

Sec. 5.9.03. - Accessory Dwelling Units (ADU).

The following ADU use regulations shall not be waived or altered by the Planning Commission.

- A. Not more than one (1) Accessory Dwelling Unit (ADU) may be included within a detached single-family dwelling (primary dwelling unit), or accessory structure, or separate from but located on the same lot as a detached single-family dwelling.
- B. *Minimum Lot Area.* An ADU may be developed on a lot meeting the minimum lot size for the applicable zone district.
- C. *Residential Density.* The ADU shall be excluded from maximum residential density requirements.
- D. *Building Height.*
 1. The portion of a single family detached dwelling with an ADU, when newly added, shall not exceed the permissible main building height of the Zone District. The Planning Commission may increase the height of an accessory structure occupied by an ADU up to a maximum of twenty-five (25) feet.
 2. The maximum permitted height for a detached ADU is twenty-five (25) feet where the applicable zone district setback requirements for a primary structure are met. Where zone district setback requirements for a primary structure cannot be satisfied, the detached ADU shall be no higher than (20) feet.
- E. *Maximum Floor Area.* The maximum permitted floor area for an accessory structure that contains an ADU may be increased by one-hundred (100) percent solely for the construction of a second-floor unit.
- F. *Front Yard Prohibited.* If not part of the main building, the ADU shall not be in the front yard.
- G. *Minimum/Maximum ADU Size.* The ADU shall not exceed forty (40) percent of the gross floor area of the primary dwelling unit, but in any case shall be at least four hundred (400) square feet and not larger than eight hundred fifty (850) square feet in gross floor area.
- H. *Bedroom Maximum.* A maximum of two (2) bedrooms are permitted within an ADU.
- I. *Owner Occupancy.* One (1) of the dwelling units shall be owner-occupied. If the ADU is leased, it shall be registered with the City as required in Chapter 140 of the City Code.
- J. *Leasing or Rental.* No ADU shall be leased or rented for less than thirty (30) days, and shall not be used as a short-term rental.
- K. *Alterations or New Construction.* Any alterations to existing buildings or structures or the construction of a new structure to accommodate the ADU shall be designed to maintain the architectural design, style, appearance and character of the main building as a detached single-family dwelling, including but not limited to entrances, roof pitch, siding and windows.

L. *Deed Restriction.* A deed restriction enforceable by the City shall be recorded prior to the issuance of a building permit stipulating that the ADU will not be conveyed separately from the primary dwelling unit. An alternative form of security may be substituted if it meets the intent of this provision and is approved by the City Attorney.

(Ord. No. 2018-69, § 7, 12-18-18; Ord. No. 2019-11, § 4, 3-26-19)

1. All automobile queuing for a drive-through window shall be separated from other on-site traffic patterns.
2. Pedestrian areas shall be clearly marked.
3. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
4. Stacking areas shall be designed in accordance with [Section 514.K](#) of this Ordinance. [Annotation: Stacking Areas was amended by Amendment Z17-03, adopted 6/16/17]
5. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
6. All exterior lighting shall be in accordance with [Section 525](#) hereof.
7. Any commercial establishment with a drive-through facility which adjoins a property zoned or used for residential purposes shall be effectively screened from view from such property.
8. All parking areas shall comply with the provisions of [Section 514](#) of this Zoning Ordinance.
9. All signs shall comply with [Article 21](#) of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1829 DUPLEX

- A. Definition.** A dwelling designed for or occupied by two families only, with separate housekeeping, cooking, and bathroom facilities for each.
- B. Regulations and Conditions.**
1. In any subdivision or site condominium, the Planning Commission may establish a limit on the number of duplexes within said development.
 2. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
 3. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1830 RESERVED

SECTION 1831 DWELLING, ACCESSORY

- A. Definition.** A dwelling located in an accessory structure on the same parcel as another, single unit dwelling.
- B. Regulations.**
1. Intent. The intent of this Section is to permit the use of accessory buildings as an accessory dwelling unit where such use will not be out of character with the surrounding

neighborhood. In the R-2 and R-3 districts, the Planning Commission may approve the use of an existing accessory structure as a dwelling unit subject to the following requirements.

