

TRAVERSE CITY PLANNING COMMISSION REGULAR MEETING

TUESDAY, January 6, 2015
7:30 P.M.

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

Posted: 12/31/14

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. ELECTION OF OFFICERS
 - A. Chairperson
 - B. Vice-chairperson
 - C. Secretary

5. **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. December 2, 2014 Regular Meeting minutes (Approval recommended)
- B. Reappointment of Planning Director's Designee as the Recording Secretary for the City of Traverse City Planning Commission (Approval recommended)

6. OLD BUSINESS

- A. Consideration of Site Plan Review request by Ted Lockwood on behalf of The Moorings, LLC for the properties commonly known as 10597 E. Traverse Highway and 13910 West Bayshore Drive for a single-family dwelling development (Approval recommended)
- B. Consideration of an amendment to allow Accessory Dwelling Units in single-family dwelling districts throughout the city (Discussion and Possible Action)

7. NEW BUSINESS

- A. Annual Report (Review and Discussion)

8. CORRESPONDENCE

- A. Cynthia Anderson letter dated 12/22/14, possible zoning change for 314 E. Eighth Street (Copy Central property) (Discussion)

9. REPORTS

- A. City Commission- Commissioners Easterday and Werner
- B. Board of Zoning Appeals- Commissioner Bergman
- C. Grand Traverse Commons Joint Planning Commission- Commissioners Serratelli and Warren
- D. Planning Commission
 - 1. Housing Building Committee— Commissioner Bergman
 - 2. Active Transportation Committee—Commissioner Werner
 - 3. Master Plan Review Committee—Commissioners Bergman, Dow and Twietmeyer
 - 4. Parking Regulation Committee- Commissioner Serratelli
- E. Planning Department—Mr. Soyring
 - 1. Capital Improvement Program—Mrs. Luick

10. PUBLIC COMMENT

11. ADJOURNMENT

MINUTES

TRAVERSE CITY PLANNING COMMISSION

TUESDAY, December 2, 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, Chairperson John Serratelli, Bill Twietmeyer (7:31 p.m.) and Tim Werner

ABSENT: Commissioners Cecil McNally and Janice Warren

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**

Commissioner Twietmeyer joined the meeting at 7:31 p.m.

3. **ANNOUNCEMENTS-** Mrs. Luick announced two upcoming meetings regarding the Public Pier project. Next Monday, December 8 at 7:00 p.m., the City Commission will hear an update from our consultants on the current project status. Also next week Thursday, December 11 at 7:00 p.m., there will be another Public Pier workshop where the public will evaluate three or four design schemes and weigh in on amenities and design details. Both meetings are at the Governmental Center.

4. **APPROVAL OF MINUTES**

November 4, 2014 Regular Meeting and November 18, 2014 Study Session minutes (Approval recommended)

Motion by Commissioner Easterday, second by Vice-Chairperson Bergman, that the November 4, 2014 Regular Meeting and November 18, 2014 Study Session minutes be approved as presented.

Motion carried 7-0.

5. **OLD BUSINESS**

A. Consideration of Master Plan Review Committee recommendation to initiate process to amend the Master Plan (Action Requested)

Mr. Soyring explained that the Master Plan Review Committee met and has determined that amendments to the Master Plan are necessary. If the Planning Commission agrees, a suggested motion is included in the memo. Some suggested amendments to the Master Plan are included for reference. If the Planning Commission agrees that amendments are necessary, then notification to amend our Master Plan will be sent to adjacent governmental entities.

Commission discussion.

Motion by Commissioner Dow, second by Commissioner Werner 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.

Motion carried 7-0 (Commissioners McNally and Warren absent).

B. Review of Housing and Building Committee recommendations regarding Accessory Dwelling Units (Discussion)

Mr. Soyring summarized the proposed ordinance amendments related to Accessory Dwelling Units (ADU) to the Commission. Since the existing ADU overlay ordinance amendment has been in effect (4/15/13), there have been no requests to construct an ADU in the Traverse Heights neighborhood.

Vice-Chairperson Bergman explained that the Housing and Building Committee made further revisions to the ordinance amendment after considering the comments made at the 8/5/14 Commission meeting. Vice-Chairperson Bergman and the Housing and Building Committee want to hear input and additional feedback from the Commission on their latest draft amendment.

Commission discussion.

The following individuals made public comment on the subject:

- Dan Tholen, 823 Webster, city resident, supports the proposed amendment
- Peter Spaulding, 724 E State St, city resident, supports the proposed amendment

Commission discussion.

**PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 2, 2014**

Page 3

No action was taken. The Housing and Building Committee will reconvene and a revised amendment will come before the Commission for possible introduction at the January 6, 2015 meeting.

6. NEW BUSINESS- None.

7. CORRESPONDENCE – None.

8. REPORTS

A. City Commission- Commissioners Easterday and Werner reported.

B. Board of Zoning Appeals- No meeting.

C. Grand Traverse Commons Joint Planning Commission- No meeting.

D. Planning Commission

1. Housing Building Committee— No additional report than what was discussed.

2. Active Transportation Committee—No meeting.

3. Master Plan Review Committee—No additional report than what was discussed.

4. Parking Regulation Committee- Commissioner Serratelli reported that members are still being identified and that the committee will meet in January.

E. Planning Department—No report

1. Capital Improvement Program—Mrs. Luick reported.

9. PUBLIC COMMENT

- Commissioner Twietmeyer commented regarding an email from a citizen regarding snow plowing at Central Grade School.

10. ADJOURNMENT- Meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Date: _____

Jan Warren, Secretary



Communication to the Planning Commission

FOR THE MEETING OF: January 6, 2015

FROM: Russ Soyring, Planning Director

SUBJECT: Site Plan Review 15-SPR-01, The Moorings, LLC, 10597 E. Traverse Highway and 13910 West Bayshore Drive

DATE: December 30, 2014

Ted Lockwood, on behalf of The Moorings, LLC, is requesting site plan approval for a 97-unit single family site condominium private development. The proposed development is located north of M-72 West. The site falls within areas designated as a TC-4 "Corridor" and TC-2 "Conventional" Neighborhoods according to the City Master Plan. The property is zoned R-1b/Mixed Use PUD-Morgan Farms Area. Single-family homes meeting the requirements of the R-1b District is a use allowed by right.

Staff reviewed the Zoning Ordinance and found the site plan to be in conformance. Please refer to the detailed Site Plan Review staff report dated December 30, 2014 attached.

The site plan needs to be reviewed by the City Planning Commission since the proposed development would generate 970 trip ends per day. (The generation of trip ends is determined by reference to the latest edition of the *Trip Generation* manual promulgated by the Institute of Transportation Engineers.) The Planning Commission shall review the site plan according to the standards in Chapter 1366 of the Zoning Code. The Planning Commission shall approve or deny the site plan (not the use) according to the standards and requirements of the Zoning Code.

Staff recommends the site plan for The Moorings, LLC be approved. If you are in agreement with staff's assessment, the following motion would be appropriate:

I move that the request from Ted Lockwood, on behalf of The Moorings, LLC, for Site Plan Review 15-SPR-01 for development of a 97-unit single family site condominium private development located at 10597 E. Traverse Highway and 13910 West Bayshore Drive be approved as submitted.

RAS:mll

Attachments: Site Plan Review Staff Report 15-SPR-01
Application and Site Plans



Site Plan Review Staff Report

Date: December 30, 2014

15-SPR-01: Prepared for property commonly known as The Moorings.

SITE PLAN REQUIREMENTS CHECKLIST		
Yes	No	Site plans are required to meet the following requirements:
x		Filing fee
x		Sealed by a registered architect or engineer (except site plans to be referred to the Planning Commission for approval may defer this requirement until receiving Planning Commission approval.)
x		Drawn to scale with a scale on the plan
x		Rendered on a minimum sheet size of 24 inches by 36 inches (Staff has a full size copy)
x		Legal description
x		Property lines and dimensions
x		North arrow
x		Date
x		Vicinity map
x		Property owner's and applicant's name and address
x		Preparer's name and address
x		Street names
x		Existing street and alley widths
x		Location and width of utility easements
x		Size and location of existing and proposed utilities and building service lines
x		The zoning classification of the site and surrounding properties and, where applicable, the zoning request

