

TRAVERSE CITY PLANNING COMMISSION REGULAR MEETING

TUESDAY, December 2, 2014

7:30 P.M.

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

Posted: 11/26/14

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**
November 4, 2014 Regular Meeting and November 18, 2014 Study Session minutes
(Approval recommended)
5. **OLD BUSINESS**
 - A. Consideration of Master Plan Review Committee recommendation to initiate process to amend the Master Plan (Action Requested)
 - B. Review of Housing and Building Committee recommendations regarding Accessory Dwelling Units (Discussion)
6. **NEW BUSINESS**

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
 - 4. Parking Regulation Committee- Commissioner Serratelli
- E. Planning Department—Mr. Soyring
 - 1. Capital Improvement Program—Mrs. Luick

9. PUBLIC COMMENT

10. ADJOURNMENT

MINUTES

TRAVERSE CITY PLANNING COMMISSION

TUESDAY, November 4, 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

ABSENT: None.

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

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

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** Chairperson Serratelli made three announcements: 1) For those watching this meeting on TV, please remember to vote if you haven't already done so; 2) Commissioner McNally was thanked for his 11 years of service on the Planning Commission and his efforts as the chairperson of the waterfront planning process, "Your Bay Your Say" were highlighted; and 3) Russ Soyring was awarded the Planning Leadership Award at the Michigan Association of Planning annual conference in October.

4. **APPROVAL OF MINUTES**

October 7, 2014 Regular Meeting and October 21, 2014 Study Session minutes (Approval recommended)

Motion by Commissioner Easterday, second by Commissioner Twietmeyer, that the October 7, 2014 Regular Meeting and October 21, 2014 Study Session minutes be approved as presented.

Motion carried 9-0.

5. **OLD BUSINESS**

A. Planning Commission Bylaws Amendments (Approval recommended)

Mr. Soyring explained that the bylaws revisions were presented at our October 21, 2014 study session by the City Attorney and City Clerk. The revised version in the

meeting packet includes changes based on the Commission discussion from the last meeting.

Commission discussion included comments related to Section VI. G. that outlines procedures for ex parte contact.

Motion by Commissioner Warren, second by Commissioner McNally, that the Planning Commission Bylaws be amended as proposed in the October 22, 2014 revision.

Motion carried 8-1 (Commissioner Dow opposed.)

6. NEW BUSINESS

A. CIP Project Submission (Discussion)

Mr. Soyring explained that the CIP call for projects was just released to city staff and that the Planning Commission may choose to submit projects for inclusion in the CIP as well.

Commission discussion.

Commission consensus was to add the topic to the November study session to discuss possible project submission.

7. CORRESPONDENCE

A. Parking Regulation Committee membership/charge

Chairperson Serratelli summarized the Parking Regulation Committee charge.

Commission discussion.

Mr. Soyring addressed the Commission.

Commission discussion.

B. Code Enforcement quarterly report and Planning Department quarterly report

Mr. Soyring indicated that these quarterly reports were included in the packet for informational purposes. If there are questions on any of the information provided, please let the Planning Staff know and we will respond.

C. Clint Caughran letter

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Mr. Soyring explained that this letter was included in the packet because it was addressed to the Planning Commission. The Housing and Building Committee are currently discussing accessory dwelling units.

D. Natural Resources Element summary and Uptown site plan

Mr. Soyring explained that because we are aware that there may be public comment regarding the Uptown development, staff included the document for informational purposes.

8. REPORTS

- A.** City Commission- Commissioners Easterday and Werner reported.
- B.** Board of Zoning Appeals- No meeting.
- C.** Grand Traverse Commons Joint Planning Commission- Commissioners Serratelli and Warren reported that they meet tomorrow and will be reviewing a draft zoning ordinance.
- D.** Planning Commission
 - 1. Housing Building Committee— No meeting.
 - 2. Active Transportation Committee—No meeting.
 - 3. Master Plan Review Committee—No meeting.
 - 4. Parking Regulation Committee- No meeting.
- E.** Planning Department—Mr. Soyring announced that a presentation regarding the Eighth Street road diet will take place on November 10 at 7:00 p.m. and will include an analysis by the project consultant. Mrs. Luick reported that the next public meeting for the Traverse City Public Pier project will be held November 19 at 7:00 p.m.
 - 1. Capital Improvement Program—No report.

9. PUBLIC COMMENT

- Commissioner Warren commented regarding meeting decorum and inappropriate and threatening comments made toward the Planning Commission at our last regular meeting. Chairperson Serratelli responded that the City Clerk addressed Commissioner Warren's comments at our previous study session and there is a procedure that the Chair should follow should meeting decorum be compromised.
- John Nelson, 4022 Incochee Commons, non-city resident, made comments regarding the Uptown Development and lack of city ordinances to protect the riparian edge of the river in the form of a vegetative buffer.
- Mike Wills, 110 Fairway Hills Dr. and developer of the Uptown Development made comments regarding the need for the tree removal along the river's edge as well as the efforts made as part of the project to remediate the contaminated soils.

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- John Lawson, non-city resident, city business owner, made comments regarding operating a kennel at their business on 8th Street. Currently kennels are not allowed in the D-2 Development District. Mr. Soyring addressed the Commission.
- Commissioner McNally thanked the Commission for making his many years of service a rewarding experience.
- Commissioner Easterday made comments regarding the lack of a tree protection ordinance in the City.

10. ADJOURNMENT- Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Date: _____

Jan Warren, Secretary

STUDY SESSION MINUTES TRAVERSE CITY PLANNING COMMISSION

TUESDAY November 18, 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 (7:35 p.m.), Chairperson John Serratelli, Bill Twietmeyer, Jan Warren, and Tim Werner

ABSENT: Commissioners Janet Fleshman and Cecil McNally

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

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

2. **ROLL CALL**

3. **ANNOUNCEMENTS-** Mr. Soyring announced that there will be another Traverse City Public Pier meeting taking place tomorrow, November 19, 2014 at 7:00 p.m. in the Training Room here at the Governmental Center.

