through the community.

Street, collector. "Collector street" means a street designed to carry moderately high traffic volumes from arterial and access streets.

Street, private. "Private street" means an officially approved thoroughfare, other than a public street or alley, permanently reserved as the principal means of access to abutting property.

Structural alterations means any change in a building requiring a building permit.

Structure means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but not limited to, freestanding signs, billboards, back stops for tennis courts and pergolas.

Tourist home means a single-family dwelling owned and occupied by a person renting out not more than three rooms for compensation to persons who do not stay for more than seven consecutive days.

Townhouse means a multiple dwelling in which each dwelling unit shares a common wall with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and has a separate ground-floor entrance.

Trailer means any enclosure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which has been or reasonably may be equipped with wheels or devices for transporting the enclosure from place to place. "Trailer" includes motor homes, travel trailers and camper vans.

Transit center means a fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines and other services.

Transitional housing means a facility which is operated by a government or a nonprofit agency providing interim sleeping and bath accommodations; interim eating and cooking facilities; and professional services to assist individuals or families in locating permanent housing.

Treelawn means the area of public right-of-way lying between the curb line of a curbed Street or developed travelway of a noncurbed street and the nearest private property line substantially parallel to said street.

Trip end means the total of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

Vacation Home Rental means a commercial use of a dwelling where the dwelling is rented or sold for any term less than 30 consecutive days.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Zoning Code.

Yard, front. "Front yard" means all land extending across the width of a property and lying between the building line and the front lot line.

Yard, rear. "Rear yard" means all land extending across the width of the property and lying between the building and the rear lot line.

Yard, side. "Side yard" means all land lying between a principal building and the side lot lines and extending from the front to the rear of the principal building.

Zoning Code means Part 13, Title One of the Code of Ordinances of the City of Traverse City and includes the text of this Zoning Code as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

The effective date of this Ordinance is the _____ day of _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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.

Michael Estes, Mayor

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 _____.

Benjamin C. Marentette, City Clerk

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, Chapter 1332, 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) 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 facade 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.

- 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.)

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 ¹	5,000 sq. feet	Not applicable	45% maximum

¹ 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:**

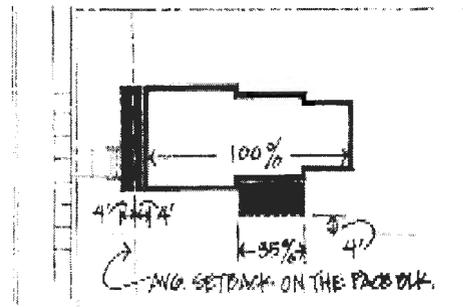
Building:

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:	<u>One side</u>	<u>Aggregate</u>
R-1a:	8 feet	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.

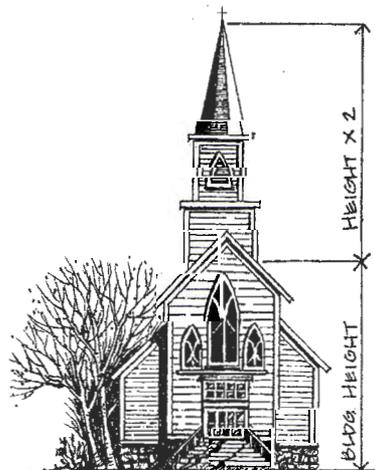
No encroachments into the required setbacks are allowed except:

- (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

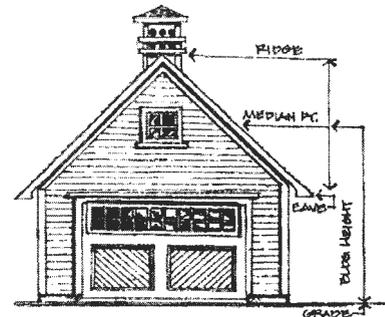


similar to those of the main building.
(Ord. 476. Passed 7-6-99. Ord. 726. Passed 3-19-07.)

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 ~~65~~ 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.



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.

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

The effective date of this Ordinance is the _____ day of _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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.

Michael Estes, Mayor

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 _____.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ACCESSORY DWELLING UNITS NO PARKING REQUIRED AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That the Circulation and Parking Section 1374.03, *Motor Vehicle Parking*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1374.03 MOTOR VEHICLE PARKING.

(a) **Compliance required.** In all districts, except the C-4 districts (where the provision of off-street parking is not required) and those properties located within 500 feet of a public parking structure, off-street parking shall be provided as required by this Chapter unless otherwise provided by parking waiver pursuant to this Zoning Code. In the C-4 district and those properties located within 500 feet of a public parking structure, when private parking is provided, it shall meet all requirements of this Chapter with the exception of the parking space requirements of subsection (d). Full off-street parking compliance is required as follows:

- (1) **New Construction.** For all newly constructed buildings.
- (2) **Enlargement.** Whenever a building is expanded to increase its gross floor area.
- (3) **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking pursuant to this Zoning Code than the former use.
- (4) **Parking Area Construction and Expansion.** For all new parking areas and whenever existing parking areas are expanded. Normal maintenance, such as regrading of legal non-conforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.

