

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. 1192

Effective date: October 18, 2022

TITLE: Chapter 1338 HR Hotel Resort District

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1338 HR Hotel Resort District of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

The Hotel Resort (HR) District is for the purpose of accommodating tourist-related land uses along the major routes near tourist attractions. It is important that motor vehicle access be limited and land uses are compatible with peak traffic flows. Uses for these zones include multi-family housing, lodging facilities, accessory offices, and limited uses that are functionally integrated as part of the development.

(Ord. 782. Passed 2-4-08.)

1338.01 Uses allowed.

The following uses of land and buildings, together with accessory uses, are allowed in the Hotel Resort District:

- R-3 District uses;
 - Adult use marihuana event organizer;
 - Adult use marihuana retailers;
- (1) The Adult Use Marihuana Retailer and use shall comply at all times with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended, the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended, as they may be amended from time to time;
 - (2) The Adult Use Marihuana Retailer shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
 - (3) Co-location with other marihuana Adult-Use Marihuana Establishments or Medical Marihuana Facilities may occur only as specifically permitted by the Medical Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Act and any corresponding administrative rules, regulations and ordinances.
 - (4) No use or consumption of marihuana shall be allowed at the Adult Use Marihuana Retailer.
 - (5) An Adult Use Marihuana Retailer shall not be located within a 1,000-foot radius from any existing school.
 - (6) The Adult Use Marihuana Retailer shall have at all times a valid and current operating license issued by the State and permit from the City of Traverse City under the applicable Codified Ordinances of the City of Traverse City.
 - (7) All activities of a Adult Use Marihuana Retailer shall be conducted within the building.

- (8) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.
- Child care organizations, as defined by MCL 722.111 et seq., as amended;
- Lodging facilities;
- Medical marihuana provisioning center meeting the following requirements:
 - (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;
 - (2) The Medical Marihuana Provisioning Center shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.;
 - (3) Except for Medical Marihuana Processors as set forth in this section, no other medical marihuana facilities use shall occur on the parcel;
 - (4) Except for parents or guardians of a qualifying patient and the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marihuana facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the medical marihuana provisioning center when medical marihuana is being transferred;
 - (5) No use or consumption of marihuana shall be allowed at the medical marihuana facility;
 - (6) The medical marihuana facility shall not be used by a physician to conduct a medical examination or issue a medical certification document for the purpose of obtaining a qualifying patient registry identification card under the Michigan Medical Marihuana Act;
 - (7) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted;
 - (8) A medical marihuana provisioning center shall not be located within a 1,000-foot radius from any existing school;
 - (9) An owner or operator of a medical marihuana provisioning center shall not have been convicted of a felony involving controlled substances within the last 10 years;
 - (10) The medical marihuana provisioning center shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City;
 - (11) All activities of a medical marihuana provisioning center shall be conducted within the building;
 - (12) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.
- Offices, and retail shops provided the total floor area of the business or business within a building does not exceed 6,000 square feet in gross floor area on 1 level;
- Restaurants, family or fine, banquet or meeting rooms, but not drive-ins or drive-throughs and not exceeding 6,000 square feet in gross floor area.
- Drinking places without entertainment, up to 6,000 square feet gross floor area;
- Drinking places with entertainment if not adjacent to, abutting or across an alley from a residential district.
- Vacation home rentals maintaining a City Vacation Home Rental license.

- Veterinary services, without outdoor runs.
- Recreational facilities.

(Ord. 476, Passed 7-6-99; Ord. 492, Passed 4-17-00; Ord. 623, Passed 3-15-04; Ord. 782, Passed 2-4-08; Ord. 788, Passed 3-17-08; Ord. 844, Passed 8-3-09; Ord. 1010, Passed 9-2-14; Ord. 1076 . Passed 7-2-18; Ord. 1084 , Passed 12-3-18; Ord. No. 1135 , Passed 8-17-20; Ord. No. 1170 , Passed 10-18-21)

1338.02 Uses allowed by special land use permit.

The following uses of land and buildings, together with accessory uses, are allowed in the Hotel Resort District if a special land use permit is issued according to the standards of this Code:

- Essential services buildings.
- Residential care and treatment facilities.
- Transitional housing.
- Communication towers and emergency shelters.
- Wind Energy Building-Mount.

