

Final Draft of Housing Ordinance Recommendations with tables

Chapter 38 ZONING

CD 38:5

Article 1.

Sec 38-3 Preamble.

*add: The City recognizes the need to reinstate the registration and inspection program for rental dwellings within the City, set forth in Chapter 6 **BUILDINGS AND BUILDING REGULATIONS**, Article III, **PROPERTY MAINTENANCE CODE**, for the health and safety of its residents and to provide an efficient system for compelling landlords to correct violations and to maintain in proper condition rental property within the City. The City recognizes that the most efficient system is to require the registration, certification, and inspection of all rental housing properties as defined in this article, so that effective and regularly scheduled inspections can be performed by the designated City Official. All rental properties are required to have a Responsible Local Agent registered with the City. The Responsible Local Agent must have authority to address any issues or concerns regarding the property or tenants.*

Sec. 38-5. Definitions

CD 38:6, 38-7, & 38-8 *add*

Apartment means a set of rooms fitted with housekeeping facilities, including a kitchen, bathroom, sleeping room(s) and living space leased as a dwelling unit as part of a larger building containing other apartments and/or businesses.

Delete "Dwelling"

replace with: Dwelling Unit. A Dwelling Unit is a building, or separate and distinct part thereof, designed for permanent occupancy as a house or residence, with complete cooking and bathroom facilities for the exclusive use of the occupants.

Family. One or more persons related by blood, marriage or adoption occupying a dwelling unit as a single housekeeping unit; or a collective number of individuals living together in a dwelling unit whose relationship is of a permanent and distinct domestic character.

Family dwellings:

Multiple family dwelling: (Apartment) A building used entirely for more than two dwelling units with each dwelling unit occupied by not more than one family.

Single family dwelling: (house) A building used entirely for only one dwelling unit by one family.

Two family dwelling (duplex): A building used entirely for two dwelling units with each dwelling unit occupied by not more than one family.

Gross Residential Square Feet: The sum of all areas on all floors of a building included within the outside faces of its exterior walls, including all vertical penetration areas, for circulation and shaft areas that connect one floor to another. In a mixed-use building such as a commercial building with residential areas, the areas of commercial use must be subtracted from the overall gross area in order to identify the residential gross area.

Hotel or motel means an establishment that provides transient lodging (a term of fewer than 30 days) and usually meals and various personal services for the public.

Non-family dwelling means a single dwelling unit building (house), or two dwelling unit building (duplex), or 3 or more dwelling unit building (apartment), containing two or more persons who do not constitute a family as defined above. This includes but is not limited to, apartments, boarding houses, shared houses, shelters, halfway houses and duplexes occupied by persons who do not constitute a family.

Rental dwelling unit. A rental dwelling unit is any dwelling unit, including but not limited to rental houses, apartments, boarding houses or sleeping rooms, rented by the owner or another person in control of such dwellings to any individual or individuals for a term longer than 30 days

Responsible local agent: A natural person designated by the property owner as the agent responsible for operating such rental property in compliance with the ordinances adopted by the City

Sleeping Room means a room separate from common living areas used by one or more persons for sleeping. Each sleeping room must be in compliance with the current Michigan code requirements for floor area and volume of space provided per occupant.

Transient occupancy means occupancy for a time period of fewer than 30 days.

CD 38-17 (Division 3. R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 38-151 Description of district; permitted uses.

Add (to permitted uses)

(3) Non-family apartments as described in Chapter 38 Zoning, Article IV Supplementary Regulations sections 38-359 - 38-492. No non-family apartment may be placed within 300 feet of an existing rental dwelling or on a contiguous lot in this district.

(4) Non-family single or two-dwelling unit buildings (non-family houses or duplexes, boarding houses) as described in Chapter 38 Zoning, Article IV Supplementary Regulations sections 38-359 - 38-492. No non-family single dwelling unit (boarding house) or non-family duplex will be allowed within 900 feet on the same street, or on a lot contiguous with an existing boarding house or other non-family dwelling unit, including but not limited to employee housing, group houses, halfway houses and shelters.