(b) **Land use permits; plans; improvement guarantees.** Land use permits shall be required for parking area construction or expansion in all districts. In addition, the following shall be submitted:

- (1) **Plans.** For any parking construction or expansion a plan shall be submitted to and approved by the City Engineer prior to the commencement of construction. Such plan shall include:
 - A. Setbacks, spacing and size of spaces,
 - B. Landscaping and lighting (where applicable),
 - C. Ingress and egress,
 - D. Surfacing and drainage.
 - E. Proposed and existing grades,
 - F. General specifications,
 - G. Parking details and any other information as shall be deemed necessary by

the Planning Director or City Engineer prior to the issuance of a land use permit.

Except for parking areas and driveways for one and two-family dwellings, such plans shall be sealed by a registered professional engineer or architect who is licensed to do business in the State. Specific plan requirements may be waived by the Planning Director or City Engineer when, in their opinion, the proposed changes do not warrant full compliance. In such cases, a written opinion by the Planning Director must be filed with the application for the permit.

- (2) **Improvement Guarantees.** For any parking construction, screening or other site development for which a land use permit is required, a certificate of surety, performance bond, or other financial guarantee, as approved by the Planning Director, in the amount of 110 percent of the estimated construction costs, shall be submitted prior to the issuance of a land use permit or building permit and shall be retained until such site development is completed and found to be in full compliance with the site plan approved by the Planning Director. Where landscape materials are required to be provided or mature trees are required to be saved in any development, the financial guarantee shall include the cost of plant materials and the total appraised value of individual trees to be saved and shall remain in effect for not less than one growing season after planting or completion of project site work, whichever is last.
 - (3) **Leased parking.** The owner or occupier of the property to be served shall own or lease all property utilized to meet minimum parking requirements. The lease shall include a provision that the lease may not be canceled without the permission of the Planning Director. The Planning Director may allow cancellation of all or part of a lease where parking compliance is achieved in some other way or a parking exception is granted.
- (c) **Location of parking areas.** Off-street parking areas shall be located in the same district as the use they are intended to serve, in a district that allows the use, or as provided by a special land use permit or the granting order of a planned unit development. In addition, parking areas are to meet the following requirements:
- (1) **Front setbacks.** Except as otherwise contained in this Zoning Code or as indicated below, parking shall be provided behind or to the side of a principal building as follows:
 - A. **R-1a:** 3 feet minimum.
 - B. **R-1b:** 3 feet minimum.

All other districts: Other than in the R-1a, R-1b and R-2 Districts, a parking area shall be set back a distance equal to the setback of the principal building or 25 feet, whichever is greater. For through lots, parking may be provided streetward of the principal building on the street that carries less traffic, but in no case closer than 25 feet from the front property line
 - (2) **Side setbacks.** In the R-1a, R-1b and R-2 districts, the side setback shall be 2 feet. In all other districts, any parking area which is contiguous to the side property line of an R-District shall provide a minimum side setback of 10 feet from the side contiguous to the R-District. All other parking areas shall maintain a minimum 5 foot side setback. If shared parking is developed, these setbacks would affect only the perimeter of the combined parcels. See Appendix 2, Figure 1-5.

(3) **Rear setbacks.** In the R-1a, R-1b and R-2 districts, no rear setback is required. In all other districts, a rear setback of 20 feet shall be required for any parking area abutting, adjacent to or across a public alley from an R-District and a 5 foot rear setback shall be required otherwise with the exception of the following:

- A. A rear setback requirement may be waived by the Planning Director to allow parking designed to back directly into a public alley when it can be demonstrated that the property exhibits site constraints which preclude or render permitted parking configurations impractical. Whenever such parking is approved, an area no less than ten feet in depth shall be provided immediately in front of the parking and the provided area shall be developed according to the landscaping requirements of Section 1372.05 (a) and (b). See Appendix 2, Figure 1-6.
- B. A required 20 foot rear setback may be reduced in depth by up to 50 percent when a decorative masonry screenwall at least five feet in height is constructed along the 10 foot setback line and the area between the wall and the rear property line is landscaped according to the requirements for front yards in Section 1372.05, *Landscape Development Internal to a Parking Area*.

(4) **Off-site locations.**

- A. All off-street parking areas, except in R-districts, shall be located on the immediate premises or within 500 feet as measured from the nearest point of the parking area to the nearest point of the building intended to be served.
- B. The required number of parking spaces may be reduced on a 1/1 ratio for permit parking spaces and leased spaces in a public parking area within 500 feet of the building to be served. The termination of such a permit or lease shall require replacement of the parking spaces so reduced.

