

CHAPTER 1352

Planned Redevelopment Districts

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CROSS REFERENCES

Urban Redevelopment Corporation Law - MSA 5.3058(1), et seq
Zoning and planning in home rules cities - MCLA 117.4i
Regulation of location of trades, buildings and uses by local authorities - MCLA 125.581
Regulation of buildings; authority to zone - MCLA 125.582
Regulation of congested areas - MCLA 125.583
Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a
Signs in residential districts - B & H 1476.06, 1476.10 and 1476.27

1352.01 PURPOSE.

The purpose of the Planned Redevelopment District is to further the objectives of 1941 Public Act 250 through a land development project review process based on the application of site planning criteria to foster integration of proposed land development projects with the characteristics of the project areas.

By establishing a Planned Redevelopment District (PRD), the City will guide development so as to:

- (a) Provide the Planned Redevelopment District the benefits of a thorough planning, review and development process and provide that such planning be documented in an Act 250 Development Plan, as amended, which conforms to the goals of the Adaptive Reuse Plan.
- (b) Promote a sensitive and creative approach to the comprehensive use of land and related physical facilities that results in consistent design and development, with the inclusion of aesthetic amenities.
- (c) Combine and coordinate architectural styles, historic preservation, landscape design, building forms and building relationships with a mixing of possible different but compatible uses in an appropriate and harmonious design.
- (d) Preserve and/or rehabilitate architectural, natural and historic landmarks.
- (e) Enhance the appearance of commercial, institutional and residential environments through the preservation of natural vegetation, significant topographic and geological features and environmentally sensitive features.
- (f) Use best management practices to control soil erosion, surface flooding, and the protection of subsurface water.
- (g) Preserve common open space for the continuous use and enjoyment of the residents and users of the development as well as the public.
- (h) Ensure the phased development of subareas of the Planned Redevelopment District are

integrated with the overall development program for the PRD, to avoid disjointed development.

- (i) Permit the transfer of development capacity between and within the Subareas of the District, and outside the District under limited circumstances, in order to stimulate and accommodate appropriate overall development or redevelopment of the District while protecting natural resources.
 - (j) Minimize any adverse impact of the development process on the community through planned phasing of the Subareas appropriate to the scale, complexity and sensitivity of the site.
 - (k) Provide for recreational public and private facilities, which are necessary and appropriate to the proposed development, and which benefit the broader community.
 - (l) Promote efficient use of the land, public utilities, traffic circulation, parking, storm-water management and other facilities.
 - (m) Encourage land use which promotes the public health, safety, convenience, and welfare by removing substandard and insanitary conditions as those conditions are defined in 1941 Public Act 250 and otherwise facilitate the redevelopment of land and protect it from blighting influences.
 - (n) Provide coordinated and comprehensive infrastructure development.
- (Ord. 666. Passed 3-21-05.)

1352.02 DEFINITIONS.

As used in this Chapter:

- (1) "Act 250" shall refer to 1941 PA 250, as amended, which is the Urban Redevelopment Corporation law. MCLA 125.901, et seq. MSA 5.3058(1), et seq.
- (2) "Act 250 Development Plan, as Amended" shall mean the development plan and amendments required under Public Act 250, which are submitted and approved by the planning commission for areas designated under that public act. Areas to be designated as a Planned Redevelopment District must have been previously designated as an "area" pursuant to Public Act 250 that is substandard, insanitary, or blighted, thereby requiring redevelopment to protect the public welfare, as defined in Public Act 250.
- (3) "Adaptive Reuse Plan" shall mean a plan adopted by the City for the development of new uses for existing buildings and facilities.
- (4) "Administrative Reviewer" shall mean the staff person assigned the responsibility to review and approve Site Plans.
- (5) "Applicant" shall mean the Master Developer of the Planned Redevelopment District, with the consent of all owners of record of the property which comprises the Planning Redevelopment District.
- (6) "Building Envelope" shall mean the area in which building may occur.
- (7) "Building Footprint" shall mean the horizontal area on the ground surface covered by a building.
- (8) "Building Height" shall mean the vertical distance, measured from the grade to the highest point of the coping of a flat roof, and the deck line of a mansard gable, hop, gambrel or shed roof.
- (9) "Building Setback" (see "Setback")
- (10) "Building Volume" shall mean the gross three-dimensional space within a building or structure, measured in cubic feet.