2. A proposed accessory dwelling shall be located on a parcel with not less than 10,000 square feet in area and not less than 80 feet of width.
3. Such accessory dwellings shall conform to all dimensional, structural and maintenance requirements of this ordinance, the City of Manistee Building Code and the Housing Code.
4. Accessory dwellings shall have a minimum of 400 square feet, and no more than 1,000 square feet of living area.
5. Not more than one (1) accessory dwelling shall be permitted on any one (1) parcel.
6. At least one (1) off-street parking space shall be provided for an accessory dwelling.

SECTION 1832 DWELLING, MULTIPLE UNIT

A. Definition. A building which is a dwelling designed for or occupied by three or more families, with separate housekeeping, cooking, and bathroom facilities for each.

B. Regulations and Conditions.

1. Parking areas intended for the use of residents of Multiple Unit Dwellings shall be located within two hundred (200) feet of the building.
2. Within the R-2 district Multiple Unit Dwellings shall front on and be accessed from a key street segment, as defined herein.
3. In the C-3 District, dwelling units shall not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography or similar design; such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard. Provided, however, that in a mixed-use building fronting on River Street, at least the first 20 feet of depth at street level of the building shall be dedicated to a commercial use. [Annotation: Item 3 was amended by amendment Z17-07, effective 7/28/17]
4. All exterior lighting shall be in accordance with **Section 525** hereof.
5. No multiple unit structure shall be located closer than twenty (20) feet from any other multiple unit structure located on the same parcel.
6. Groups of Multiple Unit Dwellings located on one parcel shall have common ownership. For the purposes of this paragraph, a condominium unit shall be considered a single parcel.
7. All dumpster enclosures shall be in accordance with **Section 506** of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
8. Safe pedestrian and vehicular circulation patterns shall be established in group building developments, as determined by the Planning Commission.

1336.01 - Uses allowed.

The following uses of land and buildings, together with accessory uses, are allowed in the multiple-family districts:

- Accessory dwelling units are an allowed use provided they meet the following requirements:
 - (a) The existing site and use are substantially in compliance with this Zoning Code.
 - (b) Only 1 accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
 - (c) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exterior appear to be single-family.
 - (d) Location of entrances. Only 1 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.
 - (e) Exterior stairs. Fire escapes for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling. Interior stair floor area will not count in the size calculation of the accessory dwelling unit.
 - (f) Individual site plans, floor plans, elevation drawings, building plans for the proposed accessory dwelling unit shall be submitted with the application for a land use permit. If exterior modifications are made after a land use permit is issued, revisions must be reviewed and approved by the Zoning Administrator.
 - (g) 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 1334.07.
 - (h) At least 1 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.
 - (i) The accessory dwelling unit shall obtain a registration from the City Clerk annually.
 - i. An owner desiring an accessory dwelling unit on their property is required to make written application to register with the City Clerk. The City Clerk shall provide forms for applications.

The applicant shall truthfully state, in full, the information requested on the application, including:

- (1) The applicant's name, telephone number, address of present place of residence, length of residence at such address;
 - (2) Affidavit verifying applicant applies consent and understands that accessory dwelling units are subject to the conditions contained in this Ordinance section, in addition to conditions contained elsewhere in these Codified Ordinances.
- ii. A registration obtained under this section shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by another ordinance, statute or administrative rule.
 - iii. Administration and enforcement shall be the responsibility of the Zoning Administrator per Section 1322.04.
 - iv. Complaints. If a written complaint is made alleging that an accessory dwelling unit has violated any provisions of this chapter, the Zoning Administrator shall promptly forward the written complaint to the accessory dwelling unit owner together with a notice that an investigation will be made as to the truth of the complaint. The accessory dwelling unit owner may respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Zoning Administrator determines that the accessory dwelling unit is in violation, the City may enforce these provisions by any means available under the law.
 - v. Penalty per Section 202.99.
 - vi. Fee. A non-refundable registration fee shall be established by the City Commission.
- (j) The accessory dwelling unit shall not be leased for a period of less than 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.
 - (k) Each registered Accessory Dwelling Unit is subject to annual administrative review by the City. Registrant shall provide additional information as requested by the City.
 - (l) An accessory dwelling unit shall be prohibited if the parcel has a licensed Tourist Home.
- Adult foster care family home and small group home;
 - Art galleries in non-residential buildings built prior to October 16, 2003, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;
 - 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;
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Coffee houses and family or fine food restaurants in non-residential buildings built prior to October 16, 2003, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;

- Child care organization, as defined by MCL 722.111 et seq., as amended, associated with a school or place of worship;
- Community Gardens;
- Dwellings, single-family;
- Dwellings, two-family;
- Dwellings, duplex
- Dwellings, triplex
- Dwellings, quadplex
- Dwellings, multiple family;
- Essential services;
- Family child care home, as defined by MCL 722.111 et seq., as amended;
- Group child care home, as defined by MCL 722.111 et seq., as amended, subject to the following conditions:
 - (1) All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the land use permit and a change in the licensee requires a land use permit renewal.
 - (2) The lot is not located within 150 feet of another lot devoted to such use. The distances required shall be measured along any private or public street.
 - (3) A fenced outside recreation area shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed streetward of the principal structure unless specifically allowed by the Planning Commission for unique circumstance.
 - (4) The use does not exceed 16 hours of operation during a 24-hour period.
 - (5) No additional parking is required for the Group Day Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, 2 parking spaces shall be provided on premise.
 - (6) A Group child care home requires the issuance of a Land Use Permit. As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.
- 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 8 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 2 such persons shall be employed in the home occupation. If the residence is located on an arterial or collector street, 1 non-resident employee at 1 time is also allowed in addition to 2 resident employees.
 - (8) Any sign identifying the occupation must conform to the regulations of the 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.
- Offices in nonresidential buildings built prior to (the date of this ordinance) provided they are located on an arterial or collector street and provided the building is not expanded except as necessary to meet barrier free access requirements;
 - Parks;
 - Playgrounds;
 - Private clubs, lodges, fraternities or sororities, if located on an arterial or collector street;
 - Rooming houses;
 - Tourist homes maintaining a City tourist home license;
 - Other similar uses as approved by the Planning Commission if such uses will generate similar traffic and parking, are compatible with adjacent land uses, and will not generate excessive noise, lighting, fumes or other nuisances.

2. Essential services including small neighborhood-scale parks and play-ground facilities, but excluding telecommunication towers.
 3. Uses customarily incidental and accessory to a permitted principal use including satellite dishes that are one meter or less in diameter, amateur radio antennas and television antennas but excluding telecommunication towers.
- C. Uses Permitted with Special Conditions. Land and buildings permitted with special conditions shall be used for the following purposes, provided the Zoning Administrator finds that the following conditions are satisfied and further provided the proposed use satisfies all of the District Development Regulations of this Ordinance.
1. One (1) accessory dwelling unit per lot. Accessory dwelling unit includes detached guesthouses, accessory apartments within the principal dwelling unit, and accessory apartments over detached garages.
 - a. The accessory dwelling unit shall not be less in floor area than 600 square feet.
 - b. The accessory dwelling unit shall have the same architectural style as the principal dwelling unit in terms of building height, materials of construction, and roofline slope.
 - c. One off-street parking space is required for the accessory dwelling unit in addition to the parking required for the principal dwelling. Except as may be available from a publicly maintained alley, no garage or driveway shall be constructed to service only the accessory dwelling.
 - c. Vehicular access to an accessory dwelling shall be the same access used by the principal dwelling, with the exception of the condition listed in 5.1.C.1.f.
 2. Home-based businesses such as business and professional offices, telecommuting businesses, subject to the following conditions:
 - a. The home-based business shall be clearly secondary and incidental to the use of the premises as a residence. The amount of space used for the home-based business shall not exceed 25% of the area of the principal building.
 - b. All activities shall be conducted within the interior of the principal dwelling unit or in an existing accessory building.
 - c. Home-based businesses shall be owned and operated solely by persons residing in the residence except that one (1) person not in residence on the premises may be employed on the premises.

