



Communication to the City Commission

TO: City Commission
COPY: Shawn Winter, Planning Director
FROM: Nate Geinzer, Interim City Manager
MEMO DATE: August 24, 2023
SUBJECT: Recommended Zoning Changes from the Planning Commission

EXECUTIVE SUMMARY:

The following memo and presentation from Planning Director Shawn Winter detail the proposed recommended Zoning changes from the Planning Commission.

As this is a Study Session, no action can be taken on these proposed changes. If the City commission chooses to move forward with taking action on the proposed changes, they will need to schedule a public hearing at a Regular City Commission meeting.

As there has been a significant amount of discussion on the topic of removing the owner-occupancy requirement with respect to accessory dwelling units, it may warrant additional discussion at a later date.



Memorandum

TO: Nate Geinzer, Interim City Manager
COPY:
FROM: Shawn Winter, Planning Director
MEMO DATE: August 22, 2023
SUBJECT: Introduction and discussion of the Planning Commission's recommended zoning amendments to add more housing variety.

EXECUTIVE SUMMARY:

For the last three years, the Planning Commission has identified the need for more and varied housing in the City as part of their annual goals, which aligns with the City Commission's Strategic Priorities, Goals, and Actions to address housing and homelessness. Over that time period the Planning Commission has made recommendations to the City Commission to revise the multiple-family residential districts standards and allowing larger residential structures in industrial districts, which were in turn approved by the City Commission.

During that same time period the Planning Commission continued to pursue revisions to one-family and two-family residential districts. They attended local workshops, regional summits, and statewide conferences on the topic of housing reform, reviewed and analyzed research on the topic, and heard from local housing specialists and significant employers in the City to better understand needs and solutions, and attended neighborhood association meetings. As part of the master plan process, they discussed housing with residents and property owners at community pop-up events, neighborhood listening sessions, the joint open house, and through survey responses. Most recently they held an open house on their proposed zoning changes on May 16, 2023 and held the required public hearing on June 6, 2023.

The recommended zoning amendments from the Planning Commission can be summarized as follows:

1. Allow up to four dwelling units in the R-2 District, but limit the number of structures that can be used for residential purposes to two;
2. Allow duplexes by right in the R-1a/b District;
3. Reduce the minimum lot size for cluster housing from five acres to one acre and change approval from a City Commission SLUP to an administrative SLUP;

4. Allow two principle dwellings on an R-1a/b District lot that is twice the minimum area without having to split the lot;
5. Reduce minimum lot width and area in the R-1a/b District, and slightly increase maximum impervious surface limits in the R-1a/b and R-2 Districts; and
6. Modify the ADU regulations to remove the annual cap, allow with duplexes in the R-1a/b District and duplexes and triplexes in the R-2 District, and remove the owner-occupancy requirement.

The draft amendment includes other less substantive changes not directly related to housing as well, such as establishing a setback from Kids Creek and changing the district names to better reflect the uses allowed under the amendment. The entire redlined chapters of the zoning ordinance have been enclosed with this memo, along with tables comparing what is currently allowed and what would be allowed under the amendment.

The June 6, 2023 public hearing was held in compliance with Section 1320.04 of the Traverse City Code of Ordinances and the Michigan Zoning Enabling Act (MCL 125.3202) to gather input on the proposed amendment to allow more housing variety in the City. During public discussion, a total of forty members of the public offered feedback regarding the proposed amendment. Of these forty, twenty-three verbally opposed the amendment, nine voiced support for the amendment, and six expressed support for the amendment with notable reservations towards removing the ADU owner-occupancy requirement. Primary concerns expressed among opponents of the amendment included:

- Potential lack of accountability/oversight for non owner-occupied ADUs;
- Implications of investment and development opportunities in the context of residential neighborhoods;
- Loss of architectural value in historic single-family neighborhoods through conversion to multi-family units;
- Enforceability of short-term rental restrictions in non-owner occupied ADUs and multi-family units given existing compliance in neighborhoods; and
- Environmental impact of increased population density.

Proponents of the amendment who offered feedback primarily discussed:

- Increased public engagement/education on lot splits for property owners with large lots;
- Incentivizing ADUs for homeowners as a means to increase housing; and
- Desire to implement safeguards against investment-driven housing takeover.

It is important to remember that a public hearing is one of many components a Planning Commission uses when making a decision, along with best practices from the profession, adopted planning documents, established needs, local, state, and federal statutes, City goals and priorities, and input from the public outside of the formal hearing setting.

Following public hearing, discussion, and deliberation, the Planning Commission voted 7-2 (Commissioner Shaw and Commissioner Koebert opposed) to recommend approval to the City Commission with the following motion noted below:

Motion that the Planning Commission initiated text amendment to the Traverse City Code of Ordinances for the following chapters and associated changes be recommended to for approval to the City Commission:

1. **Chapter 1326: Districts, Boundaries, and Zoning** to:
 - a. Rename the R-1a and R-1b district the Low Density Residential District;
 - b. Rename the R-2 district the Mixed Density Residential District;
2. **Chapter 1332: R-1a and R-1b Single-Family Dwelling Districts** to:
 - a. Rewrite the chapter preamble to better identify the proposed intent of the district;
 - b. Delete the "Intent" section for Accessory Dwelling Units (ADUs) to make the use consistent with other listed allowed uses;
 - c. Eliminate the annual cap on ADUs;
 - d. Remove the owner occupancy requirement for ADUs;
 - e. Allow duplex dwellings by right;
 - f. Permit ADU's with a duplex;
 - g. Delete the "Conversions of one-family dwellings to two-family dwellings from the list of uses allowed by special land use permit;
 - h. Reduce the minimum lot width in the R-1a district from 90 feet to 70 feet;
 - i. Reduce the minimum lot area in the R-1a district from 9,000 square feet to 7,000 square feet;
 - j. Increase the impervious surface limit in the R-1a district from 30% to 35%;
 - k. Change the maximum density allowed to reflect ADUs being permitted with duplex dwellings;
 - l. Reduce the portions of the R-1b district that has a 45-foot minimum lot width to 35 feet to make the whole district consistent;
 - m. Reduce the minimum lot area of the R-1b district from 5,000 square feet to 4,000 square feet;
 - n. Increase the impervious surface limit in the R-1b district from 45% to 50%;
 - o. Establish a 25-foot setback from Kids Creek;
 - p. Allow two principal dwelling units on a lot that is twice the minimum area without requiring the lot to be split and with all applicable setbacks met;
3. **Chapter 1334: Two-Family Dwelling District** to:
 - a. Rewrite the chapter preamble to better identify the proposed intent of the district;
 - b. Allow triplexes and quadplexes by right;
 - c. Permit ADUs with a duplex or triplex;
 - d. Establish a maximum density of four dwelling units per lot, however, no more than two structures can exist for residential use;
 - e. Increase the impervious surface limit from 45% to 50%;
 - f. Establish a 25-foot setback from Kids Creek;
4. **Chapter 1364: Special Land Use Regulations** to:

- a. Change the use Clustered Single-Family Dwellings from a City Commission Special Land Use Permit to an Administrative Special Land Use Permit;
 - b. Change the maximum density per acre allowed to reflect the proposed lot area changes and allowed densities in the R-1a, R-1b, and R-2 districts with all other standards remaining the same;
5. **Chapter 1368: Size and Area Requirements** to:
- a. Change the dimensional standards to reflect the proposed changes in the R-1a, R-1b, and R-2 districts;
6. **Chapter 1378: Renewable Energy** to:
- a. Change the name of the R-1a, R-1b and R-2 districts to reflect the proposed name change; and
7. Other non-substantive text corrections as indicated in the Ordinance Amendment Documents.

There was a robust discussion after the motion on the topic of owner-occupancy for ADUs. Staff was asked to note this in the communication to the City Commission for the issue may warrant additional discussion.

Requested Action

No action is requested at this time. This information is being provided for introduction and discussion only. Staff will go through the presentation enclosed in the packet at the meeting. More information is available at the [Creating Community Opportunity Through Housing Variety](#) storymap.



Creating Community Opportunity Through Housing Variety

Proposed zoning amendments as recommended
by the Traverse City Planning Commission

Background

How have we arrived here?

Housing Crisis

AVAILABILITY



Land Use Regulations

PLANNING COMMISSION

AFFORDABILITY



Development Incentives

CITY COMMISSION

Planning Commission Goals

Expand Housing Opportunities (2021)

The demand for housing in our region is high, particularly in location efficient areas of the community. **The Planning Commission will consider a host of regulatory changes to provide additional housing opportunities. Rezoning parcels for higher residential densities and modifying development regulations in regards to building setbacks, building heights, impervious surface limits, parking requirements will be considered.** The Planning Commission will also reevaluate locations where Vacation home rentals are allowed since they compete for dwellings for permanent housing. The Planning Commission may also consider a text amendment that would make existing legal non-conforming "Missing Middle Housing" conforming.

Planning Commission Goals

Expand Housing Opportunities (2022)

The demand for housing in our region remains high, particularly in locations that are convenient and accessible to one's daily needs. **Recognizing they play but one role in mitigating the housing issue, the Planning Commission will consider a host of regulatory changes to remove barriers to provide additional housing opportunities.**

Planning Commission Goals

Expand Housing Opportunities (2023)

The demand for housing in our region remains high, particularly in locations that are convenient and accessible to one's daily needs. Land use regulation as it relates to permitting housing types, densities, and location is one of the many levers controlling the housing needs in the City and one the Planning Commission has direct influence over. **Therefore the Planning Commission will consider a suite of regulatory changes to remove barriers to provide additional housing opportunities and allow numerous points of entry into being a resident in the community....**

Missing Middle Housing



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Duplexes

718 Washington St



1103 Barlow St



Triplexes

447 Webster St



1123 Jefferson Ave



Quadplexes

876 Washington St



620 Ninth St



Accessory Dwelling Units (ADUs)

302 W Eleventh St



143 E Ninth St



Cluster Housing

Jefferson and Madison

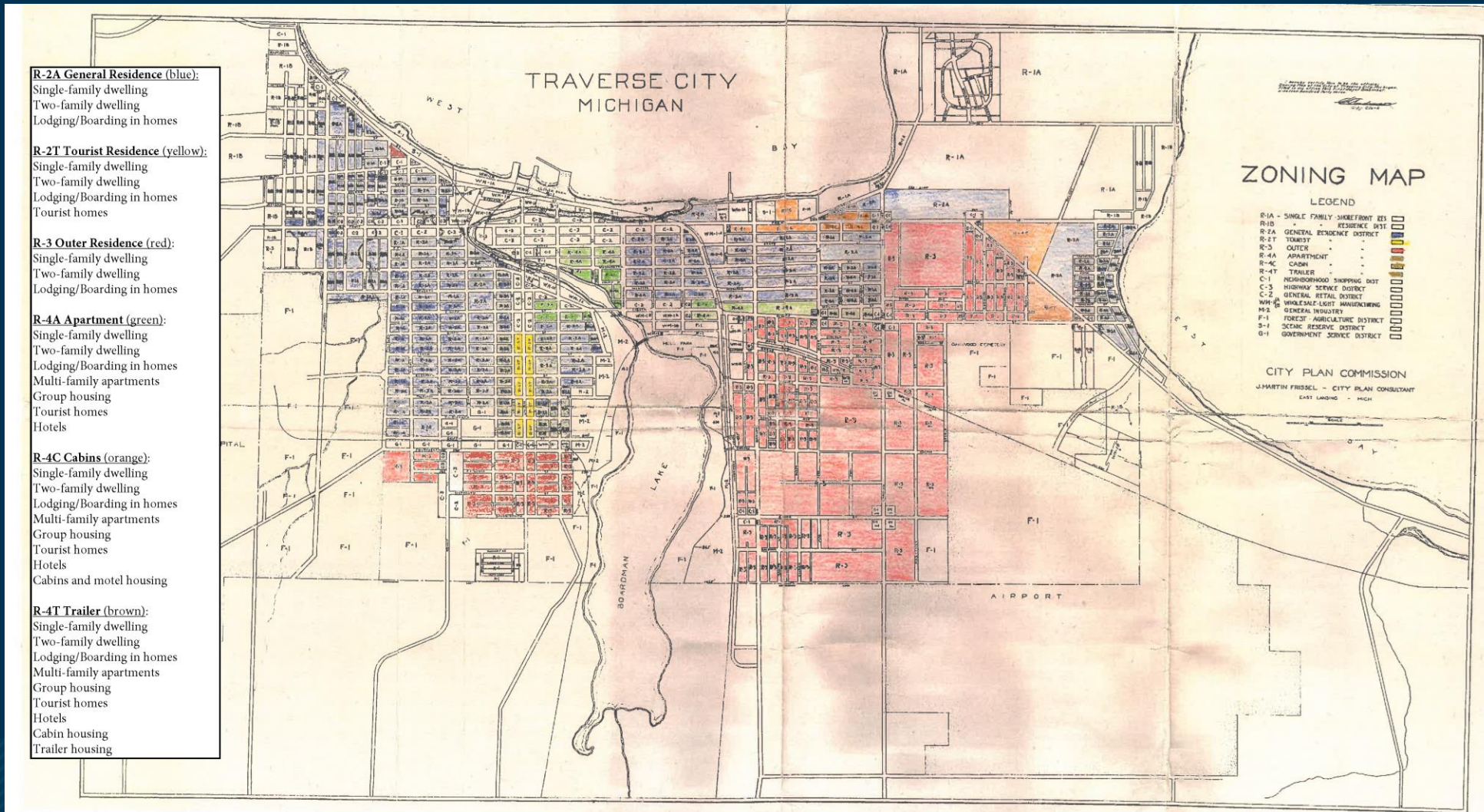


Rowhouses

206 Boardman Ave

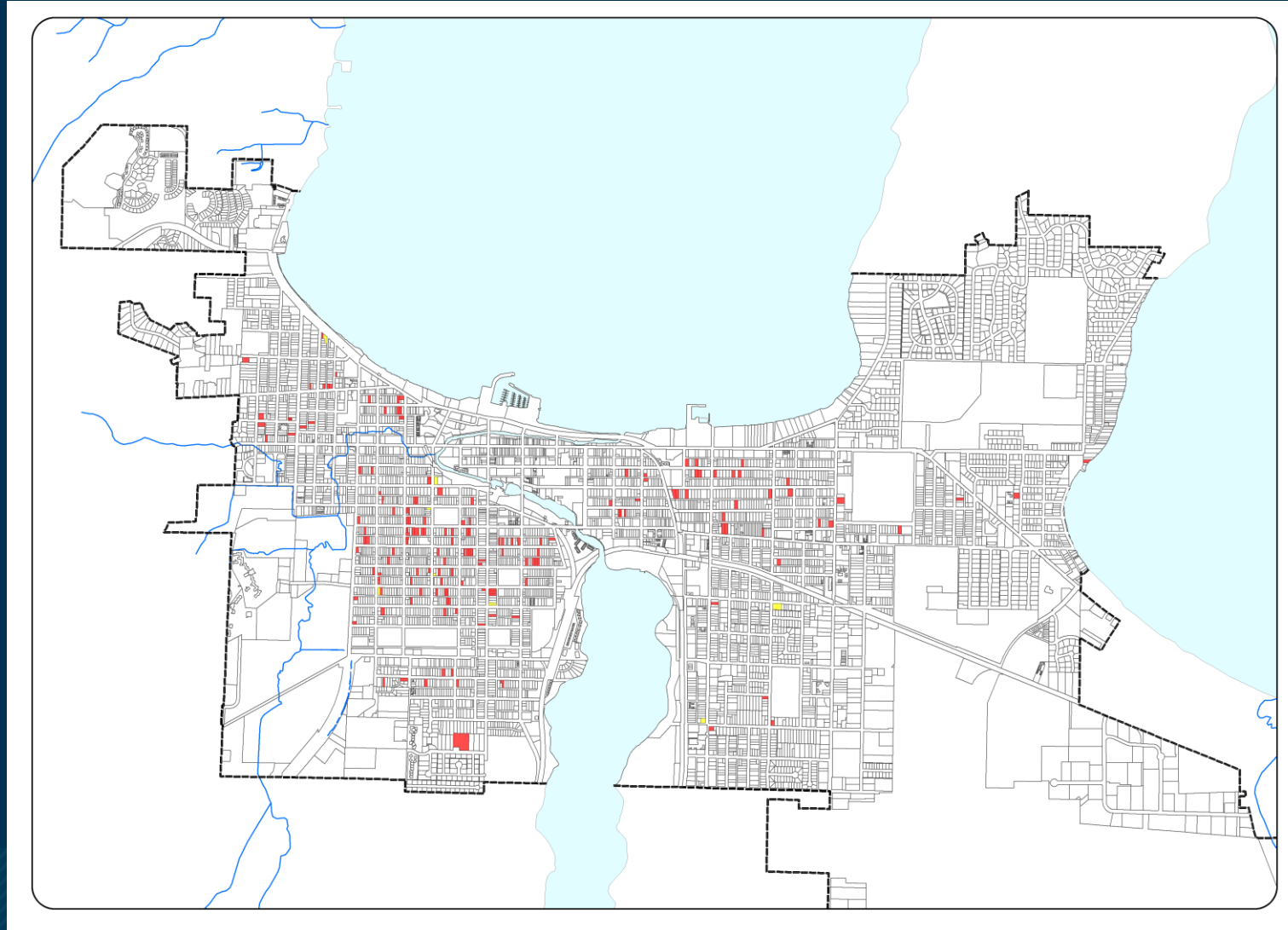


1943 Zoning Map



- R-2A General Residence (blue):**
Single-family dwelling
Two-family dwelling
Lodging/Boarding in homes
- R-2T Tourist Residence (yellow):**
Single-family dwelling
Two-family dwelling
Lodging/Boarding in homes
Tourist homes
- R-3 Outer Residence (red):**
Single-family dwelling
Two-family dwelling
Lodging/Boarding in homes
- R-4A Apartment (green):**
Single-family dwelling
Two-family dwelling
Lodging/Boarding in homes
Multi-family apartments
Group housing
Tourist homes
Hotels
- R-4C Cabins (orange):**
Single-family dwelling
Two-family dwelling
Lodging/Boarding in homes
Multi-family apartments
Group housing
Tourist homes
Hotels
Cabins and motel housing
- R-4T Trailer (brown):**
Single-family dwelling
Two-family dwelling
Lodging/Boarding in homes
Multi-family apartments
Group housing
Tourist homes
Hotels
Cabin housing
Trailer housing