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- (11) "Certificate of Completion" shall mean the recordable certificate issued by the Planning Director indicating that a Development Activity has been completed in compliance with the applicable Subarea Development Plan and all applicable conditions of the Planned Redevelopment.
- (12) "Development Activity" shall mean grading, building or structural construction alteration, demolition, road construction or removal, utility installation and any improvement change or modification of existing buildings or facilities other than customary maintenance and operation.
- (13) "Development Capacity" shall mean the maximum gross density, gross floor area, Impervious Surface coverage and Building Volume allowable within the District or within a Subarea, prior to transfer of capacity to or from another Subarea.
- (14) "District" (See "Planned Redevelopment District")
- (15) "District Building Volume Capacity" shall mean the total Building Volume Capacity that may be established or maintained within a Planned Redevelopment District.
- (16) "District Impervious Surface Capacity" shall mean the total Impervious Surface area that may be established or maintained within a Planned Redevelopment District.
- (17) "District Plan" shall mean the redevelopment plan for the entire area covered by a Planned Redevelopment District establishing the overall general development improvements, capacities and site amenities.
- (18) "Impervious Surface" shall mean any material which prevents, impedes or slows infiltration or absorption of storm-water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.
- (19) "Interim Uses" shall mean temporary uses identified in the District Plan and granting order approving the District Plan, which shall be allowed within the development subject to specific terms and conditions.
- (20) "Master Developer" in a Planned Redevelopment District, shall mean the urban redevelopment corporation established under 1941 PA 250, as amended.
- (21) "Net Development Capacity" shall mean the remaining development capacity of a Subarea after transfers to and from other Subareas.
- (22) "Open Space" shall mean an area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open Space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open Space shall not include buildings, driveways, parking lots, any part of an existing or future road or right of way, or other surfaces designed or intended for vehicular travel.
- (23) "Pedestrian Access" shall mean paths, trails, ways, sidewalks, corridors and other Open Spaces improved and set aside for use by persons who travel by foot, skis or other mode of transportation, not including any motorized vehicle.
- (24) "Permanent Uses" shall mean those permitted, accessory and conditional uses identified in the District Plan and granting order approving the District Plan, which shall remain or be established as part of the redevelopment process.
- (25) "Planned Redevelopment District" (PRD) shall mean an area designated for redevelopment under Public Act 250, to be planned as a planned development and redeveloped as a single entity and containing one or more structures with appurtenant common areas and subject to a comprehensive project and site review process.

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- (26) "Planning Commission" shall mean the Grand Traverse Commons Planning Commission established pursuant to the Joint Municipal Planning Act, MCL 125.131 et seq, and by agreement between the City of Traverse City and Garfield Township with an effective date of May 14, 2007 and approved by Section 1224.01 of the Codified Ordinances for the City of Traverse City and Section 1 of Ordinance No. 48 for the Charter Township of Garfield.
 - (27) "PRD Certificate" shall mean a certificate evidencing the District Building Volume Capacity, District Impervious Surface Area Capacity, Subarea Building Volume Capacity, and Subarea Impervious Surface Area Capacity for a Planned Redevelopment District.
 - (28) "Public Act 250" shall mean the Urban Redevelopment Corporation Law of the State of Michigan, MCLA 125.501, et seq; MSA 5.3058(1), et seq, as amended, which empowers establishment of a redevelopment corporation and the redevelopment of certain blighted properties.
 - (29) "Receiving Area" shall mean, in the transfer of development capacities, the area to which development rights are transferred (and added to gross capacity).
 - (30) "Sending Area" shall mean, in the transfer of development capacities, the area from which development rights are transferred (and subtracted from gross capacity).
 - (31) "Setback" shall mean the distance by which any building, structure, or surface parking area must be separated from the lot lines, roadways, or from nearby buildings or uses.
 - (32) "Subarea" shall mean the geographical unit of similar uses within the Planned Redevelopment District.
 - (33) "Subarea Building Volume Capacity" shall mean the total building volume that may be established or maintained within a designated subarea within a Planned Redevelopment District.
 - (34) "Subarea Development Plan" shall mean the redevelopment plan for an individual, designated Subarea within the larger Planned Redevelopment District. The plan establishes specific development improvements and site amenities.
 - (35) "Subarea Impervious Surface Capacity" shall mean the total Impervious Surfaces area that may be established or maintained within a designated Subarea within a Planned Redevelopment District.
 - (36) "Subject Area" shall mean that property for which a Planned Redevelopment District is proposed to be established.
 - (37) "Subarea Development Certificate" shall mean a certificate evidencing Subarea Building Volume Capacity, Subarea Impervious Surface Area Capacity and a statement of Development Capacity transfers into and out of a Subarea within a Planned Redevelopment District.
 - (38) "Supporting Capacities" shall mean the total required capacities for Open Space, parking, sanitary sewer, water and storm-water management systems, and other infrastructure within the Planned Redevelopment District.
 - (39) "Total Project Area" shall mean the gross site area of the Planned Redevelopment District.
 - (40) "View Corridors" shall mean areas (usually linear or triangular) which are prevented from obscuring the view of or from particular points, via height limitations, or other development restrictions.
- (Ord. 771. Passed 9-4-07)