Sec. 36-238. - Accessory dwelling unit.

It is the intent to address the identified need of providing and preserving affordable and secure housing for all the population of the Township, while preserving the appearance and character of the Township's residential areas; by permitting, as an accessory use, the creation of a separate self-contained dwelling unit within, incidental and subordinate to, an existing single-family residence. The creation of such accessory dwelling units will promote the general welfare of the Township, without increasing the number of residential buildings, by allowing all the population to continue to live in the Township, either in their present home or in the accessory dwelling units permitted hereunder.

Sec. 36-239. - Accessory dwelling unit regulations.

The following regulations shall apply to all accessory dwelling units whether on conforming or nonconforming lots:

- (1) The principal dwelling or the accessory dwelling unit must be declared the main residence of the owner of the property.
- (2) The accessory dwelling unit shall be a maximum of 40 percent of the gross floor area of the principle structure, not to exceed 1,000 square feet.
- (3) The number of off-street parking spaces for the accessory dwelling unit shall be not less than one and shall not block the required parking for the main residence.
- (4) The accessory dwelling unit shall have a maximum of two bedrooms.
- (5) The occupancy of the accessory dwelling unit shall be no more than two persons.
- (6) Accessory dwelling units and the principal structure must be connected to sewer if available.
- (7) Access to an attached accessory dwelling unit shall be limited to a common entrance foyer or exterior entrance to be located on the side or rear of the building;
- (8) Detached accessory dwelling must be located closer to the principal residence on the subject site than the principal residence on an adjacent property.
- (9) The principal residence and the accessory dwelling unit shall share the same vehicular access to the property.
- (10) Accessory dwelling units shall not be permitted on lots within the waterfront residential and natural rivers districts that abut a waterbody or have access to a waterbody.
- (11) All zoning district bulk and setback requirements shall apply to the site.
- (12) Accessory dwelling units are allowed on conforming lots of record in the following circumstances (See Table 1):
 - a.

In the RAA Single-family Low Density Residential, RA Single-family Medium Density Residential, VC Village Center, and VR Village Residential Zoning Districts with review and approval by the Zoning Administrative under subsection (14) of this section.

- b. Attached units in the WRF Waterfront Residential and NR Natural Rivers Districts with review and approval by the zoning administrative under subsection (14) of this section.
- c. Detached units in the WRF Waterfront Residential and NR Natural Rivers Districts on lots greater than two acres with review and approval by the zoning administrative under subsection (14) of this section.
- d. Detached units in the WRF Waterfront Residential and NR Natural Rivers districts on lots less than two acres with review and approval by the planning commission under subsection (14) of this section.

(13) Accessory dwelling are allowed on a nonconforming lots of record in the following circumstances (See Table 1):

- a. In the RAA Single-family Low Density Residential, RA Single-family Medium Density Residential, VC Village Center, and VR Village Residential with planning commission review and approval under subsection (13) of this section.
- b. In WFR Waterfront Residential and NR Natural River District with the following requirements:
 - 1. Attached accessory units with planning commission review and approval under subsection (14) of this section.
 - 2. Detached units shall require special use approval under section 36-36.
 - 3. Accessory dwelling units are subject section 36-291.
 - 4. The accessory dwelling unit must meet the requirements under subsection (14) of this section.

