

TRAVERSE CITY PLANNING COMMISSION REGULAR MEETING

TUESDAY, June 3, 2014

7:30 P.M.

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

Posted: 5/30/14

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. **APPROVAL OF MINUTES**
 - A. May 6, 2014 Regular Meeting and May 20, 2014 Study Session Meeting minutes (Approval recommended)
5. **OLD BUSINESS**
 - A. Public Hearing 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 (Action requested)
 - B. 8th Street Restriping Request and Action Plan for 8th Street Design Charrette and Corridor Zoning Overlay District(Action Requested)

6. NEW BUSINESS

- A. Special Land Use Permit request by Sandy Oliver, 1012 Centre Street, for a Group Daycare Home at the property mentioned (For Introduction and Possibly set a Public Hearing for July 1, 2014)
- B. NorthStar Soccer, Inc. letter requesting Recreational Facilities in the Neighborhood Center (C-2) District (Discussion)

7. CORRESPONDENCE

8. 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—Mrs. Luick

9. PUBLIC COMMENT

10. ADJOURNMENT

MINUTES

TRAVERSE CITY PLANNING COMMISSION

TUESDAY, May 6, 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 7:55 p.m.) and Tim Werner

ABSENT: None.

STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant; Benjamin Marentette, City Clerk; Lauren Tribble-Laucht, City Attorney

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

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** None.

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)

Motion by Commissioner Easterday, second by Commissioner McNally, that the Consent Calendar be approved as presented.

Motion carried 8-0 (Commissioner Warren absent.)

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)

Mr. Marentette and Mrs. Tribble-Laucht presented and addressed questions from the Planning Commission.

Commissioner Warren joined the meeting at 7:55 p.m.

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)

Mr. Soyering summarized his May 1, 2014 communication to the Planning Commission and explained the amendment.

Commission discussion.

The Public Hearing was opened. The following members of the public made comments:

- Mike Wills, 110 Fairway Hills Dr, city resident, made comments in support of the amendment
- Seamus Shinnors, 410 7th Street, made general comments

The Public Hearing was closed.

Motion by Commissioner Easterday, second by Commissioner Warren, that 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 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 minimum 15-foot first floor height in HR, C-1, C-2, C-3, C-4, and D Districts be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration.

Motion carried 9-0.

- B.** 2014-15 Capital Projects for further review by the Planning Commission (Action requested)

Mrs. Luick summarized the May 1, 2014 communication to the Planning Commission.

Commission discussion.

Motion by Commissioner Warren, second by Commissioner McNally, 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.

Motion carried 9-0.

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.

Mr. Soyring summarized his May 2, 2014 communication to the Planning Commission. The proposed ordinance amendment was drafted by the Housing and Building Committee.

Commissioner McNally recused himself from the discussion stating an appearance of a conflict of interest due to his employment with Goodwill. Commissioner McNally left the meeting at 8:18 p.m.

Commissioners Bergman and Warren, both members of the Housing and Building Committee, explained how the committee made considerations when drafting the proposed regulations.

Commission discussion.

Motion by Commissioner Warren, second by Commissioner Bergman, 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.

The following members of the public made comment on the topic:

- Deni Scudato, 422 E. State St, made general comments
- Susan Kuchell, 500 Webster St, made general comments
- Richard Kuchell, 500 Webster St, opposes the amendment

Motion carried 8-0 (Commissioner McNally recused.)

Commissioner McNally rejoined the meeting at 9:12 p.m.

B. Proposed 2014-15 Streets Project list (Discussion)

Mr. Soyring summarized his May 1, 2014 communication to the Planning Commission. Mr. Soyring further explained that an additional street has been proposed late last week and now there are a total of seven streets proposed for reconstruction in 2015. They include portions of State, Franklin, Seventh, Ninth, Eleventh, Union and Plainview Streets.

Commission discussion.

Commission consensus was to discuss the proposed 2014-15 Street Projects further at the May 20, 2014 study session.

8. CORRESPONDENCE

A. Capital Improvement Program Quarterly Update dated May 1, 2014

Mrs. Luick explained that the CIP quarterly update includes projects that the Commission has asked regular correspondence on. If the Commission would like to receive updates on additional projects in the CIP, please contact staff and we'll add them to the quarterly updates.

B. William Plough letter dated April 21, 2014

Mr. Soyring explained that the letter is related to a co-location of a cell carrier on an existing cell tower. The decision will be handled administratively, but Mr. Plough asked that his letter be shared with the Planning Commission.

9. 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— Commissioner Bergman reported.
 - 2. Active Transportation Committee—Commissioner Werner reported.
 - 3. Master Plan Review Committee—No report.
- E.** Planning Department—Mr. Soyring- No report.
 - 1. Capital Improvement Program- No report.