(5) **Use of public right-of-way.**

- A. The required number of off-street parking spaces for a specific use may be reduced in recognition of the number of available on-street parking spaces on a curbed street abutting the property.
- B. Parking is prohibited on the treelawn portion of the right-of-way except where permitted by sign.

(d) **Requirements.** The number of required off-street parking spaces shall be provided by a property owner according to the following schedule. **All requirements are minimum unless otherwise noted.**

Residential	1 per dwelling unit*
Specialized Housing	
Adult foster care home	1 per three residents
Child care center	1 per ten children
Residential care and treatment facilities	1 per three beds
Independent living	1 per unit

Institutions

High schools, colleges	3 per 10 students
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All other schools	1.5 per classroom
Places of worship	1 per 4 seats in main area of worship
Hospitals	1 per 400 square feet gross floor area
Governmental offices, post offices	1 per 400 square feet
Auditoriums (excluding schools)	1 per 3 seats

Commercial

Office, financial institutions, retail (Max. 1 per 150 sq. feet)	1 per 350 square feet gross floor area
Medical office (Max. 1 per 150 sq. feet)	1 per 300 square feet gross floor area
Furniture, antique and bicycle shops	1 per 850 square feet gross floor area
Theaters	1 per 3 seats
Restaurants <i>Family</i>	0.4 per seat (alt. 2 for every 5 seats)
<i>Fine / Banquet Halls/ Fast Food</i>	0.7 per seat (alt. 3 for every 4 seats)
Lodging facilities	1 per room or suite
Marinas	1 per boat slip
Grocery, hardware /all other uses	1 per 325 square feet gross floor area

Industrial

Office	1 per 350 square feet gross floor area
Assembly/ Warehouse/Manufacturing	1 per 600 square feet gross floor area

*** No parking is required for Accessory Dwelling Units**

- **Uses not listed.** Any use not specifically addressed or referred to in this list shall have parking requirements determined by the Planning Director.
 - **Fractional spaces.** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
 - **Bicycle rack.** In all except R- districts, one on-site bicycle rack accommodating four
 - **Multiple uses.** Where a building has a multiple use occupancy of any two or more residential, commercial, office or industrial uses, the parking required shall be computed on the basis of the gross floor area in each use.
 - **Upper story dwellings.** Additional parking is not required for upper story dwellings above a first floor commercial or office use in a C-1, C-2, C-3 or H-1 district, however, any parking area supplied shall conform to the provisions of this Code.
 - **Buildings less than 500 square feet gross floor area** for non-residential uses are exempt from parking space requirements.
- (e) **Parking exception.** The Planning Director may grant a parking exception which reduces parking space requirements or location requirements of this Zoning Code, if it has been clearly demonstrated that the provisions of full parking or location requirements are unnecessary or that such requirements would create a practical difficulty with the use of the lot, as contrasted with merely granting an advantage or convenience. Storage areas, other than warehousing space, deemed by the Planning Director to be impractical for the other occupancies, shall require no off-street parking.

(f) **Limitations on use of parking areas.**

- (1) The required parking area shall be used solely for the parking of private passenger vehicles or vehicles used in the business operation.
- (2) No commercial repair work or service of any kind, and no sale, display or storage of new or used vehicles which are not for the use of the occupant, employees and patrons, shall be conducted in such required parking area.
- (3) A parking area in an R-district for a residential use shall be restricted to the use of its owner or lessee and under no circumstances shall such facility be used for a non-residential use or in conjunction with any non-residential use, including the provision of access to a non-residential use or the storage of snow removed from non-residential property or use.
- (4) No truck, trailer or other vehicle having an auxiliary refrigeration unit shall be parked overnight within 150 feet of any residence district while the refrigeration unit is in operation.

(g) **Design and construction standards.** The following standards for off-street parking areas apply to all uses in all districts except as specifically noted:

- (1) **Layout.** Off-street parking areas shall be designed, constructed, and maintained as follows and in accordance with the standards set forth in the table and drawing following the text of this Chapter.

- A. All maneuvering lanes shall permit only one-way traffic movements, with the exception of the 90 degree pattern where two-way traffic may be permitted.
- B. Each parking space shall have direct unimpeded access to a maneuvering lane and dead-end maneuvering lanes shall be permitted only with the 90 degree pattern where the maneuvering lane has been extended by a minimum of four feet beyond the last parking space to create a back-up area for exiting vehicles.
- C. Maneuvering lanes shall not be located within a required setback. A driveway may cross a setback from the street to the parking area.
- D. Stacking of parking spaces may be allowed by the Planning Director for employee parking only.

