AGENDA

The City of Traverse City does not discriminate on the basis of disability in the admission to, access to, treatment in, or employment in, its programs or activities. Penny Hill, Assistant City Manager, 400 Boardman Avenue, Traverse City, Michigan 49684, phone 231-922-4440, TDD/TTY 231-922-4412, VRS 231-421-7008, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator.

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

1. CALL MEETING TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

4. APPROVAL OF MINUTES
   A. October 3, 2017 Regular Meeting minutes and October 17, 2017 Special Meeting minutes (Approval recommended)

5. OLD BUSINESS
   A. Public Hearing to consideration a request initiated by Thomas Darga of DargaWorks, Inc. to amend the conditional rezoning agreement for the properties commonly known as 205 and 211 Union Street and 205 Garland Street which was approved by the City Commission on February 13, 2017 (No Action requested)
   B. Public Hearing to consider an amendment to the Definitions, Section 1320.07, Uses Allowed, Section 1332.01; and Accessory buildings, Section 1332.07 in the Single Family Dwelling Chapter, the Uses Allowed, Section 1334.01; and Accessory buildings, Section 1334.07 in the Two Family Dwelling Chapter, and Motor vehicle
parking in Section 1374.03 (d) of the Traverse City Code of Ordinances regarding modifying the definition of dwelling unit, the conditions regulating ADUs and accessory buildings in the single family dwelling district and expansion of ADUs to the two family dwelling district as recommended by the Housing and Building Committee (Action requested)

C. Public Hearing to consider an amendment the Uses Allowed, Section 1336.01 in the Multiple Family Dwelling Chapter of the Traverse City Code of Ordinances expansion regarding allowing accessory dwelling units in the multiple family dwelling districts with conditions as recommended by the Housing and Building Committee (Action Requested)

6. NEW BUSINESS

7. CORRESPONDENCE
   A. Code Enforcement Quarterly Report
   B. Community Development Report

8. REPORTS
   A. City Commission - Commissioners Haas and Howe
   B. Board of Zoning Appeals – Commissioner Koebert
   C. Grand Traverse Commons Joint Planning Commission - Commissioners Serratelli and Grant
   D. Arts Commission- Commissioner Koebert
   E. Planning Commission Committees:
      1. Traffic Calming Review Committee- Commissioner Weatherholt
      2. Housing and Building Committee- Commissioner Fleshman
   F. Planning Department—Mr. Soyring
   G. Planning Department/Staff-led Committees:
      1. Community Development/Economic Development- Mr. Soyring
      2. Capital Improvement Program- Mrs. Luick
      3. Tree Committee (Watershed Center Committee)- Commissioners Grant and McGillivary
      4. Safe Routes to School- Mrs. Luick

9. PUBLIC COMMENT

10. ADJOURNMENT
1. **CALL MEETING TO ORDER**- Chairperson Serratelli called the meeting to order at 7:00 p.m.

2. **ROLL CALL**- Mrs. Luick called roll for the Planning Commission.

   PRESENT: Commissioners Janet Fleshman, Mike Grant, Brian Haas, Gary Howe, Vice-Chairperson Linda Koebert, Jim Tuller, Brian McGillivary (arrived at 7:03 p.m.), Chairperson John Serratelli and Camille Weatherholt.

   ABSENT: None.

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

3. **ANNOUNCEMENTS**- Mr. Soyring announced the open house for public input on the Fish Pass design on October 10, 2017 from 9:00 a.m.-noon and 6:00-9:00 p.m. at the 2nd Floor Training Room in the Governmental Center.

4. **CONSENT CALENDAR**

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

   A. September 6, 2017 Regular Meeting minutes and September 19, 2017 Study Session minutes (Approval recommended)

   B. Grand Traverse County Outstanding Development Planning Award Nominations (Approval recommended)

Motion by Commissioner Koebert, second by Commissioner Fleshman, to approved the Consent Calendar as presented.

Motion carried 8-1 (Commissioner McGillivary absent).
Commissioner McGillivary arrived at 7:03 p.m.

5. OLD BUSINESS
   A. Public Hearing to consider a Special Land Use Permit request by Tom McIntyre of 326 Land Company, LLC to allow for a taller building located at 326 E. State Street (Action Requested)

      Mr. Soyring introduced the request and summarized his communication to the Planning Commission dated September 29, 2017. Staff reviewed the submission and finds it to be in conformance with the requirements provided seven (7) conditions are met as detailed in the Staff Report 17-SLUP-01.

      The following presented to the Commission:
      • Tom McIntyre, 326 Land Company, LLC
      • Bill Brunner, Paradigm Design
      • Scott Jozwiak, Jozwiak Consulting
      • Julie Kroll, Flies and Vandenbrink

      Commission discussion.

      A Public Hearing was opened.
      The following individuals made public comment:
      • Raymond Minervini, 118 E. 17th Street and property owner at Grand Traverse Commons
      • John McDonald, 117 Monroe Street
      • Jeff Leonhardt, 1118 Pine Needle Lane
      • Craig Rosenberg, non-city resident of 6605 Franklin Woods Drive, city property owner and city business owner
      • Todd Okerstrom, 808 Westminster Rd.
      • Dave Petrol, 9988 Riley Road, Interlochen
      • Steve Smith, Empire resident and city property owner
      • Bruce Rogers, city business owner and city property owner
      • Rick Buckhalter, 932 Kelly Street
      • Larry Engrove, Garfield Township resident
      • Max Anderson, Executive Director of Traverse City Area Chamber of Commerce
      • Sheri Johnson, non-city resident, city property owner
      • Mike Jackson, 217 Sixth Street
      • Ken Klienrichert, Elmwood Township resident
      • Ann Rogers, 1236 Peninsula Drive
• Kurt Hubschneider, non-city resident of 4208 Cranberry Lane, Williamsburg
• Andy Silk, 713 Lake Ave
• Andrew Koons, 808 Westminster Rd.
• Patty Olson, 1815 Wayne Street
• Al Quick, 542 5th Street
• Brenda Quick, 542 5th Street
• Judy Nelson, 429 Garfield Ave
• Jan Cleland, 211 W 12th Street

The Public Hearing was closed.

A 5-minute recess was called at 9:23 p.m.
Chairperson Serratelli reconvened the meeting at 9:28 p.m.

Chairperson Serratelli informed the Commission of the rule in the Planning Commission Bylaws that requires that “no new items requiring action shall be taken after 10:00 p.m. unless otherwise determined at the meeting by a majority of the Commission present.” Commission consensus was to skip items 5B-E on the agenda and that they would be placed on a future agenda for consideration.