4. **CAPITAL IMPROVEMENT PROGRAM PROJECT SUBMISSION (DISCUSSION)**

Mr. Soyring and Mrs. Luick addressed the Commission.

Commissioner Easterday joined the meeting at 7:35 p.m.

Commission discussed possible income sources like possibly selling city properties, Brown Bridge Trust Fund income and revenue from the Grand Traverse County Road Commission millage.

Commissioners discussed the following projects: Boardman Lake Avenue, Boardman Lake Trail, TART Trail maintenance, Clinch Park repairs, sidewalk infill priorities and implementing bank stabilization ordinance amendments (Natural Resources Element).

Additional discussion regarding the Brown Bridge Trust Fund included waiting for the City Commission to establish a policy for how Brown Bridge Trust Fund monies will be used and then perhaps a joint meeting of City Commission, Planning Commission and Parks and Recreation Commission to discuss prioritizing projects.

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Discussion included removal of maintenance projects from the CIP and including an “unfunded projects” fund for projects that are visionary and require outside funding.

5. **PUBLIC COMMENT-** Chairperson Serratelli announced that the December 16, 2014 Study Session will be cancelled and the next regular meeting of the Planning Commission is December 2, 2014.
6. **ADJOURNMENT-** The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Date: _____

Jan Warren, Secretary



Communication to the Planning Commission

FOR THE MEETING OF: December 2, 2014

FROM: Russ Soyring, Planning Director

SUBJECT: Master Plan Amendment Notice

DATE: November 26, 2014

The Master Plan Review Committee was established by the Planning Commission to review the City of Traverse City Master Plan 2009 document and conduct the required 5-year review and determine if any amendments are necessary.

The Master Plan Review Committee presented draft Master Plan amendments to the Planning Commission at its June 16, 2014 Study Session and heard additional input by the Commission. The Master Plan Review Committee reconvened and has determined that amendments to the Master Plan document are necessary and are recommending that the Planning Commission formally begin the Master Plan amendment process as outlined in the Michigan Planning and Enabling Act.

The Master Plan Review Committee has made additional amendment recommendations that are included in the packet for discussion only.

If you are in agreement with the recommendation by the Master Plan Review Committee to initiate the process to amend the Master Plan, the following motion would be appropriate:

I move that the Planning Commission has determined to commence the procedure to amend the Master Plan and will send notice of our intent to amend the Master Plan to adjacent governmental entities requesting the recipient's review and comment.

RAS/mlI

Attachment: Master Plan amendment

Envisioning Our Future: TC Neighborhoods

This Master Plan defines “neighborhood” as more than a collection of buildings. The definition expands to embrace collections of complementary and compatible activities central to the well being of our citizens. This definition recognizes the culture that has developed in each neighborhood and the benefits of embracing the layers of life that will emerge from each culture. It provides for a full range of evolving activities, services, and lifestyles while honoring the traditions that have delivered us to this time and place.

Traverse City neighborhoods have followed a traditional pattern: Rural lands stood at the town’s edge. Larger “estate lots” lined the neighborhood edges. The estate lots defined the edge of a town and intrinsically connected to the neighborhood. The bulk of the neighborhoods were single-family lots ranging from thirty to two hundred feet in width. The lots narrowed closer to the center of the community. The block structure became more rigid at the center and more fluid away from the center. The highest density areas were located near the center.

This Plan supports and honors that geography. In moving forward, it encourages a social (people-oriented) perspective—one that defines neighborhoods according to the nature and intensity of human activity within a given area.

Each neighborhood nurtures a degree of human activity, which can be measured according to four ~~variables (known as H.A.M.E. standards):~~ intensity levels:

Hours: the hours of operation of an activity within a neighborhood.

~~Access~~

Auto: all motorized and non-motorized traffic within a neighborhood including but not limited to automobiles, trucks, buses, pedestrians, and bicycles.

Mass: the intensity of the buildings or structures within a neighborhood as defined by area, land coverage, height, distance to property lines, access to light, or conversely, effects of shadow.

Emissions: by-products of activities that leave the property or neighborhood within which it is created, including, but not limited to, noise, dust, odors, smoke, and light. Each neighborhood has an expected background level of emissions related to those characteristics found to be a normal part of an existence within that neighborhood’s context.

The Plan uses these variables as ~~practical and quantifiable standards~~ ^{guidelines for appropriate} of intensity. The ~~standards~~ ^{^levels, guidelines} will be used for decision-making—for protecting and nurturing the unique culture of each neighborhood and for maintaining transition zones between neighborhoods. With these ~~standards~~ ^{guidelines}, decision-makers are not limited to geographic space as a sole criterion; they can also factor in the way people live within a particular space—what kinds of activities they want to encourage or limit. By focusing on the ~~standards~~ ^{guidelines} within a particular neighborhood type, decision-makers can become more receptive to uses that promote other goals within our neighborhoods (small neighborhood services that promote walkability, for example).

The Plan also acknowledges that intensity changes within each neighborhood—that intensity is naturally but not evenly distributed. The center or core of the neighborhood tends to be the most pure to the neighborhood type. The Plan acknowledges this distribution and allows for the transition from one neighborhood type to another. Higher intensities will be allowed at the periphery of residential neighborhoods than what is allowed in their interior. Lower intensities will be encouraged at the periphery of commercial neighborhoods than what is allowed at their interior. This protects residential neighborhoods by creating a transition zone between high-intensity commercial activity and low-intensity domestic life.