Yes	No	Site plans are required to meet the following requirements:
x		<p>Required setback lines, lot size, lot coverage (impervious surface) and any variance to be requested</p> <p>The project is a 97 unit single family site condominium and impervious surface ratios will be checked when individual houses are built. The roads and sidewalks are not calculated as impervious surface. No variances are requested.</p>
x		<p>The size and location of existing buildings and improvements on and adjacent to the subject parcel</p> <p>All existing buildings on the property will be demolished.</p>
x		<p>The existing building use and proposed building use, location, shape, building height, elevations, floor area and unit computations and dimensions and a description of all exterior building materials</p> <p>The proposed project consists of 97 single family homes on lots meeting the requirements of the R-1b, Single Family Dwelling District.</p>
NA		<p>A land use tabulation summary provided in the margin of the plan indicating types of uses, acreage for each land use, number of units, densities and land use intensities</p>
x		<p>The proposed number and location of parking spaces, maneuvering lanes, sidewalks, driveways and loading areas, and their dimensions and proposed points of access to the site from public streets and alleys.</p> <p>The proposed project will be accessed from M-72 to the south and Carter Road to the north. The internal roads will have a drive width of 19 feet with 1.5 foot wide concrete curbs on each side and a 6 foot wide sidewalk on one side. Some of the sidewalks will be adjacent to the curb of the street due to steep grades. Sidewalks with a tree lawn will be utilized when grades are not too steep. A public walk along M-72 and a raised boardwalk through one of the wetlands is proposed as well an 8 foot wide bituminous trail around the property which will connect to the T.A.R.T. Trail.</p>
x		<p>The proposed location and dimensions of site drainage areas, walkways, landscaped areas, recreation areas, open space and screen walls.</p> <p>The applicant will meet the requirements of the Storm Water Runoff Control Ordinance. Clearly designated pedestrian travel ways will serve the proposed development. There are five lots designated as parks as well an elevated board walk that will cross one of the wetlands. Two wetlands are also designated as parks</p>

Yes	No	Site plans are required to meet the following requirements:
x		<p>Natural features, such as unique topographic features, wetlands, 100-year flood plain elevations, creeks, springs and others, with an indication as to which are proposed to be maintained, altered or removed during site development.</p> <p>The property has areas of unique topography with steep slopes.</p> <p>There are designated wetlands and creeks on the property. The applicant is working with the D.E.Q. to remove the invasive species in these areas (i.e. Black Locust and Buckthorn) and replace them with additional native plant material. The site vegetation, dead ash trees and invasive species such as Black Locust have been removed and a Land Use Permit and Soil Erosion Permit for land clearing has been issued. The applicant will be preserving specimen trees where possible.</p>
x		<p>Any other information necessary to establish compliance with City ordinances.</p> <p>The applicant proposed that there may be street lighting in some of the designated parks. All lighting will be dark sky compliant and be shielded from neighboring properties and streets.</p>
x		<p>Landscaping - meets landscaping requirements of Chapter 1372.</p> <p>A landscape plan meeting the requirements of Chapter 1372 shall be submitted when individual homes are constructed. Homeowners will be required to plant street trees with a minimum size of 2 ½" caliper.</p>
x		<p>Parking - meets parking requirements of Chapter 1374.</p> <p>Staff will make sure parking requirements are met when individual homes are constructed.</p>

**CHECKLIST OF STANDARDS
FOR GRANTING SITE PLAN APPROVAL**

Yes	No	The Planning Commission or Planning Director must consider the following standards for granting site plan approval. These items must be indicated on the site plan.
x		<p>Primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.</p> <p>Individual homes shall meet the requirements of the R-1b Single Family Dwelling District.</p>

Yes	No	The Planning Commission or Planning Director must consider the following standards for granting site plan approval. These items must be indicated on the site plan.
NA		All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from recreation trails or from public sidewalks adjacent to the site by a parapet wall or similar architectural feature.
x		<p>Reasonable visual and sound mitigation for all dwelling units shall be provided. Fences, walks, barriers and landscaping shall be used appropriately for the protection and enhancement of property and for the privacy of its occupants.</p> <p>The proposed project is a single family development with the closest lot being approximately 150 feet from M-72.</p>
x		<p>Every principal building or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.</p> <p>The City of Traverse City Fire Marshal has granted conceptual approval with final approval determined when final permit applications are received.</p>
x		<p>Every development shall have legal access to a public or private street.</p> <p>The proposed project will be accessed from M-72 to the south, Carter Road to the north and a proposed connection to Morgan Farms to the west.</p>
x		<p>The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.</p> <p>The road section, alleys and layout meets the City Engineer's standards. The plans call for a vehicular connection to the Morgan Farms development to the west. This connection was also a requirement of the Morgan Farms P.U.D.</p>
x		<p>A pedestrian circulation system shall be provided which is physically separated and insulated as reasonably possible from the vehicular circulation system.</p> <p>Pedestrian travel ways will adequately serve the proposed development. Sidewalks meeting the City Engineer's standards are proposed on one side of the internal streets. Some of the sidewalks will be adjacent to the curb of the street due to steep grades. Sidewalks with a tree lawn will be utilized when grades are not steep. A public walk along M-72 and a raised boardwalk through one of the wetlands is proposed as well an 8 foot wide bituminous trail around the property which will connect to the T.A.R.T. Trail.</p>
X		<p>All parking areas shall be designed to facilitate safe and efficient vehicular and pedestrian circulation, minimize congestion at points of access and egress to intersecting roads, to encourage the appropriate use of alleys and minimize the negative visual impact of such parking areas.</p> <p>Parking areas will meet the requirements of the R-1b Zoning District when individual</p>

Yes	No	The Planning Commission or Planning Director must consider the following standards for granting site plan approval. These items must be indicated on the site plan.
		homes are constructed. Approximately 18 lots will have alley access and the Zoning Code will require that parking areas and garages to be accessed from the alley and not the street. Extreme topographic grades will prevent some homes from accessing the alley.
X		Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted. There are no unnecessary curb cuts associated with this project.
X		All loading and unloading areas and outside storage areas, including areas for the storage of trash, which are visible from residential districts or public rights-of-way shall be screened by a vertical screen consisting of structural and/or plant materials not less than six feet in height. Trash will be dealt with the same way as any other residential neighborhood in the City.
X		Exterior light sources shall be deflected downward and away from adjacent properties and rights-of-way and shall not violate night sky provisions of the Traverse City Code of Ordinances. All lighting will be dark sky compliant and be shielded from neighboring properties.
X		Adequate utilities shall be provided to properly serve the development. All utilities shall be placed underground. There are adequate utilities to serve the development. All utilities will be placed underground. The applicant will need to provide a site utility plan meeting the requirements of the City Engineer as a part of the permit process.
X		Sites at which hazardous substances and potential pollutants are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands. Hazardous substances and potential pollutants will not be stored on site. The applicant has completed a phase one environmental study which revealed some small areas of agrochemical use, which was common in orchards. The applicant has prepared a due care plan with an environmental consultant to deal with these areas.



City of Traverse City

PLANNING COMMISSION SITE PLAN REVIEW APPLICATION*

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

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:	\$200.00	DATE:	_____
CHECK NO.	<u>1001</u>	HEARING DATE:	_____
RECEIPT NO.	<u>18475</u>	PARCEL NUMBER:	_____

Property address: NOT AVAILABLE 10597 E TRAVERSE HWY.
 Legal description: SEE SITE PLAN (SHEET 2.1) TC, MI + 13910 WEST BAY SHORE DR. 49684 TRAVERSE CITY MI.

Description of request: LAND USE Permit for Proposed "The Moorings" Residential Development (Single Family Dwellings)

THE COMPLETED APPLICATION, FOURTEEN (14)* COPIES OF THE SITE PLAN SHALL, AND ONE (1) ELECTRONIC COPY OF THE APPLICATION AND SITE PLAN SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT A MINIMUM OF 21 DAYS 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: SEE SITE PLAN (SHEET 2.1)

Applicant's name: THE MOORINGS LLC
 Address: 19230 S. West Bay Shore Drive, TC, Mich 49684
 Phone: 231-941-5600 Fax: _____
 Signature of owner(s): X [Signature] member
 Signature of applicant (if different than owner): _____
 Relationship of applicant to owner: _____

*For Planning Commission-approved special land use permits, planned unit developments or for land use permits for a use generating more than 500 motor vehicle trips per day.

SITE PLAN REQUIREMENTS CHECKLIST

Yes	No	Site plans are required to meet the following requirements:
✓		Filing fee
✓		Sealed by a registered architect or engineer (except site plans to be referred to the Planning Commission for approval may defer this requirement until receiving Planning Commission approval.)
✓		Drawn to scale with a scale on the plan
✓		Rendered on a minimum sheet size of 24 inches by 36 inches
✓		Legal description (See Sheet 2.1)
✓		Property lines and dimensions (See Sheet 2.1)
✓		North arrow
✓		Date 12/17/2014
✓		Vicinity map
✓		Property owner's and applicant's name and address (See Sheet 1.0)
✓		Preparer's name and address (See Sheet 1.0)
✓		Street names (See Sheet 3.1)
✓		Existing street and alley widths (See Sheet 3.1)
✓		Location and width of utility easements (See Sheet 3.1 and 3.3)
✓		Size and location of existing and proposed utilities and building service lines (Sheet 3.3)
✓		The zoning classification of the site and surrounding properties and, where applicable, the zoning request (See Sheet 2.1)
✓		Required setback lines, lot size, lot coverage (impervious surface) and any variance to be requested (See Sheet 3.1)
✓		The size and location of existing buildings and improvements on and adjacent to the subject parcel N.A. Single Family Residential
✓		The existing building use and proposed building use, location, shape, building height, elevations, floor area and unit computations and dimensions and a description of all exterior building materials Single Family per ordinance R1b
✓		A land use tabulation summary provided in the margin of the plan indicating types of uses, acreage for each land use, number of units, densities and land use intensities All R1b
✓		The proposed number and location of parking spaces, maneuvering lanes, sidewalks, driveways and loading areas, and their dimensions and proposed points of access to the site from public streets and alleys (See Sheet 3.1 and 3.4)