The Planning Commission reconvened discussion regarding item 5A.

Staff read each of the standards in 1364.02 and 1364.08 (13) as well as the staff analysis of each standard. The Commission discussed each standard and stated individually if they thought the standard had been met or not met. If a Commissioner determined a standard was not met, then reasons were stated as to why.

Commission discussion included modification to the wording of conditions 6 and 7 in Staff Report 17-SLUP-01.

Mr. Soyring stated that staff finds that Special Land Use Permit No. 17-SLUP-01 to construct a 10-story, 100-foot, residential building meets all the standards for a Special Land Use Permit in Section 1364.02 and all standards for “Taller buildings” in Section 1364.08(13) and recommends approval of the request provided the following conditions are met:

1. The applicant and owner will continue to work with City Engineering and Light and Power in regards to the utility extensions and service lines. Any necessary easements for the location of utility equipment shall be negotiated and any associated costs will be borne by the applicant/owner.
2. The owner shall be responsible for extending and relocating service extensions to the proposed building. These utilities must meet all applicable ordinance and City requirements.

3. If relocation of public utilities is necessary, the applicant will be responsible in providing the City any easement necessary for relocation.

4. The traditional downtown streetscape will be removed and replaced at the applicant’s expense.

5. Upon conclusion of the project the applicant at his expense will repave the alley from Boardman Avenue to the western property line of the project.

6. The applicant shall continue to work with the City in exploring other considerations for this storm water district, such as, a partnership with property owners for a district wide storm water treatment system with funding from the Brownfield TIF.

7. The two roof vents shall be repositioned to be below 100 feet and are screened from view by the building.

Commission discussion. A new condition was added to Staff Report 17-SLUP-01 as condition 8. It reads, “The pedestrian level façade will be modified to provide building details to add visual interest to pedestrians to promote pedestrian use of the street edge.”

Motion by Commissioner Koebert, second by Commissioner Haas, that the request for a Special Land Use Permit by Tom McIntyre of 326 Land Company, LLC to allow for a taller building located at 326 E. State Street be recommended for approval provided eight conditions are met as outlined in Staff Report 17-SLUP-01 as amended. Pursuant to City Charter, the request for a taller building will be placed on a ballot for public vote, prior to going to the City Commission for consideration.

Commission discussion.

Motion carried 5-4 (Commissioners Fleshman, Grant, McGillivary and Weatherholt opposed).

B. Consideration of a request initiated by Thomas Darga of DargaWorks, Inc. to amend the conditional rezoning agreement for the properties commonly known as 205 and 211 Union Street and 205 Garland Street which was approved by the City Commission on February 13, 2017 (For introduction and possibly scheduling a Public Hearing for November 7, 2017)
This item was not considered by the Planning Commission.

C. Consideration of an amendment to the Definitions, Section 1320.07, Uses Allowed, Section 1332.01; and Accessory buildings, Section 1332.07 in the Single Family Dwelling Chapter, the Uses Allowed, Section 1334.01; and Accessory buildings, Section 1334.07 in the Two Family Dwelling Chapter, and Motor vehicle parking in Section 1374.03 (d) of the Traverse City Code of Ordinances regarding modifying the definition of dwelling unit, the conditions regulating ADUs and accessory buildings in the single family dwelling district and expansion of ADUs to the two family dwelling district as recommended by the Housing and Building Committee (For introduction and possibly scheduling a Public Hearing for November 7, 2017)

This item was not considered by the Planning Commission.

D. Consideration of an amendment the Uses Allowed, Section 1336.01 in the Multiple Family Dwelling Chapter of the Traverse City Code of Ordinances expansion regarding allowing accessory dwelling units in the multiple family dwelling districts with conditions as recommended by the Housing and Building Committee (For introduction and possibly scheduling a Public Hearing for November 7, 2017)

This item was not considered by the Planning Commission.

E. Tree Committee Planning Commissioner representative (Action Requested)

This item was not considered by the Planning Commission.

6. CORRESPONDENCE- None.

7. REPORTS
A. City Commission – No report.
B. Board of Zoning Appeals – Commissioner Koebert reported.
C. Grand Traverse Commons Joint Planning Commission - No report.
D. Arts Commission- Commissioner Koebert reported.
E. Planning Commission Committees:
   1. Traffic Calming Review Committee- No report.
   2. Housing and Building Committee- No report.
F. Planning Department— No report.
G. Planning Department/Staff-led Committees:
   1. Public Engagement Plan Committee- Mr. Soyring reported.
3. Capital Improvement Program- No report.
4. Tree Committee (Watershed Center Committee)- Commissioner Grant reported.
5. Safe Routes to School- Mrs. Luick reported.

8. PUBLIC COMMENT- None.

10. ADJOURNMENT

Chairperson Serratelli adjourned the meeting at 11:23 p.m.

Respectfully submitted,

Date: __________________________  ___________________________________
Janet Fleshman, Secretary
1. CALL MEETING TO ORDER- Chairperson Serratelli called the meeting to order at 7:00 p.m.

2. ROLL CALL- Mrs. Luick called roll for the Planning Commission.

PRESENT: Commissioners Janet Fleshman, Brian Haas, Vice-Chairperson Linda Koebert, Jim Tuller, Brian McGillivary, Chairperson John Serratelli and Camille Weatherholt.

ABSENT: Commissioners Mike Grant and Gary Howe.

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

3. ANNOUNCEMENTS- Mrs. Luick announced that zoning ordinance codification replacement pages were distributed.

4. OLD BUSINESS

A. Lake Avenue Streetscape- Project review for consistency with Master Plan (Action Requested)

Mrs. Luick explained the project in terms of location, extent and character as summarized in Mr. Soyring’s October 10, 2017 memo to the Commission as well as Mr. Lodge’s October 10, 2017 memo.

The following addressed the Commission:

- Tim Lodge, City Engineer
- Rob Bacigalupi, DDA Executive Director

Commission discussion included relocation of the bike racks.

Motion by Commissioner Koebert, second by Commissioner Haas, that the Lake Avenue Streetscape from Cass Street to Eighth Street revised 10-11-17 is found to be consistent with the City Master Plan in terms of location, extent and character and that the action be communicated to the City Commission.

The following made public comment on the topic:

- Allison Herd, 134 E. 11th Street
- Deni Scrudato, 422 E. State Street
- Pete Springsteen, City property owner
Motion carried 7-0 (Commissioners Grant and Howe absent).