Legally Nonconforming Uses



Public Meetings

The proposed amendments and variations of them have been discussed at nearly 30 properly noticed public meetings:

- June 16, 2020
- August 4, 2020
- August 18, 2020
- October 6, 2020
- November 11, 2020
- November 17, 2020
- February 2, 2021
- February 17, 2021
- May 18, 2021
- June 15, 2021
- July 20, 2021
- August 17, 2021
- September 8, 2021
- September 21, 2021
- January 19, 2022
- February 1, 2022
- September 20, 2022
- January 18th, 2023
- February 7, 2023
- February 22, 2023
- March 7, 2023
- April 4, 2023
- April 18, 2023
- May 2, 2023
- May 16, 2023 – Open House
- June 6, 2023 – Public Hearing

Proposed Amendments

Summary of the Six Potential Approaches to Add Housing Variety

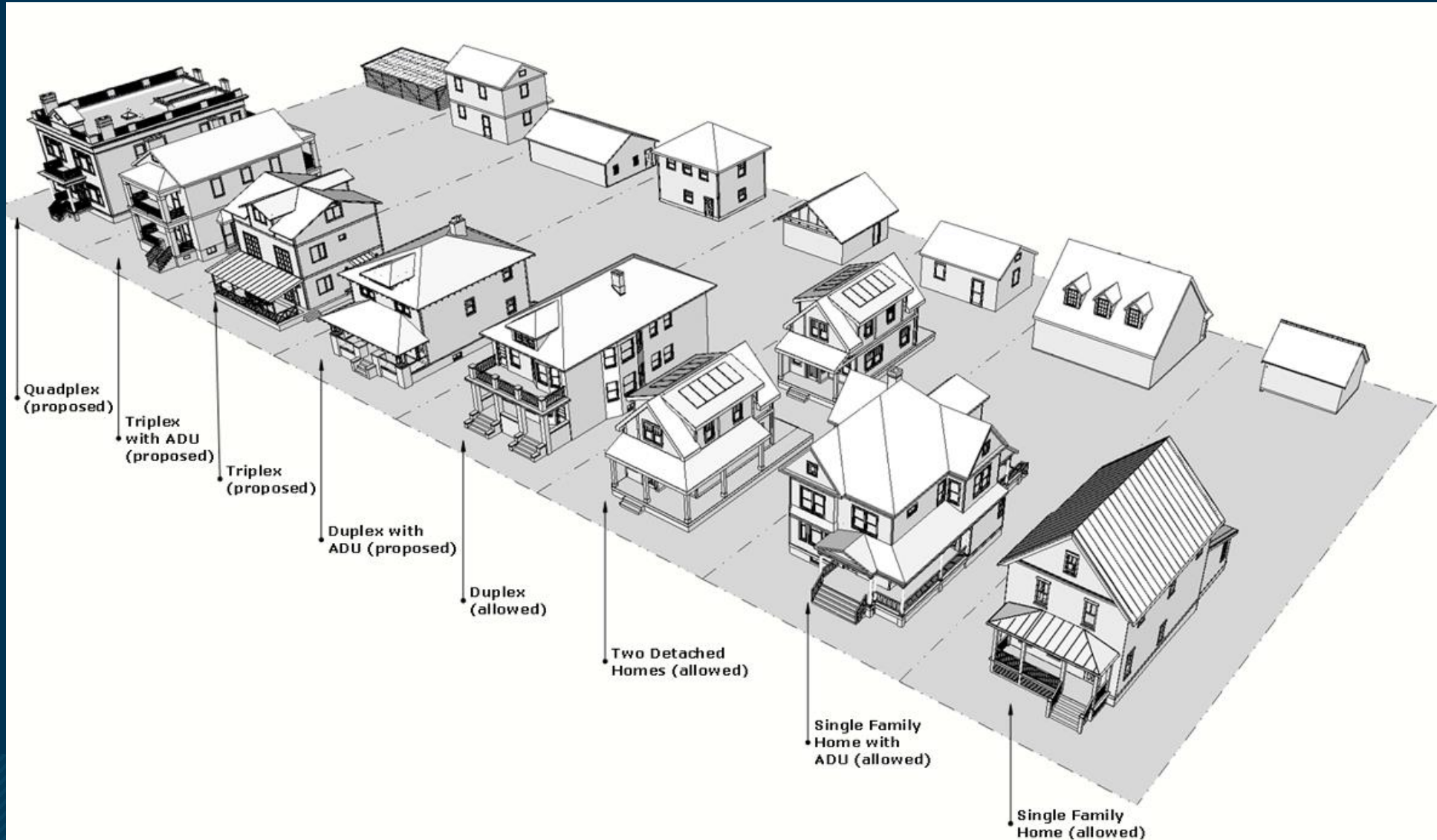
Amd. 1: Allow Up To Four Dwelling Units In the R-2 District

57%
Support*

* Based on the worksheets that were submitted at the open house.

- Currently allow two dwelling units per lot, either in the same structure or separate structures
- Maintains the maximum of two residential structures per lot
- Could be achieved through:
 - Two duplex units
 - A triplex with and ADU
 - A single quadplex building

Mimics Existing Development Pattern



Amd. 1: Allow Up To Four Dwelling Units In the R-2 District

Reasons for Support

- Reasonable
- Increased density will increase affordable housing
- Will help the City prosper to have more housing options for workers and neighbors
- Would add density without looking too dense
- Create housing opportunities for young families

Concerns

- Adds more noise pollution, dogs, motorcycles, city noises
- Should be allowed only on larger lots
- Excessive density in R-2 by allowing duplexes and triplexes
- Concerns over owner occupancy
- Concerns over tree loss
- Concerns over runoff into the Bay
- Concerns over parking requirements
- Unharmonious architecture

Amd. 2: Allow Duplexes By Right In The R-1a/b District

49%
Support*

- Currently allowed in larger homes with a City Commission SLUP and numerous standards
- Must be in the same structure
- Cannot be two separate units
- Similar built pattern as a single-family home

* Based on the worksheets that were submitted at the open house.

Amd. 2: Allow Duplexes By Right In The R-1a/b District

Reasons for Support

- Reasonable
- Provides great housing for different socioeconomic situations
- Appropriate for some neighborhoods → we already have many duplexes in the City
- Would not disturb neighborhood character
- By right is necessary to make an impact
- Would be great to diversify the housing districts and provide more neighborhood feel
- This will be a slow and great change

Concerns

- Should be allowed only on larger lots
- Concerns over owner occupancy
- Concerns over tree loss
- Unharmonious architecture
- Short-term rentals should not be allowed
- Developers and investors can/will exploit

Amd. 3: Reduce Minimum Lot Size To One Acre For Cluster Housing

60%
Support*

- Currently requires minimum of five acres → No R-1 or R-2 lots meeting this size requirement
- Switch from City Commission SLUP to an Administrative SLUP
- May want to consider removing the requirement that the houses must maintain the same side yard setbacks between each other – defeats the purpose

* Based on the worksheets that were submitted at the open house.

Efficient Use of Land - Cluster Housing



Amd. 3: Reduce Minimum Lot Size To One Acre For Cluster Housing

Reasons for Support

- Reasonable
- Supports young adults, students, working class professionals
- Would allow people who work here to live here
- In favor of streamlining the process
- Minimal impact
- Provides more housing

Concerns

- Concerns over what the SLUP differences are in the SLUP procedures
- One acre may be too small
- Don't remove City Commission say
- Increase minimum lease duration
- Code enforcement issues in these areas
- Developers and investors can/will exploit

Amd. 4: Allowing Two Principal Dwellings In The R-1a/b District On Lots That Are Twice The Minimum Area

56%
Support*

* Based on the worksheets that were submitted at the open house.

- Many double lots cannot be split due to lack of appropriate width, current development pattern, etc.
- Only applicable to the R-1a/b district
- Setbacks to neighboring property lines must still be met
- Spacing between the two dwellings would be determined by the construction code

Efficient Use of Land - 2 Homes on Double Lots



Amd. 4: Allowing Two Principal Dwellings On A Lot That Is Twice The Minimum Area

Reasons for Support

- Reasonable
- Minimal impact
- Can see this creating a prospering neighborhood with more occupied homes
- Why not more than two?
- Will allow for living situation such as elderly, disabled, etc. to have options near family

Concerns

- Adds more noise pollution
- Concerns over owner occupancy
- Concerns over tree loss
- Concerns over runoff into the Bay
- Developers and investors can/will exploit

Amd. 5: Reduce Minimum Lot Width, Area, And Increase Impervious Surface Limits

53%
Support*

District	Min. Lot Width		Min. Lot Area		Max. Impervious Area	
	Current	Proposed	Current	Proposed	Current	Proposed
R-1a	90 ft	70 ft	9,000 sf	7,000 sf	30%	35%
R-1b	35 ft	45 ft*	5,000 sf	4,000 sf	45%	50%
R-2	35 ft	35 ft	4,000 sf	4,000 sf	45%	50%

* Based on the worksheets that were submitted at the open house.

* Only applies to those properties north and east of US-31/M-72, east of Milliken Dr, south of Eastern Ave

Amd. 5: Reduce Minimum Lot Width, Area, And Increase Impervious Surface Limits

Reasons for Support

- Reasonable
- Minimal impact
- Is able to create more housing in a way that only marginally affects the environment and can be done in a sustainable way
- Will create more housing
- Makes sense on lots that seem to have a lot of wasted space

Concerns

- Adds more noise pollution
- Concerns over owner occupancy
- Concerns over tree loss
- Concerns over runoff into the Bay
- Concerns over parking requirements
- Concerns over impervious surface requirements
- Developers and investors can/will exploit

Amd. 6: Modify ADU Requirements

34%
Support*

* Based on the worksheets that were submitted at the open house.

- Remove annual cap to support development
- Allow with duplexes in the R-1 a/b, and duplexes and triplexes in the R-2 to mimic the built pattern of a single-family home with ADU
- Remove owner occupancy requirement
 - Currently no other owner occupancy requirement to rent a single-family home, duplex, triplex, quadplex, etc.

Amd. 6: Modify ADU Requirements

Reasons for Support

- Reasonable to remove the cap
- Generates affordable rental units for the workers
- Allows people to retire in place
- Creates more opportunities for housing

Concerns

- Keep the cap
- Concerns over owner occupancy / absentee ownership
- Concerns for privacy
- Concerns for the neighborhood feel
- Developers and investors can/will exploit

Additional Considerations

Housing Needs Assessment - 2023

- Traverse City and region have been growing and are projected to continue doing so
 - Climate-based migration
 - One of the only regions in the state that is growing
- Lower income renters and home owners are projected to decrease
- Higher income renters and home owners are projected to increase
- Housing gap analysis estimates Traverse City needs 2,202 dwelling units
 - 1,010 rental units
 - 1,192 for sale units
 - Approximately 11,000 in GT County
- A healthy housing market has 2-3% of units available for sale
 - Traverse City is at 0.7%
- A healthy rental market has 4-6% vacancy rate
 - Traverse City is at 0.6%

Supportive Materials

Research

- American Association of Retired Persons
- National Association of Realtors
- American Planning Association
- Michigan Association of Planning
- Michigan State Housing Development Authority
- National Association of Home Builders
- National Oceanic & Atmospheric Association
- Lincoln Institute of Land Policy
- Brookings Institute
- Pew Charitable Trusts
- Housing North

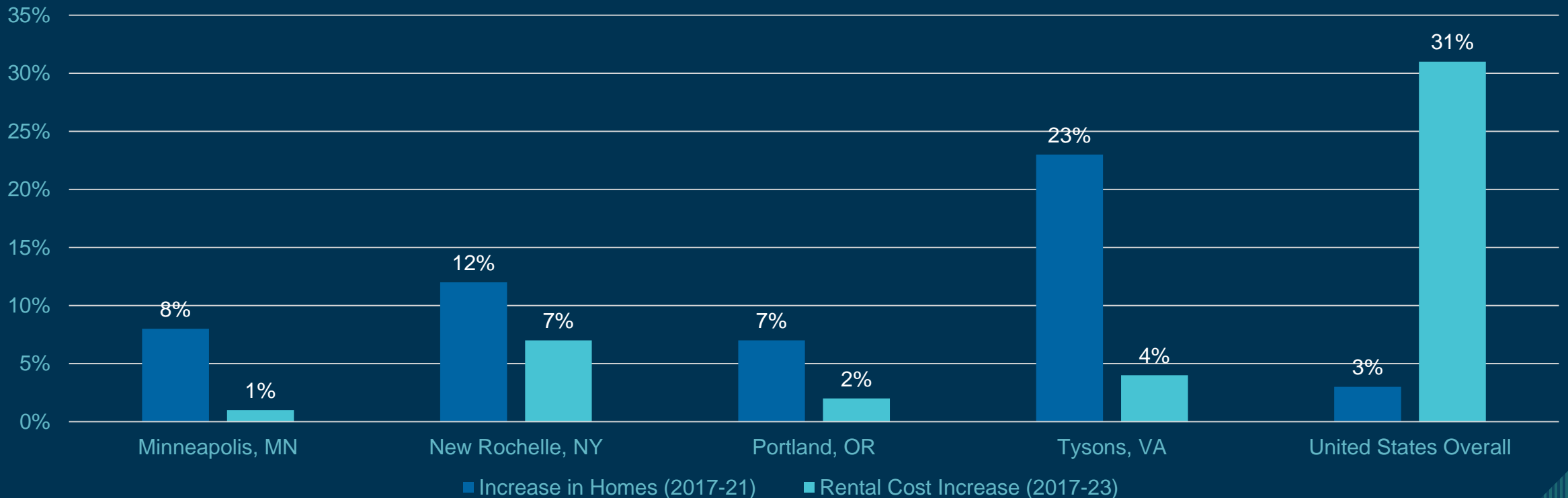
Letters

- Northwestern Michigan College
- Traverse Connect
- Traverse Area Public Schools
- Housing North
- Munson Healthcare
- Aspire North REALTORS
- Groundwork Center for Resilient Communities