1352.03 STANDARDS.

In support of the purposes described in Section 1352.01 of this Chapter, the City encourages development under a Planned Redevelopment. The City shall review and approve developments as Planned Redevelopments according to the following standards, to the extent deemed applicable at each stage of the review (PRD Rezoning and District Plan, Subarea Plan, Site Plan Review):

- (a) A Planned Redevelopment shall be laid out and developed as a unit in accordance with an integrated overall design which accommodates appropriate scaling and phasing and provides for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
- (b) Common Open Space in the development shall be integrated into the overall design. Such spaces shall have a direct functional and visual relationship to the main buildings and not be of isolated or leftover character.
- (c) Principal vehicular access shall be from major streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements which pose minimum hazards to vehicular or pedestrian traffic, as practicable. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- (d) Through bylaws, covenants, private associations, or other means, the Planned Redevelopment shall ensure the continued maintenance of the properties and of the various amenities, conservation and design features of the Planned Redevelopment in its entirety.
- (e) The landscape in a Planned Redevelopment shall be conserved and enhanced, insofar as practical, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, wetlands, ponds, groves and land forms. The addition or use of trees, shrubs, flowers, fountains, ponds, special paving materials, benches and seating areas, special lighting fixtures and other amenities will be encouraged to the extent of their appropriateness and usefulness to the development and the likelihood of their continued maintenance.
- (f) The impact on the community from on-site lighting and noise shall be minimized. Utilities serving new development shall be underground.
- (g) Special attention shall be given to proper site surface drainage to meet Grand Traverse County ordinance requirements and best engineering and storm-water management practices so that release of surface waters will not adversely affect neighboring properties or the public storm drainage system.
- (h) Exposed storage areas, trash and garbage retainers, exposed machinery installation, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the project and made as unobtrusive as possible while maintaining accessibility to equipment for maintenance. They shall be subject to such Setbacks, special planting or other screening methods as

shall reasonably be required by the reviewing body to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

1352.04 PRD DESIGNATION.

In order for an area to be zoned as a PRD, it shall meet the following requirements:

- (a) Pursuant to Public Act 250, the area must have been previously designated as an area that is substandard, insanitary or blighted, therefore requiring redevelopment to protect the public welfare; and
- (b) The area must contain, at a minimum, 100 contiguous acres.

1352.05 PERMITTED USES.

The uses which may be permitted in a Planned Redevelopment District include any combination of individual uses allowable within districts described elsewhere in the zoning ordinance, provided that those uses are identified in an original or amended District Plan.

1352.06 DEVELOPMENT CAPACITY AND TRANSFERS.

To achieve the purposes of this chapter, the Development Capacity of a PRD shall be determined and limited as follows:

(a) Total Development Capacity.

- (1) The Total Development Capacity of the PRD shall be established based on the existing Impervious Surface area. The total Development Capacity shall be subject to plan restrictions set forth in an Adaptive Reuse Plan, and an Act 250 Development Plan, as amended, adopted by the City for the Subject Area, and shall be limited by the requirements to provide capacity for infrastructure, Open Space, parking, and storm-water management. The total Development Capacity shall be comprised of District Building Volume Capacity and District Impervious Surface Area Capacity which, upon approval, shall be set forth in a District Plan adopted by the City, and shall not be subject to modification.

The Total Development Capacity of the PRD shall be assigned to the Subareas of the District as the Subarea Building Volume Capacity and the Subarea Impervious Surface Area Capacity.

- (2) Total Development Capacity of the PRD and Total Development capacities of the Subareas shall be determined and set upon application for a PRD rezoning designation and approved as part of the District Plan and may not be modified. In no event shall the sum total of the Subarea new Impervious Surface area capacities, taken in the aggregate, exceed the District Impervious Surface Capacity as set forth in the application for a PRD rezoning designation.
 - (3) The Net Development Capacity for new Building Volume and new Impervious Surface area for any Subarea must be supported by specific identifiable storm-water retention/detention, Open Space and parking capacity allocations within the boundaries for the PRD, and must be supportable by proposed infrastructure.
- (b) The Transfer of Development Capacity. To achieve economy and efficiency in the use of land, energy, and the provision of public services and utilities; to encourage useful open space and the conservation of natural resources; to rehabilitate historic structures and to

support adequate infrastructure; to remove substandard and insanitary conditions which impair the economic value of blighted areas, and to encourage private capital and investment consistent with the purposes of Public Act 250; it is necessary and desirable to create inducements and opportunities for the employment of private investment and equity capital in the clearance, replanning, and rehabilitation of Planned Redevelopment Districts. To achieve the purposes of this chapter and the goals of Public Act 250, it is necessary and desirable to allow for the transfer of Development Capacity in eligible areas described as follows to stimulate redevelopment and encourage useable Open Space in the appropriate areas.

