1. CALL MEETING TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

4. CONSENT CALENDAR
   The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Commission motion without discussion. Any member of the Commission, staff or the public may ask that any item on the consent calendar be removed therefrom and be placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Commission action adopting the consent calendar.
   A. January 2, 2019 Regular Meeting minutes and January 15, 2019 Study Session minutes (Approval recommended)
   B. 2019 Planning Commission Goals (Approval recommended)
   C. Consideration of the City of Traverse City six-year Capital Improvement Program 2019/20-2024/25. The Capital Improvement Program is a multi-year schedule for
capital expenditures that includes costs, priorities, and identified funding for the next six years (For introduction and scheduling a Public Hearing for March 5, 2019)

ITEMS PULLED FROM THE Consent CALENDAR
A.  
B.  
C.  

5.  Old Business
A. Public Hearing to consider a Planning Department initiated amendment to the Zoning Code of the Traverse City Code of Ordinances to clarify that Medical Marihuana Facilities are not allowed in the Transportation District and to eliminate Medical Marihuana cultivation in all Residential districts and the Industrial District (Action Requested)
B. Consideration of a request by John Hughes, Trustee on behalf of Roland M. Habrechtn Trust with Doug Mansfield of Mansfield Land Use Consultants acting as the applicant’s agent to consider a Major Amendment to the Order Granting of Planned Unit Development 02-PUD-01 that would reduce the commercial/residential requirements of the western portion of the Neighborhood Center Phase (Action requested)
C. Consideration of a request initiated by the City Planning Department to consider a Major Amendment to the Order Granting of Planned Unit Development 02-PUD-01 that would reduce the commercial/residential requirements of the eastern portion of the Neighborhood Center Phase (Action requested)

6. New Business
A. Discussion on possible amendment to establish a density limit for R-1, R-2 districts, eliminate Temporary Accessory Dwelling Units in RC and R-1 districts, clarify building front setbacks and establish a setback overlay for zoning districts along state highways. (Discussion)
B. Discussion on encroachments into the setbacks in the Development District and Riparian Buffer Overlay Districts. Possible consideration of an amendment to the Traverse City Code of Ordinances Encroachments into the setbacks in Section 1347.05 in the Development District regarding amending the setback encroachment allowances. Consideration of establishing a Riparian Buffer Riparian Overlay District Committee. (Discussion, Possible Action Requested)

7. Correspondence
A. Planning Department 2018 Annual Report
B. Code Enforcement 2018 Annual Report
C. Code Enforcement October-December 2018 Quarterly Report

8. Reports
A. City Commission - Commissioners Howard and McGillivary
B. Board of Zoning Appeals – Commissioner Hassing
C. Grand Traverse Commons Joint Planning Commission - Commissioners Shaw and Koebert
D. Planning Department—Mr. Soyring

9. PUBLIC COMMENT

10. ADJOURNMENT
MINUTES
TRAVERSE CITY PLANNING COMMISSION
REGULAR MEETING

WEDNESDAY, January 2, 2019
7:00 P.M.
Training Room
Governmental Center, 2nd Floor
400 Boardman Avenue
Traverse City, Michigan 49684

1. CALL MEETING TO ORDER- Chairperson Koebert called the meeting to order at 7:00 pm.

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

   PRESENT: Commissioners Tyler Bevier, Janet Fleshman, David Hassing, Michele Howard, Chairperson Linda Koebert, Jim Tuller.

   ABSENT: Vice-chairperson Mike Grant, Commissioners Brian McGillivary, Heather Shaw.

   STAFF: Russ Soyring, Planning Director; Missy Luick, Planning Assistant.

3. ANNOUNCEMENTS- None.

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

   • November 6, 2018 Regular Meeting minutes, November 20, 2018 Special Meeting/Study Session minutes, December 4, 2018 Special Meeting minutes and December 18, 2018 Study Session minutes (Approval recommended)
   • Reappointment of Planning Director’s Designee as the Recording Secretary for the City of Traverse City Planning Commission (Approval recommended)
   • 2018 Annual Report (Acceptance recommended)
   • Consideration of a Planning Department initiated amendment to the Zoning Code of the Traverse City Code of Ordinances to clarify that Medical Marihuana Facilities are not allowed in the Transportation District and to eliminate Medical Marihuana cultivation in all Residential districts and the Industrial District (For introduction and scheduling a Public Hearing for February 5, 2019)

Motion by Commissioner Howard, second by Commissioner Hassing, to approve the Consent Calendar as presented.
Motion carried 6-0 (Commissioners Grant, McGillivary and Shaw absent).

5. **ELECTION OF OFFICERS**
   - Chairperson (Action requested)
     Nominations for Chairperson included Commissioner Koebert.

     **Motion by Commissioner Howard, second by Commissioner Tuller for Commissioner Koebert to serve as Chairperson.**

     Motion carried 6-0 (Commissioners Grant, McGillivary and Shaw absent).

   - Vice-chairperson (Action requested)
     Nominations for Vice-Chairperson included Commissioner Grant.

     **Motion by Commissioner Hassing, second by Commissioner Howard for Commissioner Grant to serve as Vice-Chairperson.**

     Motion carried 6-0 (Commissioners Grant, McGillivary and Shaw absent).

   - Secretary (Action requested)
     Nominations for Secretary included Commissioner Shaw.

     **Motion by Commissioner Howard, second by Commissioner Bevier for Commissioner Shaw to serve as Secretary.**

     Motion carried 6-0 (Commissioners Grant, McGillivary and Shaw absent).

6. **OLD BUSINESS**
   - Public Hearing to consider a request by Doug Mansfield of Mansfield Land Use Consultants acting as an agent on behalf of Blarney Castle Oil Company to rezone the property commonly known as 2008 E. Eighth Street from R-1b (Single Family Dwelling District) to C-2 (Neighborhood Center District) (Action Requested)

     Mr. Soyring summarized Memorandum No. 2019-01 to the Planning Commission.

     Commission discussion.

     **Motion by Commissioner Howard, second by Commissioner Bevier, that the request initiated by Doug Mansfield on behalf of Blarney Castle Oil Company to rezone the property commonly known as 2008 E. Eighth Street from R-1b (Single Family Dwelling District) to C-2 (Neighborhood Center District) be recommended for denial to the City Commission based on the findings noted in the Planning Department Memorandum No. 2019-01.**
The Public Hearing was opened.
- Mary VanValin, 871 Webster Street

Mr. Mansfield of Mansfield Associates, agent representing the applicant, addressed the Commission.

The Public Hearing continued.
- Carol Danly, 1902 E. Front Street
- Don White, 2014 E. 8th Street
- Brad Lystra, city property owner
- Heather Verson, city business owner
- Lynn Pugh, 1772 Indian Woods
- Jeff Herstenberg, 703 Aghosa Trail
- Ron Rademaker, 100 E. Bay Blvd
- Whitney Straight, 2015 E. 8th Street

The Public Hearing was closed.

Commission discussion.

Motion carried 6-0 (Commissioners Grant, McGillivary and Shaw absent).

7. NEW BUSINESS
- Consideration of a request by John Hughes, Trustee on behalf of Roland M. Habreicht Trust with Doug Mansfield of Mansfield Land Use Consultants acting as the applicant’s agent to consider a Major Amendment to the Order Granting of Planned Unit Development 02-PUD-01 that would reduce the commercial/residential requirements of the development (Action requested)

Mr. Soyring summarized Memorandum No. 2019-03 to the Commission.

Commission discussion.

Mr. Mansfield of Mansfield Associates, agent representing the applicant, addressed the Commission.

Commission discussion.

The following individuals addressed the Commission:
- Dave Sutton, 10743 Shrewberry Road
- Cindy Elliott, 10753 Pine Bluff Road
Commission discussion.

The Planning Commission took no action at this time and supports staff’s exploration of collaborating with the other property owner of the Neighborhood Center on a mutually agreeable amendment to the Order Granting. It is the intent that staff will bring this topic back to the Commission at the next regular meeting.

8. **CORRESPONDENCE** – None.

9. **REPORTS**
   - City Commission – No report.
   - Board of Zoning Appeals – No report.
   - Grand Traverse Commons Joint Planning Commission – No report
   - Planning Department—Mr. Soyring reported that the Civic Square project received $2 million from the State of Michigan and the City received $2 million from the State of Michigan for N. Cass Street Bridge and S. Union Street Bridge projects.

10. **PUBLIC COMMENT**
    - Commissioner Howard announced that the Traverse Area District Library will be celebrating its 20th Anniversary with a January 10 Open House.
    - Commissioner Bevier thanked the city streets department for snow removal efforts on streets and sidewalks

11. **ADJOURNMENT**- Chairperson Koebert adjourned the meeting at 8:10 p.m.

    Respectfully submitted,

Date: __________________________  ___________________________________
Heather Shaw, Secretary
1. **CALL MEETING TO ORDER**- Chairperson Koebert called the meeting to order at 7:00 pm.

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

   **PRESENT:** Commissioners Tyler Bevier, Janet Fleshman, Vice-chairperson Mike Grant, David Hassing, Michele Howard, Chairperson Linda Koebert, Brian McGillivary, and Heather Shaw.  
   **ABSENT:** Commissioner Jim Tuller.  
   **STAFF:** Russ Soyring, Planning Director; Missy Luick, Planning Assistant.

3. **ANNOUNCEMENTS**- None.

4. **PLANNING COMMISSION GOALS** *(Discussion)*

   Mr. Soyring made a presentation to the Commission regarding City Projects in 2019.