Market Stability

Pew Charitable Trusts (2023)

Rental Growth Proves Much Slower Than Nation In Jurisdictions That Have Allowed More Housing



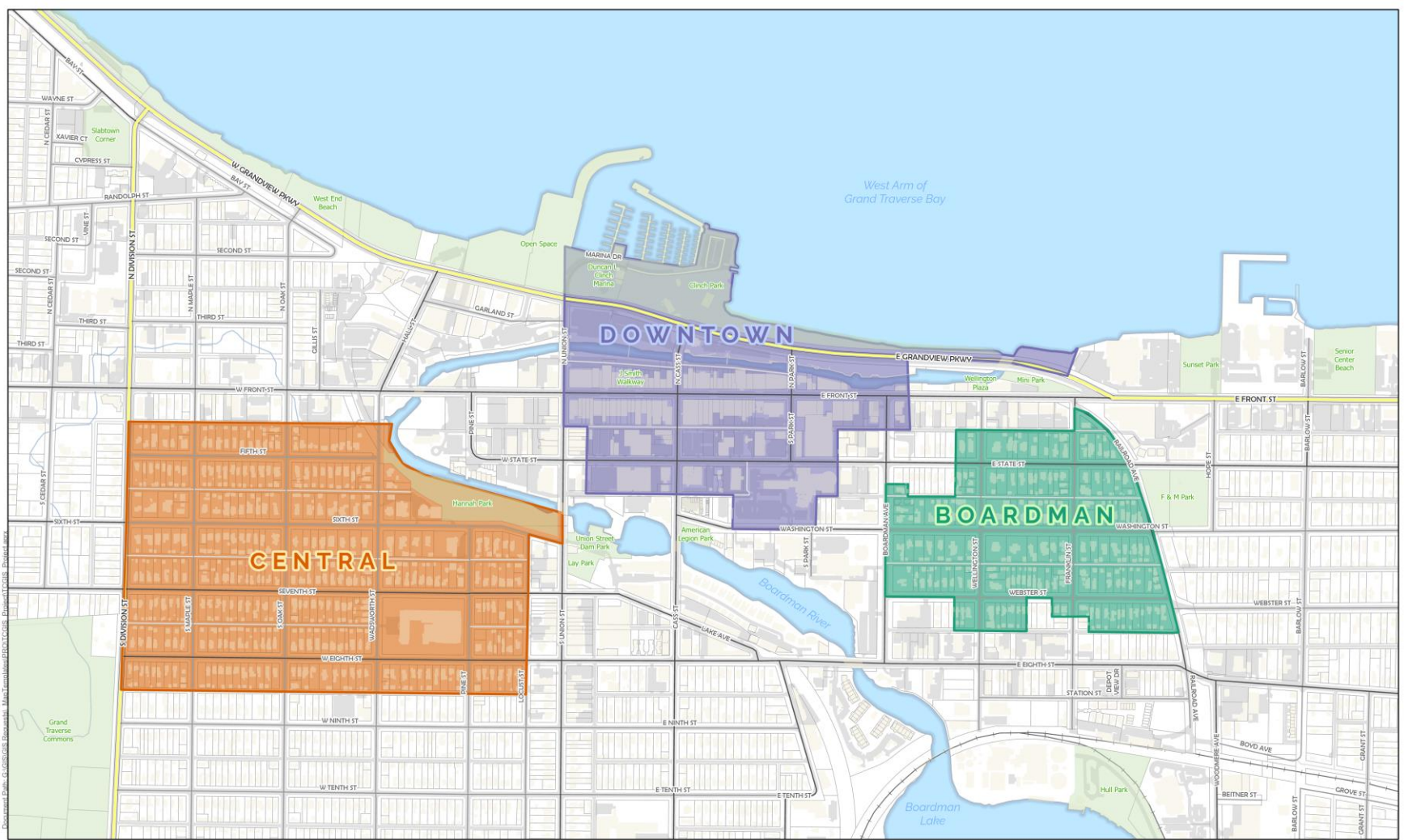
Note: The U.S. Census Bureau's American Community Survey data are one-year estimates, except Tysons, for which only five-year estimates are available. The time frames are determined by data availability.

Sources: Pew's analysis of housing unit data from the U.S. Census Bureau's American Community Survey and Apartment List Rent Estimates downloaded on March 22, 2023

Potential Benefits of Varied Housing Stock

- Housing for all stages of life and variety of needs
 - ~ 83% of all R-1 a/b, R-2, and R-3 residentially zoned land is zoned for single-family use
- Reduce greenhouse gas emissions
 - Less vehicle miles driven
 - More opportunities to utilize non-motorized transportation
 - Increase public transit viability
 - Smaller footprint dwellings
- Strengthens social connections and public health
- Reduces housing, financial, and economic instability

Historic Districts



This map is based on digital data from the City of Traverse City. Traverse City cannot accept any responsibility for errors, omissions or additional accuracy. There are no warranties expressed or implied.

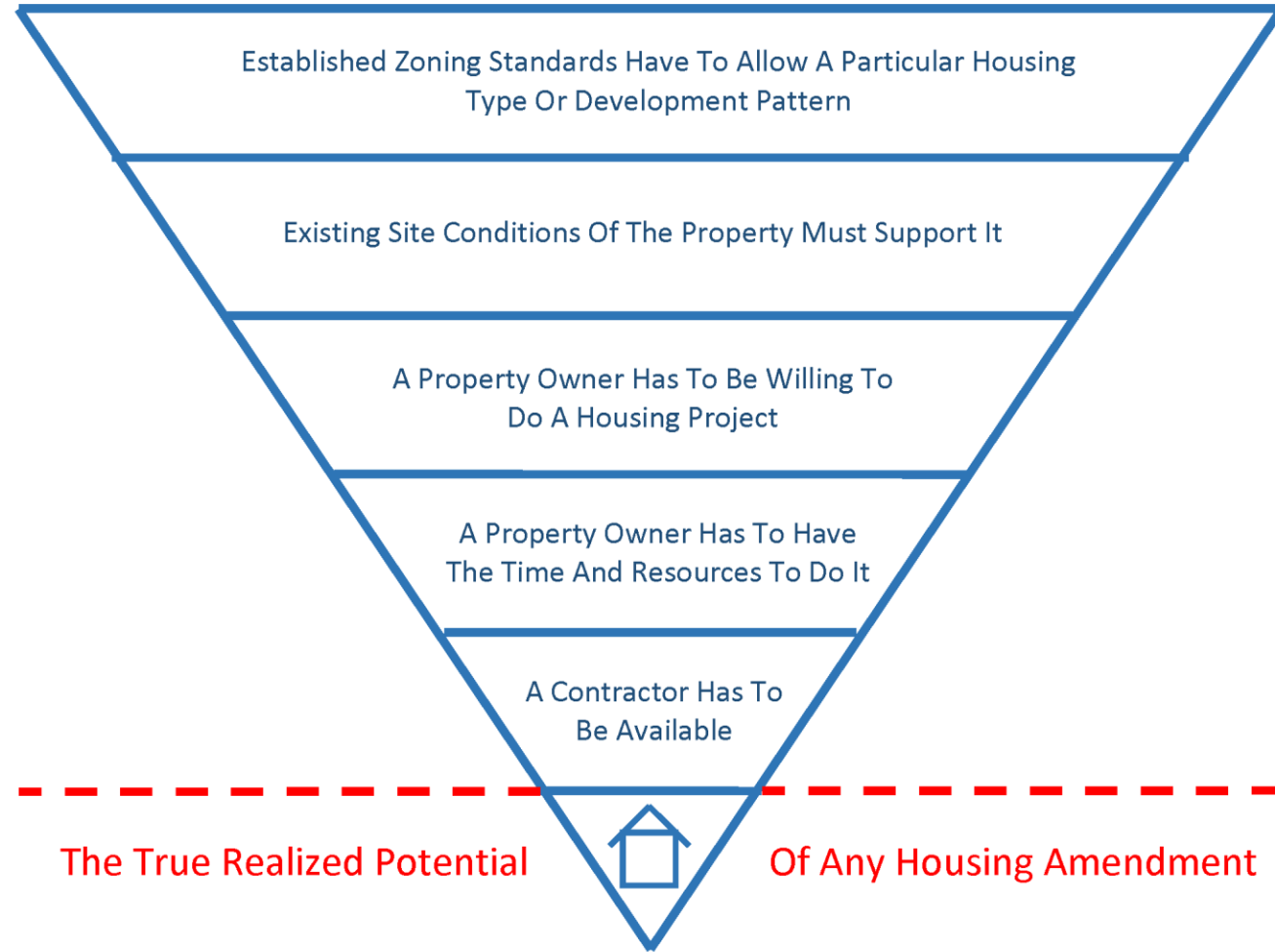
HISTORIC DISTRICTS

0 250 500 1,000 Feet



3/25/2022 GWS

Limitations



Ongoing Efforts

- Traverse Connect → local housing partners collaborating
 - Different context and solutions in each jurisdiction
- Regional Housing Plan
 - Ongoing effort led by Housing North
 - Part of the Michigan Statewide Housing Plan

Next Steps and Discussion Items

Policy Decisions for the City Commission

Policy Decisions

- How to proceed?
 - Take action, or not take action
 - Break the recommendation into individual components
 - Decide what to move forward, what to table
 - Send components back to the Planning Commission with specific direction

Code Enforcement

- Concerns raised about property maintenance and absentee landlords
- Regulate the user, not the use
- Could invest more resources in code enforcement
- Possible rental inspection program – ballot initiative

Code Enforcement

Charter of the City of Traverse City, Chapter IV – Legislation, Powers, and Procedures, Section 31 – Ordinances:

...Provided that no ordinance respecting standards, for the construction, repair, maintenance, improvement, occupancy, lease or sale of housing, (other than hotels, motels or that designed, built or leased to be occupied by three or more families) shall be adopted until submitted to and passed by a majority of the electors of the City at a regular municipal election or at a special election which may be called for that purpose.

Short-Term Rentals

- None of the proposed amendments would permit more short-term rentals.
- Improved enforcement – Granicus/Host Compliance
 - Identified locations
 - Sent approximately 150 warning letters
 - Prepared to begin issuing tickets
 - Need magistrate support
- Enforcement is a process – compliance is the goal

Affordable Housing Tools

- Legislative changes allow more local-level development of affordable housing incentives
- All require a geographic area where the incentives would be applicable
- Could be used to direct proposed housing types in specific locations
- Implementation would be a policy decision of the City Commission

Affordable Housing Tools

New Tools

- **Residential Facilities Act**
 - 50% tax reduction for 12 years
 - 5 or more dwellings, multi- or single-family
 - New construction, renovation, or expansion
- **Attainable Housing Facilities Act**
 - 50% tax reduction for 12 years
 - Only applicable to projects with 4 dwellings or less
 - New or rehabilitated housing

Revised Tools

- **Payment in Lieu of Taxes (PILOT)**
 - Local application not tied to LIHTC funding
- **Neighborhood Enterprise Zone (NEZ)**
 - Expanded applicability
 - Encourages compact development and utilizing existing infrastructure
- **Brownfield TIF funding**
 - Housing now an eligible expense for reimbursement
 - Can be used in conjunction with NEZ, Attainable Housing Facilities Act, and Residential Facilities Act



Questions and Discussion

R-1a: Single-Family Dwelling District <i>Proposed Name - R-1a: Low Density Residential District</i>	
Allowed	Proposed
Converting a home to a duplex <ul style="list-style-type: none"> Allowed with a City Commission SUPL 	Converting a home or building a duplex Allowed by right
Accessory Dwelling Units <ul style="list-style-type: none"> Max 15 per year Owner must live on property Only allowed with single-family home Minimum 90 lease 	Accessory Dwelling Units <ul style="list-style-type: none"> No annual cap No owner occupancy requirement Allow with a single-family home or duplex Minimum 90 day lease
1 principal dwelling per lot	2 principal dwellings per lot if twice minimum size
9,000 sq ft minimum lot size	7,000 sq ft minimum lot size
90 ft minimum lot width	70 ft minimum lot width
30% maximum impervious surfaces	35% maximum impervious surfaces
Cluster housing <ul style="list-style-type: none"> 5 acre minimum lot size City Commission SLUP required 	Cluster housing <ul style="list-style-type: none"> 1 acre minimum lot size Administrative SLUP required
Maximum density permitted: <ul style="list-style-type: none"> 1 dwelling unit if a single-family home 2 dwelling units if a single-family home and an ADU 	Maximum density permitted: <ul style="list-style-type: none"> 1 dwelling unit if a single-family home 2 dwelling units if a single-family home and an ADU 3 dwelling units if a duplex home and an ADU

R-1b: Single-Family Dwelling District <i>Proposed Name - R-1b: Low Density Residential District</i>	
Allowed	Proposed
Converting a home to a duplex <ul style="list-style-type: none"> Allowed with a City Commission SUPL 	Converting a home or building a duplex Allowed by right
Accessory Dwelling Units <ul style="list-style-type: none"> Max 15 per year Owner must live on property Only allowed with single-family home Minimum 90 lease 	Accessory Dwelling Units <ul style="list-style-type: none"> No annual cap No owner occupancy requirement Allow with a single-family home or duplex Minimum 90 day lease
1 principal dwelling per lot	2 principal dwellings per lot if twice minimum size
5,000 sq ft minimum lot size	4,000 sq ft minimum lot size
35 ft & 45* ft minimum lot width	35 ft minimum lot width for entire district
45% maximum impervious surfaces	50% maximum impervious surfaces
Cluster housing <ul style="list-style-type: none"> 5 acre minimum lot size City Commission SLUP required 	Cluster housing <ul style="list-style-type: none"> 1 acre minimum lot size Administrative SLUP required
Maximum density permitted: <ul style="list-style-type: none"> 1 dwelling unit if a single-family home 2 dwelling units if a single-family home and an ADU 	Maximum density permitted: <ul style="list-style-type: none"> 1 dwelling unit if a single-family home 2 dwelling units if a single-family home and an ADU 3 dwelling units if a duplex home and an ADU

*Only applicable to those R-1b properties north or east of US-31/M-72, east of Milliken Dr, and south of Eastern Ave

R-2: Two-Family Dwelling District	
<i>Proposed Name - R-2: Mixed Density Residential District</i>	
Allowed	Proposed
Single-family home Two-family home (attached or detached)	Single-family home Two-family home (detached) Duplex (attached) Triplex (attached)* Quadplex (attached)*
Accessory Dwelling Units <ul style="list-style-type: none"> • Max 15 per year • Owner must live on property • Only allowed with single-family home • Minimum 90 lease 	Accessory Dwelling Units <ul style="list-style-type: none"> • No annual cap • No owner occupancy requirement • Allow with a single-family home, duplex, or triplex • Minimum 90 day lease
2 residential structures per lot	2 residential structures per lot
4,000 sq ft minimum lot size	4,000 sq ft minimum lot size
35 ft minimum lot width	35 ft minimum lot width
45% maximum impervious surfaces	50% maximum impervious surfaces
Cluster housing <ul style="list-style-type: none"> • 5 acre minimum lot size • City Commission SLUP required 	Cluster housing <ul style="list-style-type: none"> • 1 acre minimum lot size • Administrative SLUP required
Maximum density permitted: <ul style="list-style-type: none"> • 1 dwelling unit if a single-family home • 2 dwelling units if a single-family home and an ADU • 2 dwelling units if a two-family home (attached or detached) 	Maximum density permitted: <ul style="list-style-type: none"> • 1 dwelling unit if a single-family home • 2 dwelling units if a single-family home and an ADU • 2 dwelling units if detached two-family homes • 2 dwelling units if a duplex • 3 dwelling units if a duplex home and an ADU • 3 dwelling units if a triplex* • 4 dwelling units if a triplex* with an ADU • 4 dwelling units if a quadplex*

*Would require fire suppression system if new construction or conversion of an existing structure

USE DEFINITIONS (include photo examples)

Accessory Dwelling Unit (ADU) means a 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 2 types of accessory dwelling units:

1. Accessory dwelling in an accessory building (examples include converted garages or new construction).
2. 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).