- (1) Development Capacity shall be transferable between Subareas comprising the PRD, including Subareas which are within the District but outside the boundaries of the City. Upon approval of the Planning Commission, Development Capacity may also be transferred from a Subarea within the PRD to an area contiguous to, but outside the PRD, which has been designated by the City as eligible to receive Development Capacity pursuant to the following requirements:
 - A. The existing and proposed uses within such area outside of the PRD must be compatible with the uses in the PRD, and an Act 250 Development Plan, as amended, adopted for the designated PRD;
 - B. Such transfer of Development Capacity outside of the PRD must further the purpose of the PRD and enhance redevelopment of the PRD; and
 - C. Such transfer of Development Capacity into an area outside of the PRD shall not affect the underlying zoning of the area outside of the PRD except to allow for the transfer of Development Capacity.
 - (2) A portion or all of the Net Development Capacity may be transferred from any Subarea (the Sending Area) to another Subarea (the Receiving Area) so long as the transfer does not make the existing development within the Sending Area non-conforming under the District Plan as approved pursuant to Section 1352.07(a) of this Chapter.
 - (3) The Supporting Capacities, including the necessary Open Space, parking and storm-water management capacity (retention/detention) associated with the transfer of Net Development Capacity from the Sending Area must be allotted to the Receiving Area provided, however, that in no event will the Supporting Capacities allotment result in the expansion of the Receiving Area or the contraction of the Sending Area, it being understood that the Supporting Capacities in the Sending Area will be allocable to the Net Development Capacity so transferred to the Receiving Area. No supporting capacity may be double-counted (in concurrent support of development on both the sending and the Receiving Areas.) The supporting capacity must be established within the sending and/or Receiving Area(s) prior to or in conjunction with new development.
- (c) Planned Redevelopments Overlapping Municipal Corporate Boundaries. In the event that a planned redevelopment overlaps the jurisdictional boundaries of the City of Traverse City and an adjacent unit of government, the Total Project Area may be used to calculate total capacity based upon the concurrence of both units of government provided the Total Project Area has been designated by both units of government as a redevelopment area under Public Act 250.

(d) Capacity Controls. Utilization of Development Capacity within the PRD will be subject to design guidelines as set forth in Section 1352.08(a)(7). Upon application for a PRD designation, conceptual guidelines for the District shall be established setting forth the goals of the Subareas within the District in conformance with an Adaptive Reuse Plan, and an Act 250 Development Plan or amendments adopted by the City for the Subject Area. Guidelines will be established for each Subarea Development Plan as approved pursuant to Section 1352.08(b)(5) of this Chapter to address the following:

- (1) Building Volume,
- (2) Building Footprint,
- (3) Building Height and Setback,
- (4) Impervious Surface,
- (5) Open Space,
- (6) View Corridors,
- (7) Pedestrian Access, and
- (8) Supporting Capacities.

1352.07 PROCEDURES.

Planned Redevelopments shall be reviewed in accordance with the procedures and standards of this Section, and shall be processed in three stages (PRD Designation and District Plan Approval, Subarea Planned Development Approval, and Site Plan Approval) as set forth below.

(a) PRD Designation and District Plan Approval.

- (1) The applicant for a Planned Redevelopment Rezoning and District Plan approval shall be the Master Developer, with the consent of all owners of record of the property which comprises the Planned Redevelopment District.
- (2) Formal application to the City Commission requesting an approval for a Planned Redevelopment Rezoning and District Plan approval shall include 15 copies of the PRD Rezoning Application and District Plan containing the information required in Section 1352.08(a). This PRD Rezoning and District Plan shall be the subject of a public hearing, noticed as required, before the Planning Commission.
- (3) The Applicant shall submit fifteen (15) copies of the PRD Rezoning Application and District Plan to the City Planning Department not later than twenty-four (24) days before the date of the regular or special meeting at which the Rezoning Application and District Plan will be considered.
- (4) The Planning Commission shall conduct a public hearing, noticed as required, on the Rezoning Application and the District Plan in accordance with applicable statutes. The public hearing will be conducted by the Planning Commission within a reasonable time following the meeting at which the Planning Commission received the Rezoning Application and District Plan.
- (5) Within a reasonable time following the conclusion of the public hearing, the Planning Commission shall submit in writing its findings of fact and recommendations to the City Commission and the Applicant.
- (6) Within a reasonable time following the Planning Commission meeting at which the Planning Commission approved the findings of fact and recommendations, the City Commission shall conduct a public hearing on the Rezoning Application with notice as required by zoning ordinance on the Rezoning Application and on