10. PUBLIC COMMENT

- Seamus Shinnors, 410 7th Street, made general comments regarding the Capital Improvement Program and 2014-15 Street Projects
- Julie Clark, 604 W 12th Street, made general comments regarding 2014-15 Street Projects
- Mary Erickson, 1010 Cass Street, made general comments regarding 2014-15 Street Projects.

11. ADJOURNMENT- Meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Date: _____

Jan Warren, Secretary

STUDY SESSION MINUTES TRAVERSE CITY PLANNING COMMISSION

TUESDAY MAY 20, 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, and Tim Werner (arrived at 8:17 p.m.)

ABSENT: None.

STAFF PRESENT: Russ Soyring, Planning Director; Missy Luick, Planning and Engineering Assistant; Tim Lodge, City Engineer

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. **DISCUSSION OF 4/15/14 "TRANSFORMING OUR MAJOR STREETS" PRESENTATION BY BOB GIBBS AND POSSIBLE GRANT REQUEST FOR 8TH STREET DESIGN CHARRETTE OR CORRIDOR ZONING DISTRICT OVERLAY (DISCUSSION)**

Mr. Soyring explained that he has had preliminary discussions with the Michigan State Housing Development Authority regarding applying for a grant request for an Eighth Street Design Charrette and Corridor Zoning Overlay District as an action step for implementation of the Corridors Master Plan. The next grant cycle opens on October 1, 2014.

Commission discussion.

Commission consensus was to move ahead with plans to submit a grant application for Eighth Street in October.

5. **8TH STREET RESTRIPIING REQUEST DATED 4/28/14 (DISCUSSION)**

Mr. Soyring explained the Eighth Street temporary restriping request that was submitted to the City Commission by over 50 letter signers in the Boardman Neighborhood area. The current street width is 45 feet wide, with four lanes. The Corridor Plan calls for the street to

be 43 feet wide with three lanes and two bicycle lanes. The request is to restripe Eighth Street from Woodmere to Lake Street to three auto lanes and two bicycle lanes.

Mr. Lodge addressed the commission and discussed the May 20, 2014 Eighth Street Evolution memo that was distributed to the commission this evening.

Commission discussion.

Commissioner Werner arrived at 8:17 p.m.

The following made public comment on the subject:

- Bob Otwell, 525 Washington St, city resident, supports the request
- Richard Kuchell, 500 Webster, city resident and city business owner, opposes the request
- Gary Howe, 926 Lincoln St, city resident, made general comments
- George Golubovskis, 325 Washington St, city resident, made general comments

Commission discussion.

Commission consensus was to present a memo at the June 3, 2014 Regular Meeting of an action plan regarding Eighth Street including the following:

- Temporary Eighth Street restriping request
 - Public process approvals required
 - Evaluation strategy/measurement criteria
- Eighth Street Design Charrette/Zoning Overlay application
 - Proposal overview including timeline
- 2018 Eighth Street Reconstruction

6. 2014-15 STREET PROJECTS (DISCUSSION)

Mr. Soyring explained his updated memo to the Commission dated May 12, 2014 regarding the following streets that have been identified for reconstruction: State Street, Franklin Street, Seventh Street, Ninth Street, Eleventh Street, Union Street and Plainview Street.

Commission discussion included preferences for bumpouts near schools, parks or downtown; replacement of street trees during reconstruction and innovative stormwater management.

The following made public comment on the subject:

- Julie Clark, 604 W Twelfth, city resident, made general comments

PLANNING COMMISSION

STUDY SESSION

May 20, 2014

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Staff will proceed to send letters requesting feedback to residents/occupants along the affected streets. Staff will revise the proposed street plans based upon both the Commission comments received at both the May 6, 2014 and May 20, 2014 meetings and comments received from residents/occupants. The Commission will review the 2014-15 street projects for consistency with the Master Plan at the August 5, 2014 Regular Meeting.

7. ACCESSORY DWELLING UNIT ORDINANCE (DISCUSSION)

Mrs. Luick explained Mr. Soyering's May 13, 2014 memo to the Commission.

Mr. Soyering addressed the Commission.

Commission discussion.

Commission consensus was to refer the possible expansion of the Accessory Dwelling Unit Overlay District to the Housing and Building Committee and the committee will bring a recommendation back to the Commission at a future meeting.

The following made public comment on the subject:

- Gary Howe, 926 Lincoln Street, city resident, supports expanding the ADU Overlay District
- Bob Otwell, 525 Washington Street, city resident, supports expanding the ADU Overlay District

8. HONEY BEEKEEPING IN MULTI-FAMILY DWELLINGS (DISCUSSION)

Mrs. Luick explained her May 13, 2014 memo to the Commission and briefly explained the Honeybee ordinance.