Dwelling means any building or portion thereof which is designed for or used exclusively for residential purposes and containing 1 or more dwelling units.

Dwelling Unit means 1 or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by 1 family for living, cooking and sleeping purposes. The existence of a food preparation area (such as a sink and appliances to heat and refrigerate food) within a room or rooms shall be evidence of the existence of a dwelling unit.

Family Unit means 1 or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth

Single-Family Dwelling means a detached building containing 1 dwelling unit and designed for or occupied by only 1 family unit.

Two-Family Dwelling means a building or buildings designed for or occupied exclusively by 2 family units living independently of each other. *(may be attached or detached)*

Duplex Dwelling means a single building designed for the occupancy of 2 family units living independently of each other in 2 separate dwellings.

Triplex Dwelling means a single building designed for the occupancy of 3 family units living independently of each other in 3 separate dwellings. *(would require a fire suppression system)*

Quadplex Dwelling means a single building designed for the occupancy of 4 family units living independently of each other in 4 separate dwellings. *(would require a fire suppression system)*

Multiple Family Dwelling means a building, a portion thereof, or buildings containing 3 or more dwelling units and designed for or occupied as the home of 3 or more family units living independently of each other. *(would require a fire suppression system)*

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective Date: _____

TITLE: Chapter 1326: Districts, Boundaries, and Zoning Map

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1326: Districts, Boundaries and Zoning Map, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

Chapter 1326 Districts, Boundaries and Zoning Map

1326.01 Designation of districts.

The City is divided into the following zoning districts:

OS - Open Space District

RC - Residential Conservation District

R-1a & R-1b - ~~Single-Family Dwelling~~ Low Density Residential Districts

R-2 - ~~Two-Family Dwelling~~ Mixed Density Residential District

R-3 - Multiple Family Dwelling Districts

HR - Hotel Resort District

C-1 - Office Service District

C-2 - Neighborhood Center District

C-3 - Community Center District

C-4 - Regional Center District

D - Development Districts

T - Transportation District

GP - Government/Public District

PR - Planned Redevelopment District

I - Industrial District

NMC-1 & NMC-2 - Northwestern Michigan College Districts

H-1 & H-2 - Hospital Districts

1326.02 Zoning map.

The boundaries of the districts are shown upon the map adopted by the City Commission designated as the Zoning Map. Such Map is filed in the office of the City Clerk. The Zoning Map and all notations, references and other information shown thereon are hereby declared to be a part of this Zoning Code and shall have the same force and effect as if the Zoning Map and all notations, references and other information shown thereon were fully set forth and described herein.

1326.03 Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following rules apply:

- (1) If districts are bounded approximately by street, private street or alley lines, the centerline of the street, private street or alley shall be construed to be the boundary of the district.
- (2) If the district boundaries are not indicated and if the property is now or later divided into blocks and lots, the district boundaries shall be construed to be the nearest lot lines.
- (3) In unsubdivided property, the district boundary lines shall be determined by use of the scale appearing on the Zoning Map.

1326.04 Zoning of streets, alleys and railroad corridors.

Streets, alleys and railroad corridors shall be zoned the same as the adjacent land is zoned to the centerline. In addition, they may be used for customary and incidental transportation purposes including commercial transportation such as taxicabs.

1326.05 Zoning of vacated streets.

Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining the side of such street, alley or public way shall be automatically extended to the new property line resulting from such vacation. All area included in the vacation shall thereafter be subject to all appropriate regulations of the extended district.

1326.06 Zoning of water areas.

All areas in the City which are under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins 2 or more districts, the boundaries of each district shall be construed to extend to the center of the water area.

1326.07 Zoning of annexed land.

The zoning of annexed land is governed by state statute. MCL 117.4(i)(3); MSA 5.2082.

1326.08 Categories within zoning districts.

Any building or structure built, rebuilt, converted, enlarged, moved or structurally altered shall be used only for a use allowed in the district in which the building or structure is located. In order to insure all possible benefits and protection for the zoning districts in this Code, the land uses have been classified into 3 categories:

- (1) *Uses permitted by right.* The primary uses and structures specified for which the zoning district has been established.

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- (2) *Uses permitted by special use permit.* Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole.
 - (3) *Uses permitted by planned unit development.* Uses and structures, compatible with the primary uses and structures within the zoning district, and which are provided a heightened degree of flexibility in site development standards to encourage mixed uses, open space preservation, and preservation of natural resources or energy conservation.

1326.09 Incorporating uses allowed.

When the regulations of a zoning district incorporate the uses allowed in a different zoning district, only those uses listed in the section entitled "Uses Allowed" are incorporated and not any of those uses allowed by special land use permit or any other special zoning permission.

The effective date of this Ordinance is the _____ day of _____, 2023.

I hereby certify the above ordinance amendment was introduced on _____, 2023, at a regular meeting of the City Commission and was enacted on _____, 202, 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.

Richard Lewis, 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 _____, 2023.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective Date: _____

TITLE: Chapter 1332: R-1a and R-1b Single-Family Dwelling Districts

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1332: R-1a and R-1b Single-Family Dwelling Districts, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

Chapter 1332 R-1a and R-1b - ~~Single-Family Dwelling~~Low Density Residential Districts

~~The Low Density Residential District (R-1a and R-1b) is for the purpose of preserving and maintaining the character of predominately single-family residential neighborhoods while broadening housing choices to include context- and scale-appropriate opportunities in the districts that have been established for residential use.~~

~~The Single-Family Dwelling—Large Lot (R-1a) District is for the purpose of primarily accommodating conventional single family dwellings.~~

~~The Single-Family Dwelling—Small Lot (R-1b) district is for the purpose of accommodating single-family dwellings on small lots.~~

~~Clustering (e.g. single-family attached, zero-lot-line detached dwellings) may be allowed in either district on larger parcels within the designated density guidelines as a means to protect sensitive soils and provide usable open space.~~

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.
 - (1) ~~The intent of the allowed use of accessory dwelling units is to:~~
 - (a) ~~Preserve and maintain the character of predominately single-family residential neighborhoods while broadening housing choices.~~
 - (b) ~~Require owner-occupancy to provide the necessary on-site supervision that enhances maintenance and the preservation of the character of the City's single-family neighborhoods.~~
 - (c) ~~Prevent disruption in the stability of the single-family neighborhoods, speculation and absentee ownership.~~
 - (d) ~~Diversify housing options and create more affordable housing within existing single-family neighborhoods.~~
 - (e) ~~Enhance neighborhood stability by providing extra income that potentially could allow homeowners to live in their houses longer and maintain their property better.~~

~~(f) Provide homeowners with a means of accommodating extended families, companionship, security, or services through tenants in either the accessory dwelling unit or principal dwelling.~~

~~(g) Will be placed in a manner to provide thoughtful consideration of landscaping, screening and window placement to protect the privacy of neighbors.~~

~~(2)~~(1) 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) There shall be a maximum limit of 15 newly registered accessory dwelling units per calendar year.~~

~~(c)~~(b) Only 1 accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel if accessory to a single-family dwelling, or 3 dwellings per parcel if accessory to a duplex dwelling.

~~(d)~~(c) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exterior appear to be single-family.

~~(e)~~(d) *Location of entrances.* Only 1 entrance may be located on the façade 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.

~~(f)~~(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.

~~(g)~~(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.

~~(h)~~(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 1332.07.

~~(i) 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.~~

~~(j)~~(h) 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.

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- 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.

~~(k)~~(i) 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.

~~(j)~~(j) Each registered ~~a~~Accessory ~~D~~dwelling ~~U~~unit is subject to annual administrative review by the City. Registrant shall provide additional information as requested by the City.

~~(m)~~(k) An accessory dwelling unit shall be prohibited if the parcel has a licensed Tourist Home.

- 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;
- 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, duplex;
- Essential services;
- Family child care home, as defined by MCL 722.111 et seq., as amended;
- Golf courses;
- 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.

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- (4) The use does not exceed 16 hours of operation during a 24-hour period.
 - (5) No additional parking is required for the ~~Group-group Day-child Care-care Home-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.
 - (7) 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.
 - (8) 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.
 - (9) Any sign identifying the occupation must conform to the regulations of Traverse City Code Chapter 1476, Signs.
 - (10) No sale or rental of goods is allowed on the premises, except as secondary and incidental to the furnishing of a service.
 - (11) Instruction in crafts and fine arts are recognized as allowable home occupations if they meet the above conditions.
 - (12) The use shall not generate noise, vibration or odors detectible beyond the property line.
 - 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) There are two levels of tourist homes and are separated based on intensity:
 - (a) A high intensity tourist home may rent up to 3 rooms for compensation, limited to not more than 2 adults per room, to persons who do not stay for more than 14 consecutive days for 85 or greater guest nights per year. A high intensity tourist home shall not be closer than 1,000 feet to another licensed high intensity tourist home or another tourist home licensed before January 22, 2019.
 - (b) A low intensity tourist home may rent not more than 2 rooms for compensation, limited to not more than 2 adults per room, to persons who do not stay for more than 14 consecutive days for no greater than 84 guest nights per year.
 - (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. For each tourist home bedroom, one off-street parking space is required.
- (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.
- (9) A tourist home shall be prohibited if the parcel is a registered accessory dwelling unit.
- (10) A person who violates any provision of this use is responsible for a municipal civil infraction. The fine for any unlawful tourist home violation shall be no less than \$500.00, plus costs. Each day on which any violation of the use continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

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;
- Places of worship;
- Schools;
- Temporary accessory dwelling units.

1332.03 Lot, density and impervious surface provisions.

Lot width (min.)	Lot area (min.)	Density (maximum)	Impervious surface
R-1a: 90-70 feet	9,000 <u>7,000</u> sq. feet	1 <u>2</u> ²¹	30 <u>35</u> % maximum
R-1b: 35/45 feet [‡]	5,000 <u>4,000</u> sq. feet	1 <u>2</u> ²¹	45 <u>50</u> % maximum

~~[‡]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.~~

²¹An accessory dwelling unit may be permitted in R-1a and R-1b which if permitted, would increase the allowed density maximum to 2 dwellings per parcel if accessory to a single-family dwelling, or 3 dwellings per parcel if accessory to a duplex dwelling.

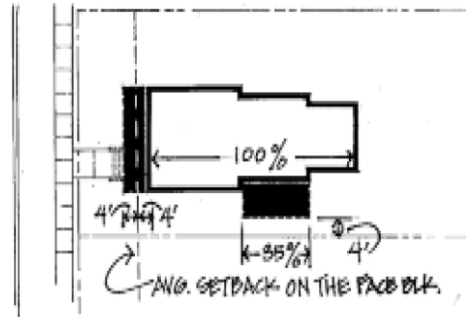
1332.04 Setbacks.

(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:	One side	Aggregate
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 2 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. 25 feet from the ordinary high water mark of Kids Creek, or the centerline of the creek when buried or below grade. The Planning Director may reduce the Kids Creek setback up to a minimum of 10 feet if it is determined that the site is otherwise unbuildable.

(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.

1332.05 Encroachments into the setbacks.

No encroachments into the required setbacks are allowed except:

- (1) Eaves, chimneys, sills, belt courses, cornices and ornamental features not to exceed 18 inches are permitted to extend within the setbacks.
- (2) 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.
- (3) An unenclosed balcony, porch or deck may project into a rear setback for a distance not exceeding 10 feet.
- (4) 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.
- (5) If there is no feasible alternative, the Planning Director may approve a setback variation up to fifty percent of the requirement for the front and rear setback when a required setback would necessitate the removal of an existing tree greater than or equal to 6 inches diameter at breast height. Any existing tree that is preserved by the approved variation must be protected and remain for at least five years from the date of the variation.

1332.06 Building height.

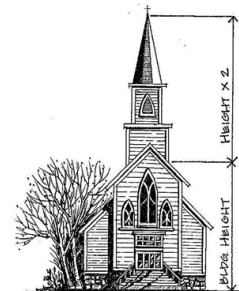
- (a) *Building height (both districts):*

Maximum 35 feet.

- (b) *Exceptions:*

Steeple and clock towers may be erected to a height not exceeding twice the height of the attached building.

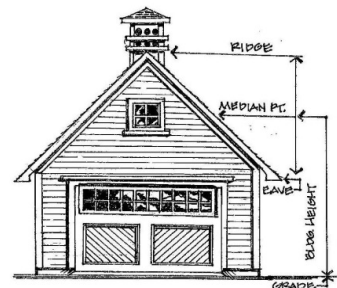
Parapet walls may be used to screen existing equipment may be erected if the wall extends ~~extends~~ around the perimeter of the building and incorporates exterior building materials similar to those of the main building.



1332.07 Accessory buildings.

Accessory buildings shall:

- (1) 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.
- (2) Not exceed 25 feet or the height of the principal building, whichever is less.
- (3) 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.



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- (4) Have a total gross floor area of all accessory buildings on the lot shall not exceed the greater than of 75 percent of the gross floor area of the principal building or 484 square feet.
 - (5) Accessory buildings over 200 square feet in gross floor area, shall be constructed using building materials, design elements and roof pitches substantially similar to the exterior of the principal building.
 - (6) For parcels on corner lots, except in the Boardman and Central Neighborhood Historic Districts, an accessory building can be connected to the principal building provided the connector is no longer than 10 feet in length, no taller than 15 feet in height, and the area of the connector does not exceed 100 square feet. The connector area shall be applied to the gross floor area of the accessory building.

1332.08 Parking, loading and driveways.

~~Minimum parking space requirements for single family dwellings are 1 per dwelling unit.~~

- (1) Additional requirements for parking, loading and driveways are contained in Chapter 1374.
- (2) 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.
- (3) 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.~~
- (4) Parking for motor vehicles shall occur only on a surface permitted by this code.
- (5) In addition, athletic fields may provide up to 50 percent of the required number of organized parking on an area developed in turf grasses. Grassed parking areas are considered as providing 1 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.

1332.09 Special requirements.

To preserve and reinforce the development patterns of the single-family dwelling district the following special requirements shall apply:

- (1) In the Boardman and Central Neighborhood Historic Districts, attached garages for parcels with alley access shall be prohibited.

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- (2) 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.

1332.10 Two principal dwelling requirements

Two separate dwelling structures may be allowed on parcels that are twice the minimum lot size for their district without requiring the parcel to be split provided the following requirements are met:

- (1) Side setbacks shall be maintained between adjacent principal dwellings as required by the district if sited adjacent to each other.
- (2) All rear setbacks applicable to principal dwelling structures shall be met.

The effective date of this Ordinance is the _____ day of _____, 2023.

I hereby certify the above ordinance amendment was introduced on _____, 2023, at a regular meeting of the City Commission and was enacted on _____, 2023, 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.

Richard Lewis, 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 _____, 2023.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective Date: _____

TITLE: Chapter 1334: R-2 Two-Family Dwelling District

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1334: R-2 Two-Family Dwelling District, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

Chapter 1334 R-2 ~~Two-Family Dwelling~~ Mixed Density Residential District

The ~~Two-Family Dwelling~~ Mixed Density Residential (R-2) District is for the purpose of allowing ~~two-family~~ up to four dwellings units per parcel, designed to be architecturally compatible with surrounding housing.