- the District Plan in accordance with this Chapter.
- (7) No application for Planned Redevelopment District Rezoning and District Plan approval shall be approved by the City Commission unless all of the following findings are made about the proposal:
- A. The planned development process has been recommended in an Act 250 Development Plan, as amended, for the area to be designated as a Planned Redevelopment District.
 - B. Each of the proposed uses is a permitted or special use in one or more of the other Districts within this Code, and each use is identified in an Adaptive Reuse Plan, and an Act 250 Development Plan or amendment previously adopted by the City for the Subject Area.
 - C. The Planned Redevelopment is so designed, located and proposed to be operated and maintained that the public health, safety and welfare will not be endangered or detrimentally affected.
 - D. The Planned Redevelopment will not be injurious to the use and enjoyment of other property in the immediate vicinity.
 - E. The Planned Redevelopment will have or make provision for adequate utilities and utility upgrades, drainage and other necessary facilities.
 - F. The Planned Redevelopment will have or make adequate provision for parking and ingress and egress.
 - G. The Planned Redevelopment will have adequate site area and other buffering features to protect uses within the development and on surrounding properties.
 - H. The Planned Redevelopment District will conform to the storm-water management standards set by Grand Traverse County.
- (8) Upon completion of its required hearing, the City Commission shall approve, approve with conditions and modifications, or reject the PRD Rezoning Application and District Plan.
- A. If the PRD District Plan is not approved, the City Commission shall state in writing the reasons for the decision and such written reasons shall be sent to the Applicant.
 - B. If the PRD District Plan is approved or approved with conditions, the City Commission shall issue a granting order including the following information and documents as provided by the Applicant:
 - i. A table of allowable interim and permanent uses in each Subarea.
 - ii. A mechanism for Development Capacity transfer between and within Subareas.
 - iii. Provisions for applicability of approval and extension of standards and requirements to all successors and assigns of the Applicant.
 - iv. A PRD Certificate evidencing the total District Volume Capacity, total District Impervious Surface Area Capacity, respective Subarea Building Volume Capacity for each Subarea within the PRD, and the respective Subarea Impervious Surface Area Capacity for each Subarea within the PRD.
 - v. An order requiring the Master Developer for the PRD to record the PRD Certificate with the appropriate authorities evidencing the

development capacities, and an order requiring the urban redevelopment corporation authorized pursuant to Public Act 250 to record the PRD Certificate with the Planning Director of Traverse City.

(b) Subarea Development Plan.

- (1) Following the approval of the District Plan, the Master Developer shall file with the City a PRD Subarea Development Plan. The Master Developer may choose to submit PRD Subarea Development Plan(s) for one or more of the area(s) for review by the Planning Commission simultaneous with review of the PRD District Plan.
- (2) The Planning Commission shall, within a reasonable amount of time of the filing of a completed application containing the information required in Section 1352.08(b), conduct a review of the Subarea Development Plan in accordance with applicable statutes.
- (3) The Planning Commission shall review each Subarea Development Plan with regard to its conformance to the approved PRD District Plan and to the Subarea Development Plan requirements, and shall approve with conditions and modifications, or reject the Subarea Development Plan(s) within a reasonable amount of time.
 - A. If any Subarea Development Plan is held to be not in substantial conformance with the PRD District Plan or in conformance with the Subarea Development Plan requirements, the Planning Commission shall advise the Master Developer of the specific areas found deficient. The Master Developer may bring each Subarea Development Plan into conformance to complete the requirements, or may request a new public hearing, to be noticed as required, under the procedures established for approval of a District Plan.
 - B. If the Subarea Development Plan is approved or approved with conditions and modifications, the Planning Commission shall issue a granting order including the following information and documents as provided by the Applicant:
 - i. A table identifying existing and maximum development of the Subarea, including Building Heights, Building Volume capacity, footprint capacity, Setbacks, parking area and parking standards, circulation and roadways, driveways, Impervious Surface Area Capacity, and site coverage.
 - ii. A table and plan of permitted interim and permanent uses, and the probable duration of interim uses.
 - iii. Conceptual design guidelines governing the function, order, identity and visual appeal of development within the Subarea.
 - iv. Conceptual site plans and block diagrams for the Subarea.
 - v. A Subarea Development Certificate evidencing the total Subarea Building Volume Capacity, statement of development capacities transferred out of the Subarea and a statement of development capacities transferred into the Subarea.
 - vi. An order requiring the Master Developer to concurrently record

the Subarea Development Certificate with the appropriate authorities evidencing the development capacities, and an order requiring the urban redevelopment corporation authorized, pursuant to Public Act 250, to oversee the redevelopment of the PRD to record the Subarea Development Certificate with the Planning Director of Traverse City.

