RRC BEST PRACTICE 2: ZONING CODE EXAMPLES

2.1.4: Housing Diversity

A resource for Michigan communities looking to update their zoning ordinance
INTRODUCTION

**Best Practice 2.1.4:** A diverse housing stock will help communities adapt to changes in housing demand and meet the needs of its current and future populations. Enabling and promoting a range of housing types is an essential aspect of a well-balanced, inclusive community. A diverse housing stock provides residents with lifestyle options and is conducive to both attracting and retaining residents.

"Missing Middle" housing is a term referring to a range of multi-unit or clustered housing types that can help a community meet the growing demand for walkable urban living. Missing middle housing continues to be in short supply across the nation and this is limiting business development in some areas as housing shortages can have major impacts on employee recruitment. Communities that adopt zoning ordinances allowing for missing middle housing will be more competitive in attracting business development deals and the residents who come with them.

**HOW TO USE THIS DOCUMENT**

This document provides examples of how Redevelopment Ready Communities® have ensured consistency between the master plan and the zoning ordinance. Please note that master plans and zoning codes are highly customized documents designed to advance each community’s vision. Therefore, these zoning code examples should be used to generate ideas only. Any zoning code language adopted locally should undergo a rigorous review to ensure it addresses the community’s specific desires. To learn more about incremental zoning code revisions and related processes check out the "RRC Users' Guide to Zoning Reform.”

Zoning code updates should always be reflective of goals in your community’s master plan and other relevant plans.
RRC Best Practice 2.1.4

The RRC Best Practices outline eight housing types that communities can include in their zoning codes to diversify the housing stock. To align with the best practices, it is recommended communities include at least three of these eight housing types by right in desired zoning districts.

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Section 7.21 – Accessory Dwelling Units

The purpose of this Section is to allow a minor amount of space on a lot and/or within an accessory building to be used, rented or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the City. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single-family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods. The following regulations shall apply:

A. One (1) accessory dwelling unit is allowed per lot.

B. If the accessory dwelling unit is rented or leased, the tenants of the accessory dwelling unit shall be permanent residents rather than transients.

C. When accessory dwelling units are attached to the primary or accessory structure, the accessory unit shall not exceed six hundred (600) square feet or twenty-five (25%) percent of the total floor area of the principal dwelling, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.

D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.

E. The accessory unit shall be a self-contained unit and shall be:
   1. located above an attached or detached garage, or
   2. a freestanding, detached unit except that freestanding accessory dwelling units shall not be allowed in R-1.

F. The residents of the principal dwelling shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.

G. The accessory dwelling unit shall conform to current building code standards.

H. One (1) additional parking space shall be provided on-site for the accessory dwelling unit.
B. Accessory apartment - A second dwelling unit either in or added to existing single-family detached dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

SECTION 17.03 - ACCESSORY APARTMENT

One (1) accessory apartment per single family dwelling unit may be permitted in R-1, R-2 and R-3 districts subject to the following:

. The dwelling unit must be situated on a lot or parcel in conformance with the minimum lot area and setback requirements of the Schedule of Regulations.

. The Health Department shall certify that the on-site septic system is properly designed to handle the anticipated additional load.

C. Exterior changes to the dwelling shall be kept to a minimum and shall not change the overall single family character of the dwelling unit or the surrounding neighborhood.

. Only one accessory apartment shall be permitted per lot and per single family dwelling.

. One (1) additional off-street parking space shall be provided, exclusive of the driveway.

. Only one entrance to the building shall face the street on which the dwelling is located.

. An accessory apartment shall contain at least 550 square feet and shall not exceed 35% of the total floor area of the principal unit and the accessory apartment combined. This shall be construed to prohibit the creation of an accessory apartment in a single family dwelling unit with a total floor area of less than 1,600 square feet.

. No accessory apartment shall include more than 2 bedrooms or exceed 700 square feet.
Tecumseh Zoning Ordinance

Section 98-782 - Definitions

Townhouse. A type of attached dwelling unit building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building with no visible separation between walls or roof. Each townhouse dwelling shall be capable of individual use and maintenance without trespassing upon adjoining dwellings, and access, utilities and service facilities shall be independent for each dwelling.

<table>
<thead>
<tr>
<th>USE</th>
<th>DISTRICT</th>
<th>DESIGN STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached One-Family Dwelling Unit</td>
<td>RA-1, RA-2</td>
<td>section 98.238</td>
</tr>
</tbody>
</table>

Williamston Zoning Code

Section 74-2.304 – R-3 Multiple Dwelling Residence District

STATEMENT OF PURPOSE
The multiple dwelling residence district is intended to accommodate housing types within high density residential areas. It is designed to permit a more intensive residential use of land with various types of multiple dwellings, including high rise apartment structures and related institutional uses. These districts would be distributed within various planned locations throughout the city, be located adjacent to streets permitting good accessibility and be compatible with adjoining single-family neighborhoods.