Commission discussion.

The following made public comment on the subject:

- Ken Richmond, 333 Boardman Ave, city resident and city business owner, supports expanding honey beekeeping
- David Ford, 742 Washington Street, city resident, supports expanding honey beekeeping

Commission consensus is for Staff to work on draft revisions to the ordinance to allow honeybee keeping on parcels with more than one dwelling for discussion at a future meeting.

9. PUBLIC COMMENT- None.

10. **ADJOURNMENT-** Meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Date: _____

Jan Warren, Secretary



Communication to the Planning Commission

FOR THE MEETING OF: June 3, 2014

FROM: Russ Soyring, Planning Director

SUBJECT: Regulations for Transitional housing and Emergency Shelters

DATE: May 30, 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.

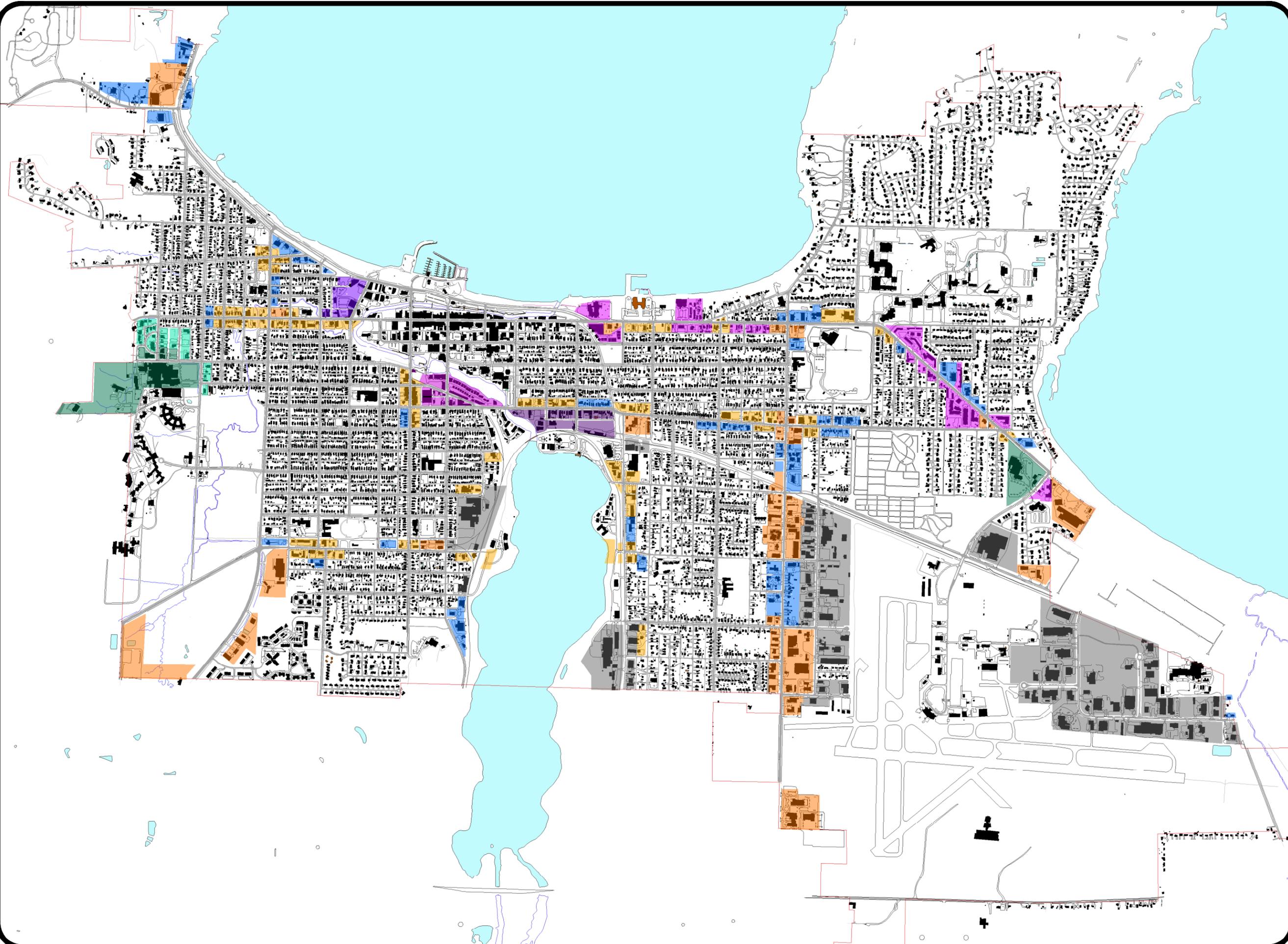
Currently, the zoning code permits "Transitional housing" by Special Land Use Permit in HR, C-1, C-3, H-1 and H-2 districts and "Residential Care and Treatment Facilities" by Special Land Use Permit in R-9, R-15, R-29, HR, C-1, C-3, H-1 or H-2 districts. (Please see Section 1320.08 for definitions for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

The Housing Building Committee is recommending that Emergency Shelters be added by Special Land Use Permit 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.

