

TRAVERSE CITY PLANNING COMMISSION REGULAR MEETING

TUESDAY, May 6, 2014

7:30 P.M.

Commission Chambers
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684

Posted: 5/2/14

AGENDA

The City of Traverse City does not discriminate on the basis of disability in the admission or access to or treatment or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan 49684, 922-4440, T.D.D., 922-4766, has been designated to coordinate compliance with the non-discrimination requirements. If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

Planning Commission
c/o Russell Soyring, Planning Director
400 Boardman Avenue, Traverse City, MI 49684
231-922-4778

1. CALL MEETING TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

4. CONSENT CALENDAR

The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and be placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.

- A.** April 1, 2014 Regular Meeting and April 15, 2014 Study Session Meeting minutes (Approval recommended)
- B.** Elmwood Charter Township Notice of Intent to Prepare a Master Plan (Action Requested)

- C. East Bay Charter Township Notice of Intent to Prepare a Master Plan (Action Requested)

5. PRESENTATION

- A. Brief overview of Freedom of Information Act, Open Meetings Act, Planning Commission Rules, Capital Improvement Plan Review, Ethics & Conflicts of Interest (Benjamin Marentette, Lauren Tribble-Laucht)

6. OLD BUSINESS

- A. Public Hearing to consider an amendment to Size and Area Requirements , Section 1368.01, *Building Height*; Hotel Resort (HR) District, Section 1338.06, *Building Height*, and Section 1338.09, *Special Requirements*; Office Service (C-1) District, Section 1340.06, *Building Height*, and Section 1340.09, *Special Requirements*; Neighborhood Center (C-2) District, Section 1342.06, *Building Height*, and Section 1342.09, *Special Requirements*; Community Center (C-3) District, Section 1344.09, *Special Requirements*; Regional Center (C-4) Districts, Section 1346.09, *Special Requirements*; and Development (D) Districts, Section 1347.09, *Special Requirements*, regarding increasing the building height in HR to 45-feet, increasing the residential bonus height in C-1 and C-2 to 45-feet and requiring a 15-foot first floor height in HR, C-1, C-2, C-3, C-4, and D Districts (Action requested)
- B. 2014-15 Capital Projects for further review by the Planning Commission (Action requested)

7. NEW BUSINESS

- A. Consideration of an amendment to General Provisions and Definitions Section 1320.07, *Definitions*; Special Land Use Regulations Section 1364.01, *Types of Special Land Use Review* and Section 1364.08, *Special Land Use Permits Granted by the City Commission*, regarding allowing emergency shelters and establishing regulations for emergency shelters for introduction and possibly setting a Public Hearing on June 3, 2014 as recommended by the Housing and Building Committee.
- B. Proposed 2014-15 Streets Project list (Discussion)

8. CORRESPONDENCE

- A. Capital Improvement Program Quarterly Update dated May 1, 2014
- B. William Plough letter dated April 21, 2014

9. REPORTS

- A. City Commission- Commissioners Easterday and Werner
- B. Board of Zoning Appeals- Commissioner Bergman
- C. Grand Traverse Commons Joint Planning Commission- Commissioners Serratelli and Warren
- D. Planning Commission
 - 1. Housing Building Committee— Commissioner Bergman
 - 2. Active Transportation Committee—Commissioner Werner

3. Master Plan Review Committee—Commissioners Bergman, Dow and Twietmeyer
- E. Planning Department—Mr. Soyring
 1. Capital Improvement Program

10. PUBLIC COMMENT

11. ADJOURNMENT

MINUTES

TRAVERSE CITY PLANNING COMMISSION

TUESDAY, April 1, 2014

7:30 P.M.

Commission Chambers
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684

PRESENT: Vice-Chairperson Jody Bergman, Commissioners Michael Dow, Jeanine Easterday, Janet Fleshman, Cecil McNally, Chairperson John Serratelli, Bill Twietmeyer, Janice Warren (arrived at 7:31 p.m.) and Tim Werner

ABSENT: None.

STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant; Tim Arends, Executive Director for Traverse City Light and Power

1. **CALL MEETING TO ORDER-** Chairperson Serratelli called the meeting to order at 7:30 p.m.

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** None.

4. **APPROVAL OF MINUTES**

A. March 4, 2014 Regular Meeting and March 18, 2014 Special Meeting minutes (Approval recommended)

Motion by Commissioner Bergman, second by Commissioner McNally, that the March 4, 2014 Regular Meeting and March 18, 2014 Special Meeting minutes be approved. Motion carried 8-0 (Commissioner Warren absent).

Commissioner Warren joined the meeting at 7:32 p.m.

5. **OLD BUSINESS**

A. Public Hearing to consider the City of Traverse City Six-Year Capital Improvement Program 2014-2020. The Capital Improvement Program is a multi-year schedule for capital expenditures that includes costs, priorities, and identified funding for the next six years (Action requested)

Mr. Soyring explained the details of his March 28, 2014 memo to the Commission and detailed projects that have changed since the last draft was distributed to the Commission on 2/19/14.

Commission deliberation included considerable discussion about Project 820 “Transmission Line Reconductor”, a Traverse City Light and Power project described in the CIP document as, “Reconductor/rebuilding of existing 69kv transmission lines along Hammond, Barlow, LaFranier, Cass, Wadsworth and Wayne Hill.”

Tim Arends, Executive Director of Traverse City Light and Power, addressed the Commission and explained the project in more detail.

Commission discussion included concern related to the transmission lines running through Hickory Hills and Hickory Meadows.

The following members of the public made comments on the Project 820 in the Capital Improvement Program:

- Eileen Ganter, 1615 Randolph, non city-resident, city business owner, made general comments
- Emily Mitchell, 3716 Jefferson, non city-resident, city business owner, opposes the project
- Jim Moses, 1420 Wayne, made general comments
- Keila Ganter, 1615 Randolph, non city-resident, made general comments
- Guy Wood, 451 N Madison, made general comments
- Patty Olsen, 815 Wayne, made general comments
- Cynthia Brzak, 503 N Elmwood, made general comments

Additional commission discussion included a modification to Project 820 that included adding language that would require further exploration and analysis of alternatives for the project. General concern was noted that where high voltage lines traverse parkland and natural areas that the disturbance should be minimized. It was discussed that the Master Plan Public Utilities Element includes 12 goals and objectives related to electricity.

Motion by Commissioner Fleshman, second by Commissioner Werner, that the City of Traverse City Six-Year Capital Improvement Program 2014-2020 be approved, and further that the decision be forwarded to the City Commission for their approval, with modification to Project 820 Transmission Line Reconductor description to read analysis of alternatives for, and reconductor/rebuilding of existing 69kv transmission lines and remediation of damaged landscaping and natural areas along Hammond, Barlow, LaFranier, Cass, Wadsworth and Wayne Hill.

Motion carried 5-4 (Commissioners Bergman, Easterday, Serratelli and Twietmeyer opposed).

- B. Public Hearing to consider a conditional rezoning request initiated by John Kerridge, Kerridge Architecture + Construction, Inc. of 400 West Front Street, to rezone the property located at 101 N. Madison Street from R1-b (Single Family Dwelling District) to C-1 (Office Service District) with conditions (Action requested)

Mr. Soyring summarized his March 28, 2014 memo to the Commission and explained in general terms what conditional rezoning is.

Commission discussion.

John Kerridge of 8140 Bel Cherrie Dr (and business owner at 400 W Front) presented the conditional rezoning request on behalf of the property owner, Kemel Cinaroglu, for the parcel located at 101 N. Madison and the voluntary conditions to the Commission.

Commission discussion.

The following members of the public made comments on the request:

- Mary Condit, 111 N. Madison, opposed the request
- Doug Stanton, 124 N. Madison, opposed the request
- Debbie Farron, 1114 Jefferson, opposed the request
- Barry Godwin, 114 N. Madison, made general comments
- John McDonald, 117 Monroe, opposed the request
- Deborah VanWagner, 110 N. Madison, made general comments
- Guy Wood, 551 N. Madison, made general comments
- Mary Plamondon, 121 N. Madison, opposed the request
- Susan Schmuckal, 121 N. Madison, opposed the request
- Bill Teodecki, 624 Monroe, made general comments

Commission discussion.

Motion by Commissioner Easterday, second by Commissioner Werner, that the request from, John Kerridge, Kerridge Architecture and Construction, Inc, representing Kermal Cinaroglu, to rezone the properties commonly known as 101 N Madison Street from R1-b (Single Family Dwelling District) to C-1 (Office Service District) with conditions as offered by the applicant dated March 26, 2014 be recommended and that the Conditional Rezoning Agreement be approved subject to approval as to form by the City Attorney, which Agreement shall include and incorporate the preliminary site plan dated March 26, 2014 and based on the submittals of the applicant and as outlined in the March 28, 2014 communication memo from Planning Director Russ Soyring be recommended for approval to the City Commission.

Motion failed 4-5 (Commissioners Dow, Easterday, Fleshman, Twietmeyer and Warren opposed).

Commission discussion.

6. NEW BUSINESS

- A.** Clancy Park improvements review for consistency with Master Plan (Action requested)

Mrs. Luick summarized her March 28, 2014 memo to the Commission.

Motion by Commissioner Warren, second by Commissioner Dow, that the Clancy Park Project is found to be consistent with the City Master Plan in terms of location, extent and character.

Motion carried 9-0.

- B.** Consideration of an amendment to Size and Area Requirements , Section 1368.01, *Building Height*; Hotel Resort (HR) District, Section 1338.06, *Building Height*, and Section 1338.09, *Special Requirements*; Office Service (C-1) District, Section 1340.06, *Building Height*, and Section 1340.09, *Special Requirements*; Neighborhood Center (C-2) District, Section 1342.06, *Building Height*, and Section 1342.09, *Special Requirements*; Community Center (C-3) District, Section 1344.09, *Special Requirements*; Regional Center (C-4) Districts, Section 1346.09, *Special Requirements*; and Development (D) Districts, Section 1347.09, *Special Requirements*, regarding increasing the building height in HR to 45-feet, increasing the residential bonus height in C-1 and C-2 to 45-feet and requiring a 15-foot first floor height in HR, C-1, C-2, C-3, C-4, and D Districts for introduction and possibly setting a Public Hearing on May 6, 2014.

Mr. Soyering explained his March 28, 2014 memo to the Commission.

Commission discussion.

Motion by Commissioner Warren, second by Commissioner Easterday, that a Public Hearing be scheduled for May 6, 2014 to consider an amendment to the Traverse City Code of Ordinances Size and Area Requirements , Section 1368.01, *Building Height*; Hotel Resort (HR) District, Section 1338.06, *Building Height*, and Section 1338.09, *Special Requirements*; Office Service (C-1) District, Section 1340.06, *Building Height*, and Section 1340.09, *Special Requirements*; Neighborhood Center (C-2) District, Section 1342.06, *Building Height*, and Section 1342.09, *Special Requirements*; Community Center (C-3) District, Section 1344.09, *Special Requirements*; Regional Center (C-4) Districts, Section 1346.09, *Special*

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Requirements; and Development (D) Districts, Section 1347.09, Special Requirements, regarding increasing the building height in HR to 45-feet, increasing the residential bonus height in C-1 and C-2 to 45-feet and requiring a 15-foot first floor height in HR, C-1, C-2, C-3, C-4, and D Districts.

Motion carried 9-0.

7. CORRESPONDENCE - None.

8. REPORTS

- A.** City Commission- Commissioners Easterday and Werner reported.
- B.** Board of Zoning Appeals- Commissioner Bergman reported
- C.** Grand Traverse Commons Joint Planning Commission- Commissioners Serratelli and Warren reported.
- D.** Planning Commission
 - 1. Housing Building Committee— Commissioners Bergman reported reported.
 - 2. Active Transportation Committee—Commissioner Werner reported.
 - 3. Master Plan Review Committee—Mr. Soyring reported.
- E.** Planning Department—No report.

9. PUBLIC COMMENT- None.

10. ADJOURNMENT- Meeting was adjourned at 10:07 p.m.

Respectfully submitted,

Date: _____

Jan Warren, Secretary

SPECIAL MEETING MINUTES TRAVERSE CITY PLANNING COMMISSION

TUESDAY APRIL 15, 2014

7:30 P.M.

Training Room

Governmental Center, 2nd Floor

400 Boardman Avenue

Traverse City, Michigan 49684

PRESENT: Vice-Chairperson Jody Bergman, Commissioners Michael Dow, Jeanine Easterday, Cecil McNally Chairperson John Serratelli, Bill Twietmeyer, and Tim Werner

ABSENT: Commissioners Janet Fleshman and Janice Warren

STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant

1. **CALL MEETING TO ORDER-** The meeting was called to order by Chairperson Serratelli at 7:30 p.m.
2. **ROLL CALL**
3. **ANNOUNCEMENTS-** None.
4. **“TRANSFORMING OUR MAJOR STREETS” BOB GIBBS (PRESENTATION)**

Mr. Soyring introduced Bob Gibbs.

Bob Gibbs, of Gibbs Planning Group, presented to the Commission regarding urban retail and development. He further presented on the Third Street Corridor Project that his firm worked on in Marquette, Michigan. Mr. Gibbs discussed opportunities and observations of the Eighth Street corridor based on a 90-minute walking tour earlier in the day.

The following made public comment on the topic:

- Mark Nixon, 126 E Eighth Street, made general comments
- Commissioner Jeanine Easterday, 141 Rivers Edge Dr, made general comments
- Rick Buckhalter, 932 Kelly Street, made general comments
- Paul Schmuckal, city business owner, made general comments
- Deni Scrudato, 422 State Street, made general comments

Mr. Gibbs responded to questions.