   Mr. Soyring discussed the draft 2019 goals document and identified staff’s top five priorities.

   Commission discussion.

   The Planning Commission will consider adopting the 2019 Planning Commission Goals at the February 5, 2019 regular meeting.

5. **PUBLIC COMMENT**

   - Adrienne Rossi, 312 W. 7th Street made public comment.
   - Chairperson Koebert commented on the vibrancy of the Old Town Playhouse.
   - Mr. Soyring commented regarding attending the Traverse Area District Library’s Gala event.

6. **ADJOURNMENT**- Chairperson Koebert adjourned the meeting at 7:53 p.m.
Respectfully submitted,

Date: __________________________

Heather Shaw, Secretary
The 2019 Planning Commission Goals and Capital Improvement Program are on the Consent Calendar. This memo outlines recommended action for these items.

**GOALS:**
The Planning Commission discussed goals at the January 15, 2019 study session. An updated 2019 Planning Commission Goals document has been drafted based on the discussion from the meeting.

If the Planning Commission would like to approve the goals, the following motion would be appropriate:

**That the 2019 Planning Commission Goals be approved.**

**CAPITAL IMPROVEMENT PROGRAM:**
The Capital Improvement Program (CIP) draft will be distributed at the February 5, 2019 meeting. A CIP presentation will be held at the February 20, 2019 study session meeting to discuss projects in the draft CIP that Planning Commissioners would like more information on. Planning Commissioners will need to identify the Project Names that they would like more information on to the Planning Department by **February 11, 2019** to allow for enough time for staff to put a presentation together.

In addition to the paper copy that will be distributed on your desks on February 5, 2019, a draft of the CIP will be published on the City’s Capital Improvement Program page online: [http://www.traversecitymi.gov/capitalimprove.asp](http://www.traversecitymi.gov/capitalimprove.asp)

Changes to the CIP document after the February 5 issue date to the Planning Commission will be tracked and identified on a document called “CIP Edits”. This document will continue to be updated through to possible adoption of the CIP by the City Commission. The purpose of the CIP Edits document is to easily identify what projects have been updated since the issuance of the CIP draft for public review.

If the Planning Commission would like to schedule the public hearing, a proposed motion is suggested:

**That the City Of Traverse City six-year Capital Improvement Program 2019/20-2024/25 be scheduled for a Public Hearing on March 5, 2019.**
2019 Planning Commission Goals

Accepted by the Planning Commission on 1/xx/19

The Planning Commission purpose is to prepare and adopt physical plans for the City; and review development proposals, both private and public regarding consistency with City plans.

1. **Envision 8th Form Based Code (Planning Commission Priority)**
   The Planning Commission and the community have participated in a charrette process. The final Master Plan and Form Based Code for the street will be complete this year. The Master Plan and Form Based Code will need to be approved by the City and Planning Commissions. A Sub-Committee was formed in 2018 and met several times. A report has been drafted and will be distributed to the Planning Commission soon.
   **Goal:** Public hearing on Form Based Code in Q1 2019.

2. **Tree Regulations (Planning Commission Priority)**
   A Tree Taskforce made recommendations to the Planning Commission regarding tree regulations. A public input session was held in December 2018. A public survey will be released in January 2019.
   **Goal:** Review input from the public input session and survey in Q1 2019 with the Planning Commission. Decide on an implementation plan.

3. **Riparian Buffers/Riparian Overlay Districts (Planning Commission Priority)**
   Currently, there are no riparian regulations beyond building setbacks.
   **Goal:** In Q1, discuss topic at a Study Session to determine process for discussion and recommendations.

4. **R-1, R-2 density limit. Primary building front setback language in all zones. Increase Highway building setback (Planning Commission Priority)**
   Staff has had discussions regarding interpreting multiple buildings and addressing front yard setback requirements on lots with multiple principal buildings. Staff has also been evaluating the setbacks on newly developed buildings along state highways. An increased building setback would allow for a treelawn for canopy trees, adequate sidewalk width, and street furniture.
   **Goal:** Staff to recommend an ordinance amendment addressing these issues in Q1 2019.

5. **AT Plan/Pattern Book/Traffic Calming/Green Streets guide (Planning Commission Priority)**
   Consultant was hired to create a draft document. Draft is nearly complete. The draft went to the Planning Commission in December 2018 to discuss public involvement.
   **Goal:** Public review process to take place in Q2-Q3 2019.

6. **Vacation Home Rentals (Short Term Rentals) in Commercial Districts (Planning Commission Priority)**
   It was the Planning Commission’s preference to discuss Vacation Home Rentals in Commercial zones once Tourist Homes were enacted. It is likely that the City Commission will direct the Planning Commission to review Vacation Home Rentals in both Residential and Commercial areas in January or February 2019.
   **Goal:** If the issue is directed to the Planning Commission, then a Sub-Committee likely will be formed in Q1 2019 with a goal of making a recommendation back to the Planning Commission within 6 months.
7. Building Heights Committee Recommendation Concepts
   This committee met in the first quarter of 2017 and reviewed building height regulations throughout the city with a focus downtown. The Sub-Committee made a report in April 2017 that has not yet been acted upon. The report was discussed in April 2018. 
   Goal: Present Committee’s report to the Planning Commission again in Q2 of 2019. Based on the Planning Commission review, zoning amendments may follow.

8. Parking amendment recommendations discussion
   The DDA hired a consultant to complete a Transportation Demand Management Study. DDA has established a study group to review the TDM Study to identify goals and an implementation strategy. The group’s first meeting was in November 2018. It is expected that a set of recommendations will be ready by Q2 2019. 
   Goal: Report recommendations to the Planning Commission in Q2 or Q3 2019.

9. Dock Line/Water Setback discussion
   The Lower Boardman River committee hired a consultant in December to address development along the river (including the water setback) among other related river activities. The draft plan will be complete in June 2019. The plan will be reviewed by the public and governing boards for possible adoption thereafter. 
   Goal: Plan recommendations to the Planning Commission by Q3 or Q4 2019.

10. Large footprint building Special Land Use Permit
    This concept was discussed with the Building Heights Committee to possibly require large footprint buildings to get a SLUP. 
    Goal: Staff to create a proposed amendment for Planning Commission consideration in Q4 2019.

11. Traverse City Master Plan Vision & Community Survey
    The Master Plan Committee recommended that we prepare for a larger community engagement/vision process to prepare for the next 5 year review of the Master Plan. The Community Survey was prioritized by the Planning Commission to occur in 2018, however the project was not included in the City Budget. It is not anticipated it will be included in the 2019/20 budget. Currently the project is budgeted in the 2020/21 fiscal year. 
    Goal: This was indicated as a priority on the Planning Commission Topic Priority Ranking Survey. It currently does not have an implementation schedule in 2019.
Planning Department Projects

Not for acceptance by the Planning Commission

Mission Statement: The Planning Department’s primary purpose is to guide the City with land use and planning in order to enhance the quality of the community and ensure it remains a place where both citizens and businesses love to call home.

The Planning Department:

- Helps to administer the City of Traverse City Master Plan, a document that guides City zoning, land use, urban design and physical improvements, such as buildings, streets and parks.
- Provides administrative staff for the Planning Commission, Grand Traverse Commons Joint Planning Commission, Board of Zoning Appeals, and Historic Districts Commission.
- Administers and enforces the zoning, sign, and historic districts ordinances and other land use laws. Administers the Capital Improvement Program.
- Reviews building site plans and prepares reports and recommendations to the Planning Commission for zoning map amendments, zoning laws, special land use permits and planned unit developments.
- Answers zoning and land use questions and interprets land use principles, and planning and zoning laws.
- Works with property owners and developers, other agencies and other City departments to ensure that building plans are consistent with the Master Plan and laws regarding size and placement of buildings, signs, parking areas and landscaping requirements.
- Inspects multi-family rental dwellings, rooming houses, proper anchoring of boats on the near shore of Grand Traverse Bay and property maintenance code violations.

Goals/objectives include:

- **Seek grants**- to implement adopted plans and City projects.
- **Envision Eighth Street Implementation**- The Planning Department will work with project consultant on final design, implementation, and public outreach.
- **Boardman Lake Trail**- The Planning Department will work with project partners on final design and implementation.
- **Fish Pass Project**- Participating in the Bidirectional Selective Fish Passage Project (FishPass). Project page link: [http://www.glfc.org/fishpass.php](http://www.glfc.org/fishpass.php)
- **Safe Routes to School Implementation**- In July 2018, the City of Traverse City received notification from the Michigan Department of Transportation that our multi-school $2M Safe Routes to School (SRTS) infrastructure grant received conditional commitment for 4.9 miles of linear trail/sidewalk expansion, bike lanes, traffic calming, crosswalk improvements and signage upgrades. Staff is currently working on satisfying the conditions outlined in the Conditional Commitment which include historical, environmental and technical approvals.
City of Traverse City Planning Department Memorandum No. 2019-10

<table>
<thead>
<tr>
<th>Date:</th>
<th>January 31, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>From:</td>
<td>Missy Luick, Planning Assistant</td>
</tr>
<tr>
<td>Subject:</td>
<td>Medical Marihuana housekeeping amendment- Public Hearing</td>
</tr>
</tbody>
</table>

Following the enactment of the City’s Medical Marihuana Facilities amendment, the Planning Department noticed that because Industrial District uses are allowed in the Transportation District, then all five Medical Marihuana Facilities would be allowed in the Transportation District.