This Plan confronts the reality that each neighborhood shares a boundary with several others—with other kinds and degrees of activity. No neighborhood is an island. Therefore, a practical, clear-headed discussion of those boundaries is crucial to the overall health of the community. That discussion must transcend any one neighborhood but include them all.

To begin the discussion, this Plan defines neighborhoods in ascending order of intensity (from least to most). The least intense neighborhood, TC-1 Conservation, has low levels of noise and a low acceptance of formal urban structures while the most intense, TC-5 Downtown, has high levels of noise and formal urban structures. If the area is residential, then the center has the least intensity ~~in terms of H.A.M.E.~~ ^{level} for that neighborhood type. If the area is commercial, then the center has the most intensity for the neighborhood type. The boundary areas become blended where similar neighborhood types meet, for example: where TC-2 Conventional meets TC-3 Traditional or where TC-4 Corridor meets TC-5 Downtown. These areas may have traits of each neighborhood type.

The boundaries between residential neighborhood types and commercial neighborhood types are hard: between TC-2 Conventional and TC-4 Corridor or between TC-3 Traditional and TC-5 Downtown. The commercial neighborhoods at the boundaries are expected to mitigate their intensity level to one that is no higher than the highest accepted intensity level of the adjoining residential neighborhood.

Acknowledgements as of July 15, 2009

City Commission

Michael Estes, *Mayor*
Chris Bzdok, *Mayor Pro Tem*
Jody A. Bergman
Barbara D. Budros
Jim Carruthers
Denise Scudato
Ralph Soffredine

Planning Commission

Fred Wilmeth, *Chairperson*
Jennifer Jaffe, *Vice-Chairperson*
Jody A. Bergman, *City Commission Representative*
Michael Estes, *Mayor*
Ross Richardson
John Serratelli
Robert Stow, *Secretary*
Bill Twietmeyer, *City Staff Representative*
Jan Warren

Master Plan Committee

Jody A. Bergman, *City Commission Representative*
Barbara D. Budros, *City Commission Representative*
Chris Bzdok, *City Commission Representative*
Debra Chavez, *City Staff Representative*
Robert Stow, *Planning Commission Representative*
Jan Warren, *Planning Commission Representative*
Fred Wilmeth, *Planning Commission Representative*
Jeanine Easterday, *former Planning Commissioner*
Jason Eckerly, *former Planning Commissioner*
David Hoekje, *former Planning Commissioner*

City Staff

Russell Soyring, *AICP, Planning Director*
David Weston, *Zoning Administrator*
Kristie McCaw, *Planning Assistant*
Kelli Springer, *former Planning Assistant*
Tim Lodge, *P.E., City Engineer*
Karrie Zeits, *Esq., City Attorney*

Professional Resources

Dr. Johnathon Mauk,
Northwestern Michigan College, Editor
Jane Kowieski,
Michigan Land Use Institute, Graphic Design
Sarah Lucas, *AICP, Reviewer*
*Photos provided by Northwestern Michigan College,
Michigan Land Use Institute, Rauth Photographic,
R. Clark Associates, Inc., and the City of Traverse City.*

Resource Documents

*A New Agenda for Michigan. Michigan Future Inc.
June 2006.*

*Across Grandview Parkway: Strengthening Connections
Between Downtown and the Bay. University of
Michigan School of Natural Resources and Environment
and the Taubman College of Architecture and Urban
Planning. April 2006.*

Burlington Municipal Development Plan, 2006.

*Land Use Plan, Albermarle County Land Use Plan.
July 2002.*

Michigan Planning Act, March 2008.

Smart Code & Manual, v.8.0, New Urban Publications.

*Smart Growth Audit. Grand Traverse County, Traverse
City and Peninsula Township. Smart Growth Leadership
Institute. 2006.*

Traverse City Master Plan. Revised May 2002.