(c) Site Plan Approval.

- (1) Prior to the construction of any new structures, the rehabilitation of existing structures, or the installation of additional impervious area to the site, an application must be made by the Master Developer, with the consent of the project owner(s) of the area for which Site Plan review and approval is being pursued.
- (2) Application for Site Plan Approval shall be made on forms provided by the City, with attached documentation as identified in Section 1352.08(c).
- (3) Review of the Site Plan shall be made by the City Planning Director, or designee.
- (4) Within ten (10) days of receipt of a completed application for Site Plan Approval, the City Planning Director shall complete the Site Plan Review of compliance with the District Plan, the applicable Subarea Development Plans, the standards identified in Section 1352.03, and other applicable regulations of the City. In the event the PRD is partially within Traverse City and partially outside Traverse City's jurisdiction, the Planning Director shall confer in joint conference with his or her counterpart in the other jurisdiction in order to identify and establish the prevailing applicable regulations from each jurisdiction for the PRD and Subareas. Such decision for applicable regulations shall be presented to the City Commission for approval.
- (5) If any Site Plan is held to be not in substantial conformance with the District Plan or in conformance with the Subarea Development Plan requirements, the City Planning Director shall advise the Master Developer in writing of the specific areas found deficient. The Master Developer may request a review of these findings as an appeal of an administrative decision as allowed elsewhere within this Chapter or as provided by law.
- (6) If the Site Plan is approved, the City Planning Director shall advise the Master Developer in writing of the approval and of any conditions which must be met prior to, or in conjunction with an application for building permits. Such written approval shall include the table identifying existing and maximum development of the Subarea in which the Site Plan is incorporated, as adjusted to reflect Building Volume capacity, footprint, setbacks, parking area and parking standards, circulation and roadways, driveways, Impervious Surface Area Capacity, and site coverage of the Site Plan. In the event the PRD is partially within Traverse City and partially outside Traverse City's jurisdiction, the Planning Director in joint conference with his or her counterpart in the other jurisdiction affected by such Site Plan approval may approve, subject to the applicable procedures and fees, appointment and use, by the Master Developer, of an enforcement agent for building permit review and approval and construction inspection and occupancy certification.

(d) Extraterritorial Procedures. In the event the PRD is partially within the City of Traverse

City and partially outside the City of Traverse City's jurisdiction, the City Commission and/or the Planning Commission, or the Administrative conference with his or her counterpart from the other municipality for the PRD Zoning District designation and District Plan approval, and the approval of Subarea Development Plans and Site Plans for those Subareas, within the approved PRD, which overlap the jurisdictional boundaries of the City. With regard to the approval of Subarea Development Plans and Site Plans for those Subareas which lie completely within the jurisdiction of the City in a PRD which is partially within the City and partially outside the City's jurisdiction, the City's Planning Commission or the Administrative Reviewer, as applicable, may elect to hold their deliberations and decision making in joint conference with his or her counterpart from the other municipality.

(Ord. 666. Passed 3-21-05.)

1352.08 SUBMITTAL REQUIREMENTS.

- (a) PRD District Plan. The following items constitute the minimum requirements for the contents of a PRD District Plan, unless waived by the City Commission, upon which the Master Developer's submission will be reviewed and considered for approval as well as all material necessary to issue a granting order as requirements in Section 1352.07(a)(8)B of this Chapter. The Master Developer may supplement the list with whatever materials deemed appropriate to illustrate compliance with the regulations and intent of this section.
- (1) A legal description of the site.
 - (2) A boundary line survey of the site prepared and certified by a registered land surveyor, showing the dimensions of the property's boundaries and all existing rights of way adjacent to the property.
 - (3) Existing zoning and land uses on and adjacent to the site.
 - (4) Municipal boundary lines on or adjacent to the site.
 - (5) A conceptual framework plan indicating the boundaries of Subareas, generalized categories of uses, and their relationship to the overall development pattern.
 - (6) A circulation plan including locations of all existing and proposed streets, which also addresses public transit.
 - (7) Conceptual design guidelines which describe the PRD District Plan's control over function, order, identity and visual appeal of the development.
 - (8) A utility concept plan, including the location of all existing sanitary sewers, storm sewers and water lines on the site and on property immediately adjacent to the site. Similar information shall be provided for gas, electric, telephone, and cable television utilities.
 - (9) Existing and proposed topography of the land with contours shown at intervals no greater than two feet (2'). Topographic data shall refer to the USGS North American Datum-Mean Sea Level Elevation and a written description of environmental characteristics of the site prior to development (i.e. soils, vegetative cover, drainage, streams, creeks or ponds).
 - (10) Building Envelopes and Building Volume for each Subarea.
 - (11) Proposed tracking mechanisms for transfer or receipt of Development Capacity within, to or from other Subareas, by the urban redevelopment corporation authorized, pursuant to Public Act 250, to oversee the redevelopment of the PRD.