PLANNING COMMISSION

STUDY SESSION

April 15, 2014

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5. **PUBLIC COMMENT-** None.
6. **ADJOURNMENT-** Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Date: _____

Jan Warren, Secretary

Glen Lile, Supervisor
Susanne M. Courtade, Clerk
Tracey Bartlett, Treasurer



Matt Courtade, Trustee
Craig R. Goodrich, Trustee
Bryan Marrow, Trustee
Beth Friend, Trustee

April 7, 2014

Mr. Russ Soyring, AICP, Planning Director
City of Traverse City
400 Boardman Ave
Traverse City, MI 49684

RE: Notice of Planning

Dear Mr. Soyring:

The purpose of this letter is to advise you that the East Bay Charter Township Planning Commission is about to commence work on a new Township Master Plan. In accordance with Section 39 of the Michigan Planning Enabling Act (MCL 125.3839), your community or agency is invited to cooperate and participate in this process. A schedule of activities and draft materials will be periodically posted on the Township website (www.eastbaytwp.org) and you are encouraged to visit the website periodically for updates. In addition, as the work on the Plan proceeds, we may call on you for particular input as subjects of mutual interest are considered. Further, please feel free to contact me at the Township or Jay Kilpatrick, AICP, the Township Planner at 616-224-1500.

Once a draft plan is available, we will mail you a letter with a link and/or a digital version for review and comment.

Thank you for your interest.

Sincerely,

A handwritten signature in blue ink that reads "Leslie Couturier".

Leslie Couturier, MiCZA
Zoning Administrator

Planning/ Zoning Department
planner@elmwoodtownship.net

Elmwood Charter Township
10090 E. Lincoln Rd.
Traverse City, MI 49684

Contact Information
Ph: (231) 946-0921
Fax: (231) 946-9320

April 18, 2014

City of Traverse City
Planning Commission
400 Boardman Ave, 2nd Floor
Traverse City, MI 49684

Notice of Intent to Prepare a Master Plan

This notice is to inform you that the Charter Township of Elmwood Planning Commission is preparing to update its existing 1999 Master Plan. This update represents a continuing effort that the Planning Commission has been working on, in one form or another, for the past several years.

The 1999 Master Plan was last reviewed and determined to be satisfactory in its current condition back in January 2006. In 2009, the Planning Commission considered reviewing the Master Plan for a second time. However, with the 2010 national census soon to be undertaken nationally, and a draft Zoning Ordinance waiting to be adopted, the Planning Commission decided to hold off reviewing the Master Plan until updated census information became available and the draft Zoning Ordinance was adopted.

With adoption of the Zoning Ordinance on the horizon in September 2011, a Planning Commission subcommittee was formed to create a Community Perception Survey to collect data for a subsequent Master Plan update. This survey was completed in the Fall of 2013. In August 2013, after a year of drafting, the Planning Commission adopted the Greilickville Commercial Corridor Subarea Master Plan. Now, with the draft Zoning Ordinance anticipated to be adopted later this year, the survey results, and the subarea master plan in hand, the Planning Commission is announcing plans to review its Master Plan.

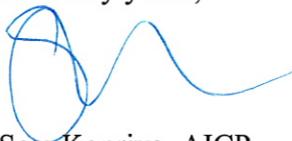
In accordance with Section 39 of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3839, this notice is to inform neighboring local governments, planning entities, and any public utilities and railroad companies of the Charter Township of Elmwood's intent to totally revise its existing Master Plan. The Elmwood Township Planning Commission welcomes your cooperation and comments on said proposed Master Plan when it becomes available.

Since developing/updating a comprehensive 20-year timeframe Master Plan can be a laborious task, it is anticipated that it will take the Township anywhere from 18 to 24 months to complete this update.

To the extent possible, all communications, drafts, and final plans will likely be provided for review through the Township's website located at <http://www.leelanau.cc/elmwoodtwp.asp>. Please notify me if you prefer to receive correspondence through in hard copy or regular mail. You may provide comments and input via regular mail at the address listed above, or via email at planner@elmwoodtownship.net.

We look forward to your future input. If at any time you have questions, please feel free to contact me.

Sincerely yours,



Sara Kopriva, AICP

Charter Township of Elmwood Planner

Highlights – Discussion with Planning Commission

May 6, 2014

Prepared by: Benjamin Marentette, City Clerk

Freedom of Information Act

- A State of Michigan law which provides public access to most public records of public bodies
- Generally, public records are documents created or received in a public official's capacity as a public official regardless of form: handwritten, typewritten, e-mails, voicemails, papers, maps, discs
- Generally, all records are subject to public disclosure unless specifically exempted (examples of exempt records: various law enforcement records, attorney-client privileged records, pending public bids, testing questions and answers).
- The City Clerk serves as the city's Freedom of Information Act Coordinator; a person makes a written request to the City Clerk for review of public records (in order to review, inspect or copy the public record)
- Generally, we must respond within 5 business days

Open Meetings Act

- A State of Michigan law which requires the public body to deliberate and conduct its business in an open meeting so the public may observe.
- Notice of the meeting must be posted at least 18 hours in advance at the public body's principal place of business
- Anytime there is a quorum of a public body for its official function, proper public notice must be given and the meeting must be conducted in compliance with OMA. ***A quorum is more than half of the public body; for Planning Commission, which consists of nine members, a quorum is five or more Planning Commissioners.***
- Subcommittees appointed by the public body are a public body themselves, i.e. ad hoc committees

- Public body may go into closed session for specific purposes, such as: trial and settlement strategy in a *pending* lawsuits; strategy in negotiation of collective bargaining agreement; attorney-client privileged communication. No decisions may be made in closed session; all decisions must be made in Open Session. ***Most likely reason for Planning Commission: Attorney-Client Privileged communication.***
- The agenda must contain a designated “public comment” section – public comment may limit time per speaker, but not limit time designated to public comment overall
- A person may address the public body under the public body’s rules
- The public has a right to “observe” deliberation of the public body, but not to deliberate with the public body
- Once the meeting has adjourned, members should depart and not continue conversations.

Boardmanship

- Set the example for respect – address everyone professionally – speak to an issue/debate directly, don’t make comments personal.
- Speak slowly, distinctly.
- As much as possible, ask clarifying questions of staff in advance of Commission meeting – and inform staff of any particular issues they should be prepared to cover. This is not to stifle public observation and debate, but to ensure preparedness.
- Review your meeting packet as far in advance as possible, to allow time for advance questions and staff responses.
- The Commission only speaks as a body – when speaking be sure to represent your opinions as yours, not as official City Commission position.

Highlights – Discussion with Planning Commission

May 6, 2014

Prepared by: Lauren Tribble-Laucht, City Attorney

Conflicts

- *Contractual* conflicts of interest are governed by state law, which generally prohibits a Commissioner from directly or indirectly being a party to or participating in any contract between himself or herself and the City. (rarely applies to Planning Commission)
- *Financial* conflicts of interest are governed by the City Charter, which provides a direct or indirect financial interest in any matter to be decided by the City (other than with respect to a contract) shall be disclosed and the Commissioner must refrain from voting upon or otherwise participating in the making of the decision.
- *Appearance* of a conflict of interest is a judicial doctrine, which exists where there is doubt in the public's mind as to the impartiality of the Commissioner's actions.

Incompatible Offices

- State law mandates a public officer shall not hold two or more incompatible office at the same time.
- “Incompatible offices” exist when the performance of the duties of the offices held by the official results in *subordination* of one public office to another, *supervision* of one public office by another or a *breach of duty* of public office.

Ethics

- Commissioners have a duty to vote on every matter before the Commission in the absence of a conflict.

Capital Improvement Plan (CIP)

- The City Charter mandates the City Planning Commission be established by ordinance and have the powers and duties prescribed by State Law. State Law grants the Planning Commission certain powers and duties.
- The Michigan Planning Enabling Act provides the Planning Commission must approve the *location, character, and extent* of any street, public way, open space, structure, or

utility covered by a municipal master plan before its construction or authorization for construction. (MCL 125.3861)

- The Michigan Planning Enabling Act provides the Planning Commission must, after having adopted a master plan, prepare an annual capital improvements program of public structures and improvements.
 - The capital improvements program must show those public structures and improvements, in the *general order* of their *priority*, that in the Commission's judgment will be needed or desirable and can be undertaken within the ensuing 6-year period.
 - The capital improvements program must be based upon the requirements of the local unit of government for all types of public structures and improvements.
 - Each agency or department of the City with authority for public structures or improvements must furnish the Planning Commission with lists, plans, and estimates of time and cost of those public structures and improvements upon request.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: SIZE AND AREA REQUIREMENTS BUILDING HEIGHT ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Size and Area Requirements Section 1368.01, *Building Height*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

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	40 ⁸
C-1	30 ⁸ (40 ^{5,3,8})
C-2	30 ⁸ (40 ^{5,3,8})
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 ^{2,5,8}
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 existing building may have an addition of no larger than the area of the first floor of that building as it existed on the

SIZE AND AREA REQUIREMENTS

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 Fortyfive (405) 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.

The effective date of this Ordinance is the _____ day of _____, 2014.

I hereby certify the above ordinance amendment was introduced on _____, 2014, at a regular meeting of the City Commission and was enacted on _____, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, 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 _____.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: HOTEL RESORT (HR) BUILDING HEIGHT ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Hotel Resort (HR) District Section 1338.06, *Building Height*, and Section 1338.09, *Special Requirements*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1338.06 BUILDING HEIGHT.

(a) **Building height:** Maximum 405 feet.

(b) **Exceptions:**

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

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

1338.09 SPECIAL REQUIREMENTS.

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

- (a) Mechanical equipment shall be screened from public view using the same materials used for the building walls or material which is approved by the Planning Director as visually compatible with the building.
- (b) The main entry door of the principal building must face the street.
- (c) Window openings in the principal building must constitute a minimum of 40 percent of the area of the first story street wall facing any public street unless the building is solely for residential use.
- (d) Window glazing shall be recessed from the outside of all walls.
- (e) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street-facing wall may be achieved with wall offsets in combination with pilasters, corbeling or other permanent architectural elements, however, offsets in any wall shall not be less than eight inches from the subject plane.
- (f) All buildings that front the street, except for parking structures, accessory and utility buildings and buildings that are intended and designed to be exclusively developed for residential use shall have a minimum height of 15 feet measured from the street level entrance level to the next finished level or roof structure. The Planning Director may grant a first floor building height exception if it has been clearly demonstrated that such provision is unnecessary or that such requirements would create a practical difficulty, as contrasted merely granting an advantage or convenience.

HOTEL RESORT DISTRICT

The effective date of this Ordinance is the _____ day of _____, 2014.

I hereby certify the above ordinance amendment was introduced on _____, 2014, at a regular meeting of the City Commission and was enacted on _____, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, 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 _____.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: OFFICE SERVICE (C-1) DISTRICT RESIDENTIAL BONUS BUILDING HEIGHT AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1340.06, *Building Height*, and Section 1340.09, *Special Requirements*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1340.06 BUILDING HEIGHT.

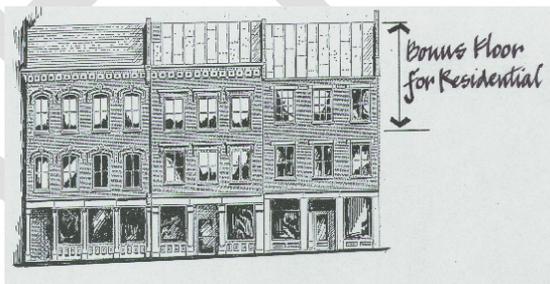
(a) **Building height:**

Maximum 30 feet or with a floor designed and used for residential purposes: maximum 405 feet

(b) **Exceptions:**

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

Parapet walls may be erected as necessary to screen a building's rooftop mechanical equipment if the wall extends around the perimeter of the building and incorporates exterior building materials similar to those of the main building.



1340.09 SPECIAL REQUIREMENTS.

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

To preserve and reinforce the context of historic buildings and land to establish development patterns of the Office Service district, all new buildings and additions to existing buildings are to be designed, constructed and used in accordance with the following standards:

- (a) Except for buildings located on Garfield Avenue, no building shall have a gross floor area of more than 4,500 square feet on one level, and no more than 9,000 square feet gross floor area total, except a third floor and an additional 4,500 square feet are allowed if such floor is designed and used for residential purposes.
- (b) No use shall be open to the public between the hours of 10:00 p.m. and 6:00 a.m.
- (c) The predominant building wall and entryway shall face the street.
- (d) Unless determined to be impractical by the Planning Director, the building width shall not be less than 80 percent of the property width at the street.
- (e) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street facing wall may be achieved with wall offsets in combination with pilasters, corbeling or other permanent architectural elements, however, offsets in any wall shall not be less than eight inches from the subject plane.

- (f) Window glazing shall be recessed from the outside of all building walls.
- (g) Clear or lightly tinted transparent glass shall be used for all windows facing a public street. Decorative stained glass may be used for accents. Mirrored, smoked and darkly tinted glass is prohibited.
- (h) Street-facing building facades shall incorporate permanent architectural elements which create shadow patterns and surface textures which, in turn, enhance visual interest.
- (i) Except for buildings that are solely residential, windows or street level activities are required on 50 percent of the first story street wall facing any public street. Street level activities include public display space, public atriums, pedestrian entrances and interior circulation and windows with views into any designated street level use.
- (j) For each 90 feet of linear building frontage, pedestrian entrances will be required. Pedestrian entrances may open onto the sidewalk or mid-block passages or walkways leading to the public right-of-way. Entries must be prominently identified and must not interfere with safe pedestrian passage along walkways. Primary entries must set back a minimum four feet from the facade.
- (k) The spacing and shape of windows and openings on the building shall closely reflect the fenestration of any adjacent historic buildings. Brick, stone, wood or a combination thereof, compatible with adjacent historic buildings, shall be used.
- (l) Fenestration, cornices and other primarily horizontal architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the area.
- (m) Any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.
- (n) All buildings that front the street, except for parking structures, accessory and utility buildings and buildings that are intended and designed to be exclusively developed for residential use shall have a minimum height of 15 feet measured from the street level entrance level to the next finished level or roof structure. The Planning Director may grant a first floor building height exception if it has been clearly demonstrated that such provision is unnecessary or that such requirements would create a practical difficulty, as contrasted merely granting an advantage or convenience.