CD 38-19 DIVISION 4. R-3 MIXED RESIDENTIAL PROPERTY

Sec. 38-181 Description of district; permitted uses

Add (3) Non-family apartments as described in Chapter 38 Zoning, Article IV Supplementary Regulations sections 38-359 - 38-492. No non-family apartment may be placed within 300 feet of an existing R3 zoned rental dwelling or on a contiguous lot without a zoning variance.

(4) Non-family one and two unit dwellings (non-family houses or duplexes, boarding houses) as described in Chapter 38 Zoning, Article IV Supplementary Regulations. Sections 38-359 -

38-492. Unless a zoning variance is granted, no non-family single unit dwelling (boarding house) or non-family duplex will be allowed within 900 feet on the same street, or on a lot contiguous with an existing boarding house or other non-family dwelling unit, including but not limited to employee housing, group houses, halfway houses and shelters.

CD 38-21 DIVISION 6. CBD CENTRAL BUSINESS DISTRICT.

Sec 38-232. Permitted uses

CD 38-22 (16) Change "Living quarters" to "Dwelling units"

Add Non-family Apartments as described in Chapter 38 Zoning, Article IV Supplementary Regulations sections 38-359 - 38-492.

CD 38:22 DIVISION 7. GBD GENERAL BUSINESS DISTRICT

Sec. 38-252. Permitted uses.

(10) Change "Living quarters" to "Dwelling units".

Add (11) Non-family rental dwellings. Non-family apartments as described in Chapter 38 Zoning, Article IV Supplementary Regulations sections 38-359 - 38-492.

CD 38:23 DIVISION 8. TOURIST BUSINESS DISTRICT

Sec. 38-272. Permitted uses.

(10) Change "living residences" to "Single family dwellings"

Add

(15) Non-family rental dwellings. Non-family apartments as described in Chapter 38 Zoning, Article IV Supplementary Regulations sections 38-359 - 38-492.

Non-family one and two unit dwellings (non-family houses or duplexes, boarding houses) as described in Chapter 38 Zoning, Article IV Supplementary Regulations. Sections 38-359 - 38-492.

CD 38:27 Article IV. SUPPLEMENTARY REGULATIONS

add Sec. 38-359 Non-family dwellings, one or two units (houses or duplexes), boarding houses, shared houses, group houses

Any non-family single unit dwelling (house) or non-family two dwelling unit building (duplex) requires one full bath per four persons, kitchen facilities that include a minimum of one stove or range, one sink and one refrigerator per 8 persons, with a minimum 7 foot 6 inch ceiling height and must provide no less than 240 gross square feet within the building per occupant in R2, Central Business and General Business Districts and on R3 zoned property, and no less than 200 gross square feet per occupant in the Tourist Business District.

No non-family single unit (boarding house) or non-family duplex will be allowed within 900 feet on the same street, or on a lot contiguous with an existing boarding house or other non-family dwelling unit, including but not limited to employee housing, group houses, halfway houses and shelters in the R2 zoning district or on R3 zoned property without a zoning variance.

add Sec. 38-360. Non-family dwellings, 3 or more units (apartments)

Non-family dwellings of 3 or more units (apartments) must provide one bathroom per 4 persons, and kitchen facilities that include a minimum of one stove or range, one sink and one refrigerator per 8 persons, with a minimum 7 feet 6 inch ceiling height, and no less than 240

gross square feet per occupant in the R2, Central and General Business Districts and on R3 zoned property, and no less than 200 gross square feet per occupant in the Tourist Business District. No apartment may be placed within 300 feet of an existing rental dwelling or on a contiguous lot in the R2 zoning district or on R3 zoned property without a zoning variance.