- (12) A traffic study by a qualified traffic engineer indicating the volume of traffic to be generated by the Planned Redevelopment and proposing any special engineering design features and/or traffic regulation devices needed to ensure the proper safety of traffic circulation to, through and around the Planned Redevelopment or any phase of it.
 - (13) A District Plan may be amended according to the same limitations and procedures set forth in Section 1352.07(a) of this Chapter provided that the amendment is required for the continued successful functioning of the Planned Redevelopment, or that the amendment is required by changes in conditions that have occurred since the District Plan was approved and such changes are incorporated in an approved Public Act 250 Development Plan Amendment. However, the total Development Capacity is not subject to change.
 - (14) An affidavit of the urban redevelopment corporation authorized, pursuant to Public Act 250, to oversee the redevelopment of the PRD evidencing that in the opinion of such urban redevelopment corporation, the District Plan is in conformance with an Act 250 Development Plan, as amended, applicable to the site.
 - (15) The PRD Certificate.
- (b) Subarea Development Plan. Each application for approval of a Subarea Development Plan shall include the following as well as all material necessary to issue a granting order as required in Section 1352.07(b)(3)B of this Chapter:
- (1) A storm-water drainage plan, identifying portions of the site in the flood plain or in flood plain fringe areas, the existing and proposed flow and storm drainage, and the location of drainage ditches, culverts, standing water, and proposed detention/retention facilities.
 - (2) Soil borings data identification of soil problem areas as provided by a registered engineer.
 - (3) Existing and proposed landscape features including significant tree groupings, isolated preservable trees 4 inches or more in diameter at one foot above ground level, scenic views, and other natural features such as wood lots, lakes, ponds, springs, waterways, wetlands, flood plains, etc.
 - (4) Wetlands delineation, including a plan for their preservation, enhancement, or mitigation.
 - (5) Landscape design guidelines addressing right-of-ways, screening walls and fences, lighting facilities, outdoor trash storage area, building/entry areas, Impervious Surface, Open Space, View Corridors, and Pedestrian Access.
 - (6) Architectural design guidelines addressing compatibility of proposed structures, within the context of existing architectural design, including materials, color, scale, rhythm, line and massing.
 - (7) Identification of all areas to be dedicated as common Open Space, designated for easements, and all sites to be conveyed, dedicated or reserved for parks, playgrounds, school sites, public buildings and similar public and quasi-public uses, together with the proposed plan for the permanent maintenance of such common Open Space areas.
 - (8) A plan for the phasing and sequencing of development improvements, including utilities, site, and structures.

- (9) Minor changes from the approved PRD District Plan may be allowed in the Subarea Development Plan without the necessity of Planning Commission or City Commission action if the City Planning Director certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the PRD District Plan as agreed upon by the Planning Commission and the City Commission.
 - (10) An affidavit of the urban redevelopment corporation authorized, pursuant to Public Act 250, to oversee the redevelopment of the PRD evidencing that in the opinion of the urban redevelopment corporation, the Subarea Development Plan is in conformance with the District Plan and an Act 250 Development Plan, as amended, applicable to the Subarea.
 - (11) A table identifying existing and maximum development of the Subarea, including Building Heights, Building Volume Capacity, footprint capacity, Setbacks, parking and parking area standards, circulation and roadways, driveways, Impervious Surface Area Capacity, and site coverage.
 - (12) A written statement of the conceptual design guidelines governing the function, order, identity and visual appeal of development within the Subarea.
 - (13) The Subarea Development Certificate.
 - (14) A statement of the impact that the Subarea Development Plan will have on the other Subareas within the Planned Redevelopment District.
- (c) Site Plan Approval. Each application for Site Plan Approval for development within the Subarea shall include the following information as well as any information necessary to issue a written approval as required in Section 1352.07(c)(6) of this Chapter:
- (1) Final engineering drawings including the final utility plan.
 - (2) Final architectural design development drawings, including plans, elevations and sections for all major structures on builder lots, and a suitable process for approval of architectural drawings for all major structures on custom lots.
 - (3) Final Lighting and Landscape Plans indicating the height, size, location, direction, type, intensity of lighting and height, size, location, quantity and variety of all plant materials.
 - (4) Proof of all applicable approvals from State and County officials or from other agencies outside the City having jurisdiction.
 - (5) Minor changes from the approved Subarea Development Plan may be allowed in the Site Plan without the necessity of Planning Commission or City Commission action if the Planning Director certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the Subarea Development Plan as agreed upon by the Planning Commission and the City Commission.
 - (6) An affidavit of the Master Developer evidencing that in the opinion of the Master Developer, the Site Plan is in conformance with the District Plan and the applicable Subarea Development Plan.
 - (7) A table identifying existing and maximum development of the site plan, including Building Heights, Building Volume Capacity, footprint capacity, Setbacks, parking and parking area standards, circulation and roadways, driveways, Impervious Surface Area Capacity, and site coverage.
 - (8) A statement of the conceptual design guidelines governing the function, order, identity and visual appeal of development within the Site Plan.