PRINCIPAL PERMITTED USES
- Low intensity multiple family (3-4 units)
- One-family dwelling unit
- Townhouse
- Two-family dwelling unit
- Boarding or lodging house
- Assisted living facility
- Community service facility
- Cultural or municipal use
- Nursing home
- Religious institution
- Private recreation (small outdoor)
- Public park or recreation facility
- Gardening and cultivating of plants
- Keeping of household pets or animals
- Accessory building or structure
- Home occupation
- Temporary use or construction

SPECIAL LAND USES
- High intensity multiple family (5+ units)
- Bed & breakfast
- Essential services
- State licensed residential facility (any kind)
- Agriculture bulk collection, storage, distribution
- Nonresidential parking
- Wireless telecommunications facility
This district is designed to permit a high density of population and a high intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system and which abut or are adjacent to such other uses or amenities which support, compliment, or serve such density and intensity.

The RM-2 Multiple Family Residential District is intended to be a moderate to high density residential districts and allow multiple-family dwellings, along with other residentially related facilities which serve the residents in the district. This district will generally serve as zones of transition between nonresidential districts and lower density single family and two family residential districts.

A. PERMITTED USES

1. Multiple-family dwellings.

2. Two-family dwellings.

3. On-site signs in accordance with regulations in Article 6.

4. Essential services.

5. Accessory uses or structures in accordance with section 3.10; keeping of backyard chickens on a lot with a single family dwelling unit as its principal use, in accordance with Ordinance #172. (Amended by ord. no 166-2012-09 eff. 8.08.12).

6. Adult foster care family home (6 or fewer adults), foster family home (4 or fewer children 24 hours per day), foster family group home (5 to 6 children 24 hours per day) and family day care home (6 or fewer children less than 24 hours per day in single family detached dwelling only), licensed by the Michigan Department of Social Services or its successor.

7. Single family detached and attached dwellings.
Stacked Flats

Tecumseh Zoning Ordinance

Section 98-782 - Definitions

b. Stacked Flats building: A type of attached dwelling unit building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane in an appropriate manner for multiple-family uses. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.
City of Adrian Zoning Ordinance

Section 15.2 – Principal Permitted Uses B-3 Central Business

ARTICLE XV
B-3 CENTRAL BUSINESS DISTRICT

SECTION 15.1 INTENT: The B-3 Central Business District is designed to provide for a restricted variety of retail stores and retail activities and for office buildings and service establishments which occupy the prime retail frontage in the CBD and which serve the comparison, convenience and service needs of the region. The District is intended to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and non-retail uses which typically interfere with such continuity. This district is also intended to provide an appropriate location for residential, office, and service uses located primarily above street level retail uses and on the fringes of the retail area.

SECTION 15.2 PRINCIPAL USES PERMITTED: In a B-3 Central Business District, no building shall be erected except for one or more of the following specified use:

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, liquor, furniture, clothing, dry goods, notions, drugs, or hardware.
2. Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographer and dry cleaners.
3. Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein said establishment does not extend as an integral part of, accessory thereto, any service of a drive-in or open front store.
4. Offices and office buildings of an executive, administrative or professional nature.
5. Hotels and motels.
6. Post offices and libraries.
7. Mixed uses i.e. commercial and residential uses combined in one structure, subject to Section 12.03.8.
8. (Reserved for future use).
9. Housing for the elderly.
10. Brew Pubs, as defined in Section 2.28.01, and provided that:
   A. No more than 50 percent of the total gross floor areas of the establishment shall be used for the brewing or distilling function, including but not limited to, the brew house, boiling, distilling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
   B. Access and loading bays shall not face toward any street, excluding alleys and parking lots.
Bay City Zoning Ordinance

Table 122-152

<table>
<thead>
<tr>
<th>Use is permitted</th>
<th>SU</th>
<th>Special use</th>
<th>Permitted accessory uses</th>
<th>Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C-1</td>
</tr>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C-2-A</td>
</tr>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C-2-B</td>
</tr>
<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C-3</td>
</tr>
</tbody>
</table>

G. Residential Uses:

1. Accessory apartments
2. Bed and breakfasts.
3. Dwellings located on the first floor of commercial or office buildings.
4. Dwellings located in upper floors of commercial or office buildings.

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Live / Work Units

Rochester Hills Zoning Code

Section 138-8.700 – Use Definitions

A. Residential Uses.

1. **Dwelling unit in a mixed-use building.** A dwelling unit located in a building with non-residential land uses. Such units may not be located on the ground floor of the building.

2. **Live/Work unit.** A dwelling unit that contains a commercial component.

3. **Multiple-family dwelling unit.** A unit in a building used exclusively for residential purposes containing two or more residential dwelling units. A multiple-family structure where units are available for lease or rent for periods of less than one month shall be considered a lodging use.

4. **One-family detached dwelling unit.** A detached building containing one dwelling unit.
Section 138-8.200  **Permitted Uses**

The following Table 8 lists the uses that are permitted as principal, conditional, and accessory uses in the FB overlay districts. If a use is not listed in the following table, it is not permitted in the FB overlay districts. Refer to Section 138-8.700 for a description of the uses in Table 8.