It was not the intent of the City to allow such uses in the Transportation District. All of the parcels within the Transportation District are owned by governmental entities (Airport, U.S. Government, City of Traverse City, MDOT). With the ownership as it stands in the Transportation District, it would be unlikely that a Medical Marihuana Facility would be established; however, if it is not the City’s intent to allow such uses in that district, then it should be struck from the *Uses Allowed* section in the Transportation District.

When the Medical Marihuana Facilities amendment was approved, Medical Marihuana Collectives were eliminated. However, Medical Marihuana Cultivation should have also been eliminated. Medical Marihuana Cultivation Facilities are allowed as a use in the Industrial District and Medical Marihuana Cultivation is allowed in all of the R-Districts. (Said uses are proposed to be struck in the draft amendment attached since these uses are no longer applicable.)

If after holding the Public Hearing and you are supportive of the amendment, then the following motion would be appropriate:

*I move that consideration of an amendment to the Traverse City Code of Ordinances Definitions, Section 1320.07; Uses Allowed, Section 1330.01 in the Residential Conservation Chapter; Uses Allowed, Section 1332.01 in the Single-Family Dwelling Chapter; Uses Allowed, Section 1334.01 in the Two-Family Dwelling Chapter; Uses Allowed, Section 1336.01 in the Multiple-Family Dwelling Chapter; Uses Allowed, Section 1348.01 in the Transportation Chapter; and Uses Allowed, Section 1354.01 Industrial Chapter regarding clarification that Medical Marihuana Facilities are not allowed in the Transportation District and to eliminate Medical Marihuana cultivation in all Residential Districts and the Industrial District be recommended to the City Commission for approval.*

MLL:mll

Attachments: Proposed Amendment
TRAVIS CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. ______

Effective date: _______________

TITLE: Medical Marihuana Facilities housekeeping amendment for Transportation (T) District and elimination of Medical Marihuana Cultivation in all Residential Districts (RC, R-1, R-2, R-9/15/29) and the Industrial (I) District

THE CITY OF TRAVERSE CITY ORDAINS:

That the Definitions, Section 1320.07; Uses Allowed, Section 1330.01 in the Residential Conservation Chapter; Uses Allowed, Section 1332.01 in the Single-Family Dwelling Chapter; Uses Allowed, Section 1334.01 in the Two-Family Dwelling Chapter; Uses Allowed, Section 1336.01 in the Multiple-Family Dwelling Chapter; Uses Allowed, Section 1348.01 in the Transportation Chapter; and Uses Allowed, Section 1354.01 Industrial Chapter of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1320.07 - Definitions.

As used in this chapter:

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

Accessory building means a building or structure customarily incidental and subordinate to the principal building and located on the same lot as and 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 canopy 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. Planted trees shall be at least 2½ inches caliper and shall comply with the species requirements set forth in the City's approved Tree List. 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. NOTE: THIS WAS ALREADY STRUCK BUT NOT YET CODIFIED

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. NOTE: THIS WAS ALREADY STRUCK BUT NOT YET CODIFIED

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 Boardman Lake at an elevation defined by the US Army Corps of Engineers. The Boardman River ordinary high water mark is identified as the line between upland and bottomland that 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 apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

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 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 outlet, ticket or pass vending machines and other services.

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

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

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

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

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

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

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

Yard, side. "Side yard" means all land lying between a principal building and the side lot lines and extending from the front to the rear of the principal building.
Zoning Code means Part 13, Title One of the Code of Ordinances of the City of Traverse City and includes the text of this Zoning Code as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

(Residential Conservation District)

1330.01 - Uses allowed.

The following uses of land and buildings, together with accessory uses, are allowed in the Residential Conservation District:

- OS district uses, with buildings less than 3,000 square feet gross floor area;
- R-1a and R-1b district uses;
- Clustered single-family dwellings;
- 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;
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;

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;

The Principal Use of the Parcel shall be a Dwelling and shall be in actual use as such.

No transfer of Medical Marihuana to Qualifying Patients other than qualifying patients residing on the parcel shall occur.

No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.

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, a two-family dwelling, or a multiple family dwelling meeting the following requirements:

No more than 12 Medical Marihuana plants shall be cultivated per dwelling unit;

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;

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;

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;

The principal use of the dwelling unit shall be a dwelling and shall be in actual use as such.

No transfer of medical marihuana to qualifying patients other than qualifying patients residing within the dwelling unit shall occur.

No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.

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.

(Single-Family Dwelling District)

1332.01 - Uses allowed.

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

- Accessory Dwelling Units.

  (1) The intent of the allowed use of accessory dwelling units is to:

  (a) 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.

g) Will be placed in a manner to provide thoughtful consideration of landscaping, screening and window placement to protect the privacy of neighbors.

(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 15 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.** Fire escapes for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling. Interior stair floor area will not count in the size calculation of the accessory dwelling unit.

(g) Individual site plans, floor plans, elevation drawings, building plans for the proposed accessory dwelling unit 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.

(h) 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.

(i) 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.

(j) The accessory dwelling unit shall 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.

(k) 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.

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

(m) 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;
- Child care organization, as defined by MCL 722.111 et seq., as amended, associated with a school or place of worship;
- Community Gardens;
- Dwellings, single-family;
- Essential services;
- Family child care home, as defined by MCL 722.111 et seq., as amended;
- Golf courses;
• Group child care home, as defined by MCL 722.111 et seq., as amended, subject to the following conditions:

1. All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the land use permit and a change in the licensee requires a land use permit renewal.

2. The lot is not located within 150 feet of another lot devoted to such use. The distances required shall be measured along any private or public street.

3. A fenced outside recreation area shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed streetward of the principal structure unless specifically allowed by the Planning Commission for unique circumstance.

4. The use does not exceed 16 hours of operation during a 24-hour period.

5. No additional parking is required for the Group Day Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, 2 parking spaces shall be provided on premise.

6. A Group child care home requires the issuance of a Land Use Permit. As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.

• 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 marijuana 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, a two-family dwelling, or a multiple family dwelling meeting the following requirements:

(1) No more than 12 medical marihuana plants shall be cultivated per dwelling unit;

(2) The medical marihuana cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;

(3) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient cultivating the plants;

(4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the dwelling unit and shall not be visible from an adjoining public way;

(5) The principal use of the dwelling unit shall be a dwelling and shall be in actual use as such;

(6) No transfer of medical marihuana to qualifying patients other than qualifying patients residing within the dwelling unit shall occur;

(7) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible;

(8) No vehicles used in cultivation may be parked, kept or otherwise be present on the parcel other than such as are customarily used for domestic or household purposes.

- Playgrounds;

- Tourist homes meeting the following requirements:
  
  (1) Rooms utilized for sleeping shall be part of the primary residential structure and shall not be specifically constructed or remodeled for rental purposes.

  (2) The tourist home shall not be closer than 1,000 feet to an existing licensed tourist home.

  (3) The exterior appearance of the structure shall not be altered from its single-family character.

  (4) There shall be no separate or additional kitchen facility for the guests.
(5) Off-street parking shall be provided as required by this Zoning Code and shall be developed in such a manner that the residential character of the property is preserved.

(6) A site plan is approved according to the Zoning Code. Certain site plan information may be waived at the discretion of the Planning Director.

(7) A City tourist home license is maintained.

(8) A tourist home shall be an incidental and secondary use of a dwelling unit for business purposes. The intent of this provision is to ensure compatibility of such business use with other permitted uses of the residential districts and with the residential character of the neighborhoods involved, and to ensure that tourist homes are clearly secondary and incidental uses of residential buildings.

(Two-Family Dwelling District)

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 are an allowed use provided they meet the following requirements:
  - The existing site and use are substantially in compliance with this Zoning Code.
  - Only 1 accessory dwelling unit per parcel is allowed with a maximum of 2 dwellings per parcel.
  - The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exterior appear to be single-family.
  - 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.
  - Exterior stairs. Fire escapes for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling. Interior stair floor area will not count in the size calculation of the accessory dwelling unit.
  - Individual site plans, floor plans, elevation drawings, building plans for the proposed accessory dwelling unit 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 1334.07.
  - 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 obtain a registration from the City Clerk annually.
    - 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.

(j) 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.

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

(l) 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;
- Child care organization, as defined by MCL 722.111 et seq., as amended, associated with a school or place of worship;
- 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;

• Family child care home, as defined by MCL 722.111 et seq., as amended;

• Golf courses;

• Group child care home, as defined by MCL 722.111 et seq., as amended, subject to the following conditions:
  1. All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the land use permit and a change in the licensee requires a land use permit renewal.
  2. The lot is not located within 150 feet of another lot devoted to such use. The distances required shall be measured along any private or public street.
  3. A fenced outside recreation area shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed streetward of the principal structure unless specifically allowed by the Planning Commission for unique circumstance.
  4. The use does not exceed 16 hours of operation during a 24-hour period.
  5. No additional parking is required for the Group Day Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, 2 parking spaces shall be provided on premise.
  6. A Group child care home requires the issuance of a Land Use Permit. As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.

• 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.

(Multiple-Family Dwelling District)

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

  (c) The accessory dwelling unit is clearly incidental to the principal dwelling unit and the structures' exterior appear to be single-family.

  (d) 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.

  (e) Exterior stairs. Fire escapes for access to an upper level accessory dwelling shall not be located on the front of the primary dwelling. Interior stair floor area will not count in the size calculation of the accessory dwelling unit.

  (f) Individual site plans, floor plans, elevation drawings, building plans for the proposed accessory dwelling unit 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.

(g) 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 1334.07.

(h) 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.

(i) The accessory dwelling unit shall 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.