- (2) **Surfacing.**

- A. All parking areas, other than for a single or two-family residential use, shall be paved with concrete, bituminous asphalt, perforated concrete, brick or other permanent equal as approved by the City Engineer.
- B. 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.
- C. All parking spaces other than for single and two-family residential use shall be striped with suitable paint, reflective tape or other approved contrasting material which is applied upon or as an integral part of the pavement.

- (3) **Curb Types.** All parking areas except those for single and two family dwellings shall have permanent 4 inch minimum high granite, concrete curb or concrete curb and gutter to channel the flow of vehicular traffic, define and contain parking, protect landscaped areas and individual trees and to define and separate pedestrian travelways in the interest of safety and efficient parking area

utilization. In the Industrial District, curbing is required only for that portion of a parking area including the approach driveways and parking lot facing the street. See Appendix 2, Figure 1-7. All landscaped islands shall be protected from vehicular encroachment by curbing, however limited areas of the curb may be lowered to parking area grade, as approved by the City Engineer to accommodate the secondary use of landscape areas for the retention of storm-water runoff and snow storage. The Planning Director may approve variations from strict compliance with the curbing requirements when the applicant can provide an alternative design that is equal to or superior in its ability to channel the flow of vehicular traffic, define and contain parking, protect landscaped areas and individual trees and to define and separate pedestrian travelways.

- (4) **Storm-Water Management**. All parking areas shall provide for storm water management pursuant to Traverse City Code Chapter 1068, *Groundwater Protection and Stormwater Runoff Control*.
- (5) **Screening**. Screening shall be provided pursuant to Traverse City Code Chapter 1372, *Landscaping*.

The effective date of this Ordinance is the _____ day of _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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.

Michael Estes, Mayor

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 _____.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

**TITLE: REPEAL OF ACCESSORY DWELLING UNITS OVERLAY DISTRICTS
ORDINANCE CHAPTER 1377**

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1377, *Accessory Dwelling Units Overlay Districts*, of the Zoning Code of the Traverse City Code of Ordinances be repealed in its entirety:

**Chapter 1377
Accessory Dwelling Units Overlay Districts**

The purpose of the Accessory Dwelling Units Overlay Districts in certain areas of the City is to permit small secondary dwellings on single-family zoned parcels to help owners pay expenses, making the house itself more affordable, increase the efficiency of developed land and provide additional housing options.

1377.01 DESCRIPTION OF DISTRICT.

These regulations apply to the Traverse Heights neighborhood. See Traverse Heights neighborhood boundary map below:



1377.02 CONDITIONS.

A land use permit for an accessory dwelling unit may be issued if the following conditions are met and continue to be met during the life of the accessory dwelling unit:

- (a) The existing site and use are substantially in compliance with this Zoning Code.
- (b) There shall be a maximum limit of five (5) Accessory Dwelling Units per calendar year.
- (c) The accessory dwelling unit is allowed only on a lot having at least 5,000 square feet.
- (d) Only one accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
- (e) Access to an upper story accessory dwelling unit must be internal to the building structure.
- (f) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exteriors appear to be single-family. No alteration to the exterior of the residential dwelling, accessory building or yard that alters the single-family residential character of the premises is permissible.
- (g) The orientation of the accessory dwelling unit shall, to the extent practical, maintain the privacy of residents in adjoining dwellings, as determined by the physical characteristics surrounding the accessory dwelling unit, including landscape screening, fencing and window and door placement.
- (h) If the accessory dwelling unit's primary entrance is not the same as that of the principal dwelling unit, it shall be made less visible from the street view than the main entrance of the principal dwelling unit.
- (i) Individual site plans, floor plans, elevation drawings and building plans for both the proposed accessory dwelling unit and the subsequent reconversion to conventional single-family residence shall be submitted with the application for a land use permit. Any construction of an accessory dwelling unit shall meet all design and building code requirements.
- (j) The accessory dwelling unit may not exceed forty percent of the total floor area of the principal dwelling unit including the garage. The interior staircase of the accessory dwelling unit is not included in the total floor area.
- (k) The accessory dwelling unit must have at least 250 square feet of gross floor area per dweller.
- (l) The dwelling unit that is rented shall not be leased for less than twelve months at a time.
- (m) All off-street parking facilities shall be behind or to the side of the primary dwelling and shall be paved. The petitioner must submit a site diagram indicating the location of proposed off-street parking.
- (n) 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.
- (o) An accessory dwelling unit shall meet all applicable requirements of the Traverse City Code of Ordinances.
- (p) Prior to issuing a land use permit, the Planning Director shall notify, ten days in advance by first class mail, abutting property owners so that they may provide input on the pending request to the Planning Director.
- (q) The accessory dwelling unit shall be discontinued and the property shall be brought into full compliance with the use requirements of this Zoning Code if any of the above

conditions are not met.

The effective date of this Ordinance is the _____ day of _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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.

Michael Estes, Mayor

Benjamin C. Marentette, City Clerk

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Benjamin C. Marentette, City Clerk