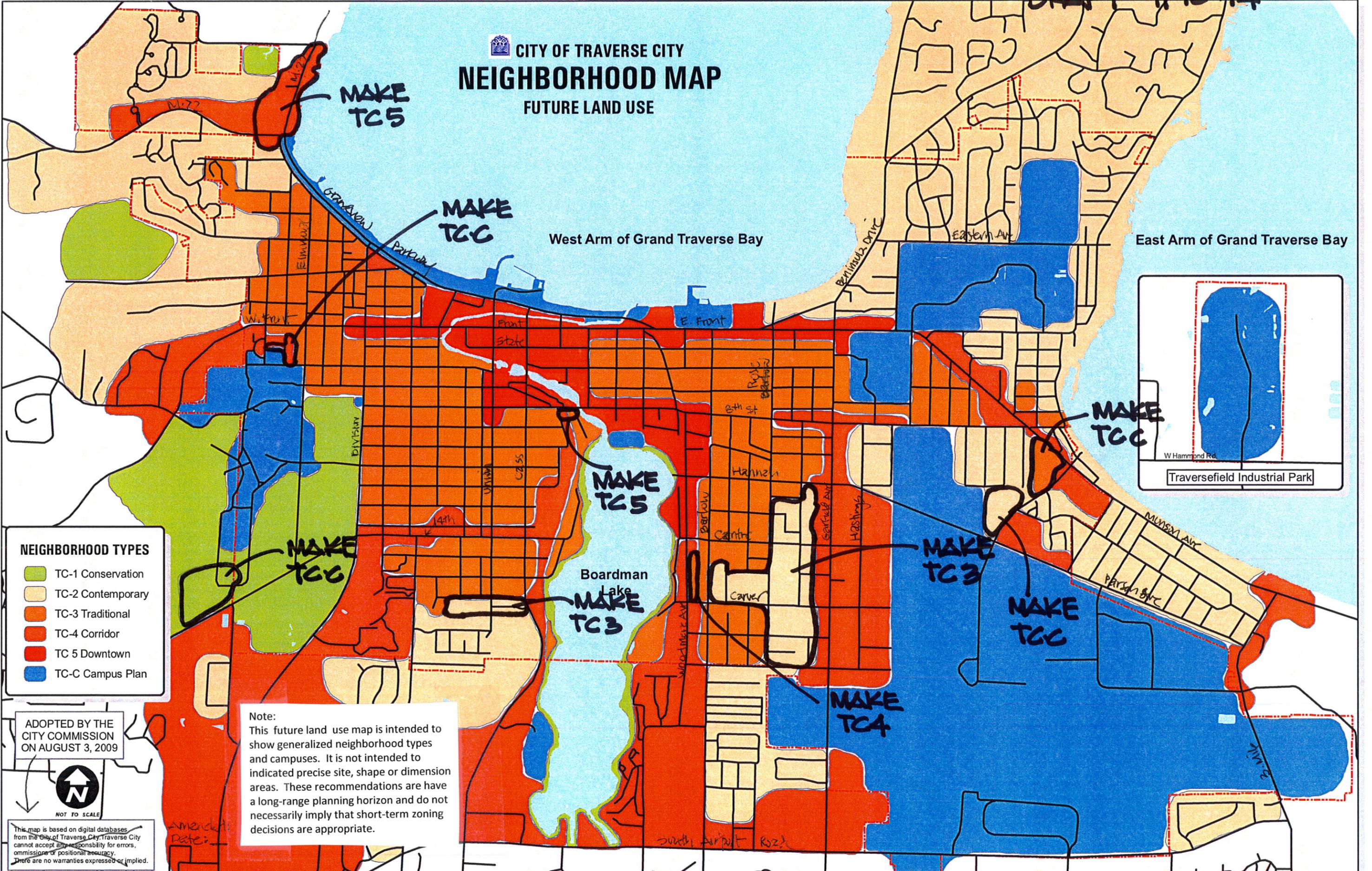
*Visioning TC, William McDonough & Partners.
October 2004.*

*Your Bay Your Say. Traverse City's Waterfront Plan.
Accepted by the Bayfront Planning Committee on
September 13, 2007.*

Add major street names

DRAFT 11.10.14

CITY OF TRAVERSE CITY NEIGHBORHOOD MAP FUTURE LAND USE



- NEIGHBORHOOD TYPES**
- TC-1 Conservation
 - TC-2 Contemporary
 - TC-3 Traditional
 - TC-4 Corridor
 - TC-5 Downtown
 - TC-C Campus Plan

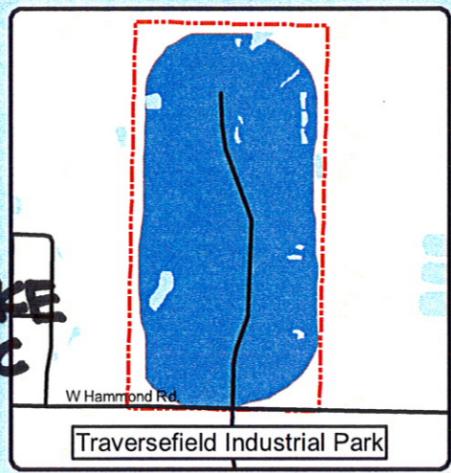
ADOPTED BY THE
CITY COMMISSION
ON AUGUST 3, 2009



NOT TO SCALE

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.

Note:
This future land use map is intended to show generalized neighborhood types and campuses. It is not intended to indicate precise site, shape or dimension areas. These recommendations have a long-range planning horizon and do not necessarily imply that short-term zoning decisions are appropriate.



TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ACCESSORY DWELLING UNITS IN SINGLE FAMILY DWELLING DISTRICTS WITH CONDITIONS

THE CITY OF TRAVERSE CITY ORDAINS:

That the Single Family Dwelling Districts Section 1332.01, *Uses Allowed*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1332.01 USES ALLOWED.

The following uses of land and buildings, together with accessory uses, are allowed in the Single Family districts:

- Accessory Dwelling Units meeting the following requirements:
 - (1) The existing site and use are substantially in compliance with this Zoning Code.
 - (2) There shall be a maximum limit of ten (10) Accessory Dwelling Units per calendar year.
 - (3) The accessory dwelling unit is allowed only on a lot having at least 5,000 square feet.
 - (4) Only one accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
 - (5) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exteriors appear to be single-family.
 - (6) For new buildings or buildings that will be externally modified where such modification requires a building permit, the accessory dwelling unit's primary entrance shall be made less visible from the street view than the main entrance of the principal dwelling unit.
 - (7) Individual site plans, floor plans, elevation drawings and building plans for both the proposed accessory dwelling unit.
 - (8) The accessory dwelling unit may not exceed forty percent of the total floor area of the principal dwelling unit including the garage. The interior staircase of the accessory dwelling unit is not included in the total floor area.
 - (9) The accessory dwelling unit must have at least 250 square feet of gross floor area per dweller.
 - (10) The dwelling unit that is rented shall not be leased for less than three months at a time.
 - (11) At least one owner of record shall occupy either the primary dwelling unit or the accessory dwelling unit. The owner occupant shall meet the requirements for a minimum sixty percent principal residence tax exemption.
- Adult foster care family home;
- Athletic fields;
- Boat houses if they are an accessory use, if they are designed for housing a boat, if provisions are made for routing of any boardwalk, and if proper State and federal permits are obtained;
- Community Gardens;
- Dwellings, single family;
- Essential services;
- Golf courses;
- Home occupations subject to the following conditions:

- (1) A home occupation shall be conducted within the dwelling which is the bona fide residence of the principal practitioner of the occupation, or in a building accessory to such dwelling.
 - (2) All business activity and storage shall take place within the interior of the dwelling and/or accessory building.
 - (3) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
 - (4) The home occupation shall not generate vehicular traffic beyond eight trip-ends per day.
 - (5) Only off-street parking facilities customary for a residential use and located on the premises may be used.
 - (6) No vehicles used in the conduct of the occupation may be parked, kept or otherwise be present on the premises, other than such as are customarily used for domestic or household purposes.
 - (7) Home occupations shall be conducted solely by persons residing at the residence, and no more than two such persons shall be employed in the home occupation.
 - (8) Any sign identifying the occupation must conform to the regulations of Traverse City Code Chapter 1476, *Signs*.
 - (9) No sale or rental of goods is allowed on the premises, except as secondary and incidental to the furnishing of a service.
 - (10) Instruction in crafts and fine arts are recognized as allowable home occupations if they meet the above conditions.
 - (11) The use shall not generate noise, vibration or odors detectible beyond the property line.
- Medical Marihuana Cultivation on a Parcel containing one Single Family Dwelling meeting the following requirements:
 - (1) No more than the maximum number of plants one (1) person may cultivate under the Michigan Medical Marihuana Act shall be cultivated per Parcel;
 - (2) The Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - (3) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the Primary Caregiver or Qualifying Patient cultivating the plants;
 - (4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the Parcel and shall not be visible from an adjoining public way;
 - (5) The Principal Use of the Parcel shall be a Dwelling and shall be in actual use as such.
 - (6) No transfer of Medical Marihuana to Qualifying Patients other than Qualifying Patients residing on the Parcel shall occur.
 - (7) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
 - (8) No vehicles used in cultivation may be parked, kept or otherwise be present on the Parcel, other than such as are customarily used for domestic or household purposes.
 - Medical Marihuana Cultivation on a Parcel containing a more than one Single Family Dwelling, a Two Family Dwelling, or a Multiple Family Dwelling meeting the following requirements:
 - (1) No more than 12 Medical Marihuana plants shall be cultivated per Dwelling Unit;
 - (2) The Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of

- Community Health, as they may be amended from time to time;
- (3) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the Primary Caregiver or Qualifying Patient cultivating the plants;
 - (4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the dwelling unit and shall not be visible from an adjoining public way;
 - (5) The Principal Use of the Dwelling Unit shall be a Dwelling and shall be in actual use as such;
 - (6) No transfer of Medical Marihuana to Qualifying Patients other than Qualifying Patients residing within the Dwelling Unit shall occur;
 - (7) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
 - (8) No vehicles used in cultivation may be parked, kept or otherwise be present on the Parcel, other than such as are customarily used for domestic or household purposes.
- Playgrounds;
 - Tourist homes meeting the following requirements:
 - (1) Rooms utilized for sleeping shall be part of the primary residential structure and shall not be specifically constructed or remodeled for rental purposes.
 - (2) The tourist home shall not be closer than 1,000 feet to an existing licensed tourist home.
 - (3) The exterior appearance of the structure shall not be altered from its single family character.
 - (4) There shall be no separate or additional kitchen facility for the guests.
 - (5) Off-street parking shall be provided as required by this Zoning Code and shall be developed in such a manner that the residential character of the property is preserved.
 - (6) A site plan is approved according to the Zoning Code. Certain site plan information may be waived at the discretion of the Planning Director.
 - (7) A City tourist home license is maintained.
 - (8) A tourist home shall be an incidental and secondary use of a dwelling unit for business purposes. The intent of this provision is to ensure compatibility of such business use with other permitted uses of the residential districts and with the residential character of the neighborhoods involved, and to ensure that tourist homes are clearly secondary and incidental uses of residential buildings.

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: ACCESSORY DWELLING UNITS NO PARKING REQUIRED AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That the Circulation and Parking Section 1374.03, *Motor Vehicle Parking*, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1374.03 MOTOR VEHICLE PARKING.

(a) **Compliance required.** In all districts, except the C-4 districts (where the provision of off-street parking is not required) and those properties located within 500 feet of a public parking structure, off-street parking shall be provided as required by this Chapter unless otherwise provided by parking waiver pursuant to this Zoning Code. In the C-4 district and those properties located within 500 feet of a public parking structure, when private parking is provided, it shall meet all requirements of this Chapter with the exception of the parking space requirements of subsection (d). Full off-street parking compliance is required as follows:

- (1) **New Construction.** For all newly constructed buildings.
- (2) **Enlargement.** Whenever a building is expanded to increase its gross floor area.
- (3) **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking pursuant to this Zoning Code than the former use.
- (4) **Parking Area Construction and Expansion.** For all new parking areas and whenever existing parking areas are expanded. Normal maintenance, such as regrading of legal non-conforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.

(b) **Land use permits; plans; improvement guarantees.** Land use permits shall be required for parking area construction or expansion in all districts. In addition, the following shall be submitted:

- (1) **Plans.** For any parking construction or expansion a plan shall be submitted to and approved by the City Engineer prior to the commencement of construction. Such plan shall include:
 - A. Setbacks, spacing and size of spaces,
 - B. Landscaping and lighting (where applicable),
 - C. Ingress and egress,
 - D. Surfacing and drainage,
 - E. Proposed and existing grades,
 - F. General specifications,
 - G. Parking details and any other information as shall be deemed necessary by the Planning Director or City Engineer prior to the issuance of a land use permit.

Except for parking areas and driveways for one and two-family dwellings, such plans shall be sealed by a registered professional engineer or architect who is licensed to do business in the State. Specific plan requirements may be

waived by the Planning Director or City Engineer when, in their opinion, the proposed changes do not warrant full compliance. In such cases, a written opinion by the Planning Director must be filed with the application for the permit.