1334.01 Uses allowed.

The following uses of land and buildings, together with accessory uses, are allowed in the ~~Two-Family Dwelling~~ Mixed Density Residential District:

- R-1 District Uses;
- Accessory Dwelling Units, accessory to a single family, duplex or triplex principal dwelling unit;
- ~~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 façade 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;~~
 - Art galleries in non-residential buildings built prior to 1950, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;
 - ~~• 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;~~
 - ~~• 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, triplex;
 - Dwellings, quadplex;
 - Dwellings, multiple family, in non-residential buildings built prior to 1950, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;
 - ~~• Essential services;~~
 - ~~• Family child care home, as defined by MCL 722.111 et seq., as amended;~~
 - ~~• Golf courses;~~
 - ~~• 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.~~
 - ~~(8) No sign, display or device identifying the occupation may be used.~~
 - ~~(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 1950, 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.
 - ~~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) There are 2 levels of tourist homes and are separated based on intensity:
 - ~~a. A high intensity tourist home may rent up to 3 rooms for compensation, limited to not more than 2 adults per room, to persons who do not stay for more than 14 consecutive days for 85 or greater guest nights per year. A high intensity tourist home shall not be closer than 1,000 feet to another licensed high intensity tourist home or another tourist home licensed before January 22, 2019.~~
 - ~~b. A low intensity tourist home may rent not more than 2 rooms for compensation, limited to not more than 2 adults per room, to persons who do not stay for more than 14 consecutive days for no greater than 84 guest nights per year.~~~~
 - ~~(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. For each tourist home bedroom, one off-street parking space is required.~~

~~(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.~~

~~(9) A tourist home shall be prohibited if the parcel is a registered accessory dwelling unit.~~

~~(10) A person who violates any provision of this use is responsible for a municipal civil infraction. The fine for any unlawful Tourist Home violation shall be no less than \$500.00, plus costs. Each day on which any violation of the use continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.~~

- Other similar uses as approved by the Planning Commission provided:
 - (1) The uses are located on an arterial or collector street.
 - (2) The uses are in a non-residential building built prior to 1950 and the building is not expanded except as necessary to meet barrier-free access requirements.
 - (3) The uses will not generate excessive noise, lighting, fumes or other nuisances.

1334.02 Uses allowed by special land use permit.

The following uses of land and buildings, together with accessory uses, are allowed in the ~~Two-Family Dwelling~~ Mixed Density Residential District 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;
- Essential services buildings;
- Places of worship;
- Schools.

1334.03 Lot, density and impervious surface provisions.

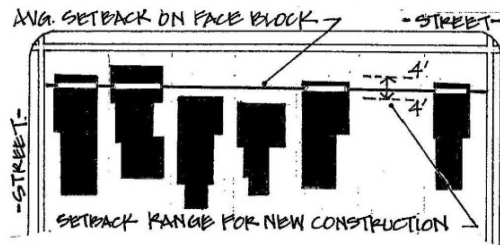
Lot width (min.)	Lot area (min.)	Density (maximum)	Impervious surface
35 feet	4,000 sq. feet	2-4	45 50% maximum

1334.04 Setbacks.

(a) *Front setbacks:*

Building: Within 4 feet of the average setback of principal buildings on the same face block but no closer ~~that~~ than 6 feet from the front property line.

Parking area: 3 feet minimum.



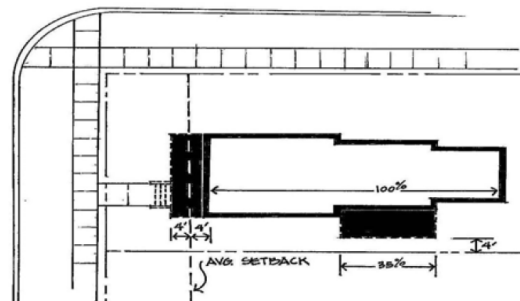
(b) *Side setbacks (minimum):*

Building:

One Side: 6 feet

Aggregate: 14 feet 35 percent of a side building wall may be located no closer than 4 feet from the side property line.

Parking area: 2 feet



(c) *Rear setbacks:*

Building: 25 feet

Parking area: None

(d) *Corner and through lots* shall have a front setback on each street.

(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 the Boardman River. 25 feet from the ordinary high water mark of Kids Creek, or the centerline of the creek when buried or below grade. The Planning Director may reduce the Kids Creek setback up to a minimum of 10 feet if it is determined that the site is otherwise unbuildable.

(f) *Storage* of a boat, motor home, camper, utility trailer or other recreational vehicle or equipment is limited to the rear yard only. Storage means 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.

1334.05 Encroachments into the setbacks.

No encroachments into required setbacks are allowed except:

- (1) Eaves, chimneys, sills, belt courses, cornices and ornamental features not to exceed 18 inches are permitted to extend within the setback.
- (2) 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.
- (3) 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 right-of-way line.
- (4) If there is no feasible alternative, the Planning Director may approve a setback variation up to fifty percent of the requirement for the front and rear setback when a required setback would necessitate the removal of an existing tree greater than or equal to 6 inches diameter at breast height. Any existing tree that is preserved by an approved variation must be protected and remain for at least five years from the date of the variation.

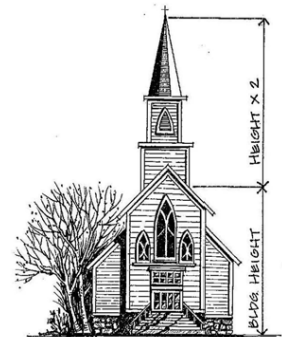
1334.06 Building height.

- (a) *Building height:* Maximum 35 feet.

- (b) *Exceptions:*

Steeples and clock towers may be erected to a height not exceeding twice the height of the attached building.

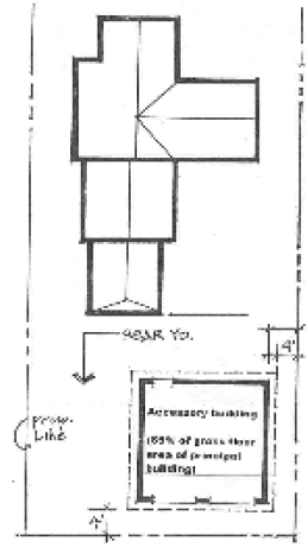
Parapet walls may be erected as necessary to screen rooftop equipment if the wall extends around the perimeter of the building and incorporates exterior building materials similar to those of the main building.



1334.07 Accessory buildings.

Accessory buildings shall:

- (1) 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.
- (2) Not exceed 25 feet or the height of the principal building(s) at the median point, whichever is less.
- (3) 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.
- (4) Have a total gross floor area of all accessory buildings on the lot shall not exceed the greater of 75 percent of the gross floor area of the principal building(s) or 484 square feet.
- (5) Accessory buildings over 200 square feet in gross floor area, shall be constructed using building materials, design elements and roof pitches substantially similar to the exterior of the principal building.
- (6) For parcels on corner lots, except in the Boardman and Central Neighborhood Historic Districts, an accessory building can be connected to the principal building provided the connector is no longer than 10 feet in length, no taller than 15 feet in height, and the area of the connector does not exceed 100 square feet. The connector area shall be applied to the gross floor area of the accessory building.



1334.08 Parking, loading and driveways.

~~Minimum parking space requirements are 1 per dwelling unit.~~

(1) Additional requirements for parking, loading and driveways are contained in Chapter 1374.

(2) 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.

(3) 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.~~

(4) Parking for motor vehicles shall occur only on a surface permitted by this code.

(5) Athletic fields may provide up to 50 percent of the required number of organized parking on an area developed in turf grasses. Grassed parking areas shall be considered as providing 1 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.

1334.09 Special requirements.

To preserve and reinforce the development patterns of the ~~Two-Family Dwelling~~Mixed Density Residential District the following special requirements shall apply:

- (1) In the Boardman and Central Neighborhood Historic Districts, attached garages for parcels with alley access shall be prohibited.
- (2) 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.

The effective date of this Ordinance is the _____ day of _____, 2023.

I hereby certify the above ordinance amendment was introduced on _____, 2023, at a regular meeting of the City Commission and was enacted on _____, 2023, 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.

Richard Lewis, 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 _____, 2023.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: Chapter 1364: Special Land Use Regulations

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1364: Special Land Use Regulations, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

Chapter 1326 Special Land Use Regulations

The purpose of this chapter is to permit and provide for a special review process for unique uses and activities in zoning districts where they would not otherwise be permitted, provided these uses and activities are made compatible with permitted uses in these districts by following the standards in this chapter.

1364.01 Types of special land use permit review.

- (1) *Types of procedure.* Special land use permits (SLUPs) are reviewed and approved through either a City Commission procedure or an administrative procedure depending upon the potential impact the proposed use or activity may have upon the adjacent land uses and the broader community.
- (2) *City commission SLUPs.* Applications for special land use permits for the following uses shall be reviewed by the City Commission according to the procedures and standards contained in this chapter:
 - (1) *New buildings 3,000 square feet or larger in gross floor area* for allowed uses in an OS or RC district.
 - ~~(2)(1) *Clustered single family dwellings allowed in an R-1a, R-1b or R-2 district.*~~
 - ~~(3)(2) *Communication towers* allowed in a T, GP, I, C-3, NMC-2 (except on Grand Traverse Bay) and H-2 District or properties owned by governmental agencies.~~
 - ~~(4)(3) *Convention centers* in a D district.~~
 - ~~(5)(4) *Conversions of one-family to two-family dwellings* in an R-1a or R-1b district.~~
 - ~~(6)(5) *Correctional institutions* allowed in a GP district.~~
 - ~~(7)(6) *Drive-throughs for finance services* in C-4 and D districts.~~
 - ~~(8)(7) *Essential services structures.*~~
 - ~~(9)(8) *Reserved.*~~
 - ~~(10)(9) *Residential care and treatment facilities* allowed in an ~~R-9, R-15, R-29R-3~~, HR, C-1, C-2, C-3 or H-1 or H-2 district.~~

~~(11)~~(10) Schools allowed in an R-1a, R-1b, R-2, ~~R-9, R-15, R-29~~R-3, C-1, C-2, C-3 or GP district.

~~(12)~~(11) Stores, retail, over 8,000 square feet per floor in a D district.

~~(13)~~(12) Taller buildings allowed in a C-4b, C-4c, D, GP, NMC-2 or H-2 district.

~~(14)~~(13) Temporary accessory dwelling units in an RC, R-1a or R-1b district.

~~(15)~~(14) Theaters, live, and performance art centers allowed in an ~~R-9, R-15 or R-29~~R-3, Multiple Family Dwelling District.

~~(16)~~(15) Transitional housing and emergency shelters allowed in an HR, C-1, C-2, C-3, D-1, D-2, D-3, H-1, H-2, I, NMC-1 or NMC-2 district.

~~(17)~~(16) Wind energy system, pole or tower-mounted, allowed in T, GP, C-3, NMC-1, NMC-2, H-1, H-2 or I district and properties owned by governmental agencies.

~~(18)~~(17) Wind energy system, building-mounted, allowed in NMC-1, NMC-2, I, T, H-1, H-2, C-1, C-2, C-3, C-4, D and HR districts.

(3) *Administrative special land use permits.* Applications for special land use permits for the following uses shall be reviewed by the Planning Director according to the procedures and standards contained in this chapter:

(1) *Adult foster care small group home* in an RC, R-1a, R-1b and R-2 district.

(2) *Clustered single-family dwellings* allowed in an R-1a, R-1b or R-2 district.

~~(2)~~(1) Communication antennas in all districts.

~~(3)~~(2) Group day care homes, including adult daycare in an R-1a, R-1b, R-2, ~~R-9, R-15 and R-29~~and R-3 district.

~~(4)~~(3) Landing areas in an H or GP district.

~~(5)~~(4) Parking area, private, in a C-4 district if public parking is available within 500 feet of an allowed use;

~~(6)~~(5) Parking area construction deferral.

~~(7)~~(6) Places of worship in an R-1a, R-1b, R-2, ~~R-9, R-15 and R-29~~and R-3 district.

1364.02 General standards for approval.

Each application for a special land use shall be reviewed for the purpose of determining that the proposed use meets all of the following standards:

- (1) The use shall be designed, constructed, operated and maintained so as to be harmonious and compatible in appearance with the intended character of vicinity.
- (2) The use shall not be hazardous nor disturbing to existing or planned uses in the vicinity.
- (3) The use shall be served adequately by existing or proposed public infrastructure and services, including but not limited to, streets and highways, police and fire protection, refuse disposal; water, waste water, and storm sewer facilities; electrical service, and schools.
- (4) The use shall not create excessive additional requirements for infrastructure, facilities, and services provided at public expense.

- (5) The use shall not involve any activities, processes, materials, equipment or conditions of operation that would be detrimental to any person or property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or water runoff.
- (6) Where possible, the use shall preserve, renovate and restore historic buildings or landmarks affected by the development. If the historic structure must be moved from the site, the relocation shall be subject to the standards of this section.
- (7) Elements shall relate the design characteristics of an individual structure or development to existing or planned developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.
- (8) The use shall be consistent with the intent and purposes of the zoning district in which it is proposed.

1364.03 Special land use applications.

All land for which an application for a special land use permit is made shall be owned by the applicant or by a person who has consented, in writing, to the application. The parcel must be capable of being planned and developed as 1 integral land use unit. Noncontiguous parcels may be considered. The application must be signed by the applicant and by the owner or a person with the owner's written consent and must contain:

- (1) A site plan as described by this Zoning Code;
- (2) A statement of present ownership of all land which is the subject of the request;
- (3) An application fee. This application fee shall be non-refundable. The City Commission shall, by resolution, establish the amount of the application fee.
- (4) Upon the request of the Planning Director or the Planning Commission, the applicant shall provide such other information pertinent to the special land use application. Failure of the applicant to provide such requested information within a reasonable time may be grounds for denial of the application.
- (5) If the application is approved, the applicants shall pay all Register of Deeds recording fees to record the special land use permit.

1364.04 City commission procedure for approval.

The following procedures shall be followed for special land use permits to be granted by the City Commission:

- (1) *Pre-application conference.* Before submitting an application, the applicant shall meet with the Planning Director to review the proposed project, the Traverse City Code of Ordinances, and any planning documents that relate to the property.
- (2) *Application.* A special land use permit application shall be submitted to the Planning Commission for review and recommendation.
- (3) *Public hearings.*
 - a. The Planning Commission shall hold a public hearing with such notice as it deems advisable. After review, the Planning Commission shall submit a written recommendation to the City Commission based upon the standards of this Zoning Code.

- b. A public hearing shall be held by the City Commission on each special land use application properly filed under this Zoning Code. Notice of the public hearing shall be given not less than 15 days before the date of the public hearing. Notice shall be published in a newspaper of general circulation in the City and shall be mailed or personally delivered to:
 1. The owners of the property for which approval is being considered;
 2. All persons to whom real property is assessed within 300 feet of the boundary of the property in question; and
 3. At least 1 occupant of each dwelling unit or spatial area owned or leased by different persons within 300 feet of the boundary of the property in question. Where a single structure contains more than 4 dwelling units or other distinct spatial areas, notice may be given to the manager or owner of the structure with a request to post the notice at the primary entrance of the structure. The occupants of all structures within 300 feet of the boundary of the property in question. Where the name of the occupant is not known, structures within 300 feet of the boundary of the property in question. Where the name of the occupant is not known, the term "occupant" may be used in making notification.
- (4) *Notice.* The notice of the City Commission public hearing shall contain:
- a. A description of the nature of the special land use request;
 - b. A description of the property which is the subject of the special land use request, including a listing of all existing street addresses within the property where they exist; and
 - c. The time and place of consideration of and public hearing on the special land use request; and
 - d. When and where written comments will be received concerning the request.
- (5) *Decision.* The City Commission may deny, approve or approve with conditions requests for special land use approval after a hearing and notification as provided herein. Its decision shall be in the form of an order which shall incorporate a statement of conclusions and shall specify the basis for the decision and any conditions imposed. An order denying a special land use shall state the standards which have not been met. A decision of the City Commission shall be final. There shall be no appeal of the City Commission's decision to the Board of Zoning Appeals.
- (6) *Order.* If the City Commission determines that the application is consistent with the intent of this Zoning Code as expressed in this chapter and with the other standards and requirements herein contained, it shall issue an order authorizing the special land use in accordance with the application and material submitted, modified as it may consider necessary to carry out the intent and standards of this Zoning Code, and containing any lawful conditions or restrictions which it may consider necessary to carry out the purposes of this Zoning Code and to protect the public health, safety and welfare. The order shall recite the findings of fact and the reasons upon which it is based.
- (7) *Compliance.* After approval of a special land use, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the

special land use or only as authorized by the provisions of this Zoning Code which would apply if the special land use order had not been issued.

Editor's note(s)—For "taller buildings," which are those buildings greater than sixty (60) feet in height, see City Charter § 28Editor's note(s)— for additional requirements.