Add Sec. 38-361. Appearance and Upkeep

Upkeep of Building and grounds is the responsibility of the owner of any non-family dwelling including but not limited to, employee housing, group houses, halfway houses, and shelters. Each non-family dwelling must be kept in good condition by the building owner, set forth in chapter 12, Article III, which includes but is not limited to these requirements:

- 1. rotting, soiled, or otherwise degraded siding, window and other exterior trim must be cleaned or replaced promptly, as warranted by the material used (e.g., wood or vinyl)*
- 2. exterior of the building must be repainted if greater than 30% of the exterior paint is peeling or damaged,*
- 3. roof, porches and stairs must be in good repair,*
- 4. interior window treatments (blinds, shades, curtains, drapes and other window treatments) that can be seen from the exterior of the building must be uniform and must be provided by the building owner, and flags, rugs, paper, cardboard or other material not intended for use as window treatments may not be placed over windows if visible from the exterior of the building,*
- 5. no towels, laundry, coats, rugs or other moveable items may be hung on window sills, railings, or on other surfaces visible from the exterior of the building,*
- 6. lawns must be kept in good condition and kept neat as set forth in Chapter 12, ENVIRONMENT, Article III.*
- 7. trash may only be placed within designated receptacles and may only be placed on the street as scheduled by the waste removal company.*

Add Sec. 38-362. Non-family rental dwellings existing prior to adoption of this ordinance.

Following adoption of this ordinance, previously permitted non-family apartments that are within 300 feet on the same street or on contiguous lots, which were granted a Certificate of Occupancy showing that building codes and standards were met at the time of their opening may continue as rental dwellings, provided they are upgraded to meet the size and amenity standards required by this section.

Previously permitted non-family one and two unit buildings that are within 900 feet on the same street or on contiguous lots, which were granted a Certificate of Occupancy showing that building codes and standards were met at the time of their opening may continue as rental dwellings provided they are upgraded to meet the size and amenity standards required by this section.

add Sec. 38-363. Registration, Certification, and Inspection for rental units.

All rental dwellings in the City must be registered and certified by the owner to be in compliance with all City ordinances, all Michigan code regulations, including Chapter 6 BUILDINGS AND BUILDING REGULATIONS and Chapter 38 ZONING. Registration and Certification of a Rental Unit shall occur yearly. The property owner shall re-register and certify each rental dwelling with the City thirty calendar days prior to the expiration of the registration of the rental dwelling. Registration fees will be set and updated as needed by City Council.

Inspection. Inspection will assure compliance with City ordinances relating to Building Codes and Zoning Ordinances. All non-transient rental dwellings shall be inspected by the designated City official at least once every three years. Prior to conducting inspections of currently occupied rental dwellings the City may issue a temporary certificate of compliance. The inspection shall not, however, eliminate the owner's responsibility to register and certify such rental dwellings every year. Nothing in this section shall preclude the inspection of any rental dwelling more frequently than once every three years.

CD 38:36

ARTICLE VIII. PARKING AND LOADING AREAS

Sec. 38-492. Requirements

(1) Residential

add

e. Non-family Apartments and Houses, Boarding or Employee Housing: one space for each dwelling plus one space per bedroom (sleeping room) must be provided by the rental dwelling owner, either on the lot of the rental dwelling or at another location assigned to the occupants.

The tables below demonstrate existing and proposed additional housing ordinances.

Table 1: Family Dwelling Units and Where Allowed (EXISTING ORDINANCES) #

Zoning District	Type of housing- Family Dwelling Units	Description of permitted use in this district
R1 zoned district (38-121)	Single Family Dwelling Unit	Minimum four habitable rooms, Floor area 1,000 sq. ft., vol. 8,000 cu. ft.
R2 zoned district (38-130 - 38-150)	Single Family Dwelling Unit, Duplex	Any permitted R1 use, plus One story dwelling unit: minimum four habitable rooms, floor area 800 sq. ft., min vol. 6400 cu. ft. Duplex: first unit 800 sq. ft. ,vol. 6400 cu. ft., second unit minimum 4 habitable rooms, floor area 400 sq. ft., min vol. 3200 cu. ft., plus an additional floor area of 100 sq. ft and additional vol. of 800 cu. ft. for each habitable room in excess of two