B. Tree Committee Planning Commissioner representative (Action Requested)

Commissioner Koebert nominated Commissioner McGillivary to serve on the Tree Committee to replace Commissioner Fleshman. No other nominations were made.

Motion by Commissioner Koebert, second by Commissioner Weatherholt, that Commissioner McGillivary serve on the Tree Committee as a Planning Commission representative.

Motion carried 7-0 (Commissioners Grant and Howe absent).

C. Consideration of a request initiated by Thomas Darga of DargaWorks, Inc. to amend the conditional rezoning agreement for the properties commonly known as 205 and 211 Union Street and 205 Garland Street which was approved by the City Commission on February 13, 2017 (For introduction and possibly scheduling a Public Hearing for November 7, 2017)

Mr. Soyring summarized his memo dated September 29, 2017 to the Commission.

Thom Darga, DargaWorks, Inc. presented to the Commission.

Mr. Darga explained that his offer is the same as the approved agreement except that the drawings referred to in condition number 10 have changed.

Commission discussion.

Motion by Commissioner Koebert, second by Commissioner Haas, that a public hearing be scheduled for November 7, 2017 to consider a request from Thomas Darga, of Dargaworks Inc., of 101 North Park Street, Traverse City, Michigan, to amend the Conditionally Rezoning Agreement for the properties commonly known as 205 and 211 North Union Street and 205 Garland Street which was approved by the City Commission on February 13, 2017 that authorized the rezoning of the properties from C-4a (Regional Center) to C-4b (Regional Center) with conditions.

The following individuals addressed the Commission:

- Rick Buckhalter, 932 Kelley Street
- Rob Bacigalupi, DDA Executive Director
- Judy Nelson, 429 Garfield Ave
Commission discussion.

Motion carried 7-0 (Commissioners Grant and Howe absent).

D. Consideration of an amendment to the Definitions, Section 1320.07, Uses Allowed, Section 1332.01; and Accessory buildings, Section 1332.07 in the Single Family Dwelling Chapter, the Uses Allowed, Section 1334.01; and Accessory buildings, Section 1334.07 in the Two Family Dwelling Chapter, and Motor vehicle parking in Section 1374.03 (d) of the Traverse City Code of Ordinances regarding modifying the definition of dwelling unit, the conditions regulating ADUs and accessory buildings in the single family dwelling district and expansion of ADUs to the two family dwelling district as recommended by the Housing and Building Committee (For introduction and possibly scheduling a Public Hearing for November 7, 2017)

Mrs. Luick summarized her September 29, 2017 memo to the Commission and explained changes to the draft amendment after staff review of the proposed amendment.

Commission discussion.

Motion by Commissioner Fleshman, second by Commissioner Weatherholt, that a Public Hearing be scheduled for November 7, 2017 to consider an amendment to the Definitions, Section 1320.07, Uses Allowed, Section 1332.01; and Accessory buildings, Section 1332.07 in the Single Family Dwelling Chapter, the Uses Allowed, Section 1334.01; and Accessory buildings, Section 1334.07 in the Two Family Dwelling Chapter, and Motor vehicle parking in Section 1374.03 (d) of the Traverse City Code of Ordinances regarding modifying the definition of dwelling unit, the conditions regulating ADUs and accessory buildings in the single family dwelling district and expansion of ADUs to the two family dwelling district.

Commission discussion.

The following individuals addressed the Commission:

- Deni Scrudato, 422 E. State Street
- Adrienne Rossi, 312 W 7th Street
- Julia Wagner, 402 W. 11th Street
- Rick Buckhalter, 932 Kelley Street
- Jan Cleeland, 211 W. 12th Street
- Linda Lidke, 715 Pine Street

Commission discussion.
Motion carried 7-0 (Commissioners Grant and Howe absent).

E. Consideration of an amendment the Uses Allowed, Section 1336.01 in the Multiple Family Dwelling Chapter of the Traverse City Code of Ordinances expansion regarding allowing accessory dwelling units in the multiple family dwelling districts with conditions as recommended by the Housing and Building Committee (For introduction and possibly scheduling a Public Hearing for November 7, 2017)

Motion by Commissioner Koebert, second by Commissioner McGillivary, that a Public Hearing be scheduled for November 7, 2017 to consider an amendment the Uses Allowed, Section 1336.01 in the Multiple Family Dwelling Chapter of the Traverse City Code of Ordinances expansion regarding allowing accessory dwelling units in the multiple family dwelling districts with conditions.

Motion carried 7-0 (Commissioners Grant and Howe absent).

5. NEW BUSINESS- None.

6. PUBLIC COMMENT

- Julia Wagner, 402 W. 11th Street
- Commissioner Koebert

7. ADJOURNMENT

Chairperson Serratelli adjourned the meeting at 9:41 p.m.

Respectfully submitted,

Date: __________________________  ___________________________________
Janet Fleshman, Secretary
At the October 3, 2017 meeting, the Planning Commission scheduled on public hearing to consider a request from Thomas Darga, of Dargaworks Inc., of 101 North Park Street, Traverse City, Michigan, to amend the Conditionally Rezoning Agreement for the properties commonly known as 205 and 211 North Union Street and 205 Garland Street which was approved by the City Commission on February 13, 2017 that authorized the rezoning of the properties from C-4a (Regional Center) to C-4b (Regional Center) with conditions.

On November 1, 2017 the Mr. Darga submitted a revised offer which is attached. A number of revisions have been made and staff is in the process of evaluating the revisions. Staff is also seeking for clarification on the position of the building in relation to the legal description of the property that was rezoned C-4b (Regional Center) on February 13, 2017.

Originally, a four-story building was proposed with a traditionally shaped building. Revised drawings now show a five-story building with a curvilinear shaped building for the upper 3 stories. The lower floor footprint remains the same as does the overall height. The number of residential units is now proposed to go up from 126 to 156 (two more than what was mentioned at the October 3 meeting). The number of automotive parking spaces goes down from 407 to 158-160 spaces (196 spaces were mentioned at the October 3 meeting.) The commercial space drops from 26,000 to 11,447 square feet (12,800 square feet was mentioned at the October 3 meeting). The building shape on the east end has been changed from what was shown at the previous meeting.
Staff recommends that the Planning Commission hold the public hearing and discuss the revised offer if you need clarification or have questions, but refrain from making a decision until staff has the opportunity to fully evaluate the revised offer.

