

CHAPTER 1368

Size and Area Requirements

1368.01	Building height.	1368.04	Condominiums.
1368.02	Setbacks; yards.	1368.05	Compliance required
1368.03	Lot width, lot area, impervious surface and density requirements.		

1368.01 BUILDING HEIGHT.

- (a) **Purpose.** The height standards serve several purposes:
- (1) They promote a reasonable building scale and relationship of one 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)
OS	45
RC	45
R-1a/ R-1b	35
R-2	35
R-9	40
R-15	40
R-29	40
HR	45 ⁸
C-1	30 ⁸ (45 ^{3,8})
C-2	30 ⁸ (45 ^{3,8})
C-3	45 ⁸
D	See D District chapter ⁸

District	Feet (min-max)
C-4 ¹	a 30-45 ⁸
	b 30-60(68 ^{2,4,8})
	c 30-85 ^{2,5}
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 thirty (30) feet, except an

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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 sixty (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 (45) feet in height is allowed if at least one floor is designed and used for residential uses.

⁴ Sixty-eight (68) feet in height is allowed if at least 20% of the building is designed and used for dwellings.

⁵ An additional fifteen (15) feet is allowed for rooftop mechanical equipment or elevator shafts, but not to exceed an overall height of one hundred (100) feet. Buildings over 60 feet tall shall have at least 20% 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. (Ord. 476. Passed 7-6-99. Ord. 491. Passed 4-17-00. Ord. 552. Passed 12-17-01. Ord. 628. Passed 3-15-04. Ord. 652. Passed 8-16-04. Ord. 705. Passed 7-17-06. Ord. 742. Passed 3-19-07. Ord. 992. Passed 6-2-14)

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 or any dock line established by
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	

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District	Front	Side setbacks		Rear	Setback from water
		One Side	Aggregate		
R-1a	25' minimum	8 ²	20 ²	30	City ordinance (exceptions in OS District for certain buildings).
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	50' from ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25' from ordinary high water mark of Boardman River or any dock line established by City ordinance (exceptions in OS District for certain buildings).
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.	Build to edge of a public easement; if no
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 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.				

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District	Front	Side setbacks		Rear	Setback from water
		One Side	Aggregate		
	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.				public easement, 10' from high water mark or dockline established by City ordinance
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 or any dockline established by City ordinance
I	25'	0	0	15' minimum	N/A
NMC-1 & 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% of the lot width or the number listed on the chart above.

² 35% 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.

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- (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 five 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 two and a half 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 thirty consecutive days or more.
- (e) **Contiguous lots.** Two 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 two 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

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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:
 [reserved]
 (Ord. 476. Passed 7-6-99. Ord. 490. Passed 4-17-00. Ord. 510. Passed 9-18-00. Ord. 576. Passed 10-7-02. Ord. 625. Passed 3-15-04. Ord. 653. Passed 8-16-04.)

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 fifteen percent (15%) of the total area of any lot over ten 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	9,000	Not applicable	30
R-1b	35/45 ⁶	5,000	Not applicable	45

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District	Minimum Lot Width (feet) ¹	Minimum Lot Area (square feet)	Maximum Density (dwelling units per acre)	Maximum Impervious Surface %
R-2	50 or 35 for a single family dwelling	8,000 per two family dwelling or 4,000 per single family dwelling	Not applicable	45
R-9	50	7,500	9 (18 ⁴)	35 (45 ⁵)
R-15	50	7,500	15 (30 ⁴)	40 (50 ⁵)
R-29	50	7,500	29 (58 ⁴)	50 (68 ⁵)
HR	50	7,500	29; 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 fifteen percent (15%) of the total area of any lot over ten acres.

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

⁴ A density bonus shall be provided equal to one market-rate unit for each affordable housing unit provided according to the requirements of *Chapter 1376*. Density shall not exceed the maximum density specified.

⁵ The maximum impervious surface percentage may be increased by up to 10 percentage points for projects that include affordable housing units that meet the standards of Chapter 1376, as authorized by the Planning Director, if the modification is necessary to reasonably achieve the permitted density, including the bonus units; or to achieve a greater number of affordable housing units than the defined affordable housing incentives.

⁶ 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.

(Ord. 476. Passed 7-6-99. Ord. 489. Passed 4-17-00. Ord. 534. Passed 6-4-01. Ord. 551. Passed 12-3-01. Ord. 555. Passed 2-4-02. Ord. 568. Passed 7-11-02. Ord. 624. Passed 3-15-04. Ord. 654. Passed 8-16-04. Ord. 829. Passed 3-16-09. Ord. 832. Passed 5-4-09. Ord. 890. Passed 11-1-10. Ord. 917. Passed 6-6-11. Ord. 956. Passed 1-7-13)

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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 one separate condominium building shall not be included in lot area computations. (Ord. 476. Passed 7-6-99.)

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 one 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.)