(j) 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.

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

(l) 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;
• Child care organization, as defined by MCL 722.111 et seq., as amended, associated with a school or place of worship;
• Community Gardens;
• Dwellings, single-family;
• Dwellings, two-family;
• Dwellings, multiple family;
• Essential services;
• Family child care home, as defined by MCL 722.111 et seq., as amended;
• Golf courses;
• Group child care home, as defined by MCL 722.111 et seq., as amended, subject to the following conditions:
  (1) All necessary licenses are obtained and maintained. Expiration or revocation of a license automatically terminates the land use permit and a change in the licensee requires a land use permit renewal.
  (2) The lot is not located within 150 feet of another lot devoted to such use. The distances required shall be measured along any private or public street.
  (3) A fenced outside recreation area shall be located on premise where it will most effectively shield neighboring properties from noise and visual disruptions. Play equipment shall not be placed streetward of the principal structure unless specifically allowed by the Planning Commission for unique circumstance.
  (4) The use does not exceed 16 hours of operation during a 24-hour period.
  (5) No additional parking is required for the Group Day Care Home provided on-street parking is allowed adjacent to the property. If on-street parking is not allowed, 2 parking spaces shall be provided on premise.
  (6) A Group child care home requires the issuance of a Land Use Permit. As part of the application, a site plan shall be submitted showing the designated outside play area, primary drop off/pick up entrance and parking spaces.
• 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.

(Transportation District)

1348.01 - Uses allowed.

The following uses of land and buildings, together with accessory uses, are allowed in the Transportation Zone:
- OS District uses, including buildings 3,000 square feet or larger in gross floor area;
- GP District uses;
- I District uses, except C-2 District Uses and Medical Marihuana Facilities;
- Air transportation, including airports and airport terminals;
- Amusement and recreation services (indoor only);
- Automobile gasoline/convenience stores;
- Automobile, motorcycle, trailer, recreational vehicle or boat showrooms;
- Brew pubs;
- Business services;
- Drugstore;
- Engineering, accounting, research, management and related services;
- Finance, insurance and real estate services;
• Finance services without drive-throughs;
• Indoor fruit and vegetable markets;
• Landing areas;
• Laundromats;
• Legal services;
• Lodging facilities;
• Microbrewery;
• Motorized vehicle dealers, mobile home dealers, watercraft dealers and recreational vehicle dealers subject to the following conditions:
  (1) All outdoor display and storage in front or on the side of a building shall meet landscape requirements for parking areas.
  (2) Outdoor display areas shall be differentiated from parking areas using contrasting surface material and shall be designated on a site plan.
  (3) Any display platforms shall not be elevated more than 3 feet higher than the adjacent public right-of-way.
• Parcel packing services;
• Parking areas, public or private,
• Passenger transportation services;
• Personal services;
• Pet grooming services without outdoor runs or kennels;
• Repair services;
• Restaurants, family, fine and fast without drive-throughs;
• Retail use of 10,000 square feet or more;
• Security services;
• Services stations and repair stations;
• Theaters;
• Theatrical producers, entertainers, bands and orchestras;
• Transportation service;
• Vehicle wash facilities as permitted in the C-3 District;
• Veterinary services, without outdoor runs;
• Water transportation.

(Industrial District)

1354.01 - Uses allowed.

The following uses of land and buildings together with accessory uses are allowed in the Industrial District:
• GP District uses;
• C-2 District uses meeting the setbacks (§1342.02), building height (§1342.06) and special requirements (§1342.09) of the C-2 District and shall not open to the public between the hours of 10:00 p.m. and 6:00 a.m.

• C-2 District uses in the Airport Industrial Park and Traversefield Enterprise Place is limited to existing buildings more than 5 years old, based upon the date of the initial certificate of occupancy issued. Minor additions are allowed provided the addition is for barrier free access, fire safety or to improve the energy efficiency of the building;

• Auto repair;
• Communications establishments;
• Construction, special trades;
• Contractors;
• Contractors, heavy construction;
• Crematories provided the use is at least 500 feet from a Residential Zoning District, public park or school as defined by the Zoning Code;
• Cutting plastics, leather, etc;
• Equipment rental and leasing, miscellaneous;
• Fuel dealers;
• Funeral services;
• Gas systems;
• Kennels for boarding provided that no building, open kennel or exercise runway shall be located closer than 200 feet from any R District;
• Lumber yards—Retail;
• Manufacturing or processing of:
  (1) Apparel and other finished products made from fabrics and similar materials;
  (2) Bakery products;
  (3) Beverages;
  (4) Canned, frozen and preserved fruits, vegetable and food specialties;
  (5) Dairy products;
  (6) Electronic and other electrical equipment and components;
  (7) Fabricated metal products, except machinery and transportation equipment and except ordnance and accessories;
  (8) Food preparations and kindred products—miscellaneous;
  (9) Furniture and fixtures;
  (10) Grain mill products;
  (11) Industrial and commercial machinery and computer equipment;
  (12) Leather and leather products (finished), except leather tanning and finishing;
  (13) Lumber and wood products, except furniture, wood preserving and reconstituted wood products;
  (14) Manufacturing industries—miscellaneous;
(15) Measuring, analyzing and controlling instruments, photographic, medical and optical goods, matches and clocks;
(16) Printing, publishing and allied industries;
(17) Stone, clay, glass and concrete products, except asbestos products;
(18) Sugar and confectionery products;

• Medical marihuana cultivation facility meeting the following requirements:

(1) 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.

(2) All medical marihuana plants cultivated by each primary caregiver or qualifying patient 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 the qualifying patient.

(3) Cultivation shall be conducted so as not to create dust, glare, noise, odors, or light spillage beyond the parcel and shall not be visible from an adjoining public way.

(4) A medical marihuana cultivation facility shall not be located within a 1,000-foot radius from any existing school.

(5) A medical marihuana cultivation facility shall register for a business license with the City Clerk and if the applicant is not the owner of the parcel, such license application shall include the property owners' consent to the use of the parcel as a medical marihuana cultivation facility.

(6) No transfer of medical marihuana shall occur except marihuana plants pursuant to the Michigan Medical Marihuana Act.

• Metal slitting and shearing;
• Motor freight transportation and warehousing;
• Nurseries, retail;
• Offices, general, up to 5,000 square feet gross floor area on any site and/or building;
• Offices primarily serving industry in the district which clearly establish support services for permitted industries in the district;
• Parcel packing services;
• Pet boarding or pet grooming services, provided that no building, open kennel or exercise runway is closer than 200 feet from an R-District;
• Places of Worship;
• Postal and delivery services;
• Pressure container filling;
• Primary metal industries, including smelting, forging and similar operations, subject to the following conditions:
  (1) The maximum lot size is 14 acres.
  (2) No odors, smoke or noise from the use are likely to create a disturbance on neighboring public or private property.
• Retail outlets, if accessory to manufacturing use;
• Salvaging damaged merchandise not engaged in sales;
• Scrap steel cutting;
• Sign painting and lettering shops;
• Solvents recovery services;
• Tape slitting for trade;
• Testing and laboratory services;
• Veterinary services for animal specialties provided that no building, open kennel or exercise runway shall be no closer than 200 feet from any R district;
• Vocational schools;
• Warehousing;
• Weighing foods and other commodities;
• Wholesale trade - durable goods;
• Wholesale trade - non-durable goods except livestock and wholesale live animals.

The effective date of this Ordinance is the ________ day of ______________, 2019.

I hereby certify the above ordinance amendment was introduced on __________________, 2019, at a regular meeting of the City Commission and was enacted on __________________, 2019, 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
A request has been received from John Hughes, Trustee for the Roland M. Habrecht Trust to amend the Order Granting for the 132 acre Morgan Farms Planned Unit Development. Doug Mansfield of Mansfield Land Use Consultants is the agent acting on behalf of the applicant.

The Habrecht Trust owns the western portion of the Neighborhood Center in Morgan Farms. The request is to change the commercial/residential mix for the western portion of the Neighborhood Center (left of the dashed red line) to be a minimum of 15% of the total floor space for this area. Please note that part of the Habrecht property falls within Garfield Township. That part of the Neighborhood Center below the black dashed line is under the Township’s jurisdiction. Any amendment to the PUD Order Granting would need approval from both the City of Traverse City and Garfield Township.
Presently, the PUD Order Granting (condition #4) limits the total floor area for commercial space to be no more than 15% of the total floor space of the all the buildings within the entire 132 acre parcel. To date, no commercial space has been built within the PUD. The Neighborhood Center is planned to have 170,665 square feet of commercial space plus a 50,300 square foot community center. For comparison, West Bay Shopping Center which is located 1/3rd a mile down the hill has 52,649 square feet for all of the buildings within this plaza. Should the amendment request be approved as submitted, the minimum amount of commercial space for the Neighborhood Center would decrease from 170,665 square feet to 74,226 square feet. Please note that the request stipulates only a minimum, so there could be more commercial space in the Neighborhood Center than the above numbers show.

If there was a minimum requirement of 15% commercial for of the total floor space of the Neighborhood Center, the minimum amount of commercial would be 74,226 square feet (15%). This is more than enough commercial space to support neighborhood services for Morgan Farms. I recommend that a maximum amount of commercial space also be constituted and be set at 35% or having a ratio of 35/65 for a commercial/residential mix. Please also note that the City Planning will also request that a major amendment is made to have the same ratios apply for all of the Neighborhood Center and Garfield Township has jurisdiction for the southern part of the Neighborhood Center.