RS

Attachments: Revised offer and drawings to be inserted into the proposed agreement.
Conditional Rezoning Offer-Revision

Darga Companies, Virgin Olives, LLC is the purchaser of the real properties located in the City of Traverse City, as identified by Property Parcel Numbers and addresses:

205 Garland St. (51-658-040-00)
205 N. Union Street (51-103-014-10)
211 N. Union Street (51-103-014-00)

Darga Companies, Virgin Olives, LLC hereby voluntarily offers to develop the property with the following restrictions permanently placed (until, if ever, that the zoning for the site is duly modified) upon the parcels noted above as a condition of rezoning these properties to C-4 Regional Center Districts C4b with a Building Height of fifty-nine feet, eleven inches (59’-11”).

1. The maximum building height shall be limited to fifty-nine feet eleven inches (59’-11”) as determined under the applicable zoning ordinance.

2. Developer shall contribute $125,000.00 to the City of Traverse City for the improvement of “access and accessibility” on the Boardman river from Pine Street Pedestrian bridge to Union Street Bridge, specifically, these funds will be utilized in order to design, obtain permits for and construct three (3) wooden platforms along the riverfront.

3. The Developer shall provide that the ownership/management association(s) of the Warehouse Flats development property shall be obligated, at their own cost and expense, to maintain, on a quarterly basis, the Boardman River frontage areas on the north side of the river from the pedestrian bridge at Pine Street to Union Street, specifically, to include keeping such area free from litter and removing City/MDEQ identified invasive plant species along the shoreline for a period of not less than 10 years; all cost of debris
removal including disposal of litter shall be at the expense of the proposed Warehouse Flats project owners.

4. Warehouse Flats is designed as a mixed-use building. It will be comprised of commercial and retail space, private and public parking, and multi-family residential apartments for rental. The Warehouse District is currently zoned C4a and C4b with conditions. The planned Warehouse Flats Apartments, will incorporate a number of sub 500 square foot single bedroom units, 500 to 600 square foot units, 750 to 1200 square foot 2 bedroom units, as well as 1200 to 1350 square foot 3 bedroom units. The number of units, the size and number of bedrooms per unit and the location of the units and the project amenities shall be dictated by market forces. Most of the single bedroom apartments at Warehouse Flats will be available for rental as “Workforce Housing” apartments (Workforce housing is defined in this offer to be those starting at 30% of the median household income of Traverse City).

5. A portion of the proposed parking deck will be open to the public for use.

6. The Warehouse Flats project will employ a green roof design component for the treatment of rainwater prior to discharge. In conjunction with regional & local Green Roof Consultants the roof deck shall provide for a minimum of 25% plant cover.

7. Sustainable best practices shall be demonstrated through the provision and installation of Energy Star rated major appliances in the apartments in addition to designing to E.P.A. Energy Star Commercial design standards. A closed loop geothermal heat pump system is the design basis for heating and cooling of the building.

8. Detail sheets 1,2,3,4, and 5 of 5 attached depict proposed new property boundary of Warehouse Flats project along the Boardman River sufficient for City access for utility maintenance as well as along the newly aligned Garland Street as requested for sidewalk and right of way. Easements over and/or encroachments onto the Warehouse Flats properties are to be conveyed to the City in fee simple so that current public ingress/egress and access along these areas be permitted to continue and so that the City may continue to utilize and
maintain its sewer line easements. Currently installed improvements i.e. the cement seating and the improved surface areas providing access from Pine Street to the City Siphon station shall remain at the discretion of the City. City sewer currently located wholly or in part on Warehouse Flats property from Union Street to the siphon station shall be relocated in order for them to be accessible for City maintenance, such relocation shall be conducted at the expense of the Developer.

9. Bicycle racks shall be provided for use by the residents, their visitors and the public at no cost to the City. The racks shall be installed at the exterior perimeter of the building to accommodate 50 bicycles and within the interior of the parking structure area to provide for a minimum of 50 addition spaces for bicycle parking.

10. The building shall be built substantially, as to its massing (its approximate overall bulk) and building height, in conformance with plans and drawings submitted.
EXHIBITS-

1. SURVEY DETAIL SHEETS 1 THROUGH 5 OF 5
2. ELEVATION AND PLAN VIEWS
PER FLOOR ROOM LEGEND

- CIRCULATION
- MECHANICAL
- PARKING

81 PARKING SPACES
158-160 PARKING SPACES
DEPENDENT ON RAMP LOCATION
Communication to the Planning Commission

FOR THE MEETING OF: November 7, 2017

FROM: Missy Luick, Planning and Engineering Assistant

SUBJECT: Accessory Dwelling Unit Amendments

DATE: November 3, 2017

The Housing and Building Committee has been meeting regularly since January 2017 discussing Accessory Dwelling Units and Tourist Homes. The committee is made up of three Planning Commissioners: Janet Fleshman, Chair; Brian Haas; and Camille Weatherholt.

On October 3, 2017, the Planning Commission scheduled a Public Hearing to consider two amendments related to Accessory Dwelling Units (ADU). There is no recommended change to the allowed quantity of ADU’s allowed per year, which is 10 per calendar year.

Agenda Item 5B: R-1 and R-2 ADU amendment:

The amendment proposes:
1. Several changes to the existing ADU ordinance for single-family districts
   a. Eliminates the ADU 5,000 sq. foot lot area requirement
   b. Prohibits exterior stairs to a second story ADU
   c. Privacy requirements for landscaping and window placement
   d. Images of neighboring properties must be submitted with the application.
   e. Modifications after a permit is issued must be reviewed and approved by the City.
   f. Eliminates the minimum ADU size requirement
   g. Formalizes annual registration requirements and complaint process
   h. Prohibits an ADU if the parcel has a licensed Tourist Home
2. Reduces Accessory Building size in R-1 and R-2
3. Expands ADU’s to the R-2 district and with same conditions proposed in R-1
4. Changes the dwelling unit definition
5. Requires 1 parking space per dwelling

If you are supportive of the amendment, the following motion would be appropriate:

I move an amendment to the Definitions, Section 1320.07, Uses Allowed, Section 1332.01; and Accessory buildings, Section 1332.07 in the Single Family Dwelling Chapter, the Uses Allowed, Section 1334.01; and Accessory buildings, Section 1334.07 in the Two Family Dwelling Chapter, and Motor vehicle parking in Section 1374.03 (d) of the Traverse City Code of Ordinances regarding modifying the definition of dwelling unit, the conditions regulating ADUs and accessory buildings in the single family dwelling district and expansion of ADUs to the two family dwelling district be recommended for approval to the City Commission.
Agenda Item 5C: R9/15/29 ADU amendment:
The amendment proposes:
1. Expands ADU’s to the R-9/15/29 district and with same conditions proposed in R-1

If you are supportive of the amendment, the following motion would be appropriate:

I move that an amendment the Uses Allowed, Section 1336.01 in the Multiple Family Dwelling Chapter of the Traverse City Code of Ordinances expansion regarding allowing accessory dwelling units in the multiple family dwelling districts with conditions be recommended for approval to the City Commission.