On May 6, 2014, the Planning Commission discussed the draft zoning ordinance amendments and set a public hearing for June 3, 2014.

If are in support, the following motion would be appropriate:

I move that an amendment to the Traverse City Code of Ordinances 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 be recommended by the Planning Commission and such recommendation be forwarded to the City Commission for their consideration.



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.

Background information that is helpful for the discussion on Emergency Shelters

Please go to Grand Traverse County's Housing Inventory and Strategy page: http://www.co.grand-traverse.mi.us/departments/planning/Housing_Initiatives/Housing_Inventory_Strategy.htm

The full [2012 Grand Traverse County Housing Inventory](http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/2012+Grand+Traverse+County+Housing+Inventory.pdf) is available here: <http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/2012+Grand+Traverse+County+Housing+Inventory.pdf>

The Housing Inventory is a detailed report on the value, condition, and other characteristics of the County's housing stock and was prepared for Grand Traverse County by the Northwest Michigan Council of Governments. The Housing Inventory provides a foundation for community planning and strategy development.

The full [2013 Grand Traverse County Housing Strategy](http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/Housing+Strategy.pdf) is available here: <http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/Housing+Strategy.pdf>

Also prepared for Grand Traverse County by the Northwest Michigan Council of Governments, the Housing Strategy outlines a course of action, specific implementation steps and potential partners for future policy initiatives to address the issues identified in the Housing Inventory.

The [Grand Traverse County Housing Strategy Executive Summary](http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/Grand+Traverse+County+Housing+Strategy+Executive+Summary.pdf) highlights both the Housing Inventory and Strategy: <http://www.co.grand-traverse.mi.us/Assets/Departments/Planning/Grand+Traverse+County+Housing+Strategy+Executive+Summary.pdf>

GREATER GRAND TRAVERSE AREA POINT-IN-TIME COUNT-A SUMMARY OF HOMELESSNESS

January 29, 2014

540 People were counted as homeless or at risk of homelessness on January 29, 2014, the day of the Point-in-Time Count (PIT). The PIT count is required by HUD for communities that wish to request funds for homeless housing and services from HUD. It is intended to be a one day snapshot of unduplicated numbers of homeless families and individuals in sheltered, unsheltered, and other at risk of homelessness locations in the five counties of Antrim, Benzie, Grand Traverse, Kalkaska, and Leelanau. The PIT is conducted by the Greater Grand Traverse Area Continuum of Care (GGTACOC).

The purpose of this count is to provide information to HUS which helps the GGTACOC bring in over \$1,000,000 in funds for shelter, supportive housing, and services to those who are homeless in the 5 counties. The information collected helps local communities to better plan for services and needs.

- **414 People were considered Literally Homeless as defined by HUD. This includes:**
 - **36** People were unsheltered-living outdoors, in a car, or other places not meant for human habitation.
 - **378** People were residing in the following types of shelters: (1) Emergency Shelter, (2) Transitional Housing programs specifically funded to serve those who are homeless, (3) Jail/prison having entered as homeless and with a stay of 90 days or less, (4) Mental health or Treatment Facility having entered as homeless and with a stay of 90 days or less, (5) Hotel/Motel that is time limited and funded by an agency.
- **126 People** were considered to be at risk of homelessness, were doubled up in crowded conditions and/or unable to earn enough income to pay for housing, or were fleeing domestic violence in the 5 counties. This population is difficult to count because they may not be seeking agency help, but relying on families and friends for temporary housing.