Yes	No	Site plans are required to meet the following requirements:
✓		The proposed location and dimensions of site drainage areas, walkways, landscaped areas, recreation areas, open space and screen walls <i>See Sheet 3.2 & 3.4</i>
✓		Natural features, such as unique topographic features, wetlands, 100-year flood plain elevations, creeks, springs and others, with an indication as to which are proposed to be maintained, altered or removed during site development <i>See Sheet 3.1 & 3.4</i>
N/A		Any other information necessary to establish compliance with City ordinances.
✓		Landscaping - meets landscaping requirements of Chapter 1372 <i>AS PER RUS</i>
✓		Parking - meets parking requirements of Chapter 1374
The following additional information if requested by the Planning Director:		
		A report describing the soil types and the ability of soils to accommodate the proposed development. <i>Will complete in January</i>
		A tree location survey signed by an engineer, surveyor, landscape architect, showing all existing trees having a diameter at breast height of six inches or greater, the common and/or scientific names and the diameter at breast height of these trees, plus an indication of trees to be preserved, to be transplanted, or to be removed during site development. Closely grouped trees shall be designated by the predominate species represented, the number present and the diameter at breast height range of the group or clump. <i>?</i>
		The existing and proposed topography at 2 foot intervals <i>(See Sheet 2.1 existing only)</i>

**CHECKLIST OF STANDARDS
FOR GRANTING SITE PLAN APPROVAL**

Yes	No	The Planning Commission or Planning Director must consider the following standards for granting site plan approval. These items must be indicated on the site plan.
		Primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.
		All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from recreation trails or from public sidewalks adjacent to the site by a parapet wall or similar architectural feature.
		Reasonable visual and sound mitigation for all dwelling units shall be provided. Fences, walls, barriers and landscaping shall be used appropriately for the protection and enhancement of property and for the privacy of its occupants.
		Every principal building or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
		Every development shall have legal access to a public or private street.
		The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.
		A pedestrian circulation system shall be provided which is physically separated and insulated as reasonably possible from the vehicular circulation system.
		All parking areas shall be designed to facilitate safe and efficient vehicular and pedestrian circulation, minimize congestion at points of access and egress to intersecting roads, to encourage the appropriate use of alleys and minimize the negative visual impact of such parking areas.
		Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted.
		All loading and unloading areas and outside storage areas, including areas for the storage of trash, which are visible from residential districts or public rights-of-way shall be screened by a vertical screen consisting of structural and/or plant materials not less than six feet in height.
		Exterior light sources shall be deflected downward and away from adjacent properties and rights-of-way and shall not violate night sky provisions of the Traverse City Code of Ordinances.
		Adequate utilities shall be provided to properly serve the development. All utilities shall be placed underground.
		Sites at which hazardous substances and potential pollutants are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

PLANS PREPARED FOR: THE MOORINGS, LLC. THE MOORINGS

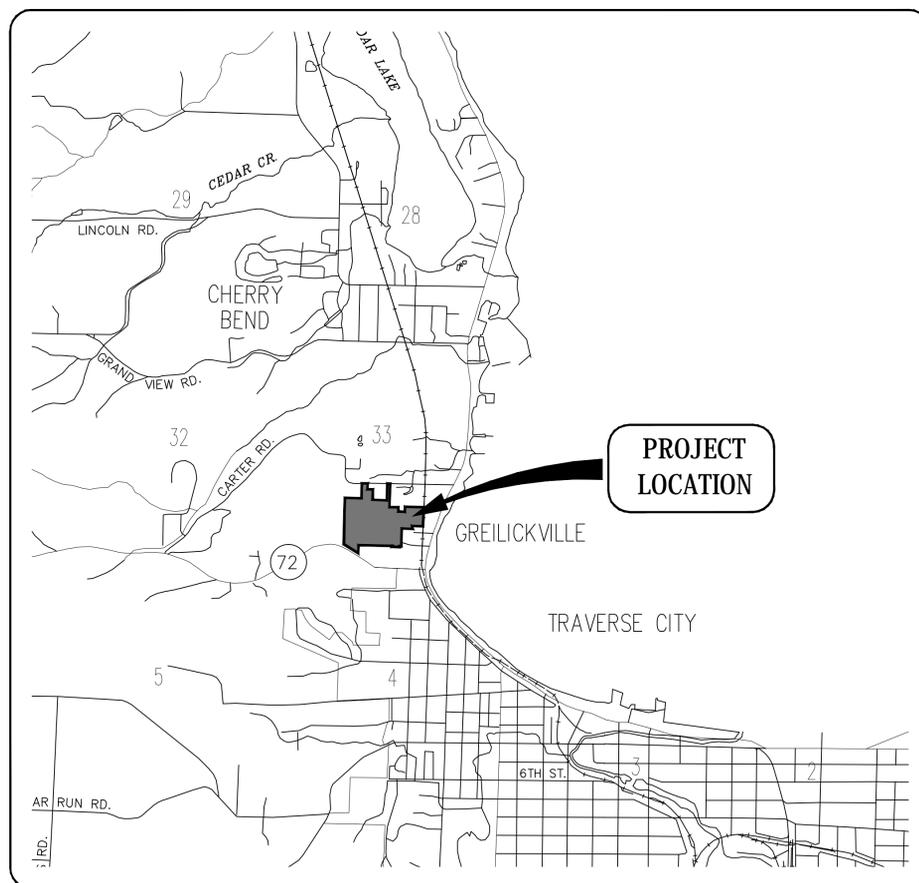
CLIENT

THE MOORINGS, LLC.
19230 S. WEST BAYSHORE DRIVE
TRAVERSE CITY, MICHIGAN 49684
231-941-5600

ENGINEER

gfa **Gourdie-Fraser**

GOURDIE-FRASER
123 WEST FRONT STREET
TRAVERSE CITY, MICHIGAN 49684
1.800.900.5874



LOCATION MAP

CITY OF TRAVERSE CITY, LEELANAU COUNTY, MICHIGAN
SCALE: 1" = 2,000'

SHEET INDEX

- 1.0 COVER SHEET
- 2.1 EXISTING CONDITIONS AND DEMOLITION PLAN
- 3.1 SITE PLAN
- 3.2 GRADING AND DRAINAGE PLAN
- 3.3 UTILITY PLAN



ISSUED DATE: 12-31-2014

FOR PLANNING COMMISSION SUBMITTAL

PUBLIC AGENCIES AND UTILITIES

PUBLIC AGENCIES

ELMWOOD TOWNSHIP Telephone: 231.946.0921	CITY OF TRAVERSE CITY DPW Telephone: 231.922.4923
GRAND TRAVERSE COUNTY D.P.W. Telephone: 231.922.4896	CITY OF TRAVERSE CITY ENGINEER Telephone: 231.922.4455
LEEELANAU COUNTY ROAD COMMISSION Telephone: 231.271.3993	LEEELANAU COUNTY DRAIN COMMISSION Telephone: 231.256.7688
LEEELANAU COUNTY SOIL EROSION SEDIMENTAION CONTROL DEPT. Telephone: 231.256.9783 OR 231.256.9669	MICHIGAN DEPARTMENT OF TRANSPORTATION (M.D.O.T.) Telephone: 231.941.1986

UTILITY AGENCIES

CHERRYLAND ELECTRIC COOPERATIVE Telephone: 231.943.8377	CHARTER COMMUNICATIONS Telephone: 231.929.7012
CONSUMERS ENERGY Telephone: 231.929.6242	AT&T MICHIGAN Telephone: 231.941.2707
TRAVERSE CITY LIGHT & POWER Telephone: 231.922.4942	
DTE ENERGY Telephone: 231.592.3244	

EMERGENCY SERVICES

EMERGENCY CALLS 911	FIRE DEPARTMENTS EMERGENCY SERVICE: 911
EMERGENCY AMBULANCE SERVICE 911	City of Traverse City: Telephone: 231.941.2340 Grand Traverse County: Telephone: 231.941.2238
POLICE AGENCIES EMERGENCY SERVICE: 911	MSS DIG EMERGENCY SERVICE: 811 Telephone: 1.800.482.7171
City of Traverse City: Telephone: 231.941.2300 Grand Traverse County Sheriff: Telephone: 231.941.2225 Michigan State Police: Telephone: 231.946.4646	



THE MOORINGS, LLC.: THE MOORINGS

These documents are prepared in accordance with the contractual terms and conditions for this project.