Attachments: Proposed amendments
ORDINANCE AMENDMENT NO. ______
Effective date: _______________

TITLE: Accessory Dwelling Unit amendment in Single Family Dwelling District, expansion to the Two-Family Dwelling District, reduction in the Accessory Building size and changing the parking requirement.

THE CITY OF TRAVERSE CITY ORDAINS:

That the Definitions, Section 1320.07, Uses Allowed, Section 1332.01; and Accessory buildings, Section 1332.07 in the Single Family Dwelling Chapter, the Uses Allowed, Section 1334.01; and Accessory buildings, Section 1334.07 in the Two Family Dwelling Chapter, and Motor vehicle parking in Section 1374.03 (d) 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 spatially separated from the principal building.

**Accessory dwelling unit** means a 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 2 types of accessory dwelling units:

1. Accessory dwelling in an accessory building (examples include converted garages or new construction).
2. 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 percent 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 1 square meter in a residential district or 2 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 1 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."

Crematories means a building or structure, or room or space in a building or structure, for the cremation of deceased persons or deceased household pets.

Critical root zone means a circular area surrounding a tree, the radius of which is measured outward from the trunk of a tree 1 foot for each 1 inch of diameter at breast height. The critical root zone shall also extend to a depth of 4 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 4.5 feet 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 3 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 1 or more dwelling units.

Dwelling, multiple family. "Multiple family dwelling" means a building or portion thereof containing 3 or more dwelling units and designed for or occupied as the home of 3 or more families living independently of each other.

Dwelling, single-family. "Single-family dwelling" means a detached building containing 1 dwelling unit and designed for or occupied by only 1 family.

Dwelling, two-family. "Two-family dwelling" means a building designed for or occupied exclusively by 2 families living independently of each other.

Dwelling unit means 1 or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by 1 family for living, cooking and sleeping purposes. The existence of a food preparation area (such as a sink and appliances to heat and refrigerate food) 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 1 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 1 percent chance of flooding in a given year.

**Floor area.** See "a gross 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 1 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 1 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 6 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 this Code.

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 2 buildings, but excluding any space where the floor-to-ceiling height is less than 6 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 5 or more dogs or cats in any combination over the age of 6 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 percent 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.

Lodging facility means a commercial establishment with 1 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 means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including 1 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."

Lot, corner. "Corner lot" means a lot which has at least 2 contiguous sides abutting on and at the intersection of 2 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. "Through lot" means an interior lot having frontage on 2 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.

Market, municipal. "Municipal market" means a publicly owned and operated building or space where vendors offer a wide range of different products from open stalls.

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 1 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 1 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 of the restaurant building.

Restaurant, fine means an establishment where food and drink are prepared and served. Customer turnover rates are typically 1 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, 2 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 3 rooms for compensation to persons who do not stay for more than 7 consecutive days.

Townhouse means a multiple dwelling in which each dwelling unit shares a common wall with at least 1 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 1 route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlets, 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 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 intent of this section is the allowed use of accessory dwelling units is to: Preserve and maintain the character of predominately single-family residential neighborhoods while broadening housing choices.
  
  (b) Require owner-occupancy to provide the necessary on-site supervision that enhances maintenance and the preservation of the character of the City’s single-family neighborhoods.
  
  (c) Prevent disruption in the stability of the single-family neighborhoods, speculation and absentee ownership.
  
  (d) Diversify housing options and create more affordable housing within existing single-family neighborhoods.
  
  (e) Enhance neighborhood stability by providing extra income that potentially could allow homeowners to live in their houses longer and maintain their property better.
  
  (f) Provide homeowners with a means of accommodating extended families, companionship, security, or services through tenants in either the accessory dwelling unit or principal dwelling.

(2) **Accessory dwelling units are an allowed use provided they meet the following requirements:**

  (a) The existing site and use are substantially in compliance with this Zoning Code.
  
  (b) There shall be a maximum limit of 10 newly registered accessory dwelling units per calendar year.

(3) The accessory dwelling unit is allowed only on a lot having at least 5,000 square feet.

(c) Only 1 accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.

(d) 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:**

  (e) **Location of entrances.** Only 1 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.

  (f) **Exterior stairs to a second story accessory dwelling unit are prohibited.** Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling.

  (g) **Privacy.** Landscaping or screening is required to protect the privacy of neighbors. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.

  (h) Individual site plans, floor plans, elevation drawings, and building plans for the proposed accessory dwelling unit and images of neighboring properties shall be submitted with the application for a land use permit. If exterior modifications are made after a land use permit is issued, revisions must be reviewed and approved by the Zoning Administrator.
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.

At least 1 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.

The accessory dwelling unit shall be registered with the City Clerk's office obtain a registration from the City Clerk annually.

i. An owner desiring an accessory dwelling unit on their property is required to make written application to register with the City Clerk. The City Clerk shall provide forms for applications.

The applicant shall truthfully state, in full, the information requested on the application, including:

(1) The applicant’s name, telephone number, address of present place of residence, length of residence at such address;

(2) Affidavit verifying applicant applies consent and understands that accessory dwelling units are subject to the conditions contained in this Ordinance section, in addition to conditions contained elsewhere in these Codified Ordinances.

ii. A registration obtained under this section shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by another ordinance, statute or administrative rule.

iii. Administration and enforcement shall be the responsibility of the Zoning Administrator per Section 1322.04.

iv. Complaints. If a written complaint is made alleging that an accessory dwelling unit has violated any provisions of this chapter, the Zoning Administrator shall promptly forward the written complaint to the accessory dwelling unit owner together with a notice that an investigation will be made as to the truth of the complaint. The accessory dwelling unit owner may respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Zoning Administrator determines that the accessory dwelling unit is in violation, the City may enforce these provisions by any means available under the law.

v. Penalty per Section 202.99.

vi. Fee. A non-refundable registration fee shall be established by the City Commission.