1364.05 Administrative procedure for approval.

The following procedure shall be followed for special land use permits to be granted by the Planning Director:

- (1) *Pre-application conference.* Before submitting an application, the applicant shall meet with the Planning Director to review the proposed project, the Traverse City Code of Ordinances, and any planning documents that relate to the property.
- (2) *Application.* A special land use application shall be submitted to the Planning Director for review and decision.
- (3) *Notice.* If the applicant or the Planning Director requests a public hearing, only notification of the public hearing need be made. If not so requested, upon receipt of an application, the Planning Director shall publish in a newspaper of general circulation in the City 1 notice that the request has been received and shall send by mail or personal delivery such notice to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Such notice shall be given not less than 15 days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in notification. Notification need not be given to more than 1 occupant of a structure unless there is more than 1 dwelling unit, in which case 1 occupant of each unit shall be given notice. Such notice shall do the following:
 - a. Describe the nature of the special land use request;
 - b. Indicate the property which is the subject of the special land use request;
 - c. State when and where the special land use request will be considered and;
 - d. Indicate when and where comments will be received concerning the request;
 - e. Indicate that a public hearing on a special land use request may be requested by a property owner or occupant of a structure located within 300 feet of the boundary of property being considered for a special use.
- (4) *Public hearing.* At the initiative of the Planning Director, upon the request of the applicant, or upon request of a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required herein shall be held by the Planning Director before rendering a decision.
- (5) *Decision; order.* The Planning Director may deny, approve or approve with conditions, requests for special land use approval after notification as provided in this section. The decision shall be in the form of an order which shall incorporate a statement of conclusions and shall specify the basis for the decision and any conditions imposed. An order denying a special land use shall state the standards which have not been met.

- (6) *Appeals to the planning commission.* Any person aggrieved by a final decision of the Planning Director may appeal the decision within 14 days to the Planning Commission. In order to file such an appeal, a person must complete and sign an application for appeal and submit it to the Planning Director on the form provided by that office. In addition, the person appealing must pay the fee established by resolution of the City Commission for such appeals. All reasons and facts in support of the appeal shall be submitted in writing by the person appealing. The Planning Director shall transmit to the Planning Commission all materials submitted in connection with the application including the written decision being appealed and a summary of public comments. Notice of the Planning Commission hearing shall be given in the same manner as notice of a hearing on a special land use granted by the Planning Commission. After a hearing de novo, the Planning Commission shall decide the appeal de novo within a reasonable time and shall submit its decision in writing to the applicant. A decision of the Planning Commission shall be final. There shall be no appeal of the Planning Commission's decision to the City Commission or Board of Zoning Appeals.
- (7) *Compliance.* After approval of a special land use, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the special land use or only as authorized by the provisions of this Zoning Code which would apply if the special land use order had not been issued.
- (8) *Planning director referral to planning commission.* At the discretion of the Planning Director, a special land use requiring administrative approval of the Planning Director may be submitted to the Planning Commission under procedures described in Section 1364.04

1364.06 Amendments.

A SLUP order may be amended as follows:

- (1) *Minor amendment.* Minor amendments are those which will have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Planning Director without notice or hearing, provided no such changes shall significantly increase the size or height of structures, significantly reduce the efficiency or number of public facilities serving the site, significantly reduce the usable open space or significantly encroach on natural features proposed by the plan to be protected.
- (2) *Major amendment.* Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the authority granting the SLUP to be amended according to the procedures authorized by this chapter for approval of a SLUP.

Unless otherwise provided by this chapter or the granting order, an order approving a special land use may be amended by the granting authority according to the procedures authorized by this chapter for approval of a special land use.

1364.07 Termination of orders.

A special land use order shall expire 2 years from the date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion or, where no construction is necessary, if the use authorized has not been commenced. Upon written request stating the reasons therefor, the granting authority may extend the order for 1 additional year. An order may be terminated upon application by the owners of record of the land subject to a granting order. It shall

be submitted and considered under the same process as is then established for granting or amending such order. The applicant shall demonstrate that if the order is terminated the property shall comply with all current requirements for the zoning district(s) of that property. The order may be rescinded at any time by the granting authority for a violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupiers of the property and after a hearing on the violation. Upon termination of an order, the zoning requirements shall be the current requirements for the zoning district designated for the property. Any use authorized by a special land use order shall be continuously maintained once the same is commenced, and if not so continuously maintained, the special land use permit shall expire.

1364.08 Special land use permits granted by the city commission.

The City Commission may grant a special land use permit for the following uses in any district, except as herein qualified:

- (1) *New buildings 3,000 square feet or larger in gross floor area* for allowed uses in an OS or RC District subject to the following:
 - a. The building is for an allowed use;
 - b. The minimum yard requirements may be changed by the Planning Commission based upon topography and existing site limitations (i.e, water, roads, neighboring buildings).
 - c. Traffic related to the use shall not substantially increase congestion on surrounding streets and intersections.
 - d. The use is not likely to create excessive noise across the real property boundary.

~~(2)(1) *Clustered single family dwellings. The purpose of clustered housing is to provide owners of large parcels of single or two family residential property the alternative to develop their properties in an environmentally sensitive and cost effective manner by clustering single family homes or townhouses rather than spreading development over the entire site. By clustering development, sensitive and attractive environmental features can be preserved as common open space to be enjoyed by future residents. Clustered housing is subject to the following:*~~

- ~~a. *The use is located in an R-1a, R-1b or R-2 district.*~~
- ~~b.a. *The property is of at least 5 contiguous acres under single ownership and control.*~~
- ~~c.a. *The development must meet the front, side and rear yard setback requirements of the district on the periphery of the parcel. More than 1 building may be located on a single lot, but setback requirements for the district shall apply to each building based on hypothetical lot lines approved by the Planning Director as proposed by the applicant.*~~
- ~~d.a. *The overall density of the development shall not exceed the allowable density of the district; (4.4 dwelling units per acre in an R-1a district, 5.8 dwelling units per acre in an R-1b district and 10.9 dwelling units per acre in an R-2 district).*~~
- ~~e.a. *Townhouses are permitted, provided there are no more than 4 dwelling units per detached structure. The front building wall plane is interrupted and off set in order to project the character and appearance of individual dwelling units;*~~
- ~~f.a. *A parking area shall be provided only at the side or the rear of the building for which it is designed to service. That portion of the parking area which is exposed to the street*~~

~~shall be screened to minimize the visual impact of the parking area from the public street. Parking areas must also be screened along lot lines bordering residential uses or zones on the periphery of the parcel. Screening shall create an effective visual barrier consisting of a screenwall or a landscaped area at least 6 feet wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier. All trees shall be a minimum of 2-inch caliper when planted. Native trees and shrubs shall be planted whenever possible. In instances where healthy plant material exists on the site prior to development, in part or in whole, for purposes of off-street parking, the Planning Commission may adjust the application of the above-stated standard to allow credit for such plant material.~~

~~g.a. Trash containers shall be properly screened.~~

~~h.a. All other standards not specifically altered in the zoning district shall apply to clustered housing.~~

(3)(2) *Communication towers.* The intent of this section is to ensure communication towers are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact will be minimized. Communication towers are permitted if all of the following requirements are met:

- a. The communication tower is located in a T, GP, C-3, NMC-2 (except on Grand Traverse Bay), H-2 or I district and properties owned by governmental agencies.
- b. The communication tower complies with all applicable FCC and FAA regulations and all applicable building codes.
- c. The tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the tower's intended purpose, but in no case shall the tower exceed 50 feet above the height restrictions of the district. Height is measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- d. Communication towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. Guys and accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- e. The design of the buildings and structures related to communication towers shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- f. The tower shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- g. Cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- h. Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.

- i. The communications tower and operating equipment shall comply with the general standards for approval contained in this chapter. Any tower that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned tower within said 90 days may be removed by the City at the owner's expense.

~~(4)~~(3) Convention centers in a D district, subject to the following:

- a. The building is limited to 30,000 square feet;
- b. Thirty five percent of the building facade shall be windows or other street level activity;
- c. A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.

~~(5)~~(4) Conversions of one-family dwellings to two-family dwellings in a R-1a or R-1b district, subject to the following:

- a. The dwelling and lot existed prior to December 10, 1958, substantially as they exist at the time of the request for a special land use permit for purposes of complying or determining compliance with these requirements. Any change made after 1958 may not be used to demonstrate compliance with these requirements.
- b. The dwelling is a minimum of 20 percent larger than the average area of those neighboring single-family dwellings within 300 feet to each side of the subject property, including those dwellings along the opposite side of the street.
- c. The lot area is not less than 4,000 square feet per proposed dwelling unit.
- d. A minimum of 800 square feet of interior living area is required for a 1 bedroom dwelling unit and 1,200 square feet of living area is required for a 2 bedroom dwelling unit. In no case shall any secondary dwelling unit provide more than 2 bedrooms.
- e. The dwelling has a minimum of 2,800 square feet of living area exclusive of any basement or third story area.
- f. A dwelling unit or portion of a dwelling unit is not provided in the basement, and the basement area shall not be considered to fulfill any requirement of this Zoning Code.
- g. No part of a dwelling unit, other than storage, exists above the second story.
- h. Access to a second floor dwelling unit is provided from the interior of the structure.
- i. The exterior appearance of the structure is not altered from its single-family character.
- j. Off-street parking is provided as required by this Zoning Code.

~~(6)~~(5) Correctional institutions subject to the following:

- a. The use is located in a GP district.
- b. All open recreational areas shall be in completely enclosed courtyards.
- c. Cell windows and openings shall be screened from the public street view.
- d. A master site and facilities plan shall be submitted.

~~(7)~~(6) Drive-throughs for finance services in C-4 and D districts subject to the following:

- a. The drive-through meets all of the standards of Section 1374.06, unless a more restrictive standard is imposed by this section.
- b. The drive-through shall be accessed from an alley, not a street. However, a single lane driveway may exit onto a street if such driveway existed and was utilized prior to July 16, 1999, and it can be clearly demonstrated that alley egress for the drive-through is not practical.
- c. The drive-through shall be limited to 2 service lanes.
- d. The building associated with the drive-through shall be streetward of the approach lanes to screen the vehicle service lanes.

~~(8)~~(7) Essential service structures. Are subject to the following:

- a. The structure and use are reasonably necessary for the public convenience or welfare and, where applicable, a certificate of public convenience and necessity has been obtained from the appropriate regulating agency.
- b. Noise, lights, glare and odor will not disturb the surrounding land uses or members of the public.
- c. Fencing or other adequate security is constructed to adequately protect the public.
- d. If potential adverse effects have been identified, alternative sites have been examined and the proposed site is reasonably necessary to provide the essential service to residents and visitors of the City.
- e. Evidence of the appropriate franchise, license or other required governmental permission is demonstrated.
- f. Setbacks of the district shall apply unless varied by the Planning Commission for good cause. Communication towers shall be regulated pursuant to Traverse City Code Section 1364.09.

~~(9)~~(8) Reserved.

~~(10)~~(9) Residential care and treatment facilities subject to the following:

- a. The use is located in an ~~R-9, R-15, R-29R-3~~, HR, C-1, C-2, C-3 or H-1 or H-2 district.
- b. The facility shall be located on an arterial or collector street as shown on the Zoning Map if such facility has more than 12 residents.
- c. Off-street parking is provided as required by this Zoning Code, except that the Planning Commission may vary the number of parking spaces required.
- d. The design of the structure is approved by the Fire Marshall prior to the issuance of the special land use permit and at least annually thereafter to maintain the permit.
- e. The structure is not used as a medical clinic or for outpatient treatment unless located in a C-1, C-2 or C-3 District.
- f. The structure is not used primarily for office, administrative or regular meetings if located in a multiple family dwelling district, although occasional meetings may be allowed upon approval of the Planning Commission.
- g. All necessary licenses are obtained and maintained.

- h. The operators of the facility maintain a list of all persons residing at the facility and record their length of stay. State licensed residential facilities (e.g., adult foster care homes) with under 7 residents are considered by State law to be single family residences, and state law preempts this Code. MCL 125.583(b); MSA 5.2933(2).

~~(11)~~(10) Schools subject to the following:

- a. The use is located in an R-1a, R-1b, R-2, ~~R-9, R-15, R-29~~R-3, C-1, C-2 C-3 or GP district.
- b. A Master Site and Facilities Plan is submitted to and approved by the Planning Commission showing:
 - 1. Existing facilities and planned facilities for the ensuing 5 years.
 - 2. Adequate street crossing facilities, pedestrian routes and projected number of pedestrians.
 - 3. Sufficient areas for motor vehicle and bus circulation routes, together with areas for pick up and drop off of students.
 - 4. If child care use is provided, the facilities for such use shall be designated in the plan, together with the child care hours of operation.
 - 5. The building and parking area shall not exceed 70 percent of the lot area.
- c. A traffic study must be submitted to the Planning Commission.

~~(12)~~(11) Stores, retail, over 8,000 square feet per floor in a D district, subject to the following:

- a. The building is limited to 30,000 square feet;
- b. Thirty five percent of the building facade shall be windows or other street level activity;
- c. A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.

~~(13)~~(12) Taller buildings. "Taller buildings" mean those buildings greater than 60 feet in height.

The purpose of this section is to encourage sensitive design for taller buildings. Since there are very few buildings taller than 60 feet in the City, it is of public interest that prominent buildings, simply by order of their height, are designed in a manner which will maintain the pedestrian scale at the street level. At the same time, the physical, visual and spatial characteristics of the City are encouraged to be promoted by consistent use, compatible urban design and architectural design elements. Taller buildings are allowed in a C-4b, C-4c, D, GP, NMC-2 or H-2 district subject to the following:

- a. The building's height is consistent with Section 1368.01.
- b. Roof top mechanical equipment and penthouse space that are an integral part of the architectural design are permitted. All mechanical equipment, appurtenances and access areas shall be completely architecturally screened from view and enclosed.
- c. Extended heights for steeples and other architectural embellishments less than 400 square feet each shall not be used to determine the height of the building.
- d. The applicant shall prepare and deliver to the Planning Director a scale model, video image or other similar depiction of the taller building in relation to surrounding land and buildings.

~~(14)~~(13) *Temporary accessory dwelling units (TAD)* in an RC, R-1a or R-1b district, subject to the following:

- a. The existing site and use are substantially in compliance with this Zoning Code.
- b. The floor area of the TAD unit is not larger than 676 square feet.
- c. The applicant shall present sufficient evidence to the Planning Commission to establish a substantial need for the TAD unit. The TAD shall be discontinued when the person or persons with the substantial need permanently moves to a different domicile or when there is a change in the circumstances where the substantial need no longer exists.
- d. A TAD unit is developed within an existing single-family and/or usual accessory use under this Zoning Code.
- e. A special land use permit for a TAD unit is not assignable or transferable and will expire automatically unless the applicant submits written evidence that a substantial need continues to exist 3 years from the date of approval and thereafter every 5 years.
- f. Upon the expiration of the special land use permit the TAD unit shall be discontinued and the property shall be brought into full compliance with the use requirements of this Zoning Code.
- g. Individual site plans, floor plans, elevation drawings and building plans for both the proposed TAD unit and the subsequent reconversion to conventional single-family residence and/or accessory use shall be submitted with the application for a special land use permit and shall be prepared by a registered architect or engineer licensed to practice in the state.

~~(15)~~(14) *Transit centers*, subject to the following:

- a. The center is located in a C-4, D-2, D-3 or GP district.
- b. Buses can directly access the center without being dependent upon an access or sub collector street in a residential district.
- c. Existing streets in the area accommodate the projected bus traffic.
- d. The location of the center lends itself to an integrated transportation system (i.e., walk, bus, bike, rail).
- e. The center is within ¼ mile to a high concentration of job sites or dwellings.
- f. Noise, lights, glare and odor will not unreasonably disturb the surrounding land uses or members of the public.
- g. If potential adverse effects have been identified, alternative sites have been examined and determined by the applicant not to be feasible.
- h. No transit vehicle fueling, repair or storage is allowed.

~~(16)~~(15) *Theaters, live, and performance art centers in an ~~R-9, R-15, or R-29, R-3~~ Multiple-Family Dwelling District*, subject to the following conditions:

- a. The use must have existed prior to 2005.
- b. Minor additions are allowed provided the addition is for barrier free access, fire safety or space that will not increase the seating capacity of the facility.