LEGAL DESCRIPTION

Part of the South 1/4 of Section 33, Town 28 North, Range 11 West, City of Traverse City, Elmwood Township, Leelanau County, Michigan, more fully described as follows:

Commencing at the South one-quarter corner of said Section 33;

thence North 01°46'50" East, 1,227.88 feet;

along the North and South one-quarter line of said Section 33, to the Northwest corner of Government Lot 4 of said Section 33, and to the POINT OF BEGINNING;

thence South 69°27'42" East, 440.55 feet;

along the North line of Government Lot 3 of said Section 33;

thence North 03°10'10" East, 122.27 feet;

thence South 69°27'42" East, 440.55 feet;

thence South 03°37'59" West, 452.43 feet;

thence North 89°29'55" West, 254.46 feet;

thence South 13°25'44" East, 66.04 feet;

thence North 89°42'55" West, 252.36 feet;

thence South 01°32'44" West, 413.56 feet;

thence North 89°44'17" West, 254.12 feet;

thence South 01°34'19" West, 20.02 feet;

thence North 89°44'17" West, 174.18 feet;

thence North 01°46'20" East, 20.34 feet;

thence North 89°44'17" West, 705.26 feet;

thence South 01°05'04" West, 189.95 feet;

thence North 87°56'50" West, 239.01 feet;

thence North 34°24'22" East, 152.88 feet;

to a point on the West 1/8 line of said Section 33;

thence North 01°18'31" East, 553.05 feet;

along the West 1/8 line of said Section 33, to the Northwest corner of Government Lot 5, of said Section 33;

thence South 69°28'04" East, 998.89 feet;

along the North line of Government Lot 5, of said Section 33;

thence North 01°29'49" East, 551.16 feet;

to a point in the centerline of Carter Road;

thence South 69°27'41" East, 66.00 feet;

along said centerline;

thence South 01°35'03" West, 650.08 feet;

thence South 69°22'59" East, 214.71 feet;

thence South 01°10'03" West, 101.52 feet;

to a point on the South one-eighth line of said Section 33;

thence South 69°29'04" East, 54.16 feet;

along the said South one-eighth line to the POINT OF BEGINNING.

Said Parcel contains 33.63 acres more or less.

Subject to easements or restrictions, if any.

Legend

- | | | | |
|---------------|----------------------|---------------|-------------------|
| ⊕ | TANK COVER | N. | NORTH |
| ⊖ | ELECTRICAL PANEL | S. | SOUTH |
| ⊙ | GUARD POST | E. | EAST |
| ⊘ | FLAG POLE | W. | WEST |
| ⊕ | FLOOD LIGHT | ° | DEGREES |
| ⊕ | CATCH BASIN | ' | FEET OR MINUTES |
| ⊕ | TEST LEAD | " | INCHES OR SECONDS |
| ⊕ | LIGHT POLE | Sq. | SQUARE |
| ⊕ | CURB STOP | FL | FEET |
| ⊕ | MANHOLE | Vol. | VOLUME |
| ⊕ | ELEC. TRANSFORMER | Pg. | PAGE |
| ⊕ | FIRE HYDRANT | O.R. | OFFICIAL RECORD |
| ⊕ | MAILBOX | Calc. | CALCULATED |
| ⊕ | SIGN | Rec. | RECORD |
| ⊕ | UTILITY POLE | R/W | RIGHT OF WAY |
| ⊕ | TELE. RISER | C/L | CENTERLINE |
| ⊕ | FOUND IRON | T | TITLE |
| ⊕ | FOUND MONUMENT | | |
| ⊕ | SECTION CORNER LABEL | | |
| ⊕ | SOIL BORING | | |
| X | REMOVAL | | |
| [Hatched Box] | CLEARING LIMITS | [Hatched Box] | DEMOLITION LIMITS |

General Notes

- ALL EXISTING BUILDING MATERIALS AND DEBRIS SHALL BE REMOVED FROM THE SITE AND ARE THE RESPONSIBILITY OF THE CONTRACTOR.

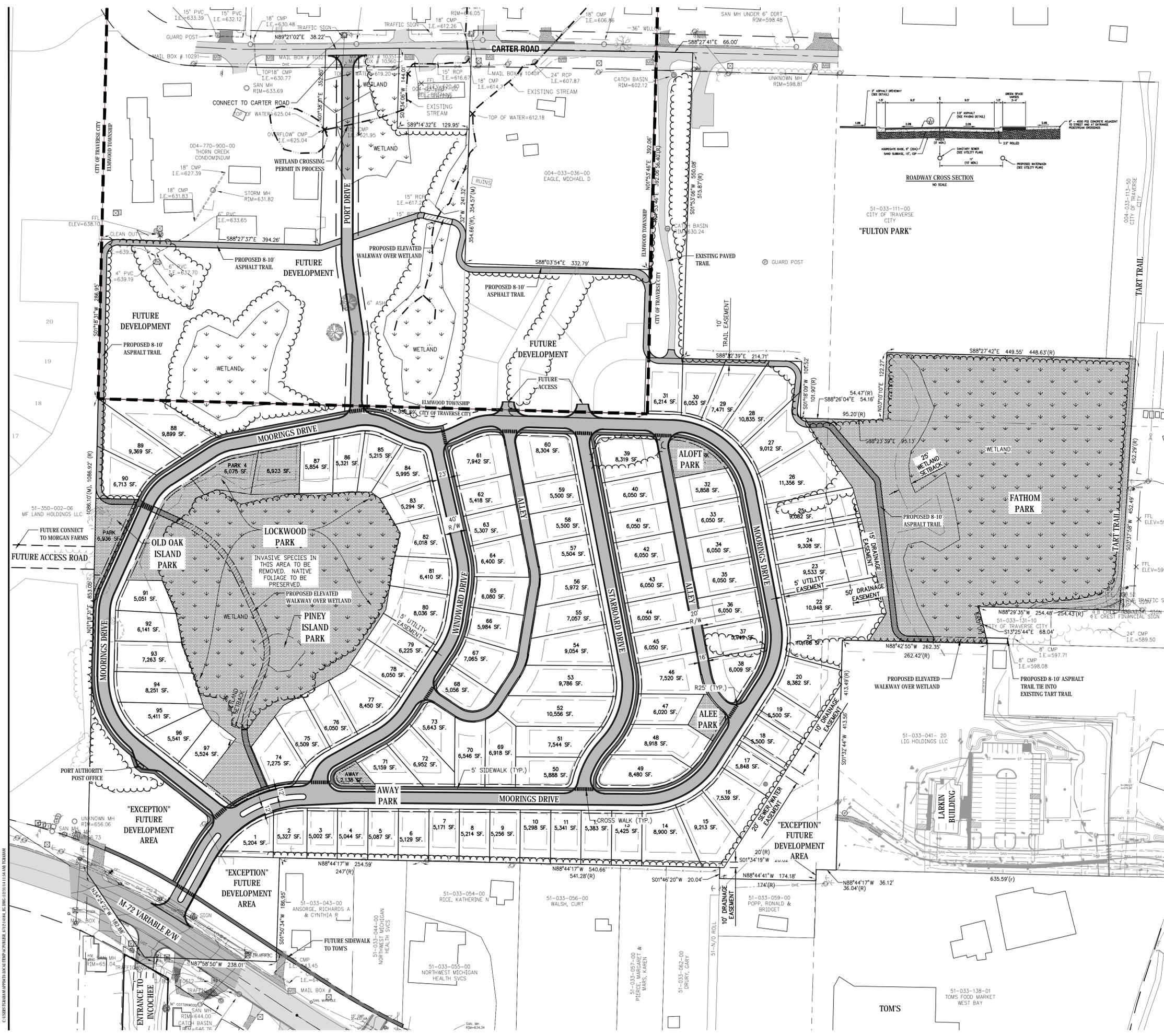
PH: 231.946.5074
FAX: 231.946.3703
WWW: gfa.bc
123 W. Fort Street
Traverse City, MI 49684

REV#	DATE	BY	CHK	DESCRIPTION
1	12/21/11	TW		FOR PLANNING COMMISSION SUBMITTAL

THE MOORINGS
EXISTING/DEMOLITION PLAN
SECTION 33, TOWN 28 NORTH RANGE 11 WEST
CITY OF TRAVERSE CITY, GRAND TRAVERSE COUNTY, MICHIGAN

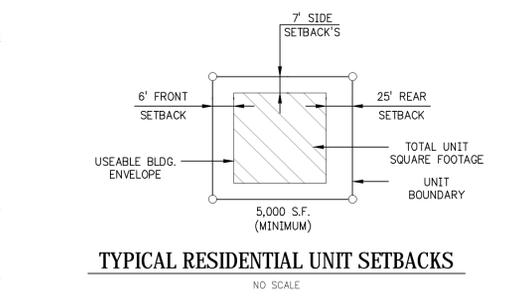
PREPARED BY: JOE ELLIOTT, P.E.
CHECKED BY: T. GRAHAM, M. BADENALDER
DRAWN BY: T. GRAHAM, M. BADENALDER

These documents are prepared in accordance with the contractual terms and conditions for this project.