Pursuant to 1362.02 (b), the Planning Commission shall review major amendments for planned unit development requests and shall make a recommendation to the City Commission. The Planning Commission may hold a public hearing if it deems advisable.

Staff recommends scheduling a public hearing on the request. If you feel you have sufficient information to set a public hearing on this request, the following motion would be appropriate:

I move that the request from John Hughes, Trustee for the Roland M. Habrecht Trust to amend the Order Granting for 02-PUD-01 to change Condition #4 to allow for a reduction of the commercial/residential mix for the western portion of the Neighborhood Center Phase be scheduled for a public hearing for March 5, 2019.

If the Planning Commission is generally supportive of this amendment the Planning Director will initiate a major amendment to apply the commercial/residential mix for the entire Neighborhood Center Phase and re-orienting the building placement framing the “Morgan Farms Center Square”. Discussions with the property owner for eastern part of the Neighborhood Center have occurred and I anticipate that an amendment for that portion of the Neighborhood Center will be forthcoming in the near future.

RAS

Attachments: Major Amendment Form and associated letter from Doug Mansfield
December 14, 2018

City of Traverse City
C/O Russ Soyring - City Planner
City of Traverse City
400 Boardman Ave
Traverse City, Mi. 49684

Re: Major amendment to Morgan Farms PUD, Phase III

Dear Russ,

Pursuant to our many conversations, including those attended by the City Manager and Attorney, I have been retained by the Roland Habrecht Trust, to pursue a Major Amendment from the Order Granting of the Morgan Farms PUD. Specifically Condition #4 of the Granting Order and specifically as it relates to what has been deemed Phase III, the “Neighborhood Center”.

Through our recent discussions, presentations and public comment it has become apparent that the Commercial/Office square footage originally approved is out of scale and intensity, and no longer attractive to the market place, both as it may affect the existing residential base and the future development of the PUD owners, developers and region of the City.

Condition #4 relates to a series of calculations designed to ensure a mix of commercial and residential uses within the development. The Condition has never been contemplated in any previous phase approval. The Condition has not been amended or updated, even though site plan amendments have been approved. As the ratio has gone un-checked, it is my opinion that the condition is appreciably voided.

The Area(s) within the development of the entire “Neighborhood Center” of Morgan Farms originally denoted a total commercial to residential mix of 45% to 55%. It should be realized that when originally approved the Morgan Farms PUD was to provide some 200,000 s.f. of commercial uses. That is no longer desirable or viable. For the record, it has to be stated that the lawsuit provides further reference to the background, existing policy and practice as they relate to Condition #4.

In such it is the request of my Client to reduce the ratio to a minimum of 15%/85% Commercial to Residential Mix respectively for that portion of the “Neighborhood Center”, lying within the Habrecht Trust boundary. We ask the issue to be placed on the next available agenda at the Planning Commission to introduce this language.

I thank you in advance for your quick attention to this matter and should you have any questions or concerns please do hesitate to contact me.

Respectfully,

Douglas L. Mansfield
President

830 Cottageview Drive -Suite 201
P.O. Box 4015 Traverse City, MI 49685
p 231.946.9310
f 231.946.8926
Date of Application: 12-18-2018  P.U.D. # 02-PUD-01  Fee: $425  Receipt #: 1210

Owner's Name(s): Roland M. Habrecht Trust

Applicant's name: John Hughes, Trustee

Address: P.O. Box 4057 Traverse City, MI 49685  Email: jhughestc@icloud.com

Site Address: Morgan Farms PUD -Neighborhood Center, East Traverse Highway (M-72)

Tax ID# 51-350-001-03

Description of Request:
Morgan Farms PUD -Neighborhood Center
Requesting a change to Condition #4 resulting in a reduction of the commercial/residential mix ratio from 45%-commercial / 55%-residential to a new minimum of 15%-commercial / 85%-residential as outlined in the letter from Mansfield Land Use Consultants regarding a Major Amendment to the Morgan Farms PUD dated December 14, 2018.

Signature of Applicant

Date: 12/18/2018

Comments:


Approval: Planning/Zoning  Date:

May 2017
The Planning Director is requesting an amendment the Order Granting for the Morgan Farms Planned Unit Development pertaining to the eastern portion of the Neighborhood Center. This is the portion that is to the right of the dashed red line in the diagram below.

Below the black dashed line is under the jurisdiction of Garfield Township.

On January 9, 2019 I met with Pat Lindsay, the property owner for the eastern portion of the Neighborhood Center where we discussed the Roland Habrecht Trust’s request to have a minimum of 15% commercial of the total floor space for the part of the Neighborhood Center that is under the Trust's ownership. I asked Mr. Lindsay if he would support a minimum 15/85 commercial/residential mix ratio for the eastern portion of the Neighborhood Center. He indicated would be agreeable to having the same ratio for the property that he owns.
Mr. Lindsay and I also discussed 2009 minor amendment that was approved after conferring with the Planning Commission regarding the eastern portion of the Neighborhood Center. This amendment changed the building placements and building types for eastern buildings for the Neighborhood Center. The 2009 minor amendment will be discussed at a future Planning Commission meeting.

The major amendment, if approved would only change Condition #4 which currently reads: "Each phase of development must satisfy the residential to commercial mix requirement shown on the schedule entitled Morgan Farms Phase Calculations, dated October 1, 2002. For purposes of calculation, the community center at the west end of the neighborhood square shall not be included in the calculation as being commercial or residential if the building is developed mostly for residential, daycare, and a health club that is primarily for the enjoyment of the residents of this development. When the final phase is constructed, at least 85% of the entire development's floor space shall be dedicated for residential use." The other 37 conditions remain in effect including Condition #6 which reads: "The pattern book being developed by the applicant for this project shall promote compatible urban design and architectural elements to help individual buildings and other structures result in a coherent overall development pattern and streetscape. The pattern book shall be approved by the Planning Director, who will review this document for conformity with the photographs and elevation concepts contained in the Submittal and these conditions. No construction shall occur except in conformity with an approved pattern book."

Below are illustrations and the layout of the Neighborhood Center from the Pattern Book.
Any amendment to the PUD Order Granting would need approval from both the City of Traverse City and Garfield Township.

If there was a minimum requirement of 15% commercial for of the total floor space of the Neighborhood Center, the minimum amount of commercial space would be 74,226 square feet (15%). This is more than enough commercial space to support neighborhood services for Morgan Farms. The Planning Department also requests that a maximum amount of commercial space also be set at 35% which is ratio of 35/65 for a commercial/residential mix.

Pursuant to 1362.02 (b), major amendments for PUD's require Planning Commission review and recommendation to the City Commission. The Planning Commission may hold a public hearing if it deems advisable.

Staff recommends scheduling a public hearing on the request. If you feel you have sufficient information to set a public hearing on this request, the following motion would be appropriate:

I move that the request from the City Planning Director to amend the Order Granting for 02-PUD-01 to change Condition #4 to allow for a reduction of the commercial/residential mix for the eastern portion of the Neighborhood Center Phase be scheduled for a public hearing for March 5, 2019.

RAS
April 1, 2003

Mr. Joseph Zimmer
Mission Bay Development
2840 Cass Road
 Traverse City, MI 49684

Re: Planned Unit Development 02-PUD-1

Dear Mr. Zimmer:

On January 27, 2003, the City Commission and Garfield Township Board approved an Order Granting the Planned Unit Development request from Mission Bay Development LLC. This approval, with conditions, permits a mixed-use development constructed in phases on property commonly known as the Morgan Farm.

The granting order stipulated that it “shall not become effective unless within 90 days of adoption of this order the City Manager notifies, in writing, the application and owner that the City has made adequate provisions for the extension of municipal sanitary sewer and water systems to the subject parcel. If such notification is given, the final approval date of this order shall be the date of the City Manager’s written notification. On March 17, you attended a meeting with City staff to discuss options that would allow municipal utilities to be extended to the site.

This letter, copied to Roland Habrecht, serves as the written notification that the City has made adequate provisions for the extension of municipal sanitary sewer and water systems to the Morgan Farm parcel. The granting order will expire two years from the date of this letter unless substantial construction has commenced and is proceeding diligently toward completion.

We look forward to working with you as you develop a great new neighborhood for Traverse City.

Sincerely,

[Signature]
Richard I. Lewis
City Manager
922-4440

Enclosure (1)

cc: Mr. Roland Habrecht, 733 Bloomfield Road, Traverse City, MI 49686 with enclosure
Russell Soyring, Planning Director, without enclosures
Debbra A. Curtiss, City Clerk, without enclosures
City Commission
Lee Wilson, Garfield Township Supervisor
CITY OF TRAVERSE CITY
ORDER GRANTING
PLANNED UNIT DEVELOPMENT NO. 02 -PUD -01

Pursuant to the Traverse City Zoning Code Chapter 1362, Planned Unit Developments, the City Commission hereby grants a Planned Unit Development for the following:

Street Address:        M-72 West
                       Traverse City, Michigan

Property description:  See attached.

Planned Unit Development: Morgan Farms

Applicant:             Mission Bay Development LLC

Owners:                Roland Habrecht

It is determined that the application is consistent with the intent of the Zoning Code and the standards and requirements therein contained. The findings of fact and reasons upon which this determination is based are as follows:

1. The attached Statement of Conclusions is incorporated herein by reference.

2. The procedures and requirements for Planned Unit Development decisions required by law and ordinance have been followed.

3. Any conditions imposed are necessary to carry out the intent, purpose and standards of the ordinance and to protect the public health, safety and welfare.