(Ord. 476. Passed 7-6-99. Ord. 709 . Passed 10-2-06. Ord. 938. Passed 4-2-12. Ord. 1001. Passed 7-7-14)

1338.03 Lot, density and impervious surface provisions.

Lot width (min.)	Lot area (min.)	Density (maximum)	Impervious surface
50 feet	7,500 sq. feet	44/rooms/acre	70% maximum

(Ord. 476. Passed 7-6-99. Ord. 489. Passed 4-17-00. Ord. 624. Passed 3-15-04. Ord. 885. Passed 11-1-10.)

1338.04 Setbacks.

(a) Front setbacks:

Building: The minimum setback is the lesser of 8 feet or the average setback of principal buildings on the same face block on the same side of the street. The maximum setback is 25 feet.

Parking area: To the side or rear of the principal building and set back a distance at least equal to the principal building or 25 feet, whichever is greater. For through lots, parking may be provided streetward of the principal building on the street that carries less traffic, but in no case closer than 25 feet from the front property line.

(b) Side setbacks (minimum):

Building: None, except a minimum ten-foot side setback is required on the side adjoining a residential district. 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 above.

Parking area: Minimum of 10 feet if adjacent to an R-district. Otherwise, 5 feet. If shared parking is developed, these setbacks would affect only the perimeter of the combined parcels.

(c) Rear setbacks:

Building: 5 feet, except a minimum 20-foot rear setback is required if adjacent to or across an alley from a residential district.

Parking area: 5 feet; 20 feet if abutting, adjacent to or across an alley from an R-District.

- (d) *Corner lots and through lots* shall have a 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.

(Ord. 476. Passed 7-6-99. Ord 490. Passed 4-17-00. Ord. 625. Passed 3-15-04. Ord. 716. Passed 1-2-07; Ord. No. 1094 , Passed 6-3-19.)

1338.05 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.

(Ord. 476. Passed 7-6-99. Ord. 626. Passed 3-15-04.)

1338.06 Building height.

- (a) *Building height:* Maximum 45 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 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.

Rooftop Amenities may be erected to accommodate occupiable, enclosed space for rooftop amenities and may exceed the height limit of the district by a maximum of 15 feet, provided

- 1. The use shall be limited to restrooms, storage areas, community rooms for the occupants of the building, and food and beverage service, provided that:
 - a. Outdoor food and beverage service shall cease between the hours of 10:30 pm and 6:00 am when abutting or across an alley from an R-District.
 - b. Outdoor performances and any other form of amplified sound shall cease between 10:00 pm and 7:00 am when abutting or across the alley from an R-District.
- 2. Shall be setback a minimum of 20 feet from any street facing façade and rear property line if abutting or across an alley from an R-District.
- 3. Not exceed a total of 1,650 square feet or 20% of the rooftop area, whichever is less.

(Ord. 476. Passed 7-6-99. Ord. 491. Passed 4-17-00. Ord. 628. Passed 3-15-04. Ord. 729. Passed 3-19-07. Ord. 993. Passed 6-2-14)

1338.07 Accessory buildings.

Accessory buildings shall:

- (1) Only be permitted in the rear yard, except a pool equipment structure may be located in a front or side yard, and 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) Be located no closer than 5 feet to any side or rear property line. A boat house up to 250 square feet gross floor area may be built to the water's edge.

(Ord. 476. Passed 7-6-99. Ord. 554. Passed 2-4-02.)

1338.08 Parking, loading and driveways.

Requirements for parking, loading and driveways are contained in Chapter 1374. 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.

Any residential building or driveway constructed after the effective date of this zoning code which has access to a maintained alley shall not have access to a street nor shall a parking area be located in the front yard.

For parcels having alley access, the parking of a boat, motor home, camper, utility trailer or other recreational vehicle is limited to the rear yard.

(Ord. 476. Passed 7-6-99. Ord. 762. Passed 7-2-07.)

1338.09 Special requirements.

The following are additional requirements for hotel, motel and restaurant uses:

- (1) Mechanical equipment shall be screened from public view using the same materials used for the building walls or material which is approved by the Planning Director as visually compatible with the building.
- (2) The main entry door of the principal building must face the street.
- (3) Window openings in the principal building must constitute a minimum of 40 percent of the area of the first story street wall facing any public street unless the building is solely for residential use.
- (4) Window glazing shall be recessed from the outside of all walls.
- (5) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street-facing wall may be achieved with wall offsets in combination with pilasters, corbeling or other permanent architectural elements, however, offsets in any wall shall not be less than 8 inches from the subject plane.
- (6) 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 level 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.

(Ord. 476. Passed 7-6-99. Ord. 627. Passed 3-15-04. Ord. 993. Passed 6-2-14)