Legend

	CROSS WALK		PARK AREAS
	8'-10' PAVED TRAIL		TREE LINE
	SIDEWALK		
	ELEVATED WALKWAY OVER WETLAND AREA		



Site Data

PROPERTY OWNER: THE MOORINGS, LLC 19230 S. WEST BAYSHORE DRIVE TRAVERSE CITY, MI 49684	PARCEL ADDRESS: THE MOORINGS, LLC 19230 S. WEST BAYSHORE DRIVE TRAVERSE CITY, MI 49684
PARCEL INFORMATION: PARCEL ZONING: R1-B - SINGLE-FAMILY DWELLING CITY: 51-033-042-00 51-033-041-50 51-033-041-31	CITY RIB ORDINANCE REQUIREMENTS: MINIMUM PARCEL AREA: 5,000 SF. MINIMUM LOT WIDTH: 35'/45' STRUCTURE BUILDING HEIGHT: 35'
ELMWOOD TOWNSHIP: 004-033-034-00 004-033-036-10	YARD SETBACKS: • FRONT: 6' • SIDE: 4' MIN. 14' AGGREGATE • REAR: 25'
SEC. TOWN RANGE: 26, T34N, R5W TOTAL PARCEL SIZE: 1,465,358 SF (33.64 AC)	

General Notes

- DEVELOPMENT OF THIS SITE SHALL BE IN ACCORDANCE WITH STATE, COUNTY AND CITY REQUIREMENTS.
- DIMENSIONS AND/OR COORDINATES ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED.
- THE CITY OF TRAVERSE CITY REQUIREMENTS, FOR TYPE, SIZE AND LOCATION. SEE ARCHITECTURAL PLANS.
- LOW LEVEL EXTERIOR LIGHTING WILL BE UTILIZED AT PARK AREAS AND CARTER ROAD ENTRANCE. LANDSCAPE LIGHTING WILL BE UTILIZED AT PARK AREAS. ALL LIGHTING WILL MEET CITY OF TRAVERSE CITY LIGHTING ORDINANCE.
- PART OF PARCEL IN ELMWOOD TOWNSHIP WILL BE DEVELOPED IN ACCORDANCE WITH TOWNSHIP ORDINANCE.
- CONNECTION TO CARTER ROAD WILL REQUIRE APPROVAL BY ELMWOOD TOWNSHIP, LEEANAU COUNTY ROAD COMMISSION AND MDEQ WETLANDS PERMIT.
- LOT DIMENSIONS SHOWN WILL BE MODIFIED DURING FINAL CONSTRUCTION DESIGN PROCESS. ALL LOTS WILL MEET RIB REQUIREMENTS.

PH: 231-946-3574
 FAX: 231-946-3703
 WWW: gfo.ic
 123 W. Front Street
 Traverse City, MI 49684

REV#	DATE	BY	CHK	DESCRIPTION
1	12/21/11	TW		FOR PLANNING COMMISSION SUBMITTAL

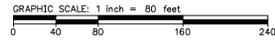
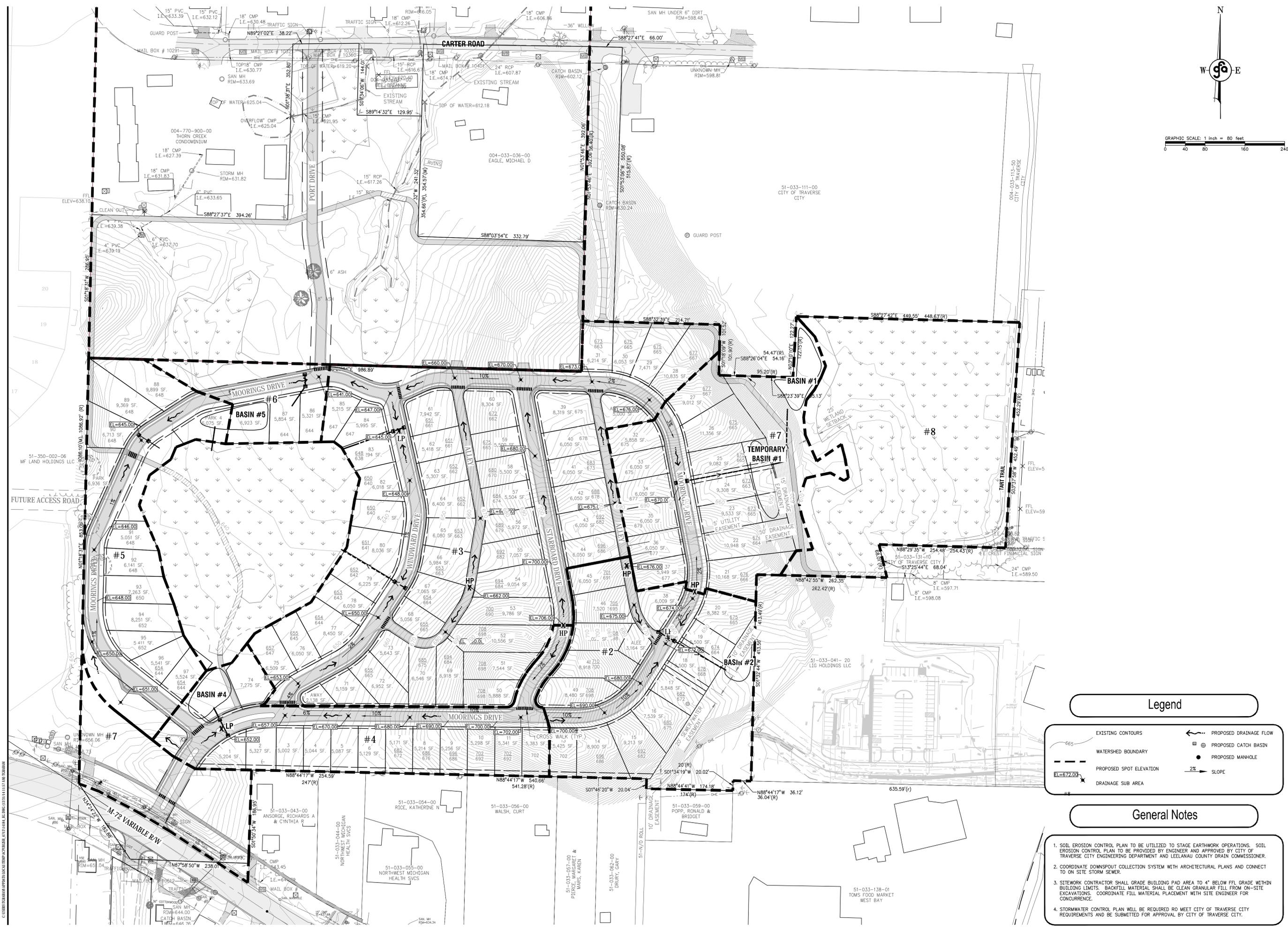
THE MOORINGS

SITE PLAN

SECTION 33, TOWN 28 NORTH RANGE 11 WEST
 CITY OF TRAVERSE CITY, GRAND TRAVERSE COUNTY, MICHIGAN

These documents are prepared in accordance with the contractual terms and conditions for this project.

PREPARED BY: T. GRAMM DATE: 12/21/11	CHECKED BY: M. BALDWIN DATE: 12/21/11
14184	
3.1	



Legend

<ul style="list-style-type: none"> EXISTING CONTOURS WATERSHED BOUNDARY PROPOSED SPOT ELEVATION DRAINAGE SUB AREA 	<ul style="list-style-type: none"> PROPOSED DRAINAGE FLOW PROPOSED CATCH BASIN PROPOSED MANHOLE SLOPE
---	---

General Notes

1. SOIL EROSION CONTROL PLAN TO BE UTILIZED TO STAGE EARTHWORK OPERATIONS. SOIL EROSION CONTROL PLAN TO BE PROVIDED BY ENGINEER AND APPROVED BY CITY OF TRAVERSE CITY ENGINEERING DEPARTMENT AND LEE LANAU COUNTY DRAIN COMMISSIONER.
2. COORDINATE DOWNSPOUT COLLECTION SYSTEM WITH ARCHITECTURAL PLANS AND CONNECT TO ON SITE STORM SEWER.
3. SITEWORK CONTRACTOR SHALL GRADE BUILDING PAD AREA TO 4" BELOW FFL GRADE WITHIN BUILDING LIMITS. BACKFILL MATERIAL SHALL BE CLEAN GRANULAR FILL FROM ON-SITE EXCAVATIONS. COORDINATE FILL MATERIAL PLACEMENT WITH SITE ENGINEER FOR CONCURRENCE.
4. STORMWATER CONTROL PLAN WILL BE REQUIRED TO MEET CITY OF TRAVERSE CITY REQUIREMENTS AND BE SUBMITTED FOR APPROVAL BY CITY OF TRAVERSE CITY.