Table 1: ADU Reviewing Body

ZA: zoning administrator

PC: planning commission

SUP: special use permit

<i>Zoning District</i>	<i>Conforming Lots</i>	<i>Nonconforming Lots</i>
Country Estates (CE)	ZA	PC

Single-family Low Density Residential (RAA)	ZA	PCSingle-family Medium Density Residential
(RA)	ZA	PC
Waterfront Residential (WFR)	ZA/PC*	PC/SUP**
Natural Rivers (NR)	ZA/PC*	PC/SUP**
Village Center (VC)	ZA	PC
Village Residential (VR)	ZA	PC

*ZA approval for attached ADUs on conforming lots and detached ADUs on conforming lot greater than two acres.

**PC approval of attached ADUs on nonconforming lots and SUP approval of detached ADUs on nonconforming lots.

- (14) Accessory dwelling units shall be reviewed to ensure compliance to the following standards:
- a. Architectural design, style and appearance of the principal residential building must be maintained; in considering this factor the existing facade, roof pitch, building materials, colors and windows of an attached or detached accessory dwelling unit shall be consistent with the principal structure;
 - b. The proposed development does not impair the existing views, block access to light and air, or infringe on the privacy of neighbors in a substantial fashion. In considering this factor, decision makers shall balance the importance of minimizing impacts on neighboring properties and the applicant's ability to develop the property;
 - c. The proposed development is compatible with existing land uses in the area, would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.
- (15) If public water and sewer are not available to the residence, the use of private water and septic systems for the accessory dwelling unit shall be subject to the approval of the County Health Department. The accessory dwelling unit shall comply with all applicable housing, building, fire and health code requirements.
- (16) The zoning administrator may defer a decision on an ADU application to the planning commission for any reason. A decision by the zoning administrator on an ADU application is appeals to the planning commission.

(17) Private restrictions on the use of property shall remain enforceable and take precedence over these additional district regulations. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(Zoning Ord. 2020, § 8.27.1, 1-5-2021)

6.25 WATER PROTECTION

Recognizing the need for some structures to locate in the Waterfront Yard, the following are permitted:

1. Decks refer to 6.13
2. Retaining walls, boat ramps and bulkheads at or to waters edge.
3. In some cases lots have high steep banks and /or wetland near waters edge causing it to be desirable to have a small storage shed, pump house, or gazebo down near the waters edge. In such cases, follow boathouse criteria 6.24 A and B.
4. Boathouses in accordance with Section 6.24.

6.26 ACCESSORY DWELLING UNIT

It is the policy of Clark Township to permit accessory dwelling units in a manner that enhances residential neighborhoods and helps residents meet their housing needs. The following standards shall apply:

- A. Accessory dwelling units are a permitted use in any zoning district that permits single family dwellings, subject to issuance of a land use permit by the Zoning Administrator and compliance with section 6.4.
- B. Accessory dwelling units are permitted only as an accessory use to an owner-occupied single family dwelling.
- C. A maximum of one accessory dwelling unit is permitted per residential lot, provided the Zoning Administrator approves the accessory dwelling unit as complying with the standards of this section.
- D. An accessory dwelling unit may be incorporated in either an existing dwelling or a new dwelling unit.
- E. An accessory dwelling unit within an existing dwelling may be incorporated on any lot meeting the minimum lot size and dimensional standards of the zoning district in which it is proposed.
- F. When proposed as a separate structure from the existing dwelling unit, an accessory dwelling unit shall comply with the standards of Section 6.10.
- G. In no case shall an accessory dwelling unit be more than 40 percent of the living area of the existing dwelling.
- H. One (1) parking space shall be required for an accessory dwelling unit.
- I. Applicants for an accessory dwelling unit shall provide the Zoning Administrator with certification from the municipal health department that the water supply and sewage disposal facilities are adequate for the projected number of residents.