Agencies that contributed information for people who were literally homeless or at risk of homeless on the night of the county were:

- Benzie-Leelanau Health DHS
- Catholic Human Services-Host Home Program
- CentraWellness (Benzie-Manistee Community Mental Health)
- Father Fred
- Goodwill Industries of Northwest Michigan-both the shelter in TC and Benzie Rural Shelter
- Leelanau County Health Department
- Michigan Works
- Northern Lakes Community Mental Health
- Northwest Michigan Community Action Agency
- NWM Council of Governments' Prisoner Re-entry Program
- Safe Harbor/Goodwill Industries of NW Michigan-Church sponsored seasonal shelter in TC
- Teen Health Center-Kalkaska
- Third Level-Pete's Place and TLP Voucher Program
- Women's Resource Center for the Grand Traverse Area

DISABILITIES AND CHRONIC HOMELESS INFORMATION (This question was unanswered on many surveys and is provided only for those who are considered Literally Homeless)

1. Chronically homeless (1 year or more, or 4 times in 3 years)- **74**
2. Veterans- **22**
3. Mental Illness- **85**
4. Substance Abuse- **58**
5. HIV- **1**
6. Domestic Violence- **87**
7. **50** Youth age 18-24 are living in shelters, transitional housing programs, and on the streets or in the woods.

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



Communication to the Planning Commission

FOR THE MEETING OF: June 3, 2014

FROM: MISSY LUICK, PLANNING AND ENGINEERING ASSISTANT

SUBJECT: SPECIAL LAND USE PERMIT REQUEST FROM SANDY OLIVER TO
ALLOW A GROUP DAY CARE HOME AT 1012 CENTRE STREET

DATE: May 29, 2014

Sandy Oliver, 1012 Centre Street, is requesting to operate a group day care home at the property mentioned. 1012 Centre Street is zoned Two Family Dwelling (R-2) District. Group day care homes are allowed by Special Land Use Permit.

Group Day Care Homes must meet §1364.02 *General Standards of Approval* and the specific requirements of §1364.08(i) *Group day care homes, including adult day care*.

The applicant has reviewed the above sections with the Planning Director and can meet all of the requirements. Staff has verified that the site is not within 1,500 feet of another group day care home. The fenced outside recreation area is greater than 1,200 square feet and is situated along the rear yards of the abutting properties. Centre Street allows for on-street parking, so no additional parking is required. The primary drop off/pick-up location will be accessed from the alley. The day care entrance is through the home's side door (on the east side of the house).

If you have enough information regarding the request, the following motion would be appropriate:

**THAT THE REQUEST FROM SANDY OLIVER FOR A SPECIAL LAND USE PERMIT TO
ALLOW FOR A GROUP DAY CARE HOME AT 1012 CENTRE STREET BE
INTRODUCED AND SCHEDULED FOR A PUBLIC HEARING ON JULY 1, 2014.**

Attachments: SLUP Application, Proposed site plan, Location Map, Site Photographs, excerpts from the Zoning Code sections 1364.02 *General Standards for Approval* and 1364.08 (i) *Group day care homes, including adult day care*



City of Traverse City

SPECIAL LAND USE PERMIT APPLICATION

Planning Department, 400 Boardman, Traverse City, MI 49684 (231) 922-4778 Telefax (231) 922-4457

NOTE: BEFORE SUBMITTING AN APPLICATION, AN APPLICANT SHALL MEET WITH THE PLANNING DIRECTOR TO REVIEW THE PROPOSED PROJECT, THE TRAVERSE CITY CODE OF ORDINANCES AND THE CITY PLAN. Traverse City Code, Sec. 1364.04(a)

APPLICATION FEE: \$830.00 DATE: 5-23-14
CHECK NO. 416958 HEARING DATE:
RECEIPT NO. 18401 PARCEL NUMBER:

Property address: 1012 Centre Street
Traverse City Mich. 49686

Legal description: Family owned home - would like to use for group day care. fenced in back yard. 2 story light grey house with unattached garage.

Description of request: Request for Group daycare home. Drop off and pick up children in alleyway off of Centre St.

THE COMPLETED APPLICATION AND FOURTEEN (14)* COPIES OF THE SITE PLAN SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO THE MEETING AT WHICH THE REQUEST WILL BE CONSIDERED FOR INTRODUCTION. THE SITE PLAN SHALL MEET ALL THE REQUIREMENTS OF TRAVERSE CITY CODE, CHAPTER 1366, SITE PLANS AND SITE DEVELOPMENT STANDARDS.

Names of all property owners: Mark and Sandy Oliver

Applicant's name: Sandy Oliver

Address: 1012 Centre St. Traverse City, MI, 49686

Telephone: 231-620-6347 Telefax:

The undersigned acknowledges that in the event that it is determined by the Planning Director or the Planning Commission pursuant to Sections 1322.01 or 1322.05 of the Zoning Ordinance that the Application Fee will not cover the actual costs of processing this Application, including, but not limited to, costs for per diem expenses of staff, staff review and preparation time, professional reviews, attorney fees and other related expenses, outside professional planners, engineers, surveyors, architects or landscape architects, the undersigned shall be responsible for such additional fees in an amount determined by the Planning Director or the Planning Commission as provided by the Zoning Ordinance