The land use authorized by this Order shall be in accordance with the Morgan Farms PUD submittal dated July 2002, amended September 2002, showing the development and use of the land and the Chapter 1366 site plan and development standards. No development shall occur except in conformity therewith.

This order shall not become effective unless within 90 days of adoption of this order the City Manager notifies in writing the applicant and owner that the City has made adequate provisions for the extension of municipal sanitary sewer and water systems to the subject parcel. If such notification is given, the final approval date of this order shall be the date of the City Manager's written notification.

The Planned Unit Development and this Order shall also be subject to the following conditions and restrictions:

1. All development authorized by this Order will be structured to provide a mix of residences and a collection of small shops, workplaces, civic uses and recreation
within the neighborhood.

2. An assortment of dwelling types will be provided to meet the needs of a broad spectrum of age and income groups and will include a mix of single-family dwellings, townhouses, apartments and accessory dwelling units. A range of dwelling types will be integrated throughout the residential areas.

3. Each phasing plan that will be subsequently submitted shall be approved by the Planning Commission and shall significantly conform to the Morgan Farms PUD submittal dated July 2002, amended September 2002 (the "Submittal"), and Traverse City Code Chapter 1366, Site Plan and Development Standards. Once a phasing plan has been approved, site plans for individual buildings will be approved by the Planning Director and shall substantially conform to the approved phased plan. No construction shall occur except in conformity therewith.

4. Each phase of development must satisfy the residential to commercial mix requirement shown on the schedule entitled Morgan Farms Phase Calculations, dated October 1, 2002. For purposes of calculation, the community center at the west end of the neighborhood square shall not be included in the calculation as being commercial or residential if the building is developed mostly for residential, day care, and a health club that is primarily for the enjoyment of the residents of this development. When the final phase is constructed, at least 85% of the entire development's floor space shall be dedicated for residential use.

Buildings and Architecture

5. Section 1342.09 entitled SPECIAL REQUIREMENTS for the C-2 District shall apply for all mixed-use and non-residential buildings except for 1342.09(a), which limits buildings to 6,000 square feet per floor area and 12,000 square feet in total floor area.

6. The pattern book being developed by the applicant for this project shall promote compatible urban design and architectural elements to help individual buildings and other structures result in a coherent overall development pattern and streetscape. The pattern book shall be approved by the Planning Director, who will review this document for conformity with the photographs and elevation concepts contained in the Submittal and these conditions. No construction shall occur except in conformity with an approved pattern book.

7. Important civic buildings which house governmental offices, libraries, museums, schools and other such facilities shall be located on prominent sites to serve as focal points and landmarks for the neighborhood.
8. A building at an entrance or intersection of a main street or other significant intersection shall use special architectural features to emphasize the importance of the location. Special architectural features include corner towers, cupolas, clock towers, spires, balconies, colonnades or other similar architectural features.

9. The buildings in the neighborhood center shall generally reflect the character shown in the elevation concepts contained in the Submittal. These drawings provide illustrated guidelines that must be used in formulating the architectural standards for the Neighborhood Center and are incorporated herein by reference.

9. The facade of a commercial use located on the ground floor or first floor shall be sufficiently transparent to provide views into the interior of buildings. Windows, doors and other transparent treatments shall meet the C-2 District requirements in Section 1342.09(g).

10. Buildings that are located on or adjacent to the neighborhood square shall be a minimum of two (2) stories.

12. Buildings shall not exceed three stories above grade or 60 feet. Steeples, clock towers and other architectural embellishments may exceed the height limits, but shall not exceed twice the height of the main roof height.

13. The height and massing of a building shall compliment the buildings located on either side or across the street from the building. Larger buildings shall be broken up into building components that will compliment the scale of smaller buildings proposed or existing on either side or across the street from the larger building.

14. Buildings shall be placed near the street to form a distinct street edge and define the border between the street and private spaces of the individual lots and shall substantially conform to the Submittal. Build to lines will be incorporated in the pattern book and shall be adhered to.

15. The main entrance of a primary structure must face the street and be clearly articulated by using architectural detailing.

16. A residential structure with a front setback between 5 to 15 feet must provide a front porch or stoop on the front facade of the structure. The minimum porch width shall be six (6) feet.

17. If a driveway access is provided from the street, the garage door or the entry of the carport shall not face the street, unless it is located a minimum of 20 feet behind the front facade of the principal structure.
Circulation, Parking and Signs

18. The developer shall dedicate space for a 50-foot wide area for the purpose of a connecting street to the property to the east of the development. The developer shall rough grade the street and line the street area with shade trees. In the event that the adjacent property to the east is developed with four or more dwellings or as a harmonious mixed-use development, the developer shall pave a 22 foot wide street over the area and shall make this street available for public use.

19. The applicant shall provide MDOT sufficient funds to construct a left-hand turning lane and a bypass lane for eastbound traffic along M-72. The center turn lane and bypass lane, including both tapers, will be approximately 850 feet long.

20. All streets, alleys, sidewalks and ways to be constructed on the site shall be private, constructed and maintained in perpetuity by the developer and/or a site condominium association.

21. Streets shown without sidewalks shall be designed to encourage vehicles speeds to be less than 20 miles per hour. All other streets shall be designed to encourage vehicle speeds to be 25 miles per hour or less.

22. Rear access from an alley is required whenever an alley is available unless the grade of the alley is more than 6 feet above or below the first floor of the house.

23. Unless denoted on the Submittal, a parking lot must be located to the rear or side of the structure. The front of a building shall be defined as that part of the building facing a private street or streets which are adjacent to the building. If located at the side of the structure, the parking lot must be screened through use of solid street walls and/or landscaping. The screening shall not exceed 4 feet in height.

24. A transit stop with a bus shelter shall be located on a street in the neighborhood square. The bus shelter shall be well lit and include a trash receptacle and benches.

25. No parking zones shall be designated for a minimum of 50 feet adjacent to all transit stops to allow for loading and unloading passengers.

26. A pedestrian path shall be provided within 800 feet from any residence.

27. All signs advertising a business shall be limited to wall, awning or hanging signs. No freestanding signs are allowed for businesses. One entry sign, up to 40 square feet (sign face) is allowed near the entry drive that intersects with M-72. All signs of the development shall otherwise follow the Traverse City Sign Ordinance.
Parks, Common Open Space and Landscaping

28. Common open spaces shown in green on sheet entitled Open Space, dated August 23, 2002 of the Submittal shall remain open for recreational purposes. Buildings and parking in these areas shall be limited to recreational purposes.

29. Common open space areas shall be available for recreation. The landscaping shall consist mostly of trees, lawns and plants. Improvements to the common open space may consist of paths, benches, landscaping, and soft, pedestrian scale lighting.

30. The neighborhood square is intended as a central place for the development and should be designed to accommodate a wide variety of formal and informal gatherings.

31. A majority of the wooded areas will be preserved. All wooded areas shown in the Tree Preservation Plan dated September 18, 2002 and included in the Submittal shall be maintained using best forestry management practices.

32. Shade trees shall be planted along all streets except alleys. Indigenous shade trees shall be located in a planting strip or planter within the street right-of-way spaced approximately 30 feet on center. Spacing may be varied to minimize conflicts with utility meters, driveways, colonnades, walks, and other such features. In the Neighborhood Center, trees may be grouped to minimize obstruction of views to retail areas and may be ornamental. Trees must be a minimum 2 1/2 inch caliper. No more than 40 percent of the street trees shall be of one specie. In locations where healthy and mature trees exist, the requirements for new trees may be modified or waived by the Planning Director.

33. The proposed constructed stream in the center of the neighborhood square in the Neighborhood Center shall be shifted to the side of the square so as not to interfere with formal and informal gatherings.

Utilities and Lighting

34. No building permits shall be issued until adequate water mains, sanitary sewer mains and private streets have been extended to the site and are available for service throughout the site; or in lieu of above, a letter of credit or sufficient funds by the developer shall be placed in escrow with the City of Traverse City to assure installation and construction of the required facilities to occur within two (2) years from the date of this Order. Any interest accrued thereon shall be retained by the City of Traverse City. In the event that the funds placed in escrow are insufficient, the development shall make an additional contribution to ensure sufficient funds.
35. All utilities shall be located underground. Generally, water, sanitary sewer and stormwater facilities shall be placed under the street pavement and not within the tree lawn. Above ground utility boxes shall be located in the rear or side yard whenever feasible.

36. Following the placement of utilities, adequate easements shall be dedicated to the City of Traverse City and any other utility company.

37. Plans for the proposed development must meet all the lighting standards of the Garfield Charter Township Zoning Ordinance.

General

38. As a further condition, the City of Traverse City reserves the right to impose future land use conditions as made necessary by the submittal of future phased plans for the development to ensure the phased site plans conform with this granting order and the zoning ordinance.

This order shall not be deemed to be City approval for anything other than the zoning approval for the expressed Planned Unit Development described above, and shall not relieve the owner or occupier of the land from obtaining any other license, permit or approval required by law or ordinance. The land use and this permit and order shall also be subject to the provisions of the Traverse City Code of Ordinances, Chapter 1362, as may be amended from time to time, and all other ordinances of the City of Traverse City.

I hereby certify that the above Order was adopted on January 23, 2003, at a special meeting of the City Commission of the City of Traverse City at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan.

Dated: January 27, 2003

Debra A. Curtiss, City Clerk
ORDER GRANTING
PLANNED UNIT DEVELOPMENT 02-PUD-01

STATEMENT OF CONCLUSIONS

The following statements of conclusion and determinations of fact supported by evidence submitted to the City in connection with an a Planned Unit Development Application No. 02-PUD-01:

(a) The Planned Unit Development (PUD) is intended to accommodate developments with mixed uses, having sites with unusual topography or unique settings within the community, or on land which exhibits difficult and costly development challenges.

