

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. 1114

Effective date: January 31, 2020

TITLE: SETBACKS, YARD AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1368.02, *Setbacks, yards*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

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
		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).
RC	Average setback of buildings within 200' on either side or 25' if there are no	10 (None if adjacent to an RC District.)	20 (None if adjacent to an RC District)	30	

	buildings				
R-1a	25' minimum	8 ²	20 ²	30	
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	
R-2	A	6 ²	14	25	
R-9	A	6	14 ¹	25	
R-15	A	6	14 ¹	25	
R-29	A	6	14 ¹	25	
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.	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).
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	A Maximum 25'			5 feet, except 20 feet if adjoining an R-District.	
C-3	Bldg 25' max			5', except 20' on any portion	

	Bldg 8' min			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.				
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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.

- (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 lessor 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: (Reserved)
- 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.

The effective date of this Ordinance is the 31st day of January, 2020.

I hereby certify the above ordinance amendment was introduced on January 6, 2020, at a regular meeting of the City Commission and was enacted on January 21, 2020, at a regular meeting of the City Commission by a vote of Yes: 5 No: 2 at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

James Carruthers, 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 January 25, 2020.

Benjamin C. Marentette, City Clerk