Signature of owner(s): Mark Oliver Sandy Oliver

Signature of applicant (if different than owner):

Relationship of applicant to owner: Wife

*Note: After the Planning Commission has acted upon the request, ten (10) additional copies of the site plan shall be submitted to the City Clerk. The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq. Revised 7/2009

CENTRE ST

1005

901

913

1012

1022

Alley

OUTDOOR
PLAY
AREA

PICK UP / DROP OFF
AREA IN
ALLEY
USING
SIDEWALK

BUSINESS HOURS
7:00 am - 5:00 pm
MON - FRI

23.5ft

Facing street

22ft

door
40ft house length

House width
27ft

54ft

35ft

56ft
Backyard Fence

35ft

27ft

1" = 20'

Legend
Road Names
Parcels



1 inch = 20 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.

SPECIAL LAND USE REGULATIONS (excerpts from Traverse City Code of Ordinances)

1364.02 GENERAL STANDARDS FOR APPROVAL.

Each application for a special land use shall be reviewed for the purpose of determining that the proposed use meets all of the following standards:

- (a) The use shall be designed, constructed, operated and maintained so as to be harmonious and compatible in appearance with the intended character of vicinity.
- (b) The use shall not be hazardous nor disturbing to existing or planned uses in the vicinity.
- (c) The use shall be served adequately by existing or proposed public infrastructure and services, including but not limited to, streets and highways, police and fire protection, refuse disposal; water, waste water, and storm sewer facilities; electrical service, and schools.
- (d) The use shall not create excessive additional requirements for infrastructure, facilities, and services provided at public expense.
- (e) The use shall not involve any activities, processes, materials, equipment or conditions of operation that would be detrimental to any person or property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or water runoff.
- (f) Where possible, the use shall preserve, renovate and restore historic buildings or landmarks affected by the development. If the historic structure must be moved from the site, the relocation shall be subject to the standards of this section.
- (g) Elements shall relate the design characteristics of an individual structure or development to existing or planned developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.
- (h) The use shall be consistent with the intent and purposes of the zoning district in which it is proposed.

1364.08 SPECIAL LAND USE PERMITS GRANTED BY THE CITY COMMISSION.

- (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.