The effective date of this Ordinance is the _____ day of _____, 2014.

I hereby certify the above ordinance amendment was introduced on _____, 2014, at a regular meeting of the City Commission and was enacted on _____, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, 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

Benjamin C. Marentette, City Clerk

DRAFT

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: NEIGHBORHOOD CENTER (C-2) DISTRICT RESIDENTIAL BONUS
BUILDING HEIGHT AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Section 1342.06, *Building Height*, and Section 1342.09, *Special Requirements*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1342.06 BUILDING HEIGHT.

- (a) **Building height:** Maximum 30 feet or with a floor designed and used for residential uses: maximum 405 feet.
- (b) **Exceptions:**
 - Steeple and clock towers** may be erected to a height not exceeding twice the height of the attached building.
 - Parapet walls** may be erected as necessary to screen rooftop equipment if the wall extends around the perimeter of the building and incorporates the exterior building materials similar to those of the main building.

1342.09 SPECIAL REQUIREMENTS.

To preserve and reinforce the context of historic buildings and to establish land development patterns of the Neighborhood Center district, all new buildings and additions to existing buildings are to be designed, constructed and used in accordance with the following standards:

- (a) No building shall have a gross floor area of more than 6,000 square feet on one level, and no more than 12,000 square feet gross floor area total, except a third floor and an additional 6,000 square feet are allowed if such floor is designed and used for residential purposes.
- (b) No use shall be open to the public between the hours of 2:00 a.m. and 6:00 a.m.
- (c) The predominant building wall and entryway shall face the street.
- (d) Unless determine to be impractical by the Planning Director, the building width shall not be less than 80 percent of the property width at the street.
- (e) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units Relief from a continuous street facing wall may be achieved with wall offsets in combination with pilasters, corbeling or other permanent architectural elements, however, offsets in any wall shall not be less than eight inches from the subject plane.
- (f) Window glazing shall be recessed from the outside of all building walls.
- (g) Clear or lightly tinted transparent glass shall be used for all windows facing a public street. Decorative stained glass may be used for accents. Mirrored, smoked and darkly tinted glass is prohibited.
- (h) Street-facing building facades shall incorporate permanent architectural elements which

create shadow patterns and surface textures which, in turn, enhance visual interest.

- (i) Except for buildings that are solely residential, windows or street level activities are required on 50 percent of the first story street wall facing any public street. Street level activities include public display space, public atriums, pedestrian entrances and interior circulation and windows with views into any designated street level use.
- (j) For each 90 feet of linear building frontage, pedestrian entrances will be required. Pedestrian entrances may open onto the sidewalk or mid-block passages or walkways leading to the public right-of-way. Entries must be prominently identified and must not interfere with safe pedestrian passage along walkways. Primary entries must set back a minimum four feet from the facade.
- (k) The spacing and shape of windows and openings on the building shall closely reflect the fenestration of any adjacent historic buildings. Brick, stone, wood or a combination thereof, compatible with adjacent historic buildings, shall be used.
- (l) Fenestration, cornices and other primarily horizontal architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the area.
- (m) Any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.
- (n) All buildings that front the street, except for parking structures, accessory and utility buildings and buildings that are intended and designed to be exclusively developed for residential use shall have a minimum height of 15 feet measured from the street level entrance level to the next finished level or roof structure. The Planning Director may grant a first floor building height exception if it has been clearly demonstrated that such provision is unnecessary or that such requirements would create a practical difficulty, as contrasted merely granting an advantage or convenience.

The effective date of this Ordinance is the _____ day of _____, 2014.

I hereby certify the above ordinance amendment was introduced on _____, 2014, at a regular meeting of the City Commission and was enacted on _____, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, 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

_____.

Benjamin C. Marentette, City Clerk

DRAFT

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: COMMUNITY CENTER (C-3), REGIONAL CENTER (C-4), AND DEVELOPMENT (D) DISTRICTS FIRST FLOOR 15-FOOT REQUIREMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Community Center (C-3) District Section 1344.09, *Special Requirements*, Regional Center (C-4) Districts 1346.09, *Special Requirements*, and Development (D) Districts Section 1347.09, *Special Requirements*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

COMMUNITY CENTER (C-3) DISTRICT 1344.09 SPECIAL REQUIREMENTS.

To establish land development patterns of the district, all new buildings and additions to existing buildings are to be designed and constructed in accordance with the following standards:

- (a) The predominant building wall and entryway shall face the public or private street.
- (b) Unless determined to be impractical, by the Planning Director, the building width shall not be less than 60 percent of the property width at the street.
- (c) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street facing wall may be achieved with wall offsets in combination with pilasters, corbeling or other permanent architectural elements; however, offsets in any wall shall not be less than eight inches from the subject plane.
- (d) Horizontal building modulation shall be used to reduce the perceived mass of a large building. Horizontal awnings, balconies, and roof features should be incorporated into new developments provided that their appearance varies through the use of color, materials, size and location.
- (e) Except for buildings that are solely residential, windows or street level activities are required on 40 percent of the first story street wall facing any public street. Street level activities include public display space, public atriums, pedestrian entrances and interior circulation and windows with views into any designated street level use.
- (f) Clear or lightly tinted transparent glass shall be used for all windows facing a public street. Decorative stained glass may be used for accents. Mirrored, smoked and darkly tinted glass is prohibited.
- (g) Street-facing building facades shall incorporate permanent architectural elements which create shadow patterns and surface textures which, in turn, enhance visual interest.
- (h) Any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.
- (i) All buildings that front the street, except for parking structures, accessory and utility buildings and buildings that are intended and designed to be exclusively developed for

residential use shall have a minimum height of 15 feet measured from the street level entrance level to the next finished level or roof structure. The Planning Director may grant a first floor building height exception if it has been clearly demonstrated that such provision is unnecessary or that such requirements would create a practical difficulty, as contrasted merely granting an advantage or convenience.

REGIONAL CENTER (C-4) DISTRICTS

1346.09 SPECIAL REQUIREMENTS.

To preserve and reinforce the context of historic buildings and land to establish development patterns of the Regional Center district, all new buildings and additions to existing buildings are to be designed and constructed in accordance with the following standards:

- (a) The predominant building wall and entryway shall face the public or private street.
- (b) Unless determined to be impractical by the Planning Director, the building width shall not be less than 90 percent of the property width at the street.
- (c) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street facing wall may be achieved with wall offsets in combination with pilasters, corbeling or other permanent architectural elements; however, offsets in any wall shall not be less than eight inches from the subject plane.
- (d) Horizontal building modulation, like awnings, balconies and roof features shall be used to reduce the perceived mass of a large building.
- (e) Fenestration, cornices and other architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the area.
- (f) Window glass planes shall be recessed at least four inches from the outside of all building walls to create a shadow line except in bay windows and to other projecting window elements.
- (g) Clear or lightly tinted transparent glass shall be used for all windows facing a public street. Decorative stained glass may be used for accents. Mirrored, smoked and darkly tinted glass is prohibited.
- (h) New buildings and additions to existing buildings, including parking structures, shall be constructed of durable materials utilizing the predominant building materials of traditional brick and stone used in the Regional Center District or constructed of materials of comparable aesthetic value.
- (i) Any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.
- (j) Except for buildings that are solely residential, windows or street level activities are required on 50 percent of the first story street wall facing any public street. Street level activities include public display space, public atriums, pedestrian entrances and exterior circulation.
- (k) For each 90 feet of linear building frontage, pedestrian entrances are required. Pedestrian entrances may open onto the sidewalk or mid-block passages or walkways leading to the public right-of-way. Entries must be prominently identified and must not interfere with safe pedestrian passage along walkways. Primary entries must set back a minimum four

feet from the property line.

- (l) All buildings that front the street, except for parking structures, accessory and utility buildings and buildings that are intended and designed to be exclusively developed for residential use shall have a minimum height of 15 feet measured from the street level entrance level to the next finished level or roof structure. The Planning Director may grant a first floor building height exception if it has been clearly demonstrated that such provision is unnecessary or that such requirements would create a practical difficulty, as contrasted merely granting an advantage or convenience.

DEVELOPMENT (D) DISTRICTS

1347.09 SPECIAL REQUIREMENTS:

Ironworks (D-1), Depot (D-2) and Red Mill (D-3) areas. To preserve and reinforce the context of historic buildings and to establish land development patterns of the development districts, all new buildings and additions to existing buildings are to be designed and constructed in accordance with the following standards:

- (a) The predominant building wall and entryway shall face the public or private street.
- (b) Unless determined to be impractical, by the Planning Director, the building width shall not be less than 90 percent of the property width at the street.
- (c) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street facing wall may be achieved with wall offsets in combination with pilasters, corbeling or other permanent architectural elements; however, offsets in any wall shall not be less than eight inches from the subject plane.
- (d) Horizontal building modulation like awnings, balconies and roof features shall be used to reduce the perceived mass of a large building.
- (e) Fenestration, cornices and other primarily horizontal architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the area.
- (f) Window glass planes shall be recessed at least four inches from the outside of all building walls to create a shadow line except in bay windows and to other projecting window elements.
- (g) Clear or lightly tinted transparent glass shall be used for all windows facing a public street. Decorative stained glass may be used for accents. Mirrored, smoked and darkly tinted glass is prohibited.
- (h) New buildings and additions to existing buildings, including parking structures, shall be constructed of durable materials utilizing the predominant building materials used in the district and every building facade shall be constructed of materials comparable in aesthetic value.
- (i) Any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.
- (j) Except for buildings that are solely residential, windows or street level activities are required on 50 percent of the first story street wall facing any public street. Street level activities include public display space, public atriums, pedestrian entrances and exterior circulation.

- (k) For each 90 feet of linear building frontage, pedestrian entrances are required. Pedestrian entrances may open onto the sidewalk or mid-block passages or walkways leading to the public right-of-way. Entries must be prominently identified and must not interfere with safe pedestrian passage along walkways. Primary entries must be set back a minimum of four feet from the property line.
- (l) All buildings that front the street, except for parking structures, accessory and utility buildings and buildings that are intended and designed to be exclusively developed for residential use shall have a minimum height of 15 feet measured from the street level entrance level to the next finished level or roof structure. The Planning Director may grant a first floor building height exception if it has been clearly demonstrated that such provision is unnecessary or that such requirements would create a practical difficulty, as contrasted merely granting an advantage or convenience.

The effective date of this Ordinance is the _____ day of _____, 2014.

I hereby certify the above ordinance amendment was introduced on _____, 2014, at a regular meeting of the City Commission and was enacted on _____, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, 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 _____.

Benjamin C. Marentette, City Clerk



Communication to the Planning Commission

FOR THE MEETING OF: May 6, 2014

FROM: Russ Soyring, Planning Director

SUBJECT: Capital Improvement Program- 2014-15 Projects for further review by the Planning Commission

DATE: May 1, 2014

The Capital Improvement Program (CIP) was discussed at the February 19, 2014, March 4, 2014 and April 1, 2014 Planning Commission meetings. In addition, a staff-led CIP committee met frequently since last fall to develop better CIP processes. The course by which projects are reviewed by the Planning Commission are identified in the attached Project flow chart. The project list that have been identified for further review by the Planning Commission has been distributed at several Planning Commission and CIP Committee meetings, but has never been formally acted upon. At our latest CIP Committee meeting, it was suggested that the document be formally accepted by the Planning Commission.

If you agree with the recommendation to formally accept the 2014-15 Capital Projects list for further review by the Planning Commission, then the following motion would be appropriate:

That the Planning Commission accepts the “2014-15 Capital Projects for further review by the Planning Commission” document dated 4/23/14 and staff will bring forward the projects on that list for review for consistency with the Master Plan when project details are available.