(b) The use is compatible with adjacent land use, the natural environment and the capacities of affected public services and facilities. The use is consistent with the public health, safety and welfare of City residents.

(d) The uses are consistent with the City Plan and all City ordinances.

(e) The development is based on traditional forms in terms of placement, design and quality of materials, and shares a common identity and expresses a common heritage with Traverse City.

(f) This project emphasizes pedestrian circulation and access. The circulation system is composed of short blocks, narrow streets, sidewalks and alleys, where appropriate and practical. The vehicular and pedestrian circulation shall be well-defined and safe.

(g) This project has outside storage of motor vehicles that occurs either on-street or behind or below buildings.

(h) This development preserves and integrates natural landscape features as an integral part of the overall design for building placement and design represents thoughtful responses to the specific site features and the climate to create interesting and desirable outdoor spaces.

(i) This development will have adequate public services and facilities to serve the development.

(j) The submittal satisfies all the standards for granting site plan approval.

(k) The parcel, including any non-contiguous parcels is capable of being planned and developed as one integral land use unit.
Morgan Farms Preliminary Calculations  
October 1, 2002

TOTAL PARCEL
TOTAL PARCEL ACREAGE  
132.4 acres

TOTAL PROPOSED OPEN SPACE  
64.7 acres (49% open space)  
(open space consists of all areas not covered by existing or proposed  
roads, right-of-ways, structures or numbered lots)

TOTAL IMPERVIOUS SURFACE  
40.6 acres (31% impervious)

TOTAL RETAIL SPACE:  
79,704 sf

TOTAL OFFICE SPACE:  
70,501 sf

TOTAL RESIDENTIAL SPACE:  
1,137,765 sf

TOTAL COMMUNITY-SERVICE:  
50,500 sf (Community Center)

TOTAL COMMERCIAL:  
20,460 sf (Corporate Retreat)

AREA A: Neighborhood Center and Entrance Boulevard  
7.0 acres total  
2.6 acres of road and parking  
1.5 acres building  
2.9 acres open space  
Buildings: multi-story and multi-use (retail, office and residential)  
3 buildings / 15,928 sf each  
1 building / 16,379 sf  
16 retail units total / 4 retail units per building  
64,163 sf total retail space  
50,760 sf total office space  
64,163 sf total residential space  
0.6 acres of sidewalk  
4.7 acres impervious surface
Morgan Farms Planned Unit Development

AREA B: Community Center
3.8 acres total
1.2 acres of road and parking
0.5 acres building
2.1 acres open space
Buildings:
   1 multi-use, 3-story building / 22,937 sf ground floor
   50,300 sf total community service
0.2 acres of sidewalk
1.9 acres impervious surface

AREA C: Retail, Office & Residential Buildings
3.1 acre total
1.1 acre of road and parking
0.7 acres building
1.3 acres open space
Buildings:
   2-story building / 13,975 sf ground floor
   2-story building / 9,600 sf ground floor
   2-story building / 7,507 sf ground floor
   15,541 sf total retail space
   15,541 sf total office space
   31,082 sf total residential space
0.5 acres of sidewalk
3.6 acre impervious surface

AREA D: Senior Housing
2.7 acres total
0.7 acre of road and parking
0.8 acres building
1.2 acre open space
Building:
   Multi-story senior housing building holding approximately 60 beds
   98,754 sf total residential space
0.2 acres of sidewalk
1.7 acres impervious surface
Morgan Farms Planned Unit Development

AREA E: West Side Condominiums
2.5 acres total
0.6 acres of road and parking
0.4 acres building
1.5 acres open space
Buildings:

(4) 3-story condominium units with ground level being a garage with storage.
4 buildings / 6 units per building / 24 units total
52,272 sf total residential space
726 sf per floor x 3 floors x 24 units
0.1 acres of sidewalk
1.1 acres impervious surface

AREA F: Work and Live Units
7.1 acres total
0.8 acre of roads and parking
0.3 acres building
6 acres open space
Buildings:

7 buildings / 13 units total (2,086 sf per unit x 13 units)
27,607 sf total residential space
0.2 acres of sidewalk
1.3 acres impervious surface

AREA G: Bank
0.8 acre total
0.3 acres roads and parking
0.05 acres brick pavers
0.1 acres building
0.4 acres open space
Building:

Single story / 4,200 sf building
4,200 sf total office space
0.04 acres of sidewalk
0.4 acres impervious surface
Morgan Farms Planned Unit Development

AREA H: Corporate Retreat
1.6 acres total
0.4 acres of road and parking
0.1 acres brick pavers
0.2 acres building
0.9 acre open space
Building:
   3-story; 16-20 rooms; conference rooms; kitchen; dining facilities; 6,820 sf per floor
20,460 sf total commercial space
0.06 acres of sidewalk
0.7 acres impervious surface (including prop. Building)

AREA I: Valley View Condominiums
9.3 acres total
0.4 acres road and parking
0.9 acres buildings
0.6 acres courtyard drive area
7.4 acres open space
Buildings:
   2-1/2 stories living space with ground level being garages.
   (2) 3-building groupings / 6 units total
   (5) 3 building (5unit) groupings / 25 units total
   (5) single buildings / 5 units total
107,811 sf total residential space
0.07 acres sidewalk
1.9 acres impervious surface (including prop. buildings)

AREA J: Park View Town Homes
3.5 acres total
0.7 acre of road and parking
0.7 acres buildings
2.2 acres open space
Buildings:
   (3) 3-story buildings with the ground level being a garage.
       6 units per building / 18 units total
88,209 sf total residential space
   1,633.5 sf per floor x 3 stories x 18 units
1.3 acres impervious surface (including prop. Building)
Morgan Farms Planned Unit Development

AREA K: East View Town Homes
4.2 acres total
0.7 acres of road and parking
0.6 acres buildings
2.1 acres open space
Buildings:
(3) 3-story buildings with the ground level being a garage.
2 buildings have 6 units each
1 building has 4 units
16 units total
78,408 sf total residential space
1,633.5 sf per floor x 3 stories x 16 units
0.1 acres sidewalk
1.4 acres impervious surface (including prop. Building)

AREA L: Valley Park Neighborhood
9.4 acres total
1.5 acres of road and parking
4.5 acres in lots
3.4 acres open space
20 lots
53,068 sf total residential
(assuming 2,000 sf home per lot + 20 garages @ 576 sf)
(0.9 acres in homes, 0.3 acres in garages)
0.2 acres sidewalk
2.9 acres impervious surface (including prop. Building)

AREA M: Hill Valley Neighborhood
14.2 acres total
2.4 acres of road and parking
9.7 acres in lots
2.1 acres open
30 lots
123,068 sf total residential
(assuming 2,500 sf home per 16 lots=40,000 sf)
(assuming 5,000 sf home per 14 lots=70,000 sf)
(assuming 576 sf garage per 21 lots = 13,068 sf)
(2.5 acres in buildings, 0.3 acres in garages)
0.08 acres sidewalk
5.3 acres impervious (including prop. Building)
Morgan Farms Planned Unit Development

AREA N: The Cottages
3.8 acres total
0.7 acre in roads
1.2 acres building envelope
2.1 acres open space
20 cottages
25,000 sf total residential
(1,250 sf cottages / 0.6 acres)
0.4 acres sidewalks
1.6 acres impervious (including prop. Building)

AREA O: Hill Top Estates
35.2 acres total
0.9 acre in existing R.O.W.
0.3 acres existing asphalt
2.8 acres proposed asphalt
24.4 acres in lots
7.1 acres in open space
62 lots
288,092 sf total residential
(assuming 3,000 sf home per 29 lots = 87,000 sf)
(assuming 6,000 sf home per 33 lots = 198,000 sf)
(assuming 720 sf garage x 5 garages for 3 multi-plex homes = 3,920 sf)
(4.3 acres lot coverage total for assumed homes, 0.09 acres garages)
8.4 acres impervious surface (including prop. Building)

AREA P: West Ridge Condominiums
10.6 acres total
0.9 acres in roads
1.5 acres in building envelopes
8.2 acres open
16 units
99,408 sf total residential
(2,071 sf per floor x 3 floors x 16 units =
0.04 acres of sidewalks
2.4 acres impervious (including prop. Building)

PARK:
13.6 acres open
0.4 acres of paved or concrete paths

Note: Acreages provided above are based on a survey provided by others and are to be considered +/- only.
During the discussion regarding Planning Commission 2019 goals, the topic of R-1, R-2 density limits, front setbacks for principal buildings and highway setbacks were identified as a high priority. Upon reviewing the code for R-1, we identified that Temporary Accessory Dwelling Units are still listed as a use allowed by Special Land Use Permit (SLUP). Since we now allow Accessory Dwelling Units, the use on a temporary basis by SLUP is no longer needed.

Below we have outlined a recommended amendment to address the above issues.

**R-1 AND R-2 DENSITY:**
It was brought to our attention by a Planning Commissioner that there is no density dwelling unit limit in R-1 and R-2 in our zoning code.

To resolve the issue, we could amend the zoning code and establish a density limit of 1* in R-1 and 2 in R-2 in Sections 1332.03 Lot, density and impervious surface provisions; 1334.03 Lot, density, and impervious surface provisions and 1368.03 Lot width, lot area, impervious surface and density requirements.