The accessory dwelling unit shall not be leased for a period of less than 3 months at a time. Upon request of the City, the owner of record shall provide a lease agreement evidencing the length of the lease.

Each registered Accessory Dwelling Unit is subject to annual administrative review by the City. Registrant shall provide additional information as requested by the City.

An accessory dwelling unit shall be prohibited if the parcel has a licensed Tourist Home.

- 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 8 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 2 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 1 single-family dwelling meeting the following requirements:
  (1) No more than the maximum number of plants 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 marijuana cultivation on a parcel containing more than 1 single-family dwelling, a two-family dwelling, or a multiple family dwelling meeting the following requirements:
  1. No more than 12 medical marijuana plants shall be cultivated per dwelling unit;
  2. The medical marijuana 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 marijuana 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 marijuana 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.
1332.07 - Accessory buildings.

Accessory buildings shall:

1. 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.

2. Not exceed 25 feet or the height of the principal building, whichever is less.

3. 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.

4. Have a total gross floor area of all accessory buildings on the lot shall not exceed the no greater than 65 percent of the gross floor area of the principal building or 484 square feet. **Exception for smaller homes**: Principal buildings with a gross floor area less than 1,000 square feet are allowed to have total gross floor area of all accessory building buildings on the lot no greater than 80 percent of the gross floor area of the principal building.

5. **Be constructed using materials and features similar to the principal building if the accessory building exceeds 200 square feet in gross floor area.** Accessory buildings over 200 square feet in gross floor area, shall be constructed using building materials, design elements and roof pitches substantially similar to the exterior of the principal building.

6. Except in the Boardman and Central Neighborhood Historic Districts, an accessory building can be connected to the principal building provided the connector is no longer than 10 feet in length and the area of the connector does not exceed 100 square feet. The connector area shall be applied to the gross floor area of the accessory building.
1334.01 - Uses allowed.

The following uses of land and buildings, together with accessory uses, are allowed in the Two-Family Dwelling District:

- **Accessory dwelling units**
  1. Accessory dwelling units are an allowed use provided they meet the following requirements:
     a. The existing site and use are substantially in compliance with this Zoning Code.
     b. There shall be a maximum limit of 10 newly registered accessory dwelling units per calendar year.
     c. Only 1 accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
     d. The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures’ exterior appear to be single-family.
     e. **Location of entrances.** Only 1 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.
     f. **Exterior stairs to a second story accessory dwelling unit are prohibited.** Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling.
     g. **Privacy.** Landscaping or screening is required to protect the privacy of neighbors. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.
     h. Individual site plans, floor plans, elevation drawings, and building plans for the proposed accessory dwelling unit and images of neighboring properties shall be submitted with the application for a land use permit. If exterior modifications are made after a land use permit is issued, revisions must be reviewed and approved by the Zoning Administrator.
     i. 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.
     j. At least 1 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.
     k. The accessory dwelling unit shall be registered with the City Clerk’s office obtain a registration from the City Clerk annually.

   i. An owner desiring an accessory dwelling unit on their property is required to make written application to register with the City Clerk. The City Clerk shall provide forms for applications.

     The applicant shall truthfully state, in full, the information requested on the application, including:

     1. The applicant’s name, telephone number, address of present place of residence, length of residence at such address;
     2. Affidavit verifying applicant applies consent and understands that accessory dwelling units are subject to the conditions contained in this Ordinance.
section, in addition to conditions contained elsewhere in these Codified Ordinances.

ii. A registration obtained under this section shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by another ordinance, statute or administrative rule.

iii. Administration and enforcement shall be the responsibility of the Zoning Administrator per Section 1322.04.

iv. Complaints. If a written complaint is made alleging that an accessory dwelling unit has violated any provisions of this chapter, the Zoning Administrator shall promptly forward the written complaint to the accessory dwelling unit owner together with a notice that an investigation will be made as to the truth of the complaint. The accessory dwelling unit owner may respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Zoning Administrator determines that the accessory dwelling unit is in violation, the City may enforce these provisions by any means available under the law.

v. Penalty per Section 202.99.

vi. Fee. A non-refundable registration fee shall be established by the City Commission.

(l) The accessory dwelling unit shall not be leased for a period of less than 3 months at a time. Upon request of the City, the owner of record shall provide a lease agreement evidencing the length of the lease.

(m) Each registered Accessory Dwelling Unit is subject to annual administrative review by the City. Registrant shall provide additional information as requested by the City.

(n) An accessory dwelling unit shall be prohibited if the parcel has a licensed Tourist Home.

Adult foster care family home;

• Art galleries in non-residential buildings built prior to 1950, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;

• 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;

• Dwellings, two-family;

• Dwellings, multiple family, in non-residential buildings built prior to 1950, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;

• 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 8 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 2 such persons shall be employed in the home occupation.

(8) No sign, display or device identifying the occupation may be used.

(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 1 single-family dwelling meeting the following requirements:
  
  (1) No more than the maximum number of plants 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 1 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.

• Offices in nonresidential buildings built prior to 1950, provided they are located on an arterial or collector street and provided the building is not expanded except as necessary to meet barrier free access requirements.

• 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 to an existing licensed tourist home.
  (3) The exterior appearance of the structure shall not be altered from its single-family appearance.
  (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 this Zoning Code. Certain site plan information may be waived at the discretion of 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.

• Other similar uses as approved by the Planning Commission provided:
  (1) The uses are located on an arterial or collector street.
  (2) The uses are in a non-residential building built prior to 1950 and the building is not expanded except as necessary to meet barrier-free access requirements.
  (3) The uses will not generate excessive noise, lighting, fumes or other nuisances.
1334.07 - Accessory buildings.

Accessory buildings shall:

(1) 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.

(2) Not exceed 25 feet or the height of the principal building, whichever is less.

(3) 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.

(4) Have a total gross floor area of all accessory buildings on the lot shall not exceed the greater than of 65 percent of the gross floor area of the principal building or 484 square feet.

(5) Be constructed using materials and features similar to the principal building if the accessory building exceeds 200 square feet in gross floor area. Accessory buildings over 200 square feet in gross floor area, shall be constructed using building materials, design elements and roof pitches substantially similar to the exterior of the principal building.

(6) Except in the Boardman and Central Neighborhood Historic Districts, an accessory building can be connected to the principal building provided the connector is no longer than 10 feet in length and the area of the connector does not exceed 100 square feet. The connector area shall be applied to the gross floor area of the accessory building.
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 nonconforming 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, and
   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 1 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 10 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 5 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.