RAS:mll

Attachments

Capital Projects for further review by the City Planning Commission

Michigan Planning Act (Section 61) reads:

“ A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the **location, character, and extent** of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body, or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission.” (Emphasis added)

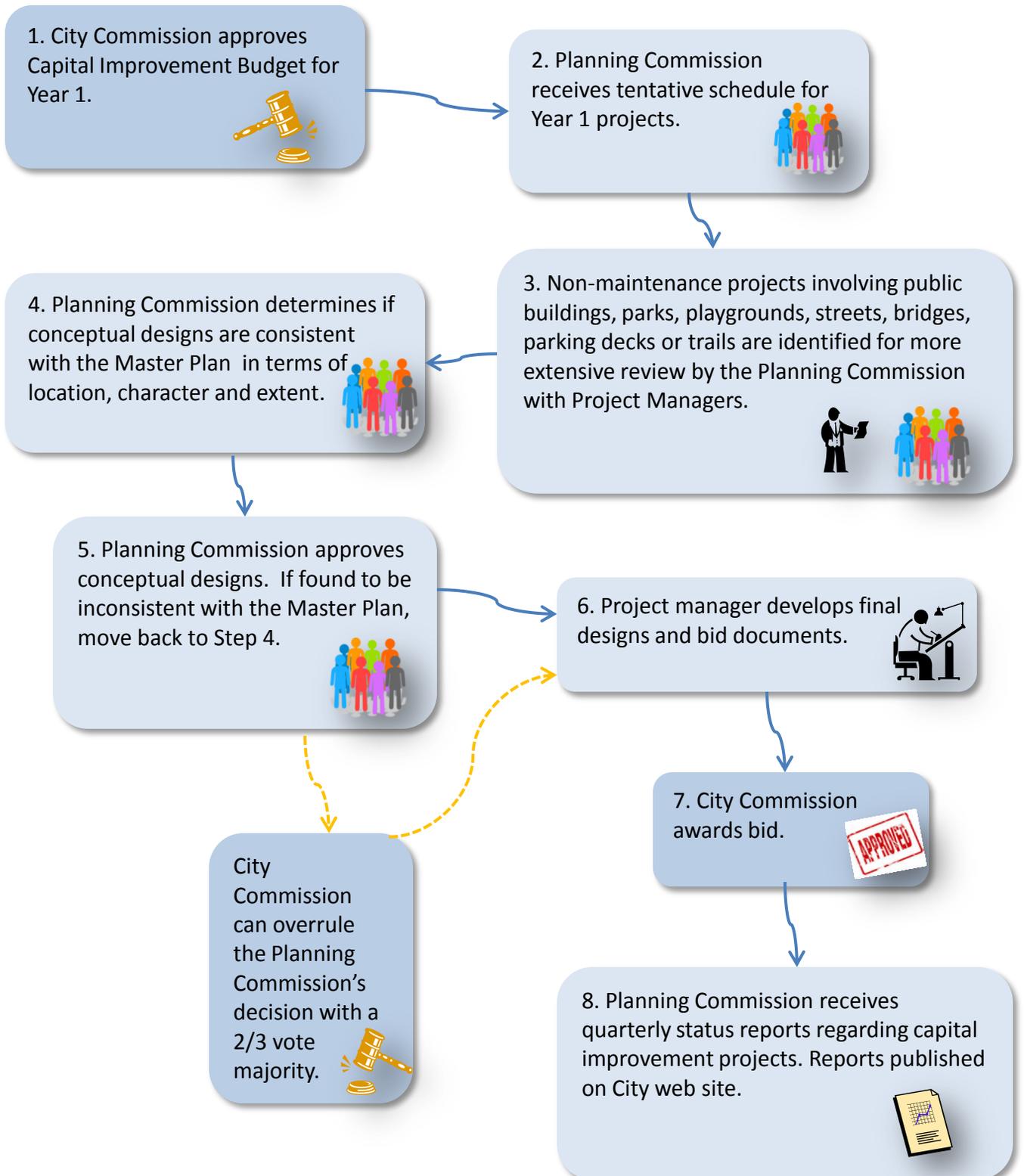
Approved projects, but not yet constructed:

- Slabtown Beach Phase (Trail Extension) and Grandview Parkway Crossing- *approved 11/16/11*
- Garland Streetscape- *approved 7/20/11*
- Cass and Lake Streetscape- *approved 2/7/12*
- Boardman Lake Trail (West shore)- *approved 11/6/12*
- 2014 Street Projects (including segments of West Front Street, Union Street, Sequoia Street and Santo Street) - *approved 9/4/13*
- Pine Street Pedestrian Way- *approved 3/4/14*
- Eighth Street Bridge Repair- *approved 3/4/14*
- West Front Street Bridge Replacement- *approved 3/18/14*
- Lot D (Boat Launch) Reconstruction- *approved 3/18/14*
- Clancy Park Improvements- *approved 4/1/14*

Projects (only listed are the projects requiring further review in FY14/15-FY15/16):

- Bayfront Plan:
 - Public Pier
- Parks and Recreation:
 - Brown Bridge Upper Trail Connector Bridge (east-west)
 - Hannah Park Improvements
- Streets, Streetscapes and Bridges:
 - Annual Corridor Improvements
 - Annual Streets Programs
 - Annual Sidewalk Improvements
 - Bayshore Corridor Strategy
 - Division Street
 - East Front Street Streetscapes (Boardman to Grandview Pkwy)
 - Park Street Deck Entrance and Streetscapes
- Parking Lots:
 - Lot B (Farmers Market) Improvements
- Buildings:
 - Senior Center Building renovation
 - Oakwood Cemetery: Construct New Maintenance Facility
- Other:
 - West Front Parking Deck

Capital Improvement Projects





Communication to the Planning Commission

FOR THE MEETING OF: May 6, 2014

FROM: Russ Soyring, Planning Director

SUBJECT: Regulations for Transitional housing and Emergency Shelters

DATE: May 2, 2014

The City of Traverse City received a proposal to use a City-owned building for a homeless shelter at the south end of Wellington Street. A homeless shelter or an emergency shelter is not listed as a permitted use or as a discretionary use (Special Land Use Permit) in any zoning district. Earlier this year the reconstituted Housing Building Committee of the Planning Commission was tasked with developing regulations for Emergency shelters. Planning Commissioners Bergman (Chair), McNally and Warren serve on the committee.

Currently, the zoning code permits "Transitional housing" by Special Land Use Permit in HR, C-1, C-3, H-1 and H-2 districts and "Residential Care and Treatment Facilities" by Special Land Use Permit in R-9, R-15, R-29, HR, C-1, C-3, H-1 or H-2 districts. (Please see Section 1320.08 for definitions for these uses.)

The Housing Building Committee is recommending that Emergency Shelters be added as a Special Land Use in various districts. (Please see the map attached that shows the locations where such uses could be located provided the request meets all the general and specific standards.) The Committee is also recommending the "Transitional housing" requirements are modified to meet nearly the same requirements that are proposed for "Emergency shelters". The process for approval for these uses, should the draft language be adopted, would require public hearings before both the Planning Commission and the City Commission before a Special Land Use Permit could be granted.

If are in support of the Housing Building Committee developed, the following motion would be appropriate:

I move that a Public Hearing be scheduled for June 3, 2014 to consider an amendment to General Provisions and Definitions Section 1320.07, *Definitions*; Special Land Use Regulations Section 1364.01, *Types of Special Land Use Review* and Section 1364.08, *Special Land Use Permits Granted by the City Commission*, regarding allowing Emergency shelters and establishing regulations for Emergency shelters and modifying the regulations for Transitional housing.

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: EMERGENCY SHELTER DEFINITION AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That General Provisions and Definitions Section 1320.07, *Definitions*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1320.07 DEFINITIONS.

As used in this Chapter:

Abutting means a lot or parcel which shares a common border with the subject lot or parcel.

Accessory building means a building or structure customarily incidental and subordinate to the principal building and located on the same lot as and spacially separated from the principal building.

Accessory dwelling unit means a secondary, self-contained dwelling allowed only in conjunction with a detached single family dwelling. It is subordinate in size, location and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. It may be located within, attached to or detached from the primary single family dwelling.

Accessory use means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Foster Care Family Home means a private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home State licensee shall be a member of the household and an occupant of the residence.

Adult foster care small group home means a State licensed adult foster care facility with the approved capacity for not more than 12 adult residents to be provided foster care.

Affordable housing means housing units for eligible low-income households where the occupant is paying no more than 30% of gross income for housing costs.

Aggrieved person means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Airport terminal means the main passenger location of an airport and includes all office, hotel and retail uses commonly occurring at such locations.

Alley means a way which functions primarily as a service corridor and provides access to properties abutting thereon. "Alley" does not mean "street".

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

Basement means that portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story (see Figure 1-1). A cellar is a basement.

Berm means a constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

Block means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Block, face. "Face block" means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boat house means an enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

Boat livery means any structure, site or tract of land utilized for the storage, servicing, docking or rental of watercraft for a fee.

Brew pub means a facility as defined such by the State of Michigan.

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, height of. See "Height of building".

Building, principal. "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located.

Cemetery means property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or household pets.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists or similar professions.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the public.

Cluster means a development design technique that concentrates building on a portion of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

Communication Antenna means a device, dish or array used to transmit or receive telecommunications signals mounted on a communication tower, building or structure that is greater than one square meter in a residential district or two square meters in a non-residential district. Antenna does not include federally-licensed amateur radio station, television or radio receive-only antennas or antennas used solely for personal use. Communication antennas are not "essential services," public utilities or private utilities.

Communication tower or tower means any structure that is primarily designed and constructed for the purpose of supporting one or more antennas for telecommunications, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. Communication towers are not "essential services," public utilities or private utilities.

Community Garden means a parcel gardened collectively by a group of people.

Convenience store means a retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Country club. See "golf course".

Critical root zone means a circular area surrounding a tree, the radius of which is measured outward from the trunk of a tree one foot for each one inch of diameter at breast height. The critical root zone shall also extend to a depth of four feet below the natural surface ground level.

Cultural facilities means facilities for activities for the preservation and enhancement for the cultural well-being of the community.

Development means all structures and other modifications of the natural landscape above and below ground or water on a particular site.

Diameter at breast height means the diameter of a tree trunk in inches measured by diameter at four and one-half feet (4.5') above the ground.

District means a section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, setbacks and the intensity of use are uniform.

Drive-in means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Drive-through means an establishment which by design, physical facilities, service, or by

packaging procedures encourages or permits customers to receive service or obtain goods intended to be consumed off-premises.

Dripline means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Driveway means a means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

Driveway, Service means a point of access solely for the use of vehicles designed to load and unload trash receptacles three cubic yards or more in size.

Dwelling means any building or portion thereof which is designed for or used exclusively for residential purposes and containing one or more dwelling units.

Dwelling, multiple family. "Multiple family dwelling" means a building or portion thereof containing three or more dwelling units and designed for or occupied as the home of three or more families living independently of each other.

Dwelling, single-family. "Single-family dwelling" means a detached building containing one dwelling unit and designed for or occupied by only one family.

Dwelling, two-family. "Two-family dwelling" means a building designed for or occupied exclusively by two families living independently of each other.

Dwelling unit means one or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. The existence of a food preparation area within a room or rooms shall be evidence of the existence of a dwelling unit.

Eligible household means a household meeting the income criteria included in Chapter 1376, with income determined in a manner consistent with determinations of lower-income households and area median income under Section 8 of the U.S. Housing Act of 1937, as amended (Section 8 Housing Program).

Eligible housing nonprofit means a 501(c)3 nonprofit housing organization with the means and capacity to guarantee and enforce long-term affordability of affordable housing units meeting the requirements of Chapter 1376.

Emergency shelter means a facility operated by a governmental or nonprofit agency where supportive services and shelter are offered to homeless persons.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential services means the installation, construction, alteration or maintenance by public utilities or governmental agencies of underground, surface or overhead telephone, electrical, gas, steam, fuel, or water distribution systems, collections, supply or disposal systems, streets, alleys, sidewalks, or trails, including pavement, traffic control devices, signs, poles, wires, mains, drains, sewers, pipes, conduits, cables, padmount transformers, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or governmental agencies for the general public health, safety, convenience or welfare. "Essential services" do not include communication antennas and communication towers.

Essential service-structures. The erection, construction, alteration or maintenance by public utilities or governmental agencies of structures not in the right-of-way over 800 cubic feet in area including, but not limited to, towers, transmission and subtransmission facilities, or buildings related to essential services in all districts.

Facade means the exterior wall of a building exposed to public view.

Family means one or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel.

Fence means a constructed barrier made of wood, metal, stone, brick or any manufactured materials erected for the enclosure of yard areas.

Flood plain, 100 year. "100 year flood plain" means the lowland areas adjoining inland and

coastal waters which are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency) and which are estimated to have a one per cent chance of flooding in a given year.

Floor area. See AGross Floor Area@.

Frontage means the total continuous width of the front lot line.

Golf course/country club means any golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges and miniature golf courses as a principal use.

Grade means

1. **For buildings having walls adjoining one street only:** the elevation of the public sidewalk, top of curb, or centerline of the street right-of-way, whichever is closest to the building, where a building wall adjoins a street.
2. **For buildings having walls adjoining more than one street:** the average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
3. **For buildings having no wall adjoining the street:** the average of the lowest and highest ground surface elevations in an area within six feet of the foundation line of a building or structure. Any building or structure wall within 35 feet of a public or private street shall be considered as adjoining the street. (See Figure 1-2.)

Greenbelt means a strip of land of definite width and location upon which existing vegetation is preserved or an area is reserved for the planting of living plant materials to serve as an obscuring screen or buffer strip in carrying out the requirements of thisCode.

Grocery store means a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Height of building means the vertical distance from the grade to the highest point on a mansard or flat roof or to the median height between the eaves and the ridge for gable, hip and gambrel roofs. (See Figure 1-3).

Home occupation means an accessory use of a dwelling unit for business purposes.

Impervious surface means 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.

Impervious surface ratio means the area of impervious surface less those areas used exclusively for pedestrian circulation or outdoor recreational facilities divided by the gross site area.

Kennel means any lot or premises used for the sale, boarding, or breeding of dogs, cats or other household pets or the keeping of five or more dogs or cats in any combination over the age of six months.

Land clearing means:

1. The clearing of over 8,000 square feet of vegetation from any site, or
2. The removal of more than 20 trees more than 6 inches in diameter at breast height within 50 feet of a public or private street or river.

Mowing, trimming or pruning of vegetation to maintain it in a healthy, viable condition is not considered land clearing.

Landing area means a landing pad, area, strip, deck or building roof used to launch or receive aircraft, including, but not limited to, power-driven winged or delta-winged aircraft, gliders, balloons and helicopters.

Landscaping means some combination of planted trees, vines, ground cover, flowers or turf so long as a minimum of 80 per cent of the landscape area is covered by living plant material. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, pools, art works, screens, walls, fences and benches.

Laundromat means a business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including one principal building together with accessory buildings, open spaces and parking areas required by this Zoning Code, and having its principal frontage upon a street or upon an officially approved private street. The word "lot" includes the words "plot", "tract" or "parcel".

Lodging Facility means a commercial establishment with one or more buildings whose primary use is to provide temporary overnight accommodations within individual guest rooms or suites to the general public for compensation. Accessory uses may include eating places, meeting rooms and other similar uses.

Lot, corner. "Corner lot" means a lot which has at least two contiguous sides abutting on and at the intersection of two or more streets.

Lot of record means a lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat.

Lot, through. A Through lot means an interior lot having frontage on two more or less parallel streets.

Lot width means the horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Manufacturing means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

Marina means a commercial mooring, berthing, or docking facility for watercraft with or without provisions for launching, haulout, servicing, fueling or sales of accessory supplies.