- (2) **Improvement Guarantees.** For any parking construction, screening or other site development for which a land use permit is required, a certificate of surety, performance bond, or other financial guarantee, as approved by the Planning Director, in the amount of 110 percent of the estimated construction costs, shall be submitted prior to the issuance of a land use permit or building permit and shall be retained until such site development is completed and found to be in full compliance with the site plan approved by the Planning Director. Where landscape materials are required to be provided or mature trees are required to be saved in any development, the financial guarantee shall include the cost of plant materials and the total appraised value of individual trees to be saved and shall remain in effect for not less than one growing season after planting or completion of project site work, whichever is last.
 - (3) **Leased parking.** The owner or occupier of the property to be served shall own or lease all property utilized to meet minimum parking requirements. The lease shall include a provision that the lease may not be canceled without the permission of the Planning Director. The Planning Director may allow cancellation of all or part of a lease where parking compliance is achieved in some other way or a parking exception is granted.
- (c) **Location of parking areas.** Off-street parking areas shall be located in the same district as the use they are intended to serve, in a district that allows the use, or as provided by a special land use permit or the granting order of a planned unit development. In addition, parking areas are to meet the following requirements:
- (1) **Front setbacks.** Except as otherwise contained in this Zoning Code or as indicated below, parking shall be provided behind or to the side of a principal building as follows:
 - A. **R-1a:** 3 feet minimum.
 - B. **R-1b:** 3 feet minimum.

All other districts: Other than in the R-1a, R-1b and R-2 Districts, a parking area shall be set back a distance equal to the setback of the principal building or 25 feet, whichever is greater. For through lots, parking may be provided streetward of the principal building on the street that carries less traffic, but in no case closer than 25 feet from the front property line
 - (2) **Side setbacks.** In the R-1a, R-1b and R-2 districts, the side setback shall be 2 feet. In all other districts, any parking area which is contiguous to the side property line of an R-District shall provide a minimum side setback of 10 feet from the side contiguous to the R-District. All other parking areas shall maintain a minimum 5 foot side setback. If shared parking is developed, these setbacks would affect only the perimeter of the combined parcels. See Appendix 2, Figure 1-5.
 - (3) **Rear setbacks.** In the R-1a, R-1b and R-2 districts, no rear setback is required. In all other districts, a rear setback of 20 feet shall be required for any parking area abutting, adjacent to or across a public alley from an R-District and a 5 foot rear setback shall be required otherwise with the exception of the following:
 - A. A rear setback requirement may be waived by the Planning Director to allow parking designed to back directly into a public alley when it can be demonstrated that the property exhibits site constraints which preclude or render permitted parking configurations impractical. Whenever such parking is approved, an area no less than ten feet in depth shall be provided immediately in front of the parking and the provided area shall

be developed according to the landscaping requirements of Section 1372.05 (a) and (b). See Appendix 2, Figure 1-6.

- B. A required 20 foot rear setback may be reduced in depth by up to 50 percent when a decorative masonry screenwall at least five feet in height is constructed along the 10 foot setback line and the area between the wall and the rear property line is landscaped according to the requirements for front yards in Section 1372.05, *Landscape Development Internal to a Parking Area*.

(4) **Off-site locations.**

- A. All off-street parking areas, except in R-districts, shall be located on the immediate premises or within 500 feet as measured from the nearest point of the parking area to the nearest point of the building intended to be served.
- B. The required number of parking spaces may be reduced on a 1/1 ratio for permit parking spaces and leased spaces in a public parking area within 500 feet of the building to be served. The termination of such a permit or lease shall require replacement of the parking spaces so reduced.

(5) **Use of public right-of-way.**

- A. The required number of off-street parking spaces for a specific use may be reduced in recognition of the number of available on-street parking spaces on a curbed street abutting the property.
- B. Parking is prohibited on the treelawn portion of the right-of-way except where permitted by sign.

- (d) **Requirements.** The number of required off-street parking spaces shall be provided by a property owner according to the following schedule. **All requirements are minimum unless otherwise noted.**

Residential

1 per dwelling unit*

Specialized Housing

Adult foster care home	1 per three residents
Child care center	1 per ten children
Residential care and treatment facilities	1 per three beds
Independent living	1 per unit

Institutions

High schools, colleges	3 per 10 students
All other schools	1.5 per classroom
Places of worship	1 per 4 seats in main area of worship
Hospitals	1 per 400 square feet gross floor area
Governmental offices, post offices	1 per 400 square feet
Auditoriums (excluding schools)	1 per 3 seats

Commercial

Office, financial institutions, retail (Max. 1 per 150 sq. feet)	1 per 350 square feet gross floor area
Medical office (Max. 1 per 150 sq. feet)	1 per 300 square feet gross floor area
Furniture, antique and bicycle shops	1 per 850 square feet gross floor area
Theaters	1 per 3 seats
Restaurants <i>Family</i>	0.4 per seat (alt. 2 for every 5 seats)
<i>Fine / Banquet Halls/ Fast Food</i>	0.7 per seat (alt. 3 for every 4 seats)
Lodging facilities	1 per room or suite

Marinas	1 per boat slip
Grocery, hardware /all other uses	1 per 325 square feet gross floor area

Industrial

Office	1 per 350 square feet gross floor area
Assembly/ Warehouse/Manufacturing	1 per 600 square feet gross floor area