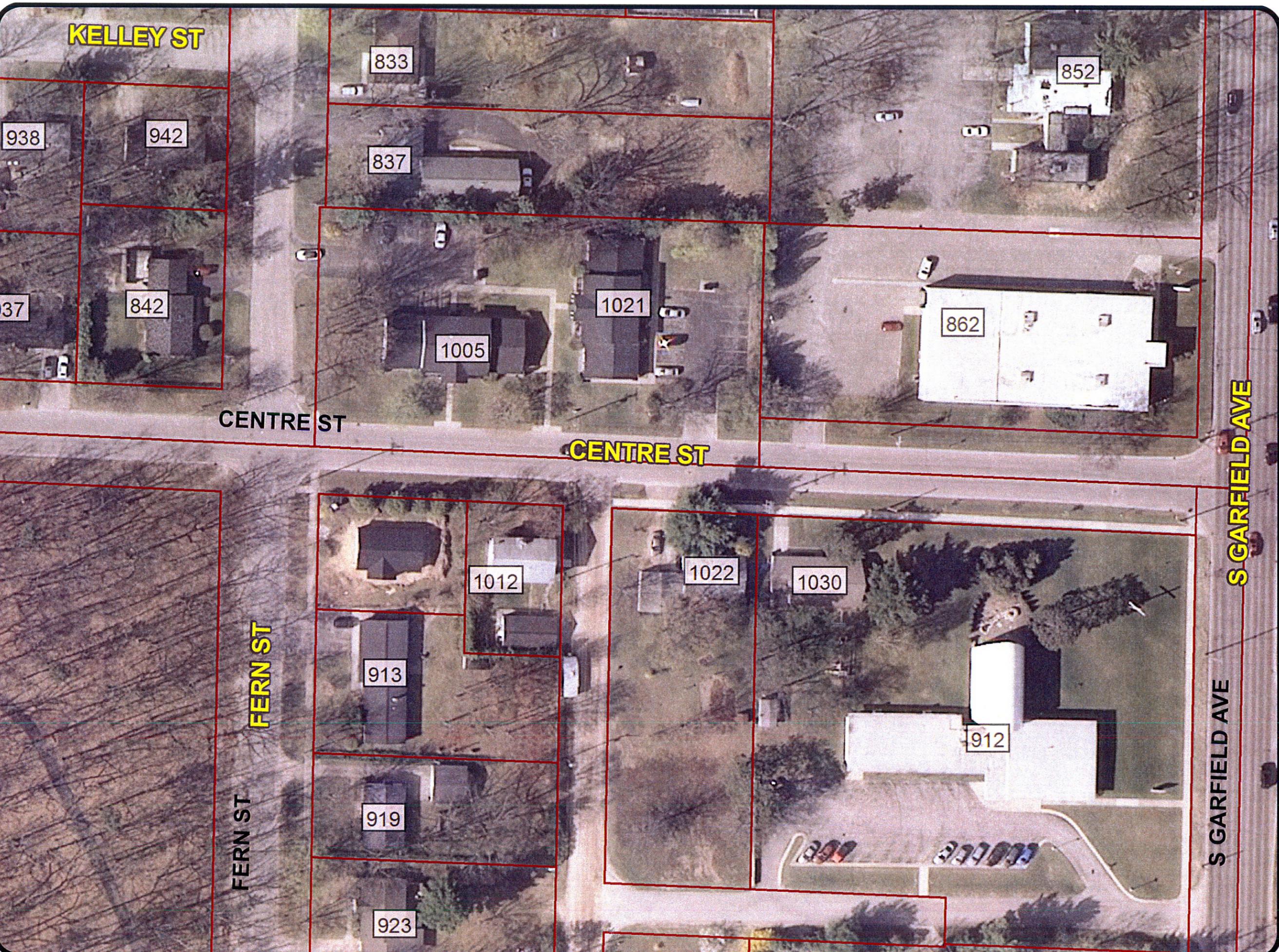
1012 Centre Street Site Photographs



1012 Centre Street Site Photographs



1012 centre street location map



1 inch = 60 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: June 3, 2014

FROM: Russ Soyring, Planning Director

SUBJECT: 8th Street Restriping request and Action Plan for 8th Street
Design Charrette and Corridor Zoning Overlay District

DATE: May 30, 2014

A memo and detailed action plan is currently being developed by Staff and will be provided to the Commission prior to the meeting.

Attached: Road Diet Conversions Excerpt

RS



Pedestrian and Bicycle Information Center

White Paper Series

Road Diet Conversions: A Synthesis of Safety Research

May 2013

Libby Thomas, Senior Associate, UNC HSRC

For:
Federal Highway Administration
DTFH61-11-H-00024

Conclusions

A relatively small number of robust studies have analyzed the safety impacts of road diet conversions, mostly from four-lane, undivided corridors to three-lane corridors including TWLTL (frequently with added bike lanes). The most robust studies have, however, encompassed a substantial number of converted sites and comparison locations.

Based on these studies, road diet treatments seem to be one of the success stories with regard to crash and speed reductions. Road diets are also compatible with providing a number of other community and roadway use benefits. In addition, conversions utilizing existing right of way can be very economically implemented through the use of paint, but perhaps enhanced with additional measures such as raised medians and turn pockets.

The most robust estimates range from 19 percent average reduction in total crashes on corridors in larger urban areas to 47 percent for more rural highways passing through small urban areas. Crash reductions have been documented for a range of conditions including highways passing through smaller localities, for corridors in larger urban/suburban areas, as well as intensively urban New York City. 14

Actual crash reductions can be expected to vary depending on the site conditions, crash types analyzed, and methodologies used. In terms of site conditions, there has been significant conjecture that pre-conversion conditions such as density of unsignalized junctions, frequency of left turning movements, numbers of slowing or stopping vehicles, changes in operating speeds, and prevalence of certain crash types, among other factors may affect results obtained, but there are insufficient data at present to support or refute these conjectures. The extent of speed reductions achieved may also help to explain variation in the degree of safety effects that has been noted in different environments. Lower operating speeds have the potential to affect all types of crashes and crash severity.

Impacts on more severe crashes (fatalities and injuries) and operating speed changes should be a prime consideration in future evaluations. Since it is typically more challenging to detect effects on lower numbers of severe crashes, documenting effects on travel speed distributions would help to document safety benefits and reduction in risk of more severe injuries. Motor vehicle speed is a prime safety consideration for pedestrians. However, there are still questions about what conditions are most conducive to the greatest safety benefits, as well as maintenance of good operational and access conditions for various users.

Road diet treatment generally seems compatible with maintaining motor vehicle capacity under the volume conditions studied, most often in moderate ranges from around 5,000 up to 24,000 vehicles per day, or up to around 1,500 – 1,750 vehicles per peak hour. Case study evidence suggests that other types of traffic, including bicycles and pedestrians, may increase after a road conversion.