**Table 8. Permitted Uses in Flex Business Districts**

<table>
<thead>
<tr>
<th>Key:</th>
<th>P: Permitted Use</th>
<th>C: Conditional Use</th>
<th>FB-1</th>
<th>FB-2</th>
<th>FB-3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling unit in a mixed-use building</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Live/work unit</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multiple-family dwelling unit</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-family detached dwellings</td>
<td>P</td>
<td>C</td>
<td>--</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State licensed residential facilities (all types)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Cluster Subdivisions

CLUSTER: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Rochester Hills Zoning Code

Section 138-4.201 RCD One Family Residential Cluster District

The intent of the RCD one-family residential cluster district is to permit the development of one-family residential patterns which, through design innovation, will introduce flexibility so as to provide for the sound physical handling of site plans in situations where the normal subdivision approach would otherwise be unnecessarily restrictive.

RCD one-family residential cluster districts are intended for those areas having at least one of the following characteristics:

A. An area generally parallel to, and generally not to exceed, 360 feet in depth on those un-subdivided parcels of land abutting a major thoroughfare or freeway of at least 120 feet of right-of-way width as indicated on the current City Master Thoroughfare Plan, so as to provide transition between such major thoroughfare and adjacent one-family detached housing on platted lots. The density in the cluster area shall not exceed 3.9 dwelling units per acre, including all residential roads, except as provided in Section 138-6.206 pertaining to floodplains, subaqueous areas, or wetlands.

B. An area generally parallel to, and generally not to exceed, 360 feet in depth on those un-subdivided parcels of land being so located as to provide transition between nonresidential or multiple-family districts and one-family development. The density in the cluster area shall not exceed 3.0 dwelling units per acre, including all residential roads, except as provided in Section 138-6.206 pertaining to floodplains, subaqueous areas, or wetlands.

C. An un-subdivided area which is found to be of such an unusual shape or which is found to contain unstable or generally unbuildable soil conditions or which is characterized by some other unusual physical or development factor which would make sound physical development under the normal residential subdivision approach, including lot size variation and subdivision open space plan, impractical. The following conditions shall exist:

1. The natural land forms are so arranged that the change of elevation within the site includes slopes in excess of 15 percent between these elevations. These elevation changes and slopes shall appear on at least 35 percent of the site rather than as exceptional or infrequent features of the site.

2. The achieving of road grades of less than six percent is impossible unless the site were mass graded. The providing of one-family clusters will allow a greater preservation of the natural setting.

3. The area in open space, including recreation areas and water, accomplished through the use of one-family clusters shall represent at least 25 percent of the horizontal development area of a one-family cluster development. This entire area may be used in computing density when preserved as open space.

4. The overall permitted density within an un-subdivided parcel not located in relation to a major thoroughfare, as described in subsections (1) and (2) of this section shall not exceed 3.0 dwelling units.
Micro Units

Fort Gratiot Township Zoning Ordinance

Section 38-527 – Housing for Elderly and Persons with Disabilities

Housing exclusively for the elderly and persons with disabilities, including accessory congregate care and assisted living supportive services, but not including nursing homes or convalescent homes, where permitted, are subject to the following extra standards:

1. The lot or parcel shall maintain continuous minimum frontage upon a paved major thoroughfare or secondary thoroughfare, as defined in the township thoroughfare plan, as follows:
   - Small development (24 units or less) .... 100 feet
   - Moderate development (25 units to 90 units) .... 150 feet
   - Large development (100 units or more) .... 200 feet

2. The lot or parcel shall abut land, directly or across a street, which is zoned for other than single-family, two-family or agricultural use on at least one side.

3. The lot or parcel shall have a minimum area of not less than 2½ acres. In calculating the minimum land area required per dwelling unit, the following schedule shall govern:

<table>
<thead>
<tr>
<th>Independent Living</th>
<th>Land Required per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency/Studio</td>
<td>1,600 square feet</td>
</tr>
<tr>
<td>One bedroom</td>
<td>3,200 square feet</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>4,800 square feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Congregate Care/Assisted Living</th>
<th>Land Required per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency/Studio</td>
<td>1,400 square feet</td>
</tr>
<tr>
<td>One bedroom</td>
<td>2,800 square feet</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>4,200 square feet</td>
</tr>
</tbody>
</table>
(4) The minimum floor area (as measured from the inside face of exterior walls and centerline of party wall partitions) of dwelling units equipped with complete individual kitchen/kitchenette shall be as follows:

<table>
<thead>
<tr>
<th>Efficiency unit</th>
<th>400 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-bedroom unit</td>
<td>525 square feet</td>
</tr>
<tr>
<td>Two-bedroom unit</td>
<td>720 square feet</td>
</tr>
</tbody>
</table>

(5) The minimum floor area (as measured from the inside face of exterior walls and centerline of party wall partitions) of dwelling units not equipped (or only partially equipped) with individual kitchen/kitchenette shall be as follows:

<table>
<thead>
<tr>
<th>Efficiency unit</th>
<th>320 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom unit</td>
<td>480 square feet</td>
</tr>
<tr>
<td>Two bedroom unit</td>
<td>640 square feet</td>
</tr>
</tbody>
</table>