<table>
<thead>
<tr>
<th>Residential</th>
<th>1 per dwelling unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specialized Housing</td>
<td></td>
</tr>
<tr>
<td>Adult foster care home</td>
<td>1 per 3 residents</td>
</tr>
<tr>
<td>Child care center</td>
<td>1 per 10 children</td>
</tr>
<tr>
<td>Residential care and treatment facilities</td>
<td>1 per 3 beds</td>
</tr>
<tr>
<td>Independent living</td>
<td>1 per unit</td>
</tr>
<tr>
<td>Institutions</td>
<td></td>
</tr>
<tr>
<td>High schools, colleges</td>
<td>3 per 10 students</td>
</tr>
<tr>
<td>All other schools</td>
<td>1.5 per classroom</td>
</tr>
<tr>
<td>Places of worship</td>
<td>1 per 4 seats in main area of worship</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 per 400 square feet gross floor area</td>
</tr>
<tr>
<td>Governmental offices, post offices</td>
<td>1 per 400 square feet</td>
</tr>
<tr>
<td>Auditoriums (excluding schools)</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>Office, financial institutions, retail</td>
<td>1 per 350 square feet gross floor area (Max. 1 per 150 sq. feet)</td>
</tr>
<tr>
<td>Use</td>
<td>Requirement</td>
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<tr>
<td>---------------------------------------</td>
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</tr>
<tr>
<td>Medical office</td>
<td>1 per 300 square feet gross floor area (Max. 1 per 150 sq. feet)</td>
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<tr>
<td>Furniture, antique and bicycle shops</td>
<td>1 per 850 square feet gross floor area</td>
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<tr>
<td>Theaters</td>
<td>1 per 3 seats</td>
</tr>
<tr>
<td>Restaurants Family</td>
<td>0.4 per seat (alt. 2 for every 5 seats)</td>
</tr>
<tr>
<td>Fine/Banquet Halls/Fast Food</td>
<td>0.7 per seat (alt. 3 for every 4 seats)</td>
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<tr>
<td>Lodging facilities</td>
<td>1 per room or suite</td>
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<tr>
<td>Marinas</td>
<td>1 per boat slip</td>
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<tr>
<td>Grocery, hardware/all other uses</td>
<td>1 per 325 square feet gross floor area</td>
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<tr>
<td>Industrial</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>1 per 350 square feet gross floor area</td>
</tr>
<tr>
<td>Assembly/Warehouse/Manufacturing</td>
<td>1 per 600 square feet gross floor area</td>
</tr>
</tbody>
</table>

*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 \( \frac{1}{2} \) shall be disregarded and fractions over \( \frac{1}{2} \) shall require 1 parking space.

- **Bicycle rack.** In all except R-Districts, 1 on-site bicycle rack accommodating 4 bicycles may replace no more than 1 motor vehicle parking space.

- **Multiple uses.** Where a building has a multiple use occupancy of any 2 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 at the end of this section.
   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 4 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.

<table>
<thead>
<tr>
<th>PARKING ANGLE (DEGREES)</th>
<th>MINIMUM MANEUVERING LANE WIDTH (FEET)</th>
<th>PARKING LANE WIDTH (FEET)</th>
<th>PARKING SPACE LENGTH (FEET)</th>
<th>TOTAL MINIMUM WIDTH OF 1 TIER PLUS MANEUVERING LANE (FEET)</th>
<th>TOTAL MINIMUM WIDTH OF 2 TIERS PLUS MANEUVERING LANE (FEET)</th>
</tr>
</thead>
<tbody>
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<td>20</td>
<td>8</td>
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</tr>
</tbody>
</table>
The effective date of this Ordinance is the _______ day of ______________, 2017.

I hereby certify the above ordinance amendment was introduced on ____________________, 2017, at a regular meeting of the City Commission and was enacted on _________________________, 2017, 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.

_____________________________________________
James Carruthers, Mayor

_____________________________________________
Benjamin C. Marentette, City Clerk
TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. ______
Effective date: _______________

TITLE: Accessory Dwelling Unit amendment in Multiple Family Dwelling Districts.

THE CITY OF TRAVERSE CITY ORDAINS:

That the Uses Allowed, Section 1336.01 in the Multiple Family Dwelling Chapter of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1336.01 - Uses allowed.

The following uses of land and buildings, together with accessory uses, are allowed in the multiple-family districts:

- **Accessory dwelling units**
  
  (1) Accessory dwelling units are an allowed use provided they meet the following requirements:

  a) The existing site and use are substantially in compliance with this Zoning Code.
  
  b) There shall be a maximum limit of 10 newly registered accessory dwelling units per calendar year.
  
  c) Only 1 accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
  
  d) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exterior appear to be single-family.
  
  e) **Location of entrances.** Only 1 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.
  
  f) **Exterior stairs to a second story accessory dwelling unit are prohibited.** Fire escapes or exterior stairs for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling.
  
  g) **Privacy.** Landscaping or screening is required to protect the privacy of neighbors. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.
  
  h) Individual site plans, floor plans, elevation drawings, and building plans for the proposed accessory dwelling unit and images of neighboring properties shall be submitted with the application for a land use permit. If exterior modifications are made after a land use permit is issued, revisions must be reviewed and approved by the Zoning Administrator.
  
  i) 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.
  
  j) At least 1 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.
(k) The accessory dwelling unit shall be registered with the City Clerk’s office obtain a registration from the City Clerk annually.

i. An owner desiring an accessory dwelling unit on their property is required to make written application to register with the City Clerk. The City Clerk shall provide forms for applications.

The applicant shall truthfully state, in full, the information requested on the application, including:

(1) The applicant’s name, telephone number, address of present place of residence, length of residence at such address;

(2) Affidavit verifying applicant applies consent and understands that accessory dwelling units are subject to the conditions contained in this Ordinance section, in addition to conditions contained elsewhere in these Codified Ordinances.

ii. A registration obtained under this section shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by another ordinance, statute or administrative rule.

iii. Administration and enforcement shall be the responsibility of the Zoning Administrator per Section 1322.04.

iv. Complaints. If a written complaint is made alleging that an accessory dwelling unit has violated any provisions of this chapter, the Zoning Administrator shall promptly forward the written complaint to the accessory dwelling unit owner together with a notice that an investigation will be made as to the truth of the complaint. The accessory dwelling unit owner may respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Zoning Administrator determines that the accessory dwelling unit is in violation, the City may enforce these provisions by any means available under the law.

v. Penalty per Section 202.99.

vi. Fee. A non-refundable registration fee shall be established by the City Commission.