- c. Additions are architecturally compatible with the existing structure and the character of the neighborhood.
- d. The applicant submits a parking plan that demonstrates there is sufficient parking within 500 feet to meet the theater's parking demand.
- e. On-site exterior lighting is directed to minimize impacts on adjacent residential areas.
- f. Performances are not allowed between the hours of 12:00 midnight and 8:00 a.m.

~~(17)~~(16) *Transitional housing and emergency shelters*, subject to the following:

- a. The facility is fully enclosed in a building located in an HR, C-1, C-2, C-3, D-1, D-2, D-3, H-1, H-2, or I District.
- b. The site is located within a ½ mile of a bus stop connected by sidewalks or bike trails.
- c. The lot is not located within 1,500 feet of another lot devoted to transitional housing or emergency shelter.
- d. The facility shall have a maximum of 100 beds and/or sleeping pads.
- e. The building provides 50 square feet of heated building space per person staying overnight at the facility.
- f. The operator of the Emergency shelter shall provide continuous, on-site supervision by an employee or volunteer during all hours of operation.
- g. The operator of the facility shall have a written management plan including, as applicable, staffing levels, provisions for staff and volunteer training, neighborhood outreach, length of stay of residents, hours of operation, crime prevention, security, screening of residents to insure compatibility and the mission of service provided at the facility. The management plan shall establish a maximum length of time which clients may be accommodated.
- h. The operator shall have an ongoing housing assistance program on the premises to place the residents into permanent housing and maintain a list of all persons residing at the facility.
- i. Parking requirements would be determined by the Planning Director based on the intensity of the operation described in the management plan.

~~(18)~~(17) *Wind energy system, pole or tower-mounted structures*. The intent of this section is to ensure that free-standing wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Free-standing wind energy systems are permitted if all of the following requirements are met:

- a. The free-standing wind energy system is located in a T, GP, C-3, NMC-1, NMC-2, H-1, H-2 or I district and properties owned by governmental agencies.
- b. Guy wires are only permitted to be used in the I and T districts.
- c. The free-standing wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
- d. The pole or tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary

for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height restrictions of the district.

- e. Wind energy systems must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. The setback can be reduced by up to 50 percent or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- f. The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- g. The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- h. Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- i. Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
- j. The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
- k. The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04 (h). A wind energy system emits a pure tone and would be subject to a reduction of 5 dBA.

(19)(18) *Wind energy system, building-mounted structures.* The intent of this section is to ensure that building-mounted wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Building-mounted wind energy systems may exceed the 20 feet above the height limitation of the district if all of the following requirements are met:

- a. Height exceptions to what is allowed by right will not be allowed in the GP, PR, RC, R-1a, R-1b, R-2, ~~R-9, R-15, R-29~~ and R-3 Districts.
- b. A taller building-mounted wind energy system may be located in NMC-1, NMC-2, I, T, H-1, H-2, C-1, C-2, C-3, C-4, D and HR Districts.
- c. Guy wires are only permitted to be used in the I and T Districts.
- d. The building-mounted wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.

- e. A building-mounted wind energy system is no higher than 20 feet above the height of the roof deck in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height of the roof.
- f. The setback can be reduced by up to 50 percent or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- g. The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- h. The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- i. Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- j. Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
- k. The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
- l. The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04(h). A wind energy system emits a pure tone and would be subject to a reduction of 5 dBA.

Editor's note(s)—For "taller buildings," which are those buildings greater than sixty (60) feet in height, see City Charter § 28Editor's note(s)— for additional requirements.

1364.09 Administrative special land use permits.

The Planning Director may grant an Administrative Special Land Use Permit for the following uses in any district except as herein qualified:

- (1) *Adult foster care small group home* in an R-C, R-1a, R-1b and R-2 subject to the following specific requirements:
 - a. All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.

- b. The adult foster care licensee shall be a member of the household and an occupant of the residence.
- c. The lot is not located within 500 feet of another lot devoted to such use.
- d. The use is not allowed in an apartment.
- e. No additional parking is required for the Adult Foster 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.

(19) Clustered single-family dwellings. The purpose of clustered housing is to provide owners of large parcels of single- or two-family residential property the alternative to develop their properties in an environmentally sensitive and cost-effective manner by clustering single-family homes or townhouses rather than spreading development over the entire site. By clustering development, sensitive and attractive environmental features can be preserved as common open space to be enjoyed by future residents. Clustered housing is subject to the following:

- a. The use is located in an R-1a, R-1b or R-2 district.
- b. The property is of at least 15 contiguous acres under single ownership and control.
- c. The development must meet the front, side and rear-yard setback requirements of the district on the periphery of the parcel. More than 1 building may be located on a single lot, but setback requirements for the district shall apply to each building based on hypothetical lot lines approved by the Planning Director as proposed by the applicant.
- d. The overall density of the development shall not exceed the allowable density of the district; (4.46.2 dwelling units per acre in an R-1a district, 5.810.9 dwelling units per acre in an R-1b district and 10.921.8 dwelling units per acre in an R-2 district).
- e. Townhouses are permitted, provided there are no more than 4 dwelling units per detached structure. The front building wall plane is interrupted and off-set in order to project the character and appearance of individual dwelling units;
- f. A parking area shall be provided only at the side or the rear of the building for which it is designed to service. That portion of the parking area which is exposed to the street shall be screened to minimize the visual impact of the parking area from the public street. Parking areas must also be screened along lot lines bordering residential uses or zones on the periphery of the parcel. Screening shall create an effective visual barrier consisting of a screenwall or a landscaped area at least 6 feet wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier. All trees shall be a minimum of 2-inch caliper when planted. Native trees and shrubs shall be planted whenever possible. In instances where healthy plant material exists on the site prior to development, in part or in whole, for purposes of off-street parking, the Planning Commission may adjust the application of the above-stated standard to allow credit for such plant material.
- g. Trash containers shall be properly screened.
- h. All other standards not specifically altered in the zoning district shall apply to clustered housing.

- (2) *Communication antennas.* The intent of this section is to ensure that communication antennas are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact will be minimized. Co-location of communication antennas are permitted, subject to the following:
- a. Communications antennas and cabinets housing operating equipment are not permitted for residential buildings or structures in a R District. When associated with a building, the antenna(s) and cabinet(s) housing operating equipment shall be located inside the building.
 - b. The antenna(s) is no taller than 8 feet above a building or structure.
 - c. The antenna(s) shall be screened, located or designed in a manner which minimizes views from adjacent properties and street level views or blends with the architecture so as not to be noticed.
 - d. Cabinets housing operating equipment located on a building roof shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.
 - e. Cabinets housing operations equipment not located in a building or on a building roof shall be architecturally screened from adjacent properties and street level views.
 - f. All necessary licenses shall be obtained and maintained.
 - g. The antenna(s) and operating equipment shall comply with the general standards for approval contained in this chapter.
- (3) *Landing areas.* 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, subject to the following:
- a. The use is located in an H-1, H-2, or GP district.
 - b. A noise contour map shall be constructed and overlaid on a land use map.
 - c. The noise contours shall be based on the noise exposure forecasts.
 - d. Noise loads shall not exceed maximum recommended FAA noise standards for residentially developed areas.
- (4) *Parking area, private, in a C-4 district if public parking is available within 500 feet of an allowed use,* subject to the following standards:
- a. No buildings may be removed or demolished to provide the private parking area.
 - b. Access shall be from an alley or adjacent property only, not from a public street.
 - c. All requirements of Chapter 1374, Circulation and Parking, are met, except Section 1374.03(d).
 - d. All requirements of Sections 1372.06, Screening requirements for parking areas, and 1372.08, Landscape development internal to a parking area are met.
 - e. Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Director.

(5) *Parking area construction deferral.* It is the intent of this section to provide a mechanism whereby a portion of the off-street parking otherwise required by this Code may be deferred to a future time if it can be demonstrated by the applicant that the number of required parking spaces is excessive of the actual need of a specific use.

- a. *Standards.* The following standards shall be met for the approval of any parking deferral:
 1. The property must be located in a GP or I district.
 2. No more than 50 percent of the parking otherwise required by this Code shall be deferred.
 3. The area of the site where parking has been deferred shall remain clear of any new structure.
 4. This clear area shall not be used for parking, the location of a new building, an area to satisfy storm-water management requirements, open space requirements, or screening requirements of this Code.
 5. A land banked area shall be maintained in its natural condition or landscaped depending upon which is most appropriate for the development in the vicinity as determined by the Planning Director.
- b. *Process.* In addition to other special land use application requirements, the following shall be submitted for review and approval:
 1. A completed application for parking deferral signed by the landowner and business owner as applicants
 2. A project site plan showing the off-street parking area proposed to be developed and the treatment of the area of the site where parking is to be deferred.
 3. A written narrative, signed by the applicant(s), describing in detail the current use of the property, the working shifts, the number of full and part-time employees on each shift, the expected customer counts per day based upon past experience, and records of any operational characteristics which are unique to the subject use which would impact the demand for parking.

(6) *Places of worship* in an R-1a, R-1b, R-2, ~~R-9, R-15 and R-29~~ R-3 district, subject to the following:

- a. The building shall be designed and used primarily for worship.
- b. The use and related parking shall not necessitate the removal of any historically significant structure as determined by the Historic Districts Commission.
- c. The maximum lot size shall be 15,000 square feet if located in an R-1a, R-1b or R-2 district and having frontage only on an access street.
- d. On street parking within 600 feet from the site may account for up to 50 percent of the required parking. All off-street parking shall be located to the rear of the primary building.
- e. The building and parking area shall not exceed 70 percent of the lot area.

- f. Parking is allowed in an R-District if associated with a building located in an R-District.

The effective date of this Ordinance is the _____ day of _____, 2023.

I hereby certify the above ordinance amendment was introduced on _____, 2023, at a regular meeting of the City Commission and was enacted on _____, 202, 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.

Richard Lewis, 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 _____, 2023.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective Date: _____

TITLE: Chapter 1368: Size and Area Requirements

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1368: Size and Area Requirements, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

Chapter 1368 Size and Area Requirements

1368.01 Building height.

(a) *Purpose.* The height standards serve several purposes:

- (1) They promote a reasonable building scale and relationship of 1 building to another;
- (2) They promote options for privacy for neighboring properties; and
- (3) They reflect the general building scale and placement of buildings in the area.

(b) All maximum heights below may be further limited to ensure the maximum safety in the use of the Cherry Capital Airport.

(c) *Height requirements.* The maximum and minimum height requirements are indicated in the following chart:

District		Feet(max-min)
OS		45
RC		45
R-1a/ R-1b		35
R-2		35
R-3		45
HR		45 ⁸
C-1		30 ⁸ (45 ^{3,8})
C-2		30 ⁸ (45 ^{3,8})
C-3		45 ⁸
C-4 ¹	a	30-45 ⁸
	b	30-60(68 ^{2,4,8})
	c	30-85 ^{2,5}
D		See D District chapter ⁸
T		45
GP		25-90

I	60 (public utility buildings - 100')
NMC-1	45
NMC-2	90 (On Bay: 50')
H-1	45
H-2	See H District Chapter
PRD	See PR District chapter

¹ Buildings in the C-4 District shall have a minimum height of 30 feet, except an existing building may have an addition of no larger than the area of the first floor of that building as it existed on the effective date of Ordinance No. 467, which is July 16, 1999.

² Over 60 feet in height may be allowed only by special land use permit or as part of a planned unit development and subject to the requirements listed above.

³ Forty-five feet in height is allowed if at least 1 floor is designed and used for residential uses.

⁴ Sixty-eight feet in height is allowed if at least 20 percent of the building is designed and used for dwellings.

⁵ An additional 15 feet is allowed for rooftop mechanical equipment or elevator shafts, but not to exceed an overall height of 100 feet. Buildings over 60 feet tall shall have at least 20 percent of the building designed and used for dwellings.

⁶ Air traffic control towers are exempt from this height requirement.

⁷ All existing buildings may double their existing first floor area.

⁸ All buildings that front the street, except for parking structures, accessory and utility buildings and buildings that are intended and designed to be exclusively developed for residential use shall have a minimum height of 15 feet measured from the street entrance level to the next finished level or roof structure. The Planning Director may grant a first floor building height exception if it has been clearly demonstrated that such provision is unnecessary or that such requirements would create a practical difficulty, as contrasted merely granting an advantage or convenience.

1368.02 Setbacks; yards.

(a) *Purpose.* The setback regulations for buildings serve several purposes:

- (1) They maintain light, air, separation for fire protection, and access for firefighting;
- (2) They reflect the general building scale and placement of buildings in the City's neighborhoods;
- (3) They promote a reasonable physical relationship between buildings; and
- (4) They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity.

(b) *Setbacks required.* Unless a stated specific setback is established by this Code, the minimum setbacks, the distance between a property line and a building wall, are required as indicated in each district's chapter in this Code and on the following chart:

District	Front	Side setbacks	Rear	Setback from water
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		One Side	Aggregate		
OS	Average setback of buildings within 200' on either side or 30' if there are no buildings	10	20	30	50' from ordinary high water mark of Grand Traverse Bay and Boardman Lake, and 25' from ordinary high water mark of Boardman River (exceptions in OS District for certain buildings); and 25' from Kids Creek ⁴ .
RC	Average setback of buildings within 200' on either side or 25' if there are no buildings	10 (None if adjacent to an RC District.)	20 (None if adjacent to an RC District)	30	50' from ordinary high water mark of Boardman River (exceptions in OS District for certain buildings); and 25' from Kids Creek ⁴ .
R-1a	25' minimum	8 ²	20 ²	30	50' from ordinary high water mark of Boardman River (exceptions in OS District for certain buildings); and 25' from Kids Creek ⁴ .
R-1b	Within 4' of the average setback of principal buildings on the same face block; no closer than 6' from the front property line.	6 ²	14 ²	25	50' from ordinary high water mark of Boardman River (exceptions in OS District for certain buildings); and 25' from Kids Creek ⁴ .
R-2	A	6 ²	14	25	50' from ordinary high water mark of Boardman River (exceptions in OS District for certain buildings); and 25' from Kids Creek ⁴ .
R-3	Within 4' of the average setback of principle buildings on the same block; but not less than 19 feet from the edge of the street curb or edge of the pavement if	6	14 ¹	25	50' from ordinary high water mark of Boardman River (exceptions in OS District for certain buildings); and 25' from Kids Creek ⁴ .

	there is no curb				
HR	Within 4' of the average setback of principal buildings on the same face block; no closer than 8' from the front property line.	None, except a minimum 10-foot side setback is required on the side adjoining a residential district.		5 feet, except a minimum 20-foot rear setback is required if adjacent to or across an alley from a residential district.	
C-1	The lesser of 8' or the average setback of principal buildings on the same face block.	None, except a minimum 10-foot side setback on any side adjoining an R-District.		5 feet, except 20' on any portion abutting or across an alley from an R-District	
C-2	Lesser of 8' or the average setback of principle buildings on the same block. Maximum 25'			5 feet, except 20 feet if adjoining an R-District.	
C-3	Bldg 25' max Bldg 8' min			5', except 20' on any portion abutting or across an alley from an R-District.	
C-4	2.5 ³ minimum, 15' maximum.	Buildings shall be set back a minimum of 25' from any bridge abutment unless otherwise approved by the City Engineer if he or she determines that the building will not interfere with the maintenance or reconstruction of the bridge and that utilities will not be adversely impacted.			Build to edge of a public easement; if no public easement, 10' from high water mark.

D	See Chapter 1347 for requirements				
T	25'	0	0	None, except 25' if abutting or adjacent to an R-district	N/A
GP	25' minimum, or as shown on the approved Master Site and Facilities Plan allowing a lessor setback.	None, except 25' if abutting or adjacent to an R-District.	N/A	25 feet	25' inland from the ordinary high water mark.
I	25'	0	0	15' minimum	N/A
NMC-1 and NMC-2	100' or as shown on approved Master Site & Facilities Plan.	0	0	5 feet, except 20' if abutting or adjacent to an R-district.	50' from ordinary high water mark of Grand Traverse Bay
H-1	The lessor of 8 feet or the average setback of principal buildings on the same face block.	5 feet, except a 10' setback is required on a side adjoining an R-District.			N/A
H-2	25 feet or as shown on the approved Master Site and Facilities Plan allowing a lessor setback.				