Mechanical amusement arcade means any place, premises, room or establishment in which a substantial and significant portion of the business is devoted to the operation of mechanical amusement devices, or in which more than five mechanical amusement devices are located and available for operation. For purposes of this Zoning Code, a mechanical amusement arcade shall not include the following:

1. Mechanical amusement devices located in bars, taverns and cocktail lounges which are properly licensed by the State when the devices are located so as to be an integral part of the licensed operation and are available only to tavern patrons; and
2. Mechanical amusement devices located in motels or hotels when the devices are generally available only to registered guests.

Mechanical amusement device means any machine which, upon the insertion of a coin, slug, token, plate or disk, or upon payment of a price, may be operated by the public generally for use as a game, entertainment or amusement, including, but not limited to, games registering a score; electronic video games; mechanical and/or electronic devices, such as marble machines, pinball machines, mechanical grab machines, shuffle board game machines, pool tables and billiard tables; and all game operations or transactions similar thereto, whether operated by hand, electric power or a combination thereof. "Mechanical amusement device" shall not include:

1. A juke box or other similar device which plays only music for money;
2. A full-size bowling lane or alley;
3. A movie theater seating more than ten persons; and
4. A vending machine dispensing food, drink, tobacco, toys or written material, which material can be utilized away from the premises where the machine is located and does not require further participation by the person inserting the item or paying the price at the location of the machine. A mechanical amusement device located on property used solely for a residential purpose or a private club, which device is not available for use by the general public, shall be exempt from this definition.

Medical Marijuana means marijuana as defined by the Michigan Medical Marijuana Act., MCL 333.26421 et seq. grown, used, or transferred for "medical use" as defined by the Michigan

Medical Marihuana Act., MCL 333.26421 et seq.

Medical Marihuana Collective means a use where Medical Marihuana is transferred, pursuant to the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical Marihuana Cultivation means a use where Medical Marihuana is grown as permitted by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical Marihuana Cultivation Facility means a use where more than 72 plants are being cultivated on a Parcel.

Microbrewery means a facility as defined as such by the State of Michigan.

Non-conforming use means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nursing home. See "Residential care and treatment facility".

Open space, common. "Common open space" means land within or related to a development, not individually owned that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Operator of Medical Marihuana Collective means any person who is employed by or otherwise involved in the operation of a Medical Marihuana Collective.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is identified along Grand Traverse Bay and the lower Boardman River as elevation 581.04 feet USGS.

Owner means any person having an ownership interest in a premises as shown on the latest Traverse City tax records.

Parcel. See a "lot".

Parking area means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, driveways and legally designated areas of public streets.

Parking area, commercial. "Commercial parking area" means a tract of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot and which contains parking space rented to the general public or reserved for individuals by the hour, day, week or month.

Parking area, off-street. "Off street parking area" means a land surface or facility providing vehicular parking spaces off of a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of motor vehicles.

Parking area, private. "Private parking area" means a parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking area, public. "Public parking area" means a publicly owned or controlled parking area available to the public, with or without payment of a fee.

Parking space means an area of land provided for vehicles exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

Parking structure means a building or structure consisting of more than one level and used to store motor vehicles.

Pavement. "Pavement" and "paved" mean permanent and completely covered with concrete, a bituminous surface, brick or other surface approved by the Planning Director.

Pedestrian scale means design and construction considerations based upon the scale of a human being which imbue occupants and users of the built environment with a sense of comfort and security.

Person means a corporation, association, partnership, trust, firm or similar activity as well as an individual.

Place of worship means a building wherein persons regularly assemble for religious worship and

which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Planning director means the head of the City Planning and Zoning Department or the designee of that person.

Plat means a map of a subdivision of and recorded with the Register of Deeds pursuant to State statute

Primary Caregiver means a primary caregiver with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Public utility means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Qualifying Patient means a qualifying patient with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

R-District means a residence district, namely an RC, R-1a, R-1b, R-2, R-9, R-15, and R-29 district.

Recreational facilities means a public or private non-profit facility for athletic activities such as ice arenas, stadiums, indoor sports arenas, community recreation centers, indoor and outdoor swimming pools.

Recreational vehicle means a vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Residential Care and Treatment Facility means a facility providing:

1. Services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation;
2. Temporary emergency shelter and services for battered individuals and their children in a residential structure.

Restaurant, family means an establishment where food and drink are prepared and served to seated customers. Customer turnover rates are typically less than one hour. Generally, these establishments serve breakfast, lunch, and dinner and sometimes are open 24 hours a day. It may include cafeteria-style facilities.

Restaurant, fast food means an establishment where food and drink are served to customers at a counter. Such establishments may or may not have seating facilities. Generally, food and drink is ordered and taken to be consumed outside the restaurant building.

Restaurant, fine means an establishment where food and drink are prepared and served. Customer turnover rates are typically one hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch.

Right-of-way means a public or private street, alley or easement permanently established for the passage of persons or vehicles.

Rooming house means a residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include lodging facilities, apartment houses, two and multi-family dwellings or fraternity and sorority houses.

School means an educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

Screen means a structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Screen, opaque means a masonry wall, fence sections, earthen berm, evergreen hedge or a combination of these elements which completely interrupt visual contact and provide spatial

separation.

Setback means the distance required between a lot line and a building wall.

Setback, front. A Front setback@ means the minimum required distance, extending the full lot width, between the principal building and the front lot line.

Setback, rear. A Rear setback@ means the minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front line.

Setback, side. A Side setback@ means the minimum required distance, extending from the front setback to the rear setback, between the principal and accessory building and the side lot line.

Site diagram means a drawing, drawn to scale, showing the location of buildings and structures on a lot, as well as driveways, curb cuts, alleys, streets, easements and utilities. See Appendix 1, Figure 1-4.

Site plan means a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

Stop work order means an administrative order which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Code.

Street means any public way, such as a public street, avenue or boulevard, at least 16 feet wide. Street does not mean "alley". See also "Private street".

Street, access. "Access street" means a street or alley designed primarily to provide access to properties.

Street, arterial. "Arterial street" means a street designed to carry high traffic volumes through the community.

Street, collector. "Collector street" means a street designed to carry moderately high traffic volumes from arterial and access streets.

Street, private. "Private street" means an officially approved thoroughfare, other than a public street or alley, permanently reserved as the principal means of access to abutting property.

Structural alterations means any change in a building requiring a building permit.

Structure means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but not limited to, freestanding signs, billboards, back stops for tennis courts and pergolas.

Tourist home means a single-family dwelling owned and occupied by a person renting out not more than three rooms for compensation to persons who do not stay for more than seven consecutive days.

Townhouse means a multiple dwelling in which each dwelling unit shares a common wall with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and has a separate ground-floor entrance.

Trailer means any enclosure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which has been or reasonably may be equipped with wheels or devices for transporting the enclosure from place to place. "Trailer" includes motor homes, travel trailers and camper vans.

Transit center means a fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines and other services.

Transitional housing means a facility which is operated by a government or a nonprofit agency providing interim sleeping and bath accommodations; interim eating and cooking facilities; and professional services to assist individuals or families in locating permanent housing.

Treelawn means the area of public right-of-way lying between the curb line of a curbed Street or developed travelway of a noncurbed street and the nearest private property line substantially parallel to said street.

Trip end means the total of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

Vacation Home Rental means a commercial use of a dwelling where the dwelling is rented or sold for any term less than 30 consecutive days.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Zoning Code.

Yard, front. "Front yard" means all land extending across the width of a property and lying between the building line and the front lot line.

Yard, rear. "Rear yard" means all land extending across the width of the property and lying between the building and the rear lot line.

Yard, side. "Side yard" means all land lying between a principal building and the side lot lines and extending from the front to the rear of the principal building.

Zoning Code means Part 13, Title One of the Code of Ordinances of the City of Traverse City and includes the text of this Zoning Code as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

The effective date of this Ordinance is the _____ day of _____, 2014.

I hereby certify the above ordinance amendment was introduced on _____, 2014, at a regular meeting of the City Commission and was enacted on _____, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, 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 _____.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: TRANSITIONAL HOUSING AND EMERGENCY SHELTER SPECIAL LAND USE PERMIT REVIEW ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Special Land Use Regulations Section 1364.01, *Types of Special Land Use Review*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1364.01 TYPES OF SPECIAL LAND USE PERMIT REVIEW.

- (a) **Types of Procedure.** Special Land Use Permits (SLUP's) are reviewed and approved through either a City Commission procedure or an administrative procedure depending upon the potential impact the proposed use or activity may have upon the adjacent land uses and the broader community.
- (b) **City Commission SLUP's.** Applications for special land use permits for the following uses shall be reviewed by the City Commission according to the procedures and standards contained in this chapter:
- (1) *New buildings 3,000 square feet or larger in gross floor area for allowed uses in an OS or RC district.*
 - (2) *Clustered single family dwellings allowed in an R-1a, R-1b or R-2 district.*
 - (3) *Communication towers allowed in a T, GP, I, C-3, NMC-2 (except on Grand Traverse Bay) and H-2 District or properties owned by governmental agencies.*
 - (4) *Convention centers in a D district.*
 - (5) *Conversions of one-family to two-family dwellings in an R-1a or R-1b district.*
 - (6) *Correctional institutions allowed in a GP district.*
 - (7) *Drive-throughs for finance services in C-4 and D districts.*
 - (8) *Essential services structures.*
 - (9) *Group day care homes, including adult daycare in an R-1a, R-1b, R-2, R-9, R-15 and R-29 district.*
 - (10) *Residential care and treatment facilities allowed in an R-9, R-15, R-29, HR, C-1, C-2, C-3 or H-1 or H-2 district.*
 - (11) *Schools allowed in an R-1a, R-1b, R-2, R-9, R-15, R-29, C-1, C-2, C-3 or GP district.*
 - (12) *Stores, retail, over 8,000 square feet per floor in a D district.*
 - (13) *Taller buildings allowed in a C-4b, C-4c, D, GP, NMC-2 or H-2 district.*
 - (14) *Temporary accessory dwelling units in an RC, R-1a or R-1b district.*
 - (15) *Theaters, live, and performance art centers allowed in an R-9, R-15 or R-29, Multiple Family Dwelling District.*
 - (16) *Transitional housing and Emergency shelters allowed in an HR, C-1, C-2, C-3, D-1, D-2, D-3, H-1 or H-2 or I district.*
 - (17) *Wind energy system, pole or tower-mounted, allowed in T, GP, C-3, NMC-1, NMC-2, H-1, H-2 or I district and properties owned by governmental agencies.*
 - (18) *Wind energy system, building-mounted, allowed in NMC-1, NMC-2, I, T, H-1, H-2, C-1, C-2, C-3, C-4, D and HR districts.*
- (c) **Administrative special land use permits.** Applications for special land use permits for the following uses shall be reviewed by the Planning Director according to the procedures and standards contained in this chapter:
- (1) *Adult foster care small group home in an RC, R-1a, R-1b and R-2 district.*
 - (2) *Communication antennas in all districts.*

- (3) *Group day care homes, including adult daycare* in an R-1a, R-1b, R-2, R-9, R-15 and R-29 district.
- (4) *Landing areas* in an H or GP district.
- (5) *Parking area, private*, in a C-4 district if public parking is available within 500 feet of an allowed use;
- (6) *Parking area construction deferral*.
- (7) *Places of worship* in an R-1a, R-1b, R-2, R-9, R-15 and R-29 district.

The effective date of this Ordinance is the _____ day of _____, 2014.

I hereby certify the above ordinance amendment was introduced on _____, 2014, at a regular meeting of the City Commission and was enacted on _____, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, 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 _____.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: TRANSITIONAL HOUSING AND EMERGENCY SHELTER SPECIAL LAND USE PERMITS REGULATIONS ORDINANCE AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That Special Land Use Regulations Section 1364.08, *Special Land Use Permits Granted by the City Commission*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1364.08 SPECIAL LAND USE PERMITS GRANTED BY THE CITY COMMISSION.

The City Commission may grant a special land use permit for the following uses in any district, except as herein qualified:

- (a) ***New buildings 3,000 square feet or larger in gross floor area for allowed uses in an OS or RC District*** subject to the following:
 - (1) The building is for an allowed use;
 - (2) The minimum yard requirements may be changed by the Planning Commission based upon topography and existing site limitations (i.e, water, roads, neighboring buildings).
 - (3) Traffic related to the use shall not substantially increase congestion on surrounding streets and intersections.
 - (4) The use is not likely to create excessive noise across the real property boundary.
- (b) ***Clustered single family dwellings.*** The purpose of clustered housing is to provide owners of large parcels of single or two-family residential property the alternative to develop their properties in an environmentally sensitive and cost-effective manner by clustering single-family homes or townhouses rather than spreading development over the entire site. By clustering development, sensitive and attractive environmental features can be preserved as common open space to be enjoyed by future residents. Clustered housing is subject to the following:
 - (1) The use is located in an R-1a, R-1b or R-2 district.
 - (2) The property is of at least five contiguous acres under single ownership and control.
 - (3) The development must meet the front, side and rear-yard setback requirements of the district on the periphery of the parcel. More than one building may be located on a single lot, but setback requirements for the district shall apply to each building based on hypothetical lot lines approved by the Planning Director as proposed by the applicant.
 - (4) The overall density of the development shall not exceed the allowable density of the district; (4.4 dwelling units per acre in an R-1a district, 5.8 dwelling units per acre in an R-1b district and 10.9 dwelling units per acre in an R-2 district).
 - (5) Townhouses are permitted, provided there are no more than four dwelling units per detached structure. The front building wall plane is interrupted and off-set in order to project the character and appearance of individual dwelling units;
 - (6) A parking area shall be provided only at the side or the rear of the building for which it is designed to service. That portion of the parking area which is exposed to the street shall be screened to minimize the visual impact of the parking area from the public street. Parking areas must also be screened along lot lines bordering residential uses or zones on the periphery of the parcel. Screening shall create an effective visual barrier consisting of a screenwall or a landscaped area at

least six feet wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier. All trees shall be a minimum of two-inch caliper when planted. Native trees and shrubs shall be planted whenever possible. In instances where healthy plant material exists on the site prior to development, in part or in whole, for purposes of off-street parking, the Planning Commission may adjust the application of the above-stated standard to allow credit for such plant material.