(l) The accessory dwelling unit shall not be leased for a period of less than 3 months at a time. Upon request of the City, the owner of record shall provide a lease agreement evidencing the length of the lease.

(m) Each registered Accessory Dwelling Unit is subject to annual administrative review by the City. Registrant shall provide additional information as requested by the City.

(n) An accessory dwelling unit shall be prohibited if the parcel has a licensed Tourist Home.

- Adult foster care family home and small group home;
- Art galleries in non-residential buildings built prior to October 16, 2003, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;
- 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;
- Coffee houses and family or fine food restaurants in non-residential buildings built prior to October 16, 2003, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;
- Community Gardens;
- Dwellings, single-family;
• Dwellings, two-family;
• Dwellings, multiple 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 8 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 2 such persons shall be employed in the home occupation. If the residence is located on an arterial or collector street, 1 non-resident employee at 1 time is also allowed in addition to 2 resident employees.
8. Any sign identifying the occupation must conform to the regulations of the 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 1 single-family dwelling meeting the following requirements:

1. No more than the maximum number of plants 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 more than 1 single-family dwelling, two-family dwelling, or 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.

- Offices in nonresidential buildings built prior to (the date of this ordinance) provided they are located on an arterial or collector street and provided the building is not expanded except as necessary to meet barrier free access requirements;
- Parks;
- Playgrounds;
- Private clubs, lodges, fraternities or sororities, if located on an arterial or collector street;
- Rooming houses;
- Tourist homes maintaining a City tourist home license;
- Other similar uses as approved by the Planning Commission if such uses will generate similar traffic and parking, are compatible with adjacent land uses, and will not generate excessive noise, lighting, fumes or other nuisances.
The effective date of this Ordinance is the ________ day of ______________, 2017.

I hereby certify the above ordinance amendment was introduced on ________________, 2017, at a regular meeting of the City Commission and was enacted on ________________, 2017, 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.

_____________________________________________
James Carruthers, Mayor

_____________________________________________
Benjamin C. Marentette, City Clerk
The City of Traverse City
Code Enforcement

<table>
<thead>
<tr>
<th>COMPLAINTS for 2017</th>
<th>JULY</th>
<th>AUGUST</th>
<th>SEPTEMBER</th>
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<tbody>
<tr>
<td>Lawns</td>
<td>17</td>
<td>3</td>
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<tr>
<td>Sign Violations</td>
<td>22</td>
<td>1</td>
<td>13</td>
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<tr>
<td>Sidewalk Café Inspections</td>
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<tr>
<td>Brush/ Streets Dept.</td>
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<tr>
<td>Parking violations</td>
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<td>2</td>
<td>3</td>
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<tr>
<td>Neighbor Disputes</td>
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<td>5</td>
<td>4</td>
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<tr>
<td>Street Performer inspections/compl.</td>
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<tr>
<td>Animals</td>
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<tr>
<td>Trash/garbage/junk</td>
<td>15</td>
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<td>2</td>
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<tr>
<td>Smoking Violation</td>
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<tr>
<td>Dilapidated Homes/buildings</td>
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<td>Food Trucks/Vendors</td>
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<tr>
<td>Noise</td>
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<tr>
<td>Health/Safety</td>
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<td>News Racks</td>
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<tr>
<td>ADU Violations</td>
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<tr>
<td>Miscellaneous Compl.</td>
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<td><strong>Rental Housing Insp.</strong></td>
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<td>Snow Complaints</td>
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<td><strong>TOTALS</strong></td>
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<td><strong>(RHI) 150</strong></td>
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The above chart shows the type and amount of each complaint that was handled. Approximately 90% of the above complaints were call generated, and 10% self initiated. One Citation issued for Junk Violation, One Citation for Damaged Building and One Citation for ADU Violation. All other warnings resolved by Compliance.
Memorandum

Grand Traverse County
Community Development & Codes

231.922.4513 Fax 231.922.4636
email: jderenzy@grandtraverse.org

To: City Planning Commission / DDA Board of Directors
From: Jean Derenzy, Director Community Development
Date: October 17, 2017
Subject: Community Development Update

October Update

The following is an update on some of the Community Development activities throughout the City.

**Warehouse Flats (Thom Darga) and Grandview Place (Patti Mercer):** The Traverse City Place Brownfield Plan was amended for the purpose of adding one additional parcel, being 205 N. Union and to recognize the new development of Warehouse Flats. This Amendment was approved by the Brownfield Authority at their meeting held on August 27, 2017; concurrence received from the City Commission on September 18 and the County Board on October 4, 2017.

The timeline for the Warehouse Flats project:
- Commencement – November 2017
- Demolition – December
- Site Stabilization – January – February 2018
- Foundations – March 2018
- Completion April 2019

Project overview: Single phase project with $25 million in private investment. The project is a mixed-use project with an integrated parking structure, commercial on first floor, 154 residential apartments on the next 4 floors.

The timeline for Grandview Place:
- Asbestos bidding/abatement: December 2017
- Demolition: December 2017
- Construction Begins: May 2018
- Underground soil/groundwater work completed: September 2018
- Completion: Summer 2019

Project Overview: Single phase project with $41 million in private investment. The project is a mixed-use four story development with ground floor commercial including a multi-vendor market, eateries, and retail boutiques. The second through fourth floors includes 51 condominium units. The rooftop is a green roof with two community gathering places, a coffee shop and small plate eatery. The redevelopment project also includes underground
parking (however there is no TIF being utilized for underground parking).

**Park Place:** The State of Michigan Strategic Fund approved participation at the September 26th. Progress continues with completion still anticipated in May, 2018.

**Envision 8th:** Brownfield Plan will be considered by the City Commission on November 6, 2017 and the County Board on November 15, 2017.

This project will be a two-phased project, with the first phase being retail, commercial and 12 apartments; with the apartments being loft style, one bedroom, two-bedroom, and rooftop space for the building. Phase 2 is anticipated to be similar with retail/commercial and apartments. Additional components include improved storm water, river access from 8th street and agreements for easements for Riverwalk.

**North Boardman Lake District:** Working with the 8th street area for continued communication on the infrastructure. Also work will start to recognize this District within the City as it is beneficial as it is beneficial to have a unified voice for advocacy.

Should you have any questions feel free to call me at 922-4513, or email at jderenzy@grandtraverse.org.