* No parking is required for Accessory Dwelling Units

- **Uses not listed.** Any use not specifically addressed or referred to in this list shall have parking requirements determined by the Planning Director.
 - **Fractional spaces.** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
 - **Bicycle rack.** In all except R- districts, one on-site bicycle rack accommodating four
 - **Multiple uses.** Where a building has a multiple use occupancy of any two or more residential, commercial, office or industrial uses, the parking required shall be computed on the basis of the gross floor area in each use.
 - **Upper story dwellings.** Additional parking is not required for upper story dwellings above a first floor commercial or office use in a C-1, C-2, C-3 or H-1 district, however, any parking area supplied shall conform to the provisions of this Code.
 - **Buildings less than 500 square feet gross floor area** for non-residential uses are exempt from parking space requirements.
- (e) **Parking exception.** The Planning Director may grant a parking exception which reduces parking space requirements or location requirements of this Zoning Code, if it has been clearly demonstrated that the provisions of full parking or location requirements are unnecessary or that such requirements would create a practical difficulty with the use of the lot, as contrasted with merely granting an advantage or convenience. Storage areas, other than warehousing space, deemed by the Planning Director to be impractical for the other occupancies, shall require no off-street parking.
- (f) **Limitations on use of parking areas.**
- (1) The required parking area shall be used solely for the parking of private passenger vehicles or vehicles used in the business operation.
 - (2) No commercial repair work or service of any kind, and no sale, display or storage of new or used vehicles which are not for the use of the occupant, employees and patrons, shall be conducted in such required parking area.
 - (3) A parking area in an R-district for a residential use shall be restricted to the use of its owner or lessee and under no circumstances shall such facility be used for a non-residential use or in conjunction with any non-residential use, including the provision of access to a non-residential use or the storage of snow removed from non-residential property or use.
 - (4) No truck, trailer or other vehicle having an auxiliary refrigeration unit shall be parked overnight within 150 feet of any residence district while the refrigeration unit is in operation.
- (g) **Design and construction standards.** The following standards for off-street parking areas apply to all uses in all districts except as specifically noted:
- (1) **Layout.** Off-street parking areas shall be designed, constructed, and maintained as follows and in accordance with the standards set forth in the table and drawing following the text of this Chapter.
 - A. All maneuvering lanes shall permit only one-way traffic movements, with the exception of the 90 degree pattern where two-way traffic may be

- permitted.
- B. Each parking space shall have direct unimpeded access to a maneuvering lane and dead-end maneuvering lanes shall be permitted only with the 90 degree pattern where the maneuvering lane has been extended by a minimum of four feet beyond the last parking space to create a back-up area for exiting vehicles.
 - C. Maneuvering lanes shall not be located within a required setback. A driveway may cross a setback from the street to the parking area.
 - D. Stacking of parking spaces may be allowed by the Planning Director for employee parking only.
- (2) **Surfacing.**
- A. All parking areas, other than for a single or two-family residential use, shall be paved with concrete, bituminous asphalt, perforated concrete, brick or other permanent equal as approved by the City Engineer.
 - B. Any parking area for single or two-family residential use shall, at a minimum, be surfaced and the area clearly defined with gravel, crushed stone, concrete, asphalt, brick or equal material, and be maintained substantially free of dust, mud and standing water.
 - C. All parking spaces other than for single and two-family residential use shall be striped with suitable paint, reflective tape or other approved contrasting material which is applied upon or as an integral part of the pavement.
- (3) **Curb Types.** All parking areas except those for single and two family dwellings shall have permanent 4 inch minimum high granite, concrete curb or concrete curb and gutter to channel the flow of vehicular traffic, define and contain parking, protect landscaped areas and individual trees and to define and separate pedestrian travelways in the interest of safety and efficient parking area utilization. In the Industrial District, curbing is required only for that portion of a parking area including the approach driveways and parking lot facing the street. See Appendix 2, Figure 1-7. All landscaped islands shall be protected from vehicular encroachment by curbing, however limited areas of the curb may be lowered to parking area grade, as approved by the City Engineer to accommodate the secondary use of landscape areas for the retention of storm-water runoff and snow storage. The Planning Director may approve variations from strict compliance with the curbing requirements when the applicant can provide an alternative design that is equal to or superior in its ability to channel the flow of vehicular traffic, define and contain parking, protect landscaped areas and individual trees and to define and separate pedestrian travelways.
- (4) **Storm-Water Management.** All parking areas shall provide for storm water management pursuant to Traverse City Code Chapter 1068, *Groundwater Protection and Stormwater Runoff Control*.
- (5) **Screening.** Screening shall be provided pursuant to Traverse City Code Chapter 1372, *Landscaping*.

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: ELIMINATE CHAPTER 1377 ACCESSORY DWELLING UNITS OVERLAY DISTRICTS

THE CITY OF TRAVERSE CITY ORDAINS:

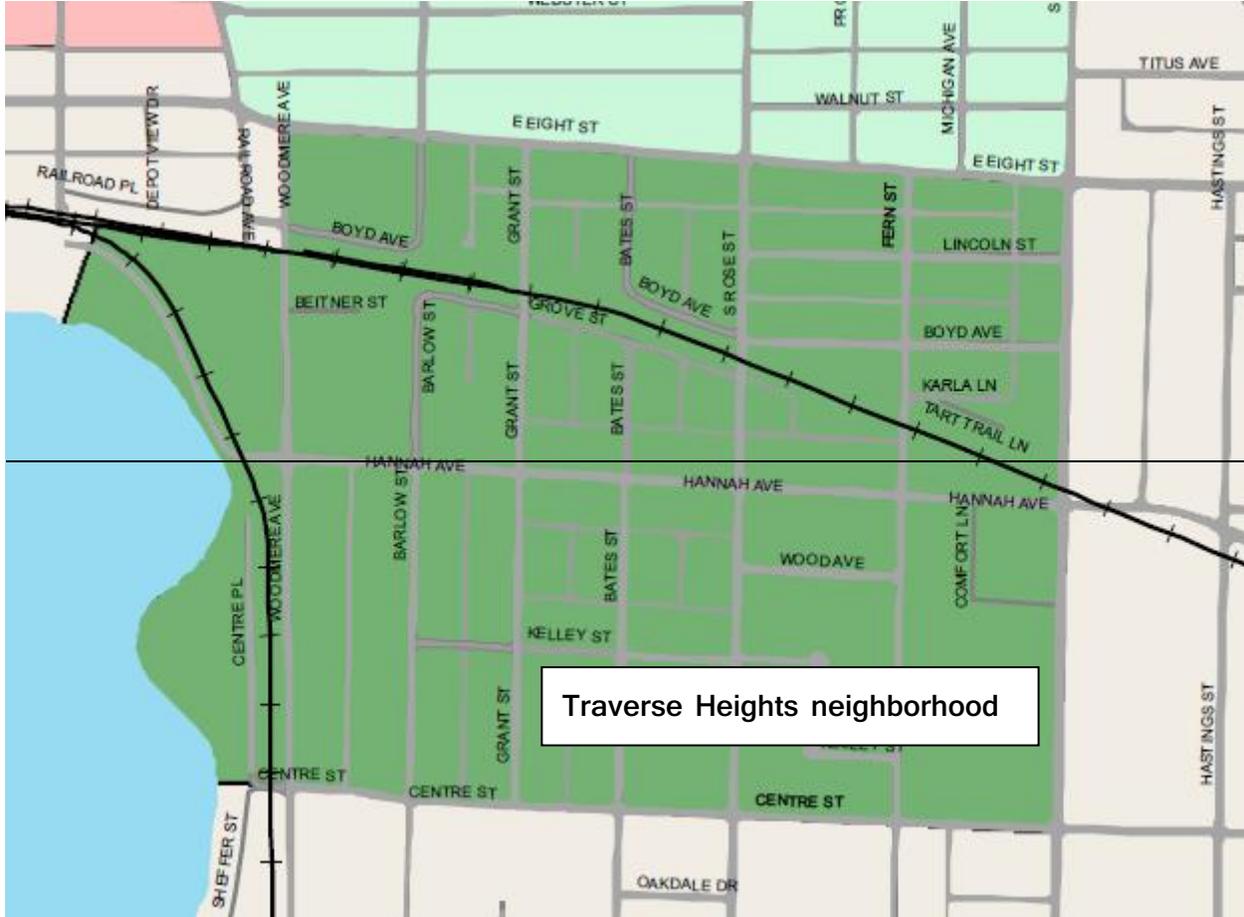
That Chapter 1377, *Accessory Dwelling Units Overlay Districts*, of the Zoning Code of the Traverse City Code of Ordinances, be deleted in its entirety as follows:

~~Chapter 1377~~ ~~Accessory Dwelling Units Overlay Districts~~

The purpose of the ~~Accessory Dwelling Units Overlay Districts~~ in certain areas of the City is to permit small secondary dwellings on single family zoned parcels to help owners pay expenses, making the house itself more affordable, increase the efficiency of developed land and provide additional housing options.

~~1377.01 — DESCRIPTION OF DISTRICT.~~

These regulations apply to the ~~Traverse Heights~~ neighborhood. See ~~Traverse Heights~~ neighborhood boundary map below:



~~1377.02 — CONDITIONS.~~

A land use permit for an accessory dwelling unit may be issued if the following conditions are met and continue to be met during the life of the accessory dwelling unit:

- (a) ~~The existing site and use are substantially in compliance with this Zoning Code.~~
- (b) ~~There shall be a maximum limit of five (5) Accessory Dwelling Units per calendar year.~~
- (c) ~~The accessory dwelling unit is allowed only on a lot having at least 5,000 square feet.~~
- (d) ~~Only one accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.~~
- (e) ~~Access to an upper story accessory dwelling unit must be internal to the building structure.~~
- (f) ~~The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exteriors appear to be single family. No alteration to the exterior of the residential dwelling, accessory building or yard that alters the single family residential character of the premises is permissible.~~
- (g) ~~The orientation of the accessory dwelling unit shall, to the extent practical, maintain the privacy of residents in adjoining dwellings, as determined by the physical characteristics surrounding the accessory dwelling unit, including landscape screening, fencing and window and door placement.~~
- (h) ~~If the accessory dwelling unit's primary entrance is not the same as that of the principal dwelling unit, it shall be made less visible from the street view than the main entrance of the principal dwelling unit.~~
- (i) ~~Individual site plans, floor plans, elevation drawings and building plans for both the proposed accessory dwelling unit and the subsequent reconversion to conventional single-family residence shall be submitted with the application for a land use permit. Any construction of an accessory dwelling unit shall meet all design and building code requirements.~~
- (j) ~~The accessory dwelling unit may not exceed forty percent of the total floor area of the principal dwelling unit including the garage. The interior staircase of the accessory dwelling unit is not included in the total floor area.~~
- (k) ~~The accessory dwelling unit must have at least 250 square feet of gross floor area per dweller.~~
- (l) ~~The dwelling unit that is rented shall not be leased for less than twelve months at a time.~~
- (m) ~~All off-street parking facilities shall be behind or to the side of the primary dwelling and shall be paved. The petitioner must submit a site diagram indicating the location of proposed off-street parking.~~
- (n) ~~At least one owner of record shall occupy either the primary dwelling unit or the accessory dwelling unit. The owner occupant shall meet the requirements for a minimum sixty percent principal residence tax exemption.~~
- (o) ~~An accessory dwelling unit shall meet all applicable requirements of the Traverse City Code of Ordinances.~~
- (p) ~~Prior to issuing a land use permit, the Planning Director shall notify, ten days in advance by first class mail, abutting property owners so that they may provide input on the pending request to the Planning Director.~~
- (q) ~~The accessory dwelling unit shall be discontinued and the property shall be brought into full compliance with the use requirements of this Zoning Code if any of the above conditions are not met.~~

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