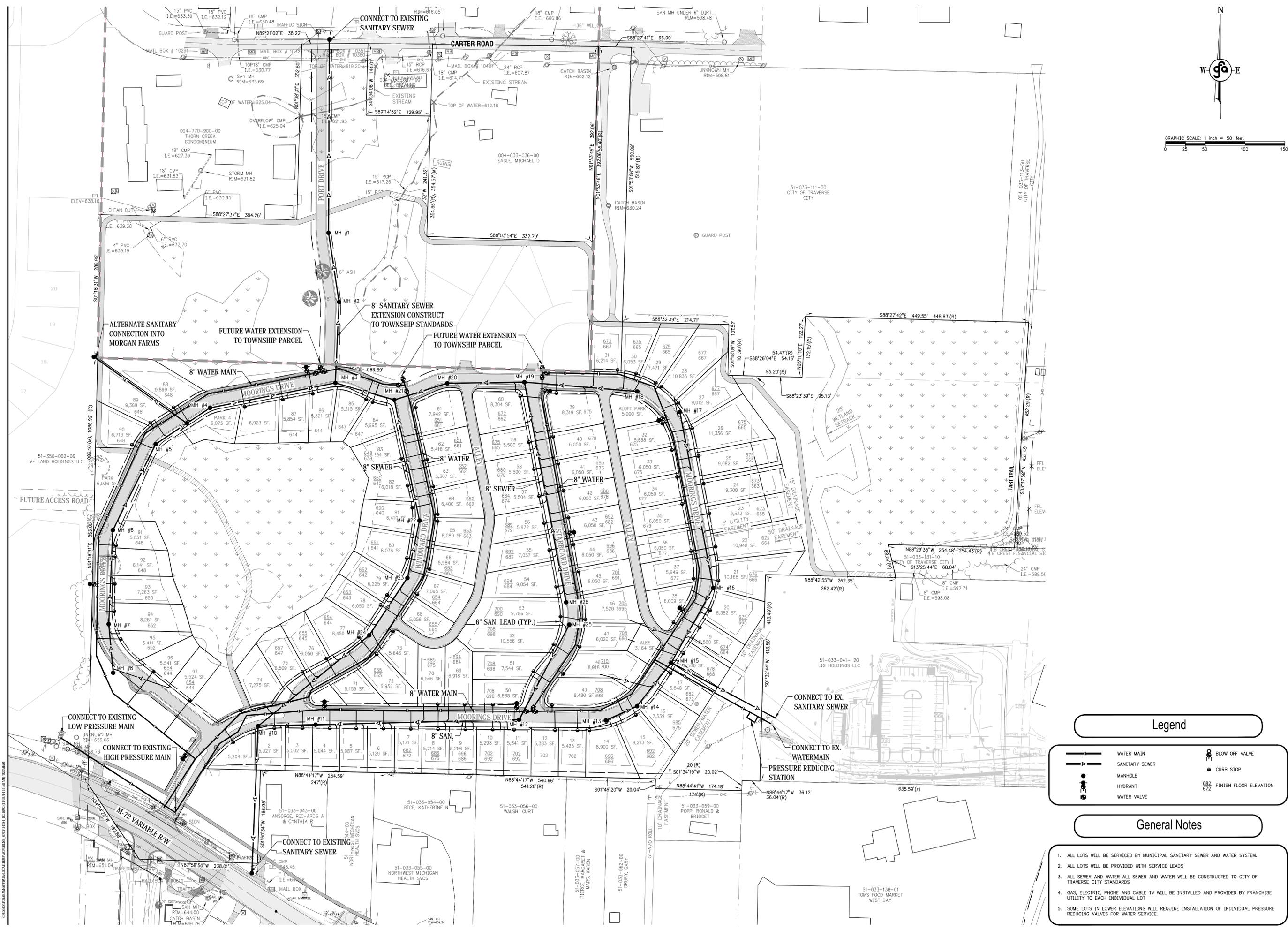
PH: 231-946-3074
 FAX: 231-946-3703
 WWW: gfo.ca
 123 W. Front Street
 Traverse City, MI 49684

REV	DATE	BY	CHK	DESC
1	12/21/11	TW	JK	FOR PLANNING COMMISSION SUBMITTAL

THE MOORINGS
GRADING PLAN
 SECTION 33, TOWN 28 NORTH RANGE 11 WEST
 CITY OF TRAVERSE CITY, GRAND TRAVERSE COUNTY, MICHIGAN

These documents are prepared in accordance with the contractual terms and conditions for this project.

DATE PLOTTED: 12/21/11
 PLOT BY: T. GRAHAM
 PLOT NO.: 14184
 3.2



Legend

	WATER MAIN		BLOW OFF VALVE
	SANITARY SEWER		MANHOLE
	HYDRANT		CURB STOP
	WATER VALVE		FINISH FLOOR ELEVATION

General Notes

1. ALL LOTS WILL BE SERVICED BY MUNICIPAL SANITARY SEWER AND WATER SYSTEM.
2. ALL LOTS WILL BE PROVIDED WITH SERVICE LEADS
3. ALL SEWER AND WATER ALL SEWER AND WATER WILL BE CONSTRUCTED TO CITY OF TRAVERSE CITY STANDARDS
4. GAS, ELECTRIC, PHONE AND CABLE TV WILL BE INSTALLED AND PROVIDED BY FRANCHISE UTILITY TO EACH INDIVIDUAL LOT
5. SOME LOTS IN LOWER ELEVATIONS WILL REQUIRE INSTALLATION OF INDIVIDUAL PRESSURE REDUCING VALVES FOR WATER SERVICE.

THE MOORINGS
UTILITY PLAN
 SECTION 33, TOWN 28 NORTH RANGE 11 WEST
 CITY OF TRAVERSE CITY, GRAND TRAVERSE COUNTY, MICHIGAN

These documents are prepared in accordance with the contractual terms and conditions for this project.

PH: 231-946-5974
 FAX: 231-946-3703
 WWW: gfo.ca
 123 W. Front Street
 Traverse City, MI 49684

DATE: 12.21.11
 BY: T. GRAHAM
 FOR: PLANNING COMMISSION SUBMITTAL

14184
 3.3



Communication to the Planning Commission

FOR THE MEETING OF: JANUARY 6, 2015

FROM: RUSS SOYRING, PLANNING DIRECTOR

SUBJECT: AMENDMENT TO ALLOW FOR ACCESSORY DWELLING UNITS
IN SINGLE-FAMILY DWELLING DISTRICTS

DATE: DECEMBER 22, 2014

Over the last couple decades the Planning Commission on several occasions have discussed and made recommendations to allow Accessory Dwelling Units by right in single family residential zones. Construction of accessory dwelling units would assist with the following:

1. Will help to implement a goal of the Traverse City Master Plan which is to expand residential choices.
2. Creates new housing units while respecting the look and scale of single-family residential zones
3. Supports more efficient use of existing housing stock and infrastructure.
4. Offers environmentally friendly housing options with smaller living quarters.
5. Addresses the needs of the changing family needs, smaller household size and increasing housing costs.
6. Provides accessible housing for seniors and persons with special needs.

Currently, Temporary accessory dwellings are allowed by Special Land Use Permit in single family zones for a person(s) with a substantial need. When the circumstances change where the substantial need no longer exists, the accessory dwelling must be discontinued. (Please see Section 1364.08(n).)

In 2013, the Planning Commission recommended that the single family zoned areas of Traverse Heights Neighborhood be allowed to have accessory dwellings by right. The City Commission passed the amendment on April 15, 2013. The existing conditions in the ordinance mandate a maximum limit of five (5) Accessory Dwelling Units per calendar year. To date, there have been no accessory dwelling units constructed in Traverse Heights neighborhood.

In May 2014, the Planning Commission decided that the Housing and Building Committee should discuss the possible expansion of accessory dwelling units. At the August 5, 2014 meeting, the Housing Building Committee presented draft ordinance amendment recommendations to the

Commission and received feedback. The Housing and Building Committee reconvened and presented another draft amendment to the Commission on December 2, 2014 and received additional feedback. The Housing and Building Committee met again, revised the ordinance and it is once again before the Planning Commission for review and comment.

If the Planning Commission would like to formally introduce the amendment and set the public hearing, then the following motion would be appropriate:

I move that a Public Hearing be scheduled for February 3, 2015 to consider an amendment to the Traverse City Code of Ordinances Sections 1320.07, *Definitions*; 1332.01 Single Family Dwelling (R-1a, R-1b) District *Uses Allowed*; 1332.07 Single Family Dwelling (R-1a, R-1b) District *Accessory Buildings*; 1374.03 Circulation and Parking *Motor Vehicle Parking*; and Chapter 1377 *Accessory Dwelling Units Overlay Districts*; regarding allowing accessory dwelling units in the single-family dwelling districts with conditions.

RAS:mll

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ACCESSORY DWELLING UNITS DEFINITION AMENDMENT

THE CITY OF TRAVERSE CITY ORDAINS:

That the Circulation and Parking 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.~~ smaller, secondary home on the same lot as a principal dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of shelter, heating, cooking and sanitation. There are two types of accessory dwelling units:

- a. Accessory dwelling in an accessory building (examples include converted garages or new construction)
- b. Accessory dwelling that is attached or part of the principal dwelling (examples include converted living space, attached garages, basements or attics; additions; or a combination thereof).

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.

Medical Marihuana means marihuana as defined by the Michigan Medical Marihuana 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 buildings, or grounds, excluding amusement parks, where a variety of sport or exercise activities are offered.