(7) Trash containers shall be properly screened.

(8) All other standards not specifically altered in the zoning district shall apply to clustered housing.

(c) **Communication towers.** The intent of this section is to ensure communication towers are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact will be minimized. Communication towers are permitted if all of the following requirements are met:

(1) The communication tower is located in a T, GP, C-3, NMC-2 (except on Grand Traverse Bay), H-2 or I district and properties owned by governmental agencies.

(2) The communication tower complies with all applicable FCC and FAA regulations and all applicable building codes.

(3) The tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the tower's intended purpose, but in no case shall the tower exceed 50 feet above the height restrictions of the district. Height is measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(4) Communication towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. Guys and accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.

(5) The design of the buildings and structures related to communication towers shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(6) The tower shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.

(7) Cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.

(8) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.

(9) The communications tower and operating equipment shall comply with the general standards for approval contained in this chapter. Any tower that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned tower within said 90 days may be removed by the City at the owner's expense.

(d) **Convention centers** in a D district, subject to the following:

(1) The building is limited to 30,000 square feet;

(2) Thirty five percent of the building facade shall be windows or other street level activity;

(3) A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.

(e) **Conversions of one-family dwellings to two-family dwellings** in a R-1a or R-1b district, subject to the following:

- (1) The dwelling and lot existed prior to December 10, 1958, substantially as they exist at the time of the request for a special land use permit for purposes of complying or determining compliance with these requirements. Any change made after 1958 may not be used to demonstrate compliance with these requirements.
 - (2) The dwelling is a minimum of twenty percent larger than the average area of those neighboring single-family dwellings within 300 feet to each side of the subject property, including those dwellings along the opposite side of the street.
 - (3) The lot area is not less than 4,000 square feet per proposed dwelling unit.
 - (4) A minimum of 800 square feet of interior living area is required for a one bedroom dwelling unit and 1,200 square feet of living area is required for a two bedroom dwelling unit. In no case shall any secondary dwelling unit provide more than two bedrooms.
 - (5) The dwelling has a minimum of 2,800 square feet of living area exclusive of any basement or third story area.
 - (6) A dwelling unit or portion of a dwelling unit is not provided in the basement, and the basement area shall not be considered to fulfill any requirement of this Zoning Code.
 - (7) No part of a dwelling unit, other than storage, exists above the second story.
 - (8) Access to a second floor dwelling unit is provided from the interior of the structure.
 - (9) The exterior appearance of the structure is not altered from its single-family character.
 - (10) Off-street parking is provided as required by this Zoning Code.
- (f) ***Correctional institutions*** subject to the following:
- (1) The use is located in a GP district.
 - (2) All open recreational areas shall be in completely enclosed courtyards.
 - (3) Cell windows and openings shall be screened from the public street view.
 - (4) A master site and facilities plan shall be submitted.
- (g) ***Drive-throughs for finance services in C-4 and D districts*** subject to the following:
- (1) The drive-through meets all of the standards of Section 1374.06, unless a more restrictive standard is imposed by this section.
 - (2) The drive-through shall be accessed from an alley, not a street. However, a single lane driveway may exit onto a street if such driveway existed and was utilized prior to July 16, 1999, and it can be clearly demonstrated that alley egress for the drive-through is not practical.
 - (3) The drive-through shall be limited to two service lanes.
 - (4) The building associated with the drive-through shall be streetward of the approach lanes to screen the vehicle service lanes.
- (h) ***Essential services structures.*** Are subject to the following:
- (1) The structure and use are reasonably necessary for the public convenience or welfare and, where applicable, a certificate of public convenience and necessity has been obtained from the appropriate regulating agency.
 - (2) Noise, lights, glare and odor will not disturb the surrounding land uses or members of the public.
 - (3) Fencing or other adequate security is constructed to adequately protect the public.
 - (4) If potential adverse effects have been identified, alternative sites have been examined and the proposed site is reasonably necessary to provide the essential service to residents and visitors of the City.
 - (5) Evidence of the appropriate franchise, license or other required governmental permission is demonstrated.
 - (6) Setbacks of the district shall apply unless varied by the Planning Commission for good cause. Communication towers shall be regulated pursuant to Traverse City Code Section 1364.09.

- (i) **Group day care homes, including adult day care**, in an R-1a, R-1b, R-2, R-9, R-15 and R-29 as defined by MCL 722.111 et seq, as amended, subject to the following specific requirements, except child care centers located in and operated by hospitals and churches having a valid special land use permit for off-street parking in any R-District:
- (1) All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the special land use permit and a change in the licensee requires a special land use permit renewal.
 - (2) The lot is not located within 1,500 feet of another lot devoted to such use.
 - (3) For child day centers, fenced outside recreation areas of 1,200 square feet or more of playable ground surface 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 circumstances.
 - (4) The use is not allowed in an apartment.
 - (5) The use is limited to an established and recognized work or shift period and shall not be operated on a 24-hour basis unless approved by the Planning Commission.
 - (6) The premises are approved by the City Fire Marshal prior to the issuance of the special land use permit and at least annually thereafter to maintain the special land use permit.
 - (7) For child care centers, "Approved Child Care Provider" identification is prominently displayed in a street side window so as to be clearly identifiable from the public street, or as otherwise required by the City Commission.
 - (8) No additional parking is required for the Group Day Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, four parking spaces shall be provided on premise.
 - (9) 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.
- (j) **Residential care and treatment facilities** subject to the following:
- (1) The use is located in an R-9, R-15, R-29, HR, C-1, C-2, C-3 or H-1 or H-2 district.
 - (2) The facility shall be located on an arterial or collector street as shown on the Zoning Map if such facility has more than 12 residents.
 - (3) Off-street parking is provided as required by this Zoning Code, except that the Planning Commission may vary the number of parking spaces required.
 - (4) The design of the structure is approved by the Fire Marshall prior to the issuance of the special land use permit and at least annually thereafter to maintain the permit.
 - (5) The structure is not used as a medical clinic or for outpatient treatment unless located in a C-1, C-2 or C-3 District.
 - (6) The structure is not used primarily for office, administrative or regular meetings if located in a multiple family dwelling district, although occasional meetings may be allowed upon approval of the Planning Commission.
 - (7) All necessary licenses are obtained and maintained.
 - (8) The operators of the facility maintain a list of all persons residing at the facility and record their length of stay. State licensed residential facilities (e.g., adult foster care homes) with under seven residents are considered by State law to be single family residences, and State law preempts this Code. MCL 125.583(b); MSA 5.2933(2).
- (k) **Schools** subject to the following:
- (1) The use is located in an R-1a, R-1b, R-2, R-9, R-15, R-29, C-1, C-2 C-3 or GP district.
 - (2) A master site and facilities plan is submitted to and approved by the Planning Commission showing:

- A. Existing facilities and planned facilities for the ensuing five years.
 - B. Adequate street crossing facilities, pedestrian routes and projected number of pedestrians.
 - C. Sufficient areas for motor vehicle and bus circulation routes, together with areas for pick up and drop off of students.
 - D. If child care use is provided, the facilities for such use shall be designated in the plan, together with the child care hours of operation.
- (3) A traffic study must be submitted to the Planning Commission.
- (l) **Stores, retail, over 8,000 square feet per floor** in a D district, subject to the following:
- (1) The building is limited to 30,000 square feet;
 - (2) Thirty five percent of the building facade shall be windows or other street level activity;
 - (3) A traffic and economic impact analysis to assess impacts on neighboring streets is provided by the applicant.
- (m) **Taller buildings.** "Taller buildings" mean those buildings greater than 60 feet in height. The purpose of this section is to encourage sensitive design for taller buildings. Since there are very few buildings taller than 60 feet in the City, it is of public interest that prominent buildings, simply by order of their height, are designed in a manner which will maintain the pedestrian scale at the street level. At the same time, the physical, visual and spatial characteristics of the City are encouraged to be promoted by consistent use, compatible urban design and architectural design elements. Taller buildings are allowed in a C-4b, C-4c, D, GP, NMC-2 or H-2 district subject to the following:
- (1) The building's height is consistent with Section 1368.01.
 - (2) Roof top mechanical equipment and penthouse space that are an integral part of the architectural design are permitted. All mechanical equipment, appurtenances and access areas shall be completely architecturally screened from view and enclosed.
 - (3) Extended heights for steeples and other architectural embellishments less than 400 square feet each shall not be used to determine the height of the building.
 - (4) The applicant shall prepare and deliver to the Planning Director a scale model, video image or other similar depiction of the taller building in relation to surrounding land and buildings.
- (n) **Temporary accessory dwelling units (TAD)** in an RC, R-1a or R-1b district, subject to the following:
- (1) The existing site and use are substantially in compliance with this Zoning Code.
 - (2) The floor area of the TAD unit is not larger than 676 square feet.
 - (3) The applicant shall present sufficient evidence to the Planning Commission to establish a substantial need for the TAD unit. The TAD shall be discontinued when the person or persons with the substantial need permanently moves to a different domicile or when there is a change in the circumstances where the substantial need no longer exists.
 - (4) A TAD unit is developed within an existing single-family and/or usual accessory use under this Zoning Code.
 - (5) A special land use permit for a TAD unit is not assignable or transferable and will expire automatically unless the applicant submits written evidence that a substantial need continues to exist three years from the date of approval and thereafter every five years.
 - (6) Upon the expiration of the special land use permit the TAD unit shall be discontinued and the property shall be brought into full compliance with the use requirements of this Zoning Code.
 - (7) Individual site plans, floor plans, elevation drawings and building plans for both the proposed TAD unit and the subsequent reconversion to conventional single-family residence and/or accessory use shall be submitted with the application for a

special land use permit and shall be prepared by a registered architect or engineer licensed to practice in the State.

(o) **Transit centers**, subject to the following:

- (1) The center is located in a C-4, D-2, D-3 or GP district.
- (2) Buses can directly access the center without being dependent upon an access or sub collector street in a residential district.
- (3) Existing streets in the area accommodate the projected bus traffic.
- (4) The location of the center lends itself to an integrated transportation system (i.e., walk, bus, bike, rail).
- (5) The center is within one quarter mile to a high concentration of job sites or dwellings.
- (6) Noise, lights, glare and odor will not unreasonably disturb the surrounding land uses or members of the public.
- (7) If potential adverse effects have been identified, alternative sites have been examined and determined by the applicant not to be feasible.
- (8) No transit vehicle fueling, repair or storage is allowed.

(p) **Theaters, live, and performance art centers in an R-9, R-15, or R-29, Multiple Family Dwelling District**, subject to the following conditions:

- (1) The use must have existed prior to 2005.
- (2) Minor additions are allowed provided the addition is for barrier free access, fire safety ort space that will not increase the seating capacity of the facility.
- (3) Additions are architecturally compatible with the existing structure and the character of the neighborhood.
- (4) The applicant submits a parking plan that demonstrates there is sufficient parking within 500 feet to meet the theater's parking demand.
- (5) On-site exterior lighting is directed to minimize impacts on adjacent residential areas.
- (6) Performances are not allowed between the hours of 12:00 midnight and 8:00 a.m.

(q) **Transitional housing and Emergency shelters**, subject to the following:

- (1) The facility is fully enclosed in a building located in an HR, C-1, C-2, ~~or~~ C-3, D-1, D-2, D-3, H-1, ~~or~~ H-2, or I District.
- (2) The site is located within a ½ mile of a bus stop with connecting sidewalks or bike trails. ~~The facility is located on an arterial or collector street, as shown on the Zoning Map.~~
- (3) The lot is not located within 1,500 feet of another lot devoted to transitional housing, emergency shelter, ~~or a residential care and treatment facility.~~
- (4) The facility shall have a maximum of 100 beds and/or sleeping pads. ~~use shall have a maximum of 30 beds.~~
- (5) The building provides 50 square feet of heated building space per person staying overnight at the facility. ~~The site provides a minimum of 625 square feet of lot area per resident and a minimum lot area of 10,000 square feet.~~
- (6) The operator of the Emergency shelter shall provide continuous, on-site supervision by an employee or volunteer during all hours of operation. ~~The facility shall have 24 hour supervision.~~
- (7) The operator of the facility shall have a written management plan including, as applicable, staffing levels, provisions for staff and volunteer training, neighborhood outreach, length of stay of residents, hours of operation, crime prevention, security, screening of residents to insure compatibility and the mission of service provided at the facility. The management plan shall establish a maximum length of time which clients may be accommodated. ~~The use shall have an effective ongoing professional housing assistance program on the premises to place the residents into permanent housing.~~
- (8) The operator shall have an effective ongoing housing assistance program on the

premises to place the residents into permanent housing and maintain a list of all persons residing at the facility. ~~Except for employees, only persons with no other residence or domicile shall occupy the structure and then for no more than one year.~~

- (9) Parking requirements would be determined by the Planning Director based on the intensity of the operation described in the management plan. ~~The operators of the facility shall maintain a list of all persons residing at the facility and record each person's length of stay.~~
- (r) **Wind energy system, pole or tower-mounted structures.** The intent of this section is to ensure that free-standing wind energy systems are constructed and placed in a manner which will protect the public health, safety and welfare and where visual impact is minimized. Free-standing wind energy systems are permitted if all of the following requirements are met:
- (1) The free-standing wind energy system is located in a T, GP, C-3, NMC-1, NMC-2, H-1, H-2 or I district and properties owned by governmental agencies.
 - (2) Guy wires are only permitted to be used in the I and T districts.
 - (3) The free-standing wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
 - (4) The pole or tower is no higher than 20 feet above the height restrictions of the district in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height restrictions of the district.
 - (5) Wind energy systems must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
 - (6) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - (7) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
 - (8) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
 - (9) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
 - (10) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
 - (11) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04 (h). A wind energy system emits a pure tone and would be subject to a reduction of five dBA.
- (s) **Wind energy system, building-mounted structures.** The intent of this section is to ensure that building-mounted wind energy systems are constructed and placed in a manner which

will protect the public health, safety and welfare and where visual impact is minimized. Building-mounted wind energy systems may exceed the 20 feet above the height limitation of the district if all of the following requirements are met:

- (1) Height exceptions to what is allowed by right will not be allowed in the GP, PR, RC, R-1a, R-1b, R-2, R-9, R-15, R-29 Districts.
- (2) A taller building-mounted wind energy system may be located in NMC-1, NMC-2, I, T, H-1, H-2, C-1, C-2, C-3, C-4, D and HR districts.
- (3) Guy wires are only permitted to be used in the I and T districts.
- (4) The building-mounted wind energy system complies with all applicable FCC and FAA regulations and all applicable building codes.
- (5) A building-mounted wind energy system is no higher than 20 feet above the height of the roof deck in which it is located unless it can be demonstrated that additional height is necessary for the wind energy system's intended purpose, but in no case shall the wind energy system exceed 40 feet above the height of the roof.
- (6) The setback can be reduced by up to 50% or a minimum of 20 feet from the lot line if it can be demonstrated through a registered architect or professional engineer that the tower is designed to collapse, fall, curl or bend within a distance or zone shorter than the height of the wind turbine. Accessory buildings must satisfy the minimum zoning district setback requirements. The City Commission may reduce the standard setback requirements if the goals of this chapter would be better served thereby.
- (7) The design of the wind energy system or buildings and structures related to the wind energy systems shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- (8) The wind energy system shall not use blinking or flashing lights, unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
- (9) Wind energy system cabinets housing operating equipment shall be architecturally screened from adjacent properties and street level views.
- (10) Existing mature trees and natural land forms on the site are preserved to the maximum extent possible.
- (11) The wind energy pole or tower-mounted system and operating equipment shall comply with the general standards for approval contained in this chapter. Any wind energy system that is not in operation for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the City. Failure to remove an abandoned wind energy system within said 90 days may be removed by the City at the owner's expense.
- (12) The wind energy system will meet the standards set in the City of Traverse City Code of Ordinances, Chapter 652, Noise Control, specifically section 652.04 (h). A wind energy system emits a pure tone and would be subject to a reduction of five dBA.

The effective date of this Ordinance is the _____ day of _____, 2014.

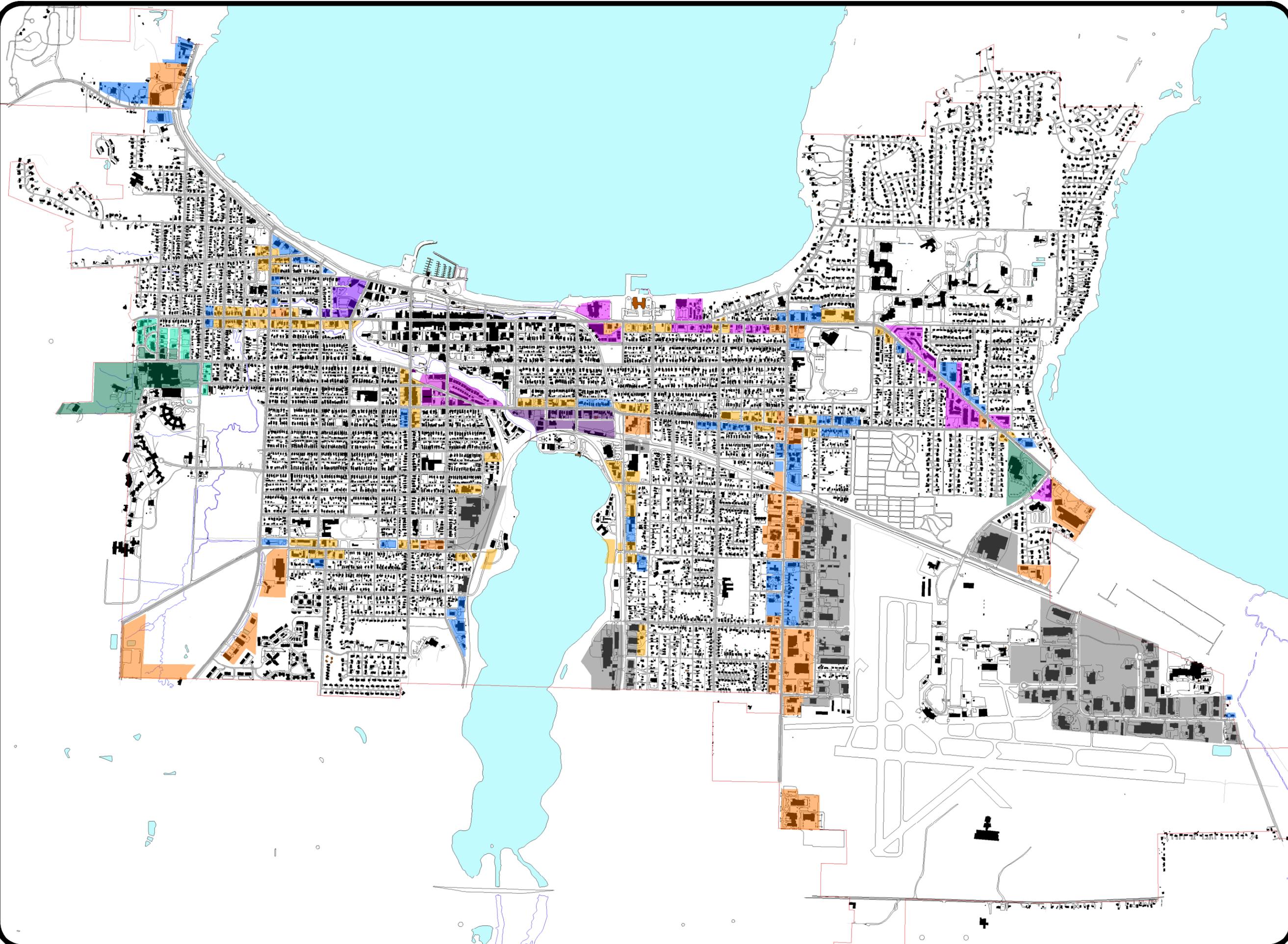
I hereby certify the above ordinance amendment was introduced on _____, 2014, at a regular meeting of the City Commission and was enacted on _____, 2014, at a regular meeting of the City Commission by a vote of Yes: ____ No: ____ at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Michael Estes, 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

Benjamin C. Marentette, City Clerk



Legend

- Road Names
-  HR Hotel Resort District
 -  D-1 Development District
 -  C-2 Neighborhood Center District
 -  C-1 Office Service District
 -  C-3 Community Center District
 -  I Industrial District
 -  H-1 Hospital District
 -  H-2 Hospital District
 -  D-2 Development District
 -  D-3 Development District



1 inch = 1,764 feet
This map is based on digital databases from the City of Traverse City. Traverse City cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties expressed or implied.



Communication to the Planning Commission

FOR THE MEETING OF: May 6, 2014

FROM: Russ Soyring, Planning Director

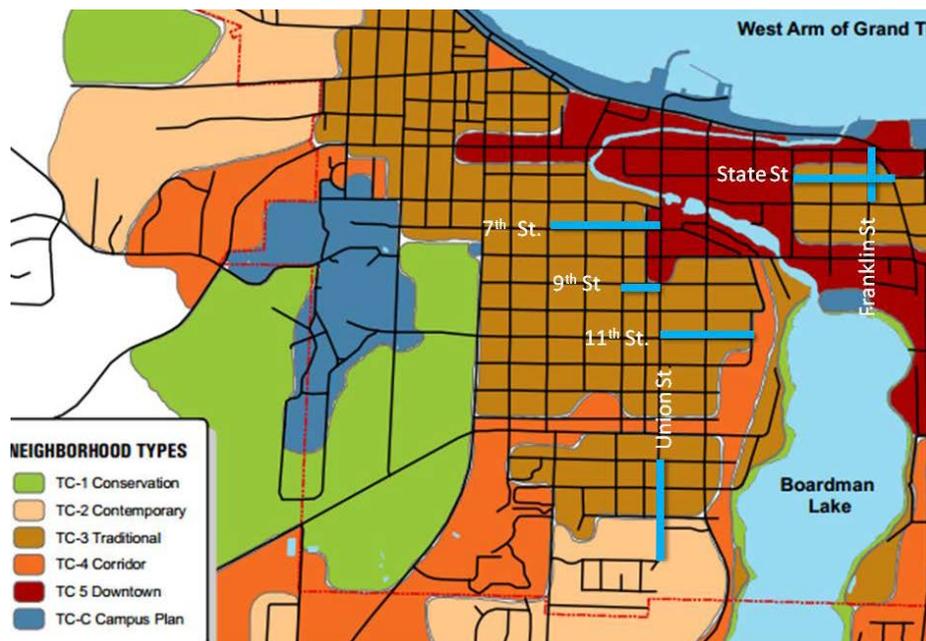
SUBJECT: 2014/15 Street Projects

DATE: May 1, 2014

The purpose of reviewing the street projects is for the Planning Commission to provide early input. Your guidance for reviewing the projects is the City Master Plan. Following the Planning Commission's review, notices with project information will be mailed to the residents and occupants along these streets. After the public has offered input, the street projects may be modified and the Planning Commission, in August, will be asked to determine if the proposed street projects are consistent with the Master Plan in terms of location, extent and character.

This year, six streets have been identified for reconstruction. Those streets are:

- State Street** between Boardman and Railroad
- Franklin Street** between Front and Washington
- Seventh Street** between Union and Wadsworth
- Ninth Street** between Union and Pine
- Eleventh Street** between Union and Lake
- Union Street** between Sixteenth and Boughey





State Street. The section of street proposed for reconstruction falls within the TC-3 neighborhood where more formal streets with sidewalks are typical. The 32-foot wide street is proposed to maintain its current width. Three handicap ramps will be replaced to meet current standards. Poor section of the six-foot sidewalk will be replaced. The street carries 1785 vehicles per day. Traffic island at the western end is to remain.

Consideration: Narrow the street since parking is prohibited to one-

side of the street. A narrower street will help slow vehicle speeds, reduce storm-water runoff and add width to the tree lawn for healthier environment for the street trees.



Franklin Street. This section of street proposed for reconstruction falls mostly within a TC-3 Neighborhood. North of the alley, north of State Street falls with the TC-5 Neighborhood. The street is a 30 foot wide curbed street with 5 to 6 foot wide sidewalks on both sides. The proposal is to replace the street at the current width with new curbs. Sidewalk sections in a poor state of repair will be replaced.



Seventh Street. The section of street proposed to be reconstructed falls mostly within the TC-3 Neighborhood. The far eastern end of the project just west of Union Street falls within the TC-5 Neighborhood. The street is proposed to remain at its current 30 foot with. Bad sections of the 6-foot wide sidewalk are proposed to be replaced. The bold crosswalk markings at Pine Street are proposed to be repainted.

Consideration: Through pavement markings and/or flat or slightly raised concrete neck down;

shorten the crosswalk distance at Pine Street where many grade-school aged children cross. Such a treatment will announce to drivers they are approaching an elementary school and will make the crosswalk more visible.

Consideration: Widen the street two feet to allow parking on both sides of the street where parking is now restricted to one side only due to its narrow width for an emergency route. The parked cars will help to create an environment that tends to slow vehicle speeds while providing additional parking during school events.



Ninth Street. This street section falls mostly within a TC-3 Neighborhood. The eastern end near Union Street falls within a TC-5 Neighborhood. The proposal is to replace the street in its current 28-foot wide width. Curbs will be replaced and sections of sidewalks in poor state of repair will be replaced. The ADA ramp at Locust will be replaced to meet current standards.



Eleventh Street. This street segment falls within a TC-3 neighborhood. The 36-foot wide street is proposed to be replaced at its current width. Curbs will be replaced as will the poor sections of sidewalks. The marked crosswalks will be repainted.

Consideration: Remove some sections of the paved tree lawn near the St. Francis School and replace with either permeable pavers and/or with trees. These changes would reduce storm water runoff. Trees and the exposed ground at the base of the trees would not only reduce stormwater runoff but would also help make the block a little less harsh while giving a more residential look to the street.

Consideration: Reduce the width of 11th Street east of Cass several feet to allow for a healthier environment for the street trees, while reducing the amount of stormwater runoff. Snow plowing would also be lessened and would result in less snow filling up the sidewalk when the street is plowed.



Union Street. The project area includes two neighborhood types, TC-3 in the lower section and TC-2 south of 17th Street. The proposal is to replace the street in its current width of 32 feet and add sidewalks where there are gaps. Approximately, 785 linear feet of new sidewalk is proposed where the street has a steep grade. The Master Plan states “Informal access for pedestrians or non-motorized vehicles.” Are sidewalks consistent with the Master Plan for a TC-2 Neighborhood?

Consideration: Narrow the width of the street. Parking demand is light so the street is overly wide for two lanes of traffic. Reduced width will reduce stormwater runoff and would give better separation between a sidewalk or path and the street, allowing for healthier growing conditions for street trees.

Consideration: Eliminate the sidewalk extensions and replace with a trail or path or have only a sidewalk on the east side. A grade is more conducive for walking on this side of the street and there is evidence by the dirt path there is a need for a pedestrian link.

