
TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. 1207

Effective Date: November 6, 2023

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 - 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.

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) 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 1332.07.

- (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;
 - 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;

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- 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.
 - (4) The use does not exceed 16 hours of operation during a 24-hour period.
 - (5) No additional parking is required for the group child 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) Any sign identifying the occupation must conform to the regulations of Traverse City Code Chapter 1476, Signs.
 - (9) No sale or rental of goods is allowed on the premises, except as secondary and incidental to the furnishing of a service.
 - (10) Instruction in crafts and fine arts are recognized as allowable home occupations if they meet the above conditions.

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- (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;
- 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: 70 feet	7,000 sq. feet	2 ¹	30% maximum ²
R-1b: 35 feet	4,000 sq. feet	2 ¹	45% maximum ²

¹ The maximum density of 2 dwelling units in the R-1a and R-1b districts may be achieved through either a single-family home with an accessory dwelling unit or a duplex.

² Properties may increase the maximum impervious surface by up to 5% provided that the site satisfies all stormwater management requirements in Chapter 1068.

1332.04 Setbacks.

(a) Front setbacks:

Building:

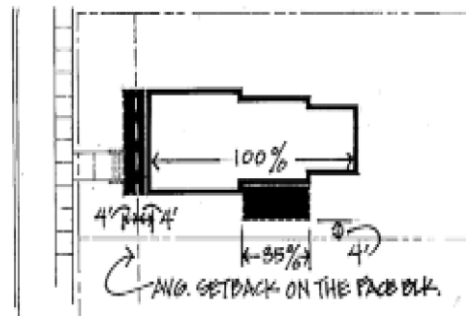
R-1a: 25 feet minimum.

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.

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- (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.

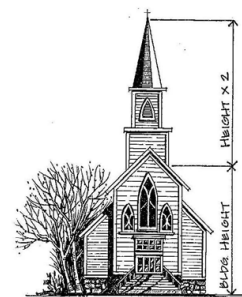
- (a) *Building height (both districts)*:

Maximum 35 feet.

- (b) *Exceptions*:

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

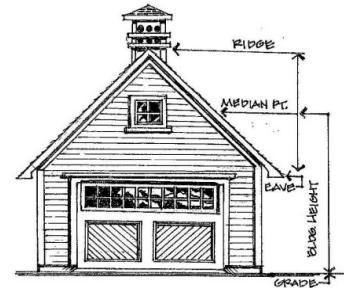
Parapet walls may be used to screen existing equipment may be erected if the wall extends around the perimeter of the building and incorporates exterior building materials similar to those of the main building.



1332.07 Accessory buildings.

Accessory buildings shall:

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- (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.
- (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.

- (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.
- (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.
- (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 single-family 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 6th day of November, 2023.

I hereby certify the above ordinance amendment was introduced on September 18, 2023, at a regular meeting of the City Commission and was enacted on October 16, 2023, at a regular meeting of the City Commission by a vote of Yes: 6 No: 1 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 October 29, 2023.

Benjamin C. Marentette, City Clerk