¹ For structures above grade on lots or tracts of land on Grand Traverse Bay, the setback is the greater of 30 percent of the lot width or the number listed on the chart above.

² Thirty-five percent of a building wall may be located no closer than 4' from the property line.

³ Existing buildings closer than 2.5 feet that have been damaged by fire, explosion, act of God or similar causes and located closer than 2.5 feet may be restored or rebuilt at the same location using the same foundation unless located in the right-of-way.

⁴ The setback for Kids Creek shall be measured from the ordinary high water mark, or the centerline of the creek when buried or below grade. The Planning Director may reduce the Kids Creek setback up to a minimum of 10 feet if it is determined that the site is otherwise unbuildable.

- (c) *Encroachments into the setbacks.* No encroachments into the setbacks are allowed except those indicated in each district chapter and except barrier free ramps as approved by the Planning Director and except in the C-4 district, a building, balcony, porch or deck may project no more than 5 feet into a rear setback provided these projections are not less than 15 feet above grade and provided they do not project into any public right-of-way and except eaves, chimneys, sills, belt courses, cornices and ornamental features not to exceed 2.5 feet are permitted to extend within the front or rear setbacks.
- (d) *Storage in an R-district yard.* In an R-district, no yard, except the rear yard, shall be used for the location of a swimming pool or for the storage of a boat, motor home, camper, utility trailer or other recreational vehicle or equipment. For the purposes of this Code, 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.
- (e) *Contiguous lots.* 2 or more parcels, lots of record or platted lots, when contiguous and when held in common ownership, shall be treated together as a single lot for the purposes of this Zoning Code, provided such lots are located in the same zoning district.
- (f) *Corner lots.* On corner lots, the location of the required rear setback will be determined by the Planning Director, who will use the following guidelines in reaching a decision:
 - (1) The required rear setback is commonly located opposite the street frontage having the lesser dimension.
 - (2) The required rear setback is opposite the street upon which the address has been assigned.
 - (3) The required rear setback commonly abuts a public alley.
 - (4) The required rear setback is commonly located to conform to the established development pattern of adjacent properties on the face block.
- (g) *Nonconforming lots.*
 - (1) When a lot of record as of the effective date of this ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel adjacent thereto, such lot may nonetheless be used for the construction of a dwelling and for normal accessory uses subject to the standards of this Code.
 - (2) Where 2 or more abutting lots of record, which individually provide less area or width than herein required, are owned by the same party and such lots together create a parcel which complies with the area or width standards of this Zoning Code, such lots shall not thereafter be divided for the purpose of creating another buildable lot or parcel, except in accordance with the requirements of this Code.
- (h) *Compliance required.* No setback area or lot existing at the time of adoption of this Zoning Code shall be reduced in dimensions or area below the minimum requirements set forth herein except as a result of government action. Setbacks or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements established herein.
- (i) *Street-specific setbacks.* The following setbacks are specific to the streets indicated are as follows:

US 31, M-37, M-72, M-22, Garfield Avenue, 14th Street from Division Street to Cass Street, and Eighth Street from Union Street to Munson Avenue, where the right-of-way is less than 100 feet in width, the minimum setback is the greater of the established setback of the zoning district or 19 feet from the back of curb. If there is no curb, the setback is measured from the edge of the pavement.

1368.03 Lot width, lot area, impervious surface and density requirements.

- (a) *Density.* Density standards serve several purposes. They match housing density with the availability of public services and with the carrying capacity of the land. For example, more housing can be allowed on flat areas than on steep, slide-prone zones. At the same time, density standards promote development opportunities for housing and promote urban densities in less developed areas. The density regulations are a tool to judge equivalent density when comparing standard and nonstandard land divisions (such as Planned Unit Developments).
- (b) *Lot size.* In standard land divisions, lot size limits help to preserve the overall character of developed neighborhoods by assuring that new houses will generally have the same size lots as the surrounding built-up area. They also assure that development on a lot will, in most cases, be able to comply with all applicable development standards.
- (c) *Compliance required.* Every single-family dwelling and every two-family dwelling erected or structurally altered after the effective date of this Zoning Code in the R-1a, R-1b, and R-2 districts shall be located on a lot.
- (d) *Impervious surface.* Surface parking areas shall not exceed the total floor areas of all buildings on the lot in the C-4 and GP districts. In the NMC-1 and NMC-2 districts, the surface parking area shall not exceed 15 percent of the total area of any lot over 10 acres.
- (e) *Table.* The lot width, lot area and impervious surface and density requirements for each district shall be as indicated in each district and as on the following chart:

District	Minimum Lot Width (feet) ¹	Minimum Lot Area (square feet)	Maximum Density (dwelling units per acre)	Maximum Impervious Surface %
OS	20	None	N/A	20
RC	20	None	4.4	20
R-1a	90 <u>70</u>	9,000 <u>7,000</u>	1⁵ <u>2⁵</u>	30 <u>35</u>
R-1b	35 <u>45</u> ⁴	5,000 <u>4,000</u>	1⁵ <u>2⁵</u>	45 <u>50</u>
R-2	35	4,000	2 <u>4</u>	45 <u>50</u>
R-3	50	7,500	none	70
HR	50	7,500	44 rooms/acre	70
C-1	20	3,750	N/A	60
C-2	20	3,750	N/A	70
C-3	20	3,750	N/A	80
C-4	None	None	N/A	100 ³
D	See Chapter 1347 for requirements			

T	20	None	None	70
GP	20	None	None	70 ²
I	100	None	None	80
PRD	See Chapter 1352 for requirements			
NMC-1	20	None	15	30 ²
NMC-2	20	None	29	50 ²
H-1	20	None	29	70
H-2	20	None	29	60

¹ See access control restrictions, Traverse City Code, Section 1374.04.

² The surface parking area shall not exceed 15 percent of the total area of any lot over 10 acres.

³ The surface parking area shall not exceed the total floor area of all buildings on the lot.

⁴ ~~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.~~

⁵ An accessory dwelling unit may be permitted in R-1a and R-1b which if permitted, would increase the allowed density maximum to 2 dwellings per parcel if accessory to a single-family dwelling, or 3 dwellings per parcel if accessory to a duplex dwelling.

1368.04 Condominiums.

Dimensional requirements for commercial and multi-family condominiums shall be computed on the basis of the entire condominium project land. Dimensional requirements for residential, single and two-family condominiums shall be computed based on the lot lines as established in the condominium documents, or, if none, based on each separate structure and a hypothetical lot line as approved by the Planning Director after considering common elements, limited common elements, and private elements. The area of streets to be used by more than 1 separate condominium building shall not be included in lot area computations.

1368.05 Compliance required.

Any building or structure erected, converted, enlarged, reconstructed or structurally altered shall conform with the height, yard, bulk and other dimensional limits herein established for the district in which located. No portion of 1 lot, once established and/or improved with a building or structure shall be created unless each lot resulting from each such reduction, division or sale shall conform with all of the requirements established herein.

(Ord. 476, Passed 7-6-99.)

The effective date of this Ordinance is the _____ day of _____, 2023.

I hereby certify the above ordinance amendment was introduced on _____, 2023, at a regular meeting of the City Commission and was enacted on

_____, 2023, 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.

Richard Lewis, 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 _____, 2023.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: Chapter 1378: Renewable Energy

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1378: Renewable Energy, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

Chapter 1378 Renewable Energy

The purpose of this chapter is to provide regulations governing renewable energy systems such as wind and solar, to provide for appropriate locations for wind and solar energy systems, to ensure compatibility with surrounding uses, and to promote safe, effective and efficient use of renewable energy systems to increase opportunities for generation of renewable energy.

1378.01 Definitions.

Guy wire means a cable, wire, or rope that is used to brace something.

Rotor diameter means the cross-sectional dimension of the circle swept by the rotating blades of a wind energy turbine.

Solar energy system means any solar collection system devise (i.e. solar photovoltaic cell, panel, or array, or solar hot air or water collector device) where the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Solar energy system, freestanding-mount means any solar collection system devise mounted on a pole(s).

Solar energy system, structure-mount means any solar collection system devise mounted on a structure or accessory building.

Wind energy system means any devise that converts the kinetic energy of wind into mechanical or electrical energy that is either pole-mounted, tower-mounted or building-mounted through the use of equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in this system.

Wind energy system, height of means the vertical distance to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind energy system. For tower/pole-mounted wind energy system, height is measured from the ground level at the base of the tower/pole. For building-mounted wind energy systems, height is measured from the highest point of the roof or roof deck, excluding chimneys, antennae and other similar protuberances.

Wind energy system, building-mount means a wind energy system mounted on a roof of a building or accessory building.

Wind energy system, pole-mount means a wind energy system ground-mounted on a long, cylindrical, often, slender piece of wood, metal, etc. and does not include guy wires.

Wind energy system, tower-mount means a wind energy system ground-mounted on steel lattice or tubular steel and may include guy wires.

1378.02 Wind energy systems will be allowed in the following districts with restrictions.

(a) *Residential Conservation (RC), ~~Single-Family Dwelling~~Low Density Residential (R-1a and R-1b), ~~Two-Family Dwelling~~Mixed Density Residential (R-2), Multiple Family Dwelling (R-3)* subject to the following:

- (1) Wind energy systems mounted on a building or an accessory building may be erected to a height not exceeding 10 feet above the highest point of the roof, excluding chimneys, antennae and other similar protuberances. Wind energy systems must be spaced at least 10 feet apart and quantity is limited to 2 per parcel. Guy wires are not allowed.
- (2) Wind energy systems mounted on a pole may be erected to a height not exceeding 10 feet above the height limit of the district and will only be permitted in the rear yard except can be located streetward on lots on navigable water and be located streetward of the principal building on the less traveled street on through lots. Pole-mounted wind energy systems shall be setback a distance equal to the height of the wind energy system from any adjoining lot line. The setback can be reduced by up to 50 percent or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the pole is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind energy system. Pole-mounted wind energy systems are limited to 1 per parcel. Guy wires are not allowed.
- (3) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
- (4) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04(h). A wind energy system emits a pure tone and would be subject to a reduction of 5 dBA.

(b) *Hotel Resort (HR), Office Service (C-1), Neighborhood Center (C-2), Community Center (C-3), Regional Center (C-4), Hospital (H-1 and H-2), Development (D), Government/Public (GP), Northwestern Michigan College (NMC-1 and NMC-2) and Transportation (T)* subject to the following:

- (1) Wind energy systems mounted on a building or an accessory building may be erected to a height not exceeding 20 feet above the highest point of the roof deck, excluding chimneys, antennae, rooftop mechanical equipment and other similar protuberances. Wind energy systems must be spaced at least 20 feet apart and quantity is limited to 3 per building. Guy wires are allowed.

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- (2) Wind energy systems mounted on a pole or tower are not allowed in C-1, C-2, C-4, D or HR.
 - (3) Wind energy systems mounted on a pole or tower are allowed in C-3, H-1, H-2, GP, NMC-1, NMC-2 and T. Wind energy systems mounted on a pole or tower may be erected to a height not exceeding 20 feet above the height limit of the district and will only be permitted in the rear yard except can be located streetward on lots on navigable water and be located streetward of the principal building on the less traveled street on through lots. Tower-mounted wind energy systems shall be setback a distance equal to the height of the wind energy system from any adjoining lot line. The setback can be reduced by up to 50 percent or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind energy system. Pole/Tower-mount wind energy systems must be spaced 1 per parcel if less than 1 acre and 1 per acre on parcels larger than 1 acre. Guy wires are not allowed.
 - (4) Wind energy systems mounted on a building will not be considered rooftop equipment.
 - (5) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
 - (6) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04(h). A wind energy system emits a pure tone and would be subject to a reduction of 5 dBA.
- (c) *Industrial District (I)* subject to the following:
- (1) Wind energy systems mounted on a building or an accessory building may be erected to a height not exceeding 20 feet above the highest point of the roof deck, excluding chimneys, antennae and other similar protuberances. Wind energy systems must be spaced at least 20 feet apart. Guy wires are allowed.
 - (2) Wind energy systems mounted on a pole or tower may be erected to a height not exceeding 120 feet pending FAA review and will only be permitted in the rear yard except can be located streetward on lots on navigable water and be located streetward of the principal building on the less traveled street on through lots. Tower-mounted wind energy systems shall be setback a distance equal to the height of the wind energy system from any adjoining lot line. The setback can be reduced by up to 50 percent or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind energy system. Pole/Tower-mount wind energy systems must be spaced 1 per 120 feet radius. Guy wires are allowed.
 - (3) Wind energy systems mounted on a building will not be considered rooftop equipment.
 - (4) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to

remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.

- (5) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04(h). A wind energy system emits a pure tone and would be subject to a reduction of 5 dBA.

(d) *Open Space (OS) District* subject to the following:

- (1) Wind energy systems shall be subject to review from the Parks and Recreation Commission with final approval from the City Commission.

1378.03 Solar energy systems will be allowed in the following districts with restrictions.

(a) *Residential Conservation (RC)*, ~~*Single-Family Dwelling*~~ *Low Density Residential (R-1a and R-1b)*, ~~*Two-Family Dwelling*~~ *Mixed Density Residential (R-2)*, *Multiple Family Dwelling (R-3)* subject to the following:

(1) Solar energy systems- structure-mounted on a building or an accessory building are allowed by right subject to the following:

- a. With a flat or mansard style roof may be erected to a height not exceeding 10 feet above the highest point of the roof, excluding chimneys, antennae and other similar protuberances.
- b. With a pitched roof style shall not exceed the peak height of the roof.
- c. Will not be considered rooftop equipment.
- d. Shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

(2) Solar energy systems-freestanding-mount are allowed by right subject to the following:

- a. Be erected to a height not exceeding 15 feet and area of 150 square feet per unit and will only be permitted in the rear yard except can be located streetward on lots on navigable water and be located streetward of the principal building on the less traveled street on through lots unless deemed impractical by the Planning Director.
- b. Must be setback 20 feet from side and rear property lines and are limited to 2 per parcel. Guy wires are not allowed.
- c. Shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
- d. Shall meet the impervious surface requirements of the district.

(b) *Industrial District (I)*, *Hotel Resort (HR)*, *Office Service (C-1)*, *Neighborhood Center (C-2)*, *Community Center (C-3)*, *Regional Center (C-4)*, *Hospital (H-1 and H-2)*, *Development (D)*, *Government/Public (GP)*, *Northwestern Michigan College (NMC-1 and NMC-2)*, *Open Space (OS)* and *Transportation (T)* subject to the following:

(1) Solar energy systems- structure-mounted on a building or an accessory building are allowed by right subject to the following:

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- a. With a flat or mansard style roof may be erected to a height not exceeding 10 feet above the highest point of the roof, excluding chimneys, antennae and other similar protuberances.
 - b. With a pitched roof style shall not exceed the peak height of the roof.
 - c. Will not be considered rooftop equipment.
 - d. Shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
- (2) Solar energy systems-freestanding-mount are allowed by right subject to the following:
- a. Be erected to a height not exceeding 20 feet and area of 200 square feet per unit.
 - b. Must be setback 10 feet from side and rear property lines and shall have no quantity limit. Guy wires are not allowed.
 - c. Shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
 - d. Shall meet the impervious surface requirements of the district.

1378.04 Exceptions.

- (a) For wind energy systems that exceed what is allowed by right, the City Commission Special Land Use Permit, Section 1364.08, would apply.
- (b) Historic Districts. Historic District Commission requires that roof-mounted solar and wind energy systems be located on the rear portion of the roof or an accessory building in the rear yard for designated Historic Districts. Also, structure-mounted solar energy systems must receive aesthetic approval from the Historic District Commission.

The effective date of this Ordinance is the _____ day of _____, 2023.

I hereby certify the above ordinance amendment was introduced on _____, 2023, at a regular meeting of the City Commission and was enacted on _____, 2023, 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.

Richard Lewis, 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
_____, 2023.

Benjamin C. Marentette, City Clerk