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 _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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 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) additional 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' exterior appear to be single-family.
 - (6) Accessory dwelling units must meet the following additional requirements:
 - i. Location of entrances. Only one entrance may be located on the façade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - ii. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling.
 - (7) Individual site plans, floor plans, elevation drawings and building plans for the proposed accessory dwelling unit shall be submitted with the application for a land use permit.
 - (8) The accessory dwelling unit incorporated in the principal dwelling may be no more than 800 square feet or the size of the principal dwelling, whichever is less. A unit in an accessory building may not exceed 800 square feet and must meet all the requirements of Section 1332.07. The accessory dwelling unit must have at least 250 square feet of gross floor area.
 - (9) The accessory dwelling unit that is rented shall not be leased for less than six months at a time.
 - (10) 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 principal residence tax exemption.
 - (11) The accessory dwelling unit will be registered with the City Clerk's Office.
- 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 _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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 BUILDING REQUIREMENTS IN SINGLE FAMILY DWELLING DISTRICTS

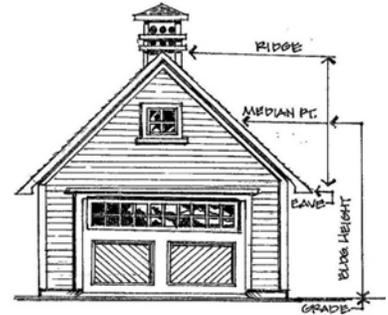
THE CITY OF TRAVERSE CITY ORDAINS:

That the Single Family Dwelling Districts Section 1332.07, Accessory Buildings, of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1332.07 ACCESSORY BUILDINGS.

Accessory buildings shall:

- (a) Only be permitted in the rear yard except accessory buildings may be located streetward on lots on navigable water and may be located streetward of the principal building on the less traveled street on through lots.
(b) Not exceed 25 feet or the height of the principal building, whichever is less.
(c) Not be closer than 4 feet to any side or rear property line. A boat house up to 250 square feet in gross floor area may be built to the water's edge.
(d) Have a total gross floor area of all accessory buildings on the lot no greater than 65 80% of the gross floor area of the principal building.
(e) Be constructed using materials and features similar to the principal building if the accessory building exceeds 200 square feet in gross floor area.



The effective date of this Ordinance is the _____ day of _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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 _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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:

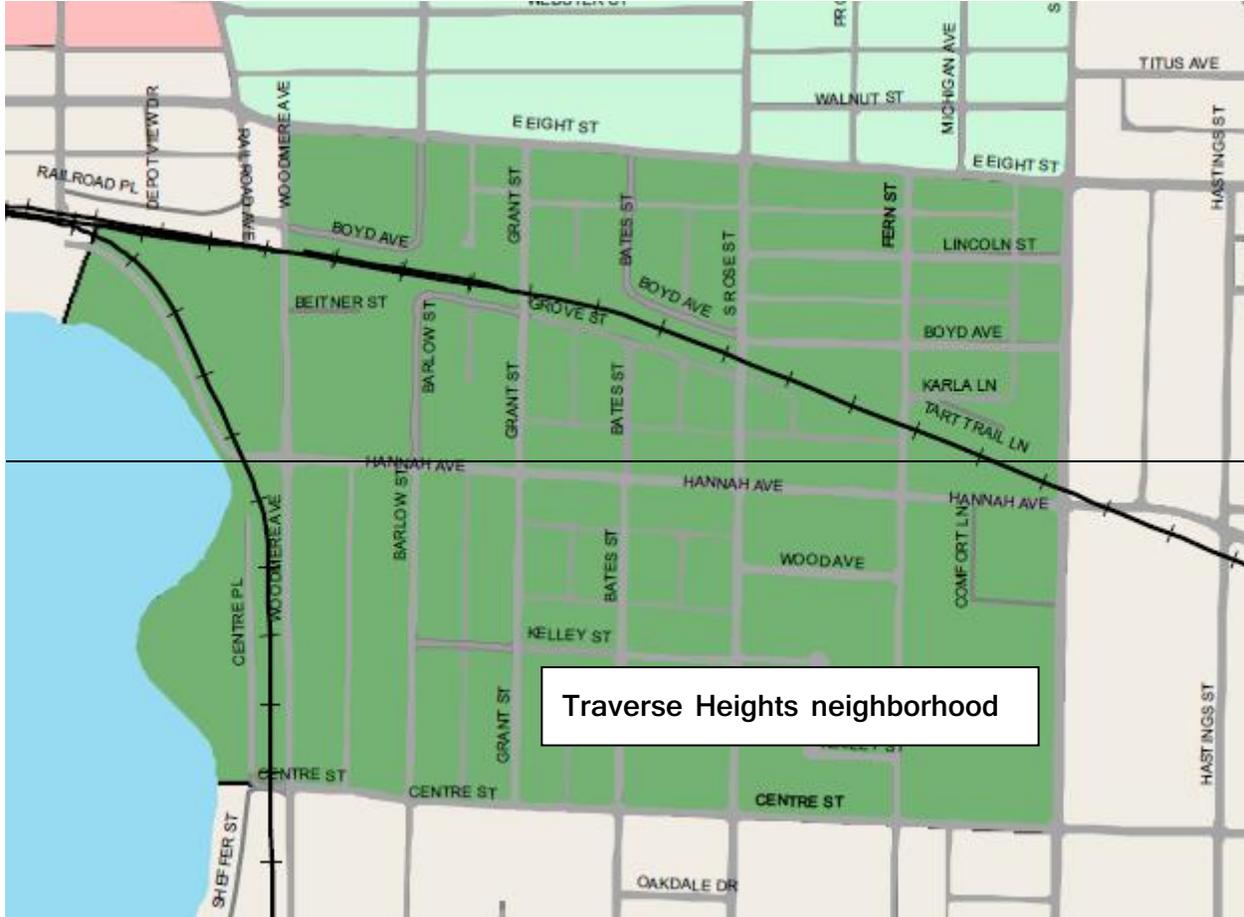
That Chapter 1377, *Accessory Dwelling Units Overlay Districts*, of the Zoning Code of the Traverse City Code of Ordinances, be deleted in its entirety as follows:

~~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 _____, 2015.

I hereby certify the above ordinance amendment was introduced on _____, 2015, at a regular meeting of the City Commission and was enacted on _____, 2015, 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 PLANNING COMMISSION
2014
ANNUAL REPORT**

ATTENDANCE

COMMISSIONER	MEETINGS ATTENDED
Jody Bergman	21 of 22 meetings
Michael Dow	20 of 22 meetings
Jeanine Easterday	19 of 22 meetings
Janet Fleshman	20 of 22 meetings
Cecil McNally	17 of 22 meetings
John Serratelli	21 of 22 meetings
Bill Twietmeyer	20 of 22 meetings
Jan Warren	18 of 22 meetings
Tim Werner	21 of 22 meetings

#	TYPE OF REQUEST	RECOMMEND APPROVAL	RECOMMEND DENIAL
	ORDINANCE AMENDMENTS		
1	An amendment to the Traverse City Code of Ordinances, Section 1324.04, <i>Rules of Procedure</i> , regarding removing the Rules of Procedure section from the zoning code and establishing a separate Rules of Procedure document adopted by the Board of Zoning Appeals.	1/7/14	
2	An amendment to Size and Area Requirements , Section 1368.01, <i>Building Height</i> ; Hotel Resort (HR) District, Section 1338.06, <i>Building Height</i> , and Section 1338.09, <i>Special Requirements</i> ; Office Service (C-1) District, Section 1340.06, <i>Building Height</i> , and Section 1340.09, <i>Special Requirements</i> ; Neighborhood Center (C-2) District, Section 1342.06, <i>Building Height</i> , and Section 1342.09, <i>Special Requirements</i> ; Community Center (C-3) District, Section 1344.09, <i>Special Requirements</i> ; Regional Center (C-4) Districts, Section 1346.09, <i>Special Requirements</i> ; and Development (D) Districts, Section 1347.09, <i>Special Requirements</i> , 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	5/6/14	
3	An amendment to General Provisions and Definitions Section 1320.07, <i>Definitions</i> ; Special Land Use Regulations Section 1364.01, <i>Types of Special Land Use Review</i> and Section 1364.08, <i>Special Land Use Permits Granted by the City Commission</i> , regarding allowing Emergency shelters and establishing regulations for Emergency shelters and modifying the regulations for Transitional housing.	6/3/14	
4	An amendment to the Traverse City Code of Ordinances Sections 1320.07, <i>Definitions</i> ; 1328.01 Open Space (OS) District <i>Uses Allowed</i> ; 1338.01 Hotel Resort (HR) District <i>Uses Allowed</i> ; 1340.01 Office Service (C-1) District <i>Uses Allowed</i> ; 1344.01 Community Center (C-3) District <i>Uses Allowed</i> ; 1350.01 Government/Public (GP) District <i>Uses Allowed</i> ; and 1358.01 Hospital (H) Districts <i>Uses Allowed</i> ; regarding recreational facilities.	8/5/14	

1	CONDITIONAL REZONING Conditional rezoning request initiated by John Kerridge, Kerridge Architecture + Construction, Inc. of 400 West Front Street, to rezone the property located at 101 N. Madison Street from R1-b (Single Family Dwelling District) to C-1 (Office Service District) with conditions.		4/1/14
1	REZONING A rezoning request initiated by the Planning Department to rezone the property located 10597 East Traverse Highway from R-9 (A) (Multiple Family Dwelling Districts) to MU (Mixed Use PUD Morgan Farm)	3/4/14	
1	SPECIAL LAND USE PERMIT Request by Sandy Oliver, 1012 Centre Street, for a Group Daycare Home at the property mentioned	7/1/14	
2	Request by W. Keith Owen of Owen Architects Collaborative, LLC on behalf of Federated Properties, LLC to allow for a taller building at 124 W. Front Street	10/7/14	
3	Request by Peter Starkel on behalf of Safe Harbor of Grand Traverse, Inc. to allow for an Emergency Shelter at 517 Wellington Street, a property owned by the City of Traverse City	10/7/14	
1	SITE PLAN REVIEW Request by W. Keith Owen of Owen Architects Collaborative, LLC on behalf of Federated Properties, LLC for a building at 124 W. Front Street	10/7/14	