Zoning District	Type of housing- Family Dwelling Units	Description of permitted use in this district
R3 zoned property (38-182)	Duplex Apartment	One story dwelling unit: floor space and volume as in R2 for single family dwelling. 2 family dwelling unit : floor space and volume as in R2 Duplex. 3 or more family dwelling (all units) : floor area minimum 500 sq. ft. min vol. 3200 cu. ft., plus additional floor area of 100 sq. ft. and additional vol. of 800 cu. ft. for each habitable room in excess of two. *Common areas shall be prorated and credited toward the square footage of the dwelling unit.
Central Business District (38-231)	Apartments [Number of dwelling units as per section 38-182 (R3)]	Ground floor rear and second story. Off-street parking must be provided in accordance with article VIII of chapter 38. Number of units allowed in accordance with section 38-182 (R3) and shall comply with the Michigan Single State Construction code.
General Business District (38-251)	Apartments [Number of dwelling units as per section 38-182 (R3)]	Same as CBD above
Tourist Business District (38-271)	Multi-family residential	Must comply with all other conditions in TBD division, floor space and volume must comply with R-3 conditions, section 38-182
TBD (38-271)	Two-family residential	Must comply with R-2 conditions in accordance with Article III, Division III (R2 TWO FAMILY RESIDENTIAL DISTRICT)

#ALL Dwellings must comply with Michigan code requirements

ALL Dwelling Units in R1 and R2 zoning districts shall contain not less than four habitable rooms and one complete bathroom.

All Dwelling Units in R1 and R2 zoning districts must be at least 24 feet wide,

**prorated common areas- square footage of an interior common room, divided by the number of inhabitants in the building may be added to the square footage calculation of an apartment within the building.*

Table 2: Non-family Dwellings and Where Allowed (PROPOSED ADDITIONAL ORDINANCES) #

ZONING DISTRICT	NON-FAMILY DWELLING UNITS	DESCRIPTION OF PERMITTED USE IN THIS DISTRICT
R-1	Non-family rental units	NOT ALLOWED
R-2	Apartments	<i>no less than 240 gross residential square feet per occupant of the apartment, with a minimum 7 foot 6 inch ceiling height, one bathroom per 4 persons, and kitchen facilities that include a minimum of one stove or range, one sink and one refrigerator per 8 persons. No apartment may be placed within 300 feet of an existing rental dwelling or on a contiguous lot</i>
R-2	single and two-unit buildings (boarding houses, other houses shared by non-family occupants)	<i>requires one full bath per four persons, kitchen facilities that include a minimum of one stove or range, one sink and one refrigerator per 8 persons, and must provide no less than 240 gross square feet within the building per person, with a minimum 7 foot 6 inch ceiling height. No non-family single unit or two-unit dwelling (boarding house) will be allowed within 900 feet on the same street, or on a lot contiguous with an existing non-family dwelling unit.</i>
R3 zoned property	Apartments	Same as R2 apartments above
R-3 zoned property	single and two-unit buildings (boarding houses, other houses shared by non-family occupants)	Same as R2 single and two-unit buildings above

ZONING DISTRICT	NON-FAMILY DWELLING UNITS	DESCRIPTION OF PERMITTED USE IN THIS DISTRICT
Central Business District	Apartments	Same as R2 above, except <i>no restriction on distance between apartment buildings.</i>
CBD	Single and 2-unit buildings(boarding houses, other houses shared by non-family occupants) rding houses)	<i>NOT ALLOWED</i>
General Business District	Apartments	Same as CBD above.
GBD	single and two-unit buildings (boarding houses, other houses shared by non-family occupants)	<i>NOT ALLOWED</i>
Tourist Business District	Apartments	
Tourist Business District	single and two-unit buildings (boarding houses, other houses shared by non-family occupants)	No less than 200 gross residential square feet per occupant of the apartment, with a minimum 7 foot 6 inch ceiling height, one bathroom per 4 persons, and kitchen facilities that include a minimum of one stove or range, one sink and one refrigerator per 8 persons. <i>No restriction on distance between single and two-unit buildings (permitted non-family houses).</i>

#ALL Dwellings must comply with ALL Michigan codes