RS

Memorandum

The City of Traverse City
Planning and Engineering Departments



TO: Jered Ottenwess, City Manager

FROM: Russell A. Soyering, Planning Director
Timothy J. Lodge, City Engineer

DATE: May 1, 2014

SUBJECT: CAPITAL IMPROVEMENT PROGRAM- QUARTERLY PROJECT UPDATE

Parking System

- **#550: Lot D Reconstruction/Boardman River Boatlaunch** - Asphalt surface is aging. Scope of work includes installation of new launch and piers, a universally accessible canoe/kayak launch, resurfacing the parking lot with the use of porous pavers in the turnaround area and launch exit, installation of stormwater treatment systems ~~rain gardens along the southern edge of the lot~~, installation of retaining walls near the launch and turnaround to stabilize eroding site banks, installation of trees and native plantings, and boat cleaning/invasive species education signage. A \$156,250 Waterways Grant received in December 2013, a \$80,000 Coastal Management Program grant, and local foundation grant of \$50,000 received in 2012 for project construction. *Update: Project approved for consistency with Master Plan by the Planning Commission on 3/18/14. Plans to be sent to State and granting agencies for review in April. Construction planned in fall of 2014.*
- **#708: Lot O Remediation** - Mitigation of contamination that likely is affecting adjacent properties and the water table in close proximity to the Boardman River. Five underground storage tanks exist at Lot O and likely are contributing to soil contamination. This project would remove the tanks and contain soil contamination at the lot. *Update: No activity.*
- **#729: Lot P Reconstruction** - Repair asphalt. Required in lease agreement with property owner. West State Street just west of barber shop. *Update: No activity.*
- **#728: Lot V Reconstruction** - Mill and replace asphalt, replace curbs, new drainage structure. Required in lease agreement with property owner. *Update: No activity.*
- **#133: Lots W and N** - Consolidate parking in these lots in conjunction with the development of the northeast corner of Washington and Cass. *Update: Discussions with adjacent property owner regarding development.*

Bayfront Plan Non-TIF Implementation Fund

- **#568 West End Beach Trail Extension and Access** - Extend the bayfront trail 1,100 feet and a new mid-block crossing of Grandview Parkway near Elmwood Avenue. A barrier free ramp to the beach along with benches and bike racks are also included. Crossing will be lighted for high visibility at night. Storm drain near Spruce Street will be retrofitted with an oil/grit separator chamber. Will enhance non-motorized travel and

provide an alternative crossing with five less lanes to cross get to the bayfront from Slabtown Neighborhood compared to existing crossings. Will require additional maintenance clearing the trail and maintaining the trail, ramp, markings, landscaping and pavement markings. Northside of Grandview Parkway from West End Beach to Elmwood Ave. *Update: Project approved for consistency with Master Plan by the Planning Commission on 11/16/11. Decisions by ACOE and MDEQ on beach grooming request August 2013. Project sent to MDOT for review and project letting in March 2014. Planned August to September 2014 construction.*

- **#778 Public Pier: Bayfront Plan** – The proposed public pier would extend out into Grand Traverse Bay/Lake Michigan adjacent to the Boardman River outlet. The pier would provide universal access for fishing from the shore. It would consist of a 15-foot wide pier projecting 550-feet into Grand Traverse Bay and includes a 30'x30' platform with large tensile structure. Interpretive signage, connection with the TART Trail and other amenity features to be explored. (FY2014-15) *Update: City Commission authorized acceptance of the Great Lakes Fishery Trust Fund Grant for the study and design of a public pier. The Planning department is administering the grant. A staff-led study committee has been established and will hold its first meeting in April 2014.*
- **#551 Holiday Inn Phase: Bayfront Plan** - The proposed Holiday Inn promenade consists of a 10-foot expansion of the existing seawall. Preliminary cost projections for the promenade seawall are conditioned on assumptions made without design wave conditions analysis, soil borings and determination of regulatory constraints. For estimating purposes the new seawall will consist of a new 40-foot long steel sheet piling bulkhead with a 10 foot wide concrete cap over new fill. Along Grand Traverse Bay shoreline, between Boardman River and Sunset Park. (FY2014-15) *Update: Easement needed, initial meeting with new owners held.*

Brown Bridge Maintenance Fund

- **#51 Upper Trail Connector Bridge (east end)** - This proposed pedestrian bridge over the Boardman River is located at the site of a former bridge that was constructed by the Boy Scouts in the 70's near the outlet of Grasshopper Creek. Highwater and the lack of maintenance caused the bridge to fail and it was removed in the 80's. Recently a riverfront property owner donated a bridge that can be used at the site. This bridge combined with the Historic Brown's Bridge (West-end) will provided a 9'-mile loop trail. Work items: Abutment design, site plan development, state and local permits, and installation. *Update: Project moved to FY 2015-16 in current CIP.*
- **#847 Historic Brown Bridge West End-** Most people don't know that in 1869 William Walter Brown purchased 80 acres from the state of Michigan for \$50. Soon thereafter Mr. Brown and his neighbors constructed a bridge across the Boardman that became one of the area's first State Roads. The site was also home to an inn called the "Half-Way House" because of its mid-point position between Grand Rapids and the Straits. Today there is great interest in constructing a foot bridge at the original site of the historic Brown's Bridge. Not only would the bridge provide a critical recreational trail connection across the Boardman River but it will also serve as an important bridge to the past. *Update: Will conduct project feasibility and study in 2016-17 with planned construction in 2017-18.*

General Fund

- **#760: Annual Crosswalk Maintenance** - This is a new annual program, providing funds to maintain or replace existing brick crosswalks; probably 3-4 crosswalks per year. Approximately 52 Crosswalks: 90% in need of replacement: Options: -1- Replace as existing, which is brick with concrete borders; -2- Replace with brick print thermol plastic pavement material, like demo crosswalk on Union Street @ 9th street; -3- Put back to asphalt and use paint for crosswalk markings. *Update: A pilot thermol plastic crosswalk has been installed on Beitner/Woodmere to see how it wears during a winter season. [Planning a spring 2014 install.](#)*
- **#14: Annual Streets Program** – Placeholder: Actual determined through budget process. This is an annual program that provides funds to resurface major and minor streets within the city limits. These funds are also to be used for bridge, sidewalk, and storm water system repair and new sidewalk infill projects.
 - 2012-13 Street Projects
 - Wayne Street. *Update: substantially complete in 2013, punch list items and restoration remain.*
 - 2013-14 Street Projects
 - Union, Santo and Sequoia Streets- *Planned construction May to July 2014*
 - West Front Street Reconstruction- *Planned construction August to October 2014*
- **#320: Division Street** –\$500,000 Roads and Risk Reserve funds were allocated to MDOT in December 2013 for Planning and Environmental Linkages (PEL) process (part of the NEPA process) *Update: PEL project area includes Division Street from 14th Street to Grandview Parkway; 1.2 miles. The PEL process will engage the community and evaluate project alternatives for improvements that consider the environmental, community and economic goals. Project under discussion with MDOT.*
- **#322 Kids Creek Stormwater Grant** - Project improves water quality and quality of life. Project design would reduce maintenance costs. Costs may be higher; seeking additional grant funds. Repair/replace culvert and stream restoration relating to Part 319 Grant. *Update: Completed a Kids Creek Action Plan, MDEQ has reviewed and approved the plan. Project complete.*
- **#633: West Front Street** (Elmwood to City Limits) - Reconstruct West Front Street from City Limits to Elmwood Avenue using MDOT Small Urban Funds. Small Urban Funds \$375,000 for 2014. In kind is for engineering. General fund cost is for match and required consultants to administer funds. *Update: See Project #14 above.*
- **#365: Annual Sidewalk Replacement Program** – Placeholder: actual amount determined by Annual Street allocation. The Infrastructure Strategy Policy outlines 10% of total infrastructure spending is for sidewalk and bike-way improvements. The Replacement program replaces existing sidewalks. This program is in addition to sidewalks that are installed or replaced in conjunction with the annual Streets Program. The actual location of the sidewalks to be replaced under this program is determined during the fall prior to the construction year. *Update: 2013 project complete- approximately 6400 feet of sidewalk replaced. [Engineering Department is preparing the 2014 Sidewalk Improvement Project for bid including \\$100,000 for repair and \\$100,000 for infill/extensions.](#)*
- **#864 Boardman Lake Avenue**- a new road between 8th Street and 14th Street that consists of four basic components: Railroad Wye Relocation, Street Right-of-way

acquisition, Street Construction and the Boardman Lake Trail (detailed below). *Project discussions continue.*

- **#347 Boardman Lake Trail West extension**-Project scope includes the extension of the Boardman Lake non-motorized trail from approximately 10th Street to 14th Street (2,900 linear feet), a connection to the Old Towne Neighborhood, and the addition of a lakefront recreational area that will feature a fishing dock, kayak/canoe small watercraft launch, shelter, picnic areas and seating. A \$210,000 Natural Resources Trust Fund Grant was received in October 2012. *Project approved for consistency with Master Plan by the Planning Commission on 11/6/12. Plans approved by the State in March 2014. Construction planned in 2014.*
- **#628: Boardman Lake Trail: West: Transportation Alternate:** Alternate transportation trail along railroad corridor on west side of Boardman Lake; need to acquire MDOT property. Creates trail options. West side of Boardman Lake from 12th to 14th Streets. *Update: Project approved for consistency with Master Plan by the Planning Commission on 11/6/12. Property acquisition in negotiation with MDOT rail; Construction planned in 2014.*

Fiber Fund

- **#834 WIFI** – Public wireless network in downtown to serve visitors and parking control. *Update: \$700,000 included in 2014-15 FY fiber fund budget.*

TIF 2

- **#61: Cass & Lake: Streetscape Improvements** – Approximately 810 feet of streetscape improvements on Cass and Lake Streets. Improvements include trees, curb & gutter, benches, trash cans and other improvements. SID; city match TIF2. *Update: Property owner participation lacking.*
- **#58: Eighth Street Bridge Repair** – Replace bridge deck using MDOT Critical Bridge Funds for the 2013 fiscal year. Prevent further deterioration resulting in more costly repair/replacement and ultimately bridge failure. Receiving MDOT Critical Bridge Funds for FY2013 for \$750,000. *Update: Project approved for consistency with Master Plan by the Planning Commission on 3/4/14. Design and Development with 2014/15 construction.*

TIF 97

- **#714: 200 Block Alley Enhanced Improvements** – Pedestrian bridge, riverwalk and pedestrian improvements to north East Front alley between Cass and Park. *Update: No activity.*
- **#369: East Front Street - 300 block mid-block crosswalk** – Install mid-block crosswalk in 300 block of E. Front St. including bump-outs, a brick paver crosswalk and signage. Downtown's second largest employer sits across the street from the deck, where most of their employees park. This crosswalk will provide a safe crossing as well as calm traffic in this downtown block. *Update: No activity.*
- **#63: Garland St. Reconstruction/streetscapes** - Infrastructure improvement; realign street; improved access. Redirect Garland Street from Grandview Parkway to Union Street on the east end; provide a shared space street for pedestrians and motor vehicles. *Update: Property/Right-of-way acquisition; 2014 planned construction.*

- **#586: Park St. Bridge Repair** – Rehabilitate bridge superstructure. *Update: Funding application not successful; Resubmit for 2017 funding cycle.*
- **#66: Pine Street Pedestrian Way** – Pedestrian walkway and bridge over the Boardman River connecting West Front Street with Grandview Parkway. *Update: Project approved for consistency with Master Plan by the Planning Commission on 3/4/14. Land acquisition; 2014 planned construction in coordination with TCLP and Uptown development.*
- **#646: Public Restrooms at Lot O** – Provide public restroom for shoppers and other visitors in Downtown; tentatively planned near Cass Street. *Update: Research phase.*
- **#647: Triangle Park (mini park)** – Improvements; Triangle Park at Grandview Parkway and East Front Street. *Update: Project removed from the CIP.*
- **Wellington Plaza** – Upgrade Wellington Plaza. *Update: Project removed from the CIP.*
- **#645: West Front St. Redevelopment (BOND)** - Build an approximately 410 space parking deck to serve the west side of downtown. This project would organize parking currently housed in surface lots and would. Corner of West Front and Pine. *Update: Discussions with property owners.*
- **#535: West Front Street Bridge Replacement and Streetscape** - Prevent further deterioration resulting in more costly repair/replacement and ultimately bridge failure. Receiving MDOT Critical Bridge Funds for the FY2013. *Update: Project approved for consistency with Master Plan by the Planning Commission on 3/18/14. Design and Development with planned 2014/15 construction.*

Special Assessment Fund:

- **#717: East Front Streetscapes (Boardman to Grandview Parkway)** - New curbs, street trees, benches, bike racks and sidewalk along East Front between Boardman Avenue and Grandview Parkway. (FY2014-15). *Update: Seeking property owner support for SID.*



Missy Luick <m~~l~~uick@traversecitymi.gov>

Fwd: AT&T

Russ Soyring <rsoyring@traversecitymi.gov>
To: Missy Luick <m~~l~~uick@traversecitymi.gov>

Mon, Apr 21, 2014 at 3:00 PM

Please put in the Planning Commission packet under Correspondence.

----- Forwarded message -----

From: **William Plough** <bplough@charter.net>
Date: Fri, Apr 18, 2014 at 12:53 PM
Subject: AT&T
To: rsoyring@traversecitymi.gov

I oppose any further installations at 223 East Fourteenth St.. The original cell phone tower they put up is a disgrace. It detracts from the look of the area. It is the cheapest type of installation available. It should have been one of the type towers that is designed to resemble a tree!! These are used extensively in other areas and blend with the natural environment very effectively. If the City does not have an ordinance that allows for requiring this type of tower installation—then make one!!! You and your folks are touted as progressive and forward thinking in terms of development and planning. This is an example of how you are NOT in that mode. Please forward this to Dave Weston and all of the Planning Commissioners.

Bill Plough
1122 Lake Ridge Dr. 202
TC, MI. 49684



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

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Russell A. Soyring, AICP
Planning Director

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Traverse City, MI 49684
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