- (9) A table indicating the following information:
- i. the total Subarea Building Volume Capacity;
 - ii. the total Subarea Impervious Surface Area Capacity;
 - iii. the total building volume reduction caused to the Subarea Building Volume Capacity due to the specific development or developments contemplated by the Site Plan and the resulting net amount of Subarea Building Volume Capacity remaining after such reduction; and
 - iv. the total Impervious Surface area reduction caused to the Subarea Impervious Surface Area Capacity due to the specific development or developments contemplated by the Site Plan and the resulting net amount of Subarea Impervious Surface Area Capacity remaining after such reduction.

1352.09 CONDITIONS OF DEVELOPMENT.

After the approval of the Subarea Development Plan, the use of land and construction, modification or alteration of any buildings or structures within the Planned Redevelopment will be governed by the approved Subarea Development Plan, and Act 250 Development Plan Amendment(s) relevant to the applicable Subarea and all applicable City codes. In addition, the following conditions apply to the construction of a Planned Redevelopment:

- (a) Construction in accordance with a Subarea Development Plan shall commence within the time period set forth in the Subarea Plan. Failure to commence within that period shall trigger the enforcement provisions of Act 250, unless an extension shall have been granted by the Planning Commission according to paragraph (b) of this section.
- (b) The Planning Commission may extend the time limit for the commencement of construction as follows:
 - (1) If a delay, or anticipated delay, is caused by governmental action without fault on the part of the developer, an extension may be granted for a period not longer than the period of the governmental delay.
 - (2) For good cause shown, an extension may be granted for such period of time as the Planning Commission deems appropriate.
- (c) No major changes shall be made in the approved Subarea Development Plan, except with the approval of the Planning Commission according to the same limitations and procedure set forth in Section 1352.07(b). No major changes may be made in the Subarea Development Plan unless they are required for the continued successful functioning of the Planned Redevelopment, or unless they are required by changes in conditions that have occurred since the Subarea Development Plan was approved and such change is incorporated in an approved Act 250 Development Plan Amendment. A major change is any change that does not qualify as a minor change as defined in Section 1352.08(b)(8) and (c)(5).
- (d) After completion of a Development Activity and the payment of the proper fees, the City Planning Director, at the Master Developer' request on behalf of the entity responsible for the Development Activity, shall promptly furnish the Applicant a Certificate of Completion for the development activities completed. The Certificate of Completion by the City Planning Director shall be conclusive evidence that the development activities have been undertaken in compliance with the applicable Subarea Development Plan and all applicable conditions of the Planned Redevelopment. The Certificate of Completion

shall be in recordable form and shall constitute the City's certification that the completed development activities are in compliance with the applicable Subarea Development Plan and all applicable conditions of the Planned Redevelopment. The City Planning Director shall respond to the Master Developer's request within thirty (30) days after receipt thereof, either with a Certificate of Completion or a written statement indicating, in adequate detail, that the entity with responsibility for the Development Activity has failed to complete the Development Activity in compliance with the applicable Subarea Development Plan and all applicable conditions of the Planned Redevelopment and what measures or act will be necessary, in the opinion of the City Planning Director, for the entity with responsibility for the Development Activity to take or perform in order to obtain the Certificate of Completion. If the City Planning Director requires additional measures or acts of the Applicant to assure compliance, the Master Developer, on behalf of the entity with the responsibility for the development activity, shall resubmit a written request for a Certificate of Completion upon compliance with the City Planning Director response. If the City Planning Director fails to respond to the Master Developer's request within the 30 day period, then such items covered in the request shall be deemed approved.

(e) The City Commission may at any time request written reports on the progress and development of the proposed Planned Redevelopment. If at any time the City Commission is satisfied that the Permittee has permanently abandoned the development of the Planned Redevelopment or failed to follow the Subarea Development Plan, it shall follow the enforcement procedures set forth in Public Act 250.

(f) If any provisions or terms of this Chapter conflict with any provision or term of this Code, the provisions and terms of this Chapter shall control.

(Ord. 383. Passed 5-17-94. Ord. 476. Passed 7-6-99.)