It is not entirely clear whether the mobility assessments to date have well-captured actual operational effects of road diets, or whether short term traffic diversion noted in some instances have continued over time. Some studies have shown a short term shift in flows to other corridors, with volumes returning in time. Much of the information to date is in anecdotal or case study format, or based on simulation modeling exercises, which necessarily simplify and omit parameters that may have a bearing on flows. Many of the “worst case” volume scenarios in simulation studies might never occur, or might be mitigated through optimizing signal timing, provision of intermittent turn pockets or roundabouts at intersections, shifts in travel mode if alternate facilities are provided, and other outcomes that have been reported by practitioners.

Road diet conversions to three-lanes seem to be a low-cost way to enhance safety for a fairly wide range of urban and suburban four-lane, undivided corridors of low to moderate volumes. If a road diet additionally meets other local objectives, then it should be considered a viable option based on the safety evidence.

RECEIVED



526 W 14th Street, Ste 212
Traverse City MI 49684
www.northstarsoccer.org

April 28 2014

MAY 21 2014

Mr. Russ Soyring
City Planner
400 Boardman Avenue
Traverse City MI 49684

PLANNING DEPT
CITY OF
TRAVERSE CITY

Dear Mr. Soyring,

I believe you are aware of NorthStar Soccer, Inc.'s April 28 letter to the City Manager, Jared Ottenwess, concerning possible lease and development of the former Boys and Girls Club into a multi-purpose indoor sports facility. (I am attaching a copy of the letter for your reference.)

As part of our due diligence, we learned that even though the Boys and Girls Club utilized the building as a recreational facility, that specific land use is not a legally authorized use for the building in the D-2 Zoning District. In further reviewing the Zoning Ordinance, we see that "recreational facilities" are currently only a permitted use in the OS and GP Zoning Districts.

We believe recreational facilities - as that phrase is commonly understood - would appear to be a land use which is compatible and complimentary of uses currently allowed in other zoning districts, e.g. C-2. Accordingly, it appears that there may be a "gap" in the current text of the Zoning Ordinance as it relates to permitting recreational facilities at other locations and in other zoning districts within the City. We would, therefore, respectfully request that the City consider a text amendment (or any other necessary amendment), to allow for recreational facilities as a permitted use within C-2 Zoning District and other zoning district(s) where that use would be reasonably considered compatible/complimentary to the currently listed permitted uses.

Over the last 2 - 3 years our group has identified and walked through a number of buildings in furtherance of the objective to develop a multi-sports facility in our area. As you might appreciate, there are very few buildings in the area that have the appropriate height and configuration to develop as a facility for multiple users pursuing indoor sports opportunities. We believe that a change to the Z.O. will expand the potential sites where a recreational facility can be constructed where there is, without question, a high demand for this type of facility. (This is especially true with the heavy concentration of City residents - both adults and children - who would take advantage of an indoor multi-sports facility.)

Thank you for your anticipated cooperation in moving forward with a proposed text amendment.

Sincerely,

Darrell C. Rogers
President, NorthStar Soccer, Inc.



526 W 14th Street, Ste 212
Traverse City MI 49684
www.northstarsoccer.org

April 28 2014

Mr. Jared Ottenwess
City Manager
City of Traverse City
400 Boardman Avenue
Traverse City MI 49684

Mr. Ottenwess:

Our organization, *NorthStar Soccer, Inc.*, a local 501(c)3 non-profit corporation has been actively searching for an adequate, single-span building for several years that would allow us create the Grand Traverse Sports Center. The city owned building at 517 Wellington would be an ideal place for us to make our vision of a community based, self-sustaining, open access, multi-sports facility a reality.

I understand that this property is under consideration by the city of Traverse City to become the home of Safe Harbor and that the city has received a proposal from the Safe Harbor organization for that purpose. This letter is NOT intended to represent a competing proposal to the Safe Harbor plan.

We would simply like you to know that if the Safe Harbor proposal is not adopted or if the City chooses to pursue other options, NorthStar Soccer, Inc. would be very interested in presenting a plan.

I believe that the use of the property at 517 Wellington as the Grand Traverse Sports Center would be in keeping with the *Traverse City Master Plan* and the *Corridors Master Plan*

Because our quest began more than three years ago, we have prepared development, management, service, and financial plans to prepare for the creation of the Grand Traverse Sports Center. We have received commitments from established local funding sources to raise \$50,000 for our start-up costs.

If, at any time, you would like to see details of this plan, please contact me directly with that request.

As the President and Director of NorthStar Soccer, Inc. for 20 years and a founder of Traverse Bay Area Youth Soccer (TBAYS), I am personally committed to ensuring the success of the Grand Traverse Sports Center. We have a dedicated staff, as well as many community volunteers, that stand ready to assist in making the Grand Traverse Sports Center a reality.

Sincerely,

Darrell C. Rogers
coachrogers@northstarsoccer.org
President & Director, NorthStar Soccer, Inc.