MASTER PLAN- PROJECT REVIEWS FOR CONSISTENCY WITH CITY MASTER PLAN

- Approved as consistent with the Traverse City Master Plan in terms of location, extent and character:
 - Approval of Lot D Boardman River Boatlaunch Project (3/18/14)
 - Approval of West Front Street Bridge Project (3/18/14)
 - Approval of Eighth Street Bridge Project (3/4/14)
 - Approval of Pine Street Pedestrian Way (3/4/14)
 - Approval of the City of Traverse City Six-Year Capital Improvement Program 2014-2020 (4/1/14)
 - Approval of Clancy Park Improvements (4/1/14)
 - Approval of 8th Street Restriping Request (6/3/14)
 - Approval of West Front Street Streetscape (9/3/14)
 - Approval of 2015 Street projects (8/5/14, 9/3/14)
 - Approval of Oakwood Cemetery Maintenance Building (10/7/14)

PRESENTATIONS/DISCUSSIONS

- Planning Commission 2014 Goals presented on 1/7/14, 1/22/14 and accepted 2/4/14.
- Multi-use building development at W. Front/Pine Streets conceptual project discussion presented by David Hanawalt (1/22/14)
- Capital Improvement Program discussion (2/4/14, 2/19/14, 3/4/14,
- Four single-family home development at W. Front/Madison Streets discussion of possible conditional rezoning presented by John Kerridge (2/4/14)
- Emergency Shelter regulations discussion (3/4/14)
- Building Heights discussion (3/18/14)
- "Transforming our Major Streets" presentation by Bob Gibbs (4/15/14)
- Freedom of Information Act, Open Meetings Act, Planning Commission rules, ethics and conflicts of interest presentation by Lauren Trible-Laucht and Benjamin Marentette (5/6/14)
- 2014-15 Street Project discussion (5/6/14, 5/18/14)
- Accessory Dwelling Unit Ordinance amendment discussion (5/20/14, 8/20/14)
- Honey Beekeeping in Multi-Family Dwellings discussion (5/20/14)

- Recreational Facilities in C-2 District discussion (6/3/14, 6/17/14)
- NACTO “Urban Street Design Guide” discussion (6/17/14), endorsement of (7/1/14)
- Master Plan Review Committee recommendations discussion (6/17/14)
- Overnight Parking discussion (7/15/14)
- 808 Carver possible rezoning request discussion (8/5/14)
- Grand Traverse County Master Plan presentation (10/7/14)
- Planning Commission Bylaws discussion (10/21/14)

COMMITTEES

- Planning Commission representatives on the Grand Traverse Commons Joint Planning Committee
- Planning Commission representative on the Board of Zoning Appeals
- Capital Improvement Program Committee as a staff-led committee with representation from three Planning Commissioners, one of which is also a City Commissioner
- Housing Building Planning Committee as a subcommittee of the Planning Commission
- Active Transportation Committee as a subcommittee of the Planning Commission
- Master Plan Review Committee as a subcommittee of the Planning Commission
- Parking Regulation Committee as a subcommittee of the Planning Commission

MISCELLANIOUS

- Planning Commission Bylaws amended (1/7/14, 3/18/14 and 11/4/14)
- Planning Commission Annual Report received (1/7/14)
- 2014-15 Capital Projects for further review by the Planning Commission document accepted (5/6/14)
- 8th Street Restriping Request discussion (5/20/14,)
- Consideration of an amended request by Bonnie Adams of 441 Fair Street to vacate a portion of an alley located east of parcel 28-51-582-022-00, commonly known as 449 Fair Street (7/1/14, 8/5/14, approved 9/3/14)
- Grand Traverse County Outstanding Development Award nominations made (9/3/14)
- Bayshore Corridor Resolution approved (10/7/14)

STEPHEN & ANDERSON, P.L.C.

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Traverse City, Michigan 49686

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Cortney S. Danbrook

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caa@stephenandersonlaw.com
csd@stephenandersonlaw.com

December 22, 2014

HAND DELIVERY

John Serratelli
Chairman, Traverse City Planning Commission
400 Boardman Avenue
Traverse City, MI 49684

RECEIVED

Re: 314 E. Eighth Street
Tax Parcel No. 28-051-682-005-00

DEC 22 2014

**PLANNING DEPT
CITY OF
TRAVERSE CITY**

Dear Mr. Serratelli:

I represent Bonter Properties, LLC which owns the commercial property located at 314 E. Eighth Street, Traverse City, Michigan (the "Property") where it operates the business Copy Central. The owner of Bonter Properties, LLC is Pam Bonter. Mrs. Bonter and her husband, Mark Bonter, have operated Copy Central, a copy and printing business at that location for approximately 16 years. Prior to Bonter's ownership, the Property was owned and operated by Floor Covering Brokers and prior to that it was Swenson Memorials. The use of this Property has been commercial for over 25 years.

Mark Bonter passed away four years ago and Mrs. Bonter has continued to operate the business but is now at retirement age and needs to sell the Property. The business operation (Copy Central) will either be sold to another party and relocated or liquidated. We have not been able to locate a single buyer for the business and the Property who would continue the copy and printing business at the current location, and it is very unlikely that we will.

Mrs. Bonter entered into a purchase agreement for the sale of the Property on December 1, 2014 with a very qualified purchaser. In conducting due diligence, the potential purchaser learned that the Property is currently zoned multi-family (R-29), which, given the long term commercial use of this Property was a surprise to not only the Purchaser but to Mrs. Bonter and her realtor, Tom Krause.

The potential purchaser has withdrawn their offer to purchase the Property due to the current zoning of the Property. They also had concerns regarding parking, but felt they could resolve that issue. The purchaser understood they could apply for a non-conforming use for their

VIA HAND DELIVERY

John Serratelli

December 22, 2014

Page 2

intended business, however, they were concerned about the resale value of the Property and long term use issues if the zoning remains multi-family. Mrs. Bonter's realtor, Tom Krause, has had other interested parties who have not made offers on the Property due to the current multi-family zoning. The multi-family zoning designation is deterring potential purchasers from making offers on the Property. Attached is correspondence from Tom Krause regarding his experience with the current zoning classification for this Property.

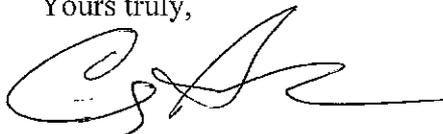
Potential purchasers understand that a change in use could qualify as a new non-conforming use, however, they are concerned with the long term implications and limitations of the current multi-family zoning. I have reviewed the Zoning Elements of the City's current Master Plan and the Corridors Master Plan and pursuant to the City's Master Plan, this Property is intended to be commercial.

According to the current zoning map, the property across Eighth Street is zoned D-1, the property to the east is zoned D-2 and there are individual parcels nearby that are currently zoned C-2. Clearly multi-family zoning is not appropriate for this Property given its historical use and the City's Master Plan.

I understand that the entire Eighth Street Corridor is being reviewed and we can expect changes in the future. Unfortunately, Mrs. Bonter is not in a position to wait for those changes. We are asking for your thoughts regarding a change in zoning of this Property to either C-2 or D-1 at this time. We feel this change is consistent with the long term use of the Property and the City's future plans, and eliminates a non-conforming use. It also makes it possible for Mrs. Bonter to sell this Property. Before submitting a Petition for a Zoning Change, we are hoping to get some informal feedback from the Planning Commission.

If possible, we would like to discuss this with the members of the Planning Commission at your next meeting on January 6th and request to be placed on the Agenda for that meeting. We would appreciate hearing the Commission's thoughts on the re-zoning of this Property. Thank you very much for your time and consideration.

Yours truly,



Cynthia A. Anderson

CAA:plw

cc: Mrs. Pamela Bonter

Tom Krause



December 22, 2014

Dear Cindy,

I am writing in regards to the Copy Central building at 314 E. Eighth Street. We had several (8-10) inquiries on this property as soon as the Real Estate sign went up. Only 1 was a printing business. All others were other commercial users.

When identifying the zoning as multi-family with the option of going non-conforming pre-existing use with a special permit, the interest ceases immediately.

One tenant was interested in doing a high-end exercise studio. After identifying a shortage in parking, she decided she was not interested.

The investor who was seriously considering purchasing anyways, lost interest and decided not to pursue any further once they found out it was zoned multi-family.

Everyone I tell the zoning is multi-family is very surprised because a commercial user has been in there operating for over 30 years.

The assessor classifies it as 201 general business and the property owner has been taxed as a general business user since buying the property.

I believe being zoned multi-family seriously hurts the value of this property.

Tom Krause
Krause Realty Solutions

A handwritten signature in black ink, appearing to read 'TK', written over a horizontal line.