*An accessory dwelling unit may be permitted in R-1a and R1-b which would increase the allowed density maximum to 2 dwellings per parcel.

**ELIMINATE TEMPORARY ACCESSORY DWELLING UNITS:**
Because ADU’s are allowed by right with conditions in RC and R-1a and R-1b Districts, it no longer makes sense for the Temporary ADU allowed by SLUP to remain in the zoning code.

To eliminate this from the zoning code, all references to Temporary accessory dwelling units will be struck in the following 4 sections:
- 1330.02 Uses allowed by special land use permit
- 1332.02 Uses allowed by special land use permit
- 1364.01 Types of special land use permit review
- 1364.08 Special land use permits granted by the city commission

**FRONT BUILDING SETBACK:**
Recently, there was a question raised regarding the allowance of more than one principal building on a lot. The Planning Director and past and present Zoning Administrators have interpreted the ordinance such that multiple buildings are allowed on a lot. There are
numerous examples of multiple principal buildings on lots within the city. Some examples include: Riverine Apartments, Depot development, Condos on M-22, Bay Hill apartments (off Veterans), Kids Creek Marketplace, Social Security and Dollar Store on Division (M-37), condos on 7th Street near Munson Hospital, several office complexes on Garfield Ave., office complex near the Library, and The Cottages development on Woodmere.

To codify the interpretation that has been in practice for many years, an amendment to two definitions in the zoning code would clarify the issue. The following two definitions in Section 1320.07 Definitions would be proposed:

**Building, principal.** "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located. More than one principal building is allowed on a lot.

**Setback, front.** A front setback means the minimum required distance, extending the full lot width, between the principal building and the front lot line. If there is more than one principal building on a lot, at least one of the principal buildings must meet the front setback.

**HIGHWAY BUILDING SETBACK:**
It has been discussed at the Planning Commission that building setbacks along the state highways be increased. Currently the front setback ranges from 2.5 feet to 25 feet with some blocks based on the average setback of existing buildings (see chart from Size and Area Requirements section) Staff has looked at building placement along all the highways:

- Division Street (M-37, US-31)
- S. West Bay Shore Drive (M-22)
- E. Traverse Highway (M-72)
- W. Grandview Parkway (US-31, M-72, M-37)
- E. Front Street/Munson Ave (US-31, M-72)
- Garfield Ave/Peninsula Drive (M-37) north of E. Front Street

Staff has pulled a number of images of buildings along the various highway corridors and analyzed the front setback of each zoning district and approximately how far the building is from the highway curb edge and from the front property line.

It is recommended that highway minimum setbacks generally be 15 feet along the highway. In the downtown area, the setback minimum is recommended to be 10 feet. Staff is evaluating if the setback should be measured from the highway curb edge or from the front property line. A presentation will be made at the meeting depicting a number of highway building placement scenarios with setback data.

To conduct this amendment, it would require amendments to each setback section in all of the zoning districts affected as well as the Size and Area Requirements table.
If you agree with staff’s recommendation, then an amendment will be drafted for introduction at our next regular meeting of the Planning Commission.

RAS:mll

Attachment: Excerpt from 1368.02 Setbacks; yards
1 Buildings in the C-4 District shall have a minimum height of 30 feet, except an existing building may have an addition of no larger than the area of the first floor of that building as it existed on the effective date of Ordinance No. 467, which is July 16, 1999.

2 Over 60 feet in height may be allowed only by special land use permit or as part of a planned unit development and subject to the requirements listed above.

3 Forty-five feet in height is allowed if at least 1 floor is designed and used for residential uses.

4 Sixty-eight feet in height is allowed if at least 20 percent of the building is designed and used for dwellings.

5 An additional 15 feet is allowed for rooftop mechanical equipment or elevator shafts, but not to exceed an overall height of 100 feet. Buildings over 60 feet tall shall have at least 20 percent of the building designed and used for dwellings.

6 Air traffic control towers are exempt from this height requirement.

7 All existing buildings may double their existing first floor area.

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


1368.02 Setbacks; yards.

(a) Purpose. The setback regulations for buildings serve several purposes:

1 They maintain light, air, separation for fire protection, and access for firefighting;

2 They reflect the general building scale and placement of buildings in the City's neighborhoods;

3 They promote a reasonable physical relationship between buildings; and

4 They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity.

(b) Setbacks required. Unless a stated specific setback is established by this Code, the minimum setbacks, the distance between a property line and a building wall, are required as indicated in each district's chapter in this Code and on the following chart:

<table>
<thead>
<tr>
<th>District</th>
<th>Front</th>
<th>Side setbacks</th>
<th>Rear</th>
<th>Setback from water</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>One Side</td>
<td>Aggregate</td>
<td></td>
</tr>
<tr>
<td>OS</td>
<td>Average setback of buildings within 200' on either side or 30' if there are no buildings</td>
<td>10</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>RC</td>
<td>Average setback of buildings within 200' on either side or 25' if there are no buildings</td>
<td>(None if adjacent to an RC District)</td>
<td>(None if adjacent to an RC District)</td>
<td>30</td>
</tr>
<tr>
<td>R-1a</td>
<td>25' minimum</td>
<td>8²</td>
<td>20²</td>
<td>30</td>
</tr>
</tbody>
</table>

CD1368:4
<table>
<thead>
<tr>
<th>District</th>
<th>Front</th>
<th>Side setbacks</th>
<th>Rear</th>
<th>Setback from water</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>One Side</strong></td>
<td><strong>Aggregate</strong></td>
<td></td>
</tr>
<tr>
<td>R-1b</td>
<td></td>
<td>6'</td>
<td>14'</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Within 4' of the average setback of principal buildings on the same front property line; no closer than 6' from the front property line.</td>
<td></td>
<td>50' from ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25' from ordinary high water mark of Boardman River or any dock line established by City ordinance (exceptions in OS District for certain buildings).</td>
</tr>
<tr>
<td>R-2</td>
<td>A</td>
<td>6'</td>
<td>14</td>
<td>25</td>
</tr>
<tr>
<td>R-9</td>
<td>A</td>
<td>6</td>
<td>14'</td>
<td>25</td>
</tr>
<tr>
<td>R-15</td>
<td>A</td>
<td>6</td>
<td>14'</td>
<td>25</td>
</tr>
<tr>
<td>R-29</td>
<td>A</td>
<td>6</td>
<td>14'</td>
<td>25</td>
</tr>
<tr>
<td>HR</td>
<td></td>
<td>None, except a minimum 10-foot side setback is required on the side adjoining a residential district.</td>
<td></td>
<td>5 feet, except a minimum 20-foot rear setback is required if adjacent to or across an alley from a residential district.</td>
</tr>
<tr>
<td>C-1</td>
<td></td>
<td>None, except a minimum 10-foot side setback on any side adjoining an R-District.</td>
<td></td>
<td>5 feet, except 20' on any portion abutting or across an alley from an R-District</td>
</tr>
<tr>
<td>C-2</td>
<td></td>
<td>Minimum 10' average setback</td>
<td></td>
<td>5 feet, except 20 feet if adjoining an R-District</td>
</tr>
<tr>
<td>C-3</td>
<td></td>
<td>Bldg 25' max Bldg 8' min</td>
<td></td>
<td>5', except 20' on any portion abutting or across an alley from an R-District</td>
</tr>
<tr>
<td>C-4</td>
<td></td>
<td>2.5' minimum, 15' maximum.</td>
<td></td>
<td>Buildings shall be set back a minimum of 25' from any bridge abutment unless otherwise approved by the City Engineer if he or she determines that the building will not interfere with the maintenance or reconstruction of the bridge and that utilities will not be adversely impacted.</td>
</tr>
<tr>
<td>D</td>
<td></td>
<td>See Chapter 1347 for requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T</td>
<td>25'</td>
<td>0</td>
<td>0</td>
<td>None, except 25' if abutting or adjacent to an R-District</td>
</tr>
<tr>
<td>GP</td>
<td></td>
<td>None, except 25' if abutting or adjacent to an R-District</td>
<td></td>
<td>25 feet</td>
</tr>
<tr>
<td>I</td>
<td>25'</td>
<td>0</td>
<td>0</td>
<td>15' minimum</td>
</tr>
<tr>
<td>NMC-1 and NMC-2</td>
<td>100' or as shown on approved Master Site &amp; Facilities Plan.</td>
<td>0</td>
<td>0</td>
<td>5 feet, except 20' if abutting or adjacent to an R-District.</td>
</tr>
<tr>
<td>H-1</td>
<td></td>
<td>The lessor of 8 feet or the average setback of principal buildings on the same face block.</td>
<td></td>
<td>5 feet, except a 10' setback is required on a side adjoining an R-District.</td>
</tr>
<tr>
<td>H-2</td>
<td></td>
<td>25 feet or as shown on approved Master Site and Facilities Plan allowing a lesser setback.</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>
Kate Redman, of Commongrounds Cooperative, has submitted a proposed draft text amendment language for the Development (D) District regarding encroachments into the setbacks.

While Ms. Redman’s letter indicates the request is only to amend the D-2 District, Section 1347.05 applies to all of the Development Districts: D-1, D-2 and D-3. While the text amendment versions proposed address a particular issue related to the Commongrounds project, it needs to be analyzed for the entire district.

Staff has identified that the language proposed appears to be the start of a riparian buffer overlay district. Creating a riparian buffer overlay district has been identified as a Planning Commission goal to be completed in the first quarter of 2019. It may be prudent to establish a Planning Commission subcommittee to consider riparian buffers or a riparian overlay district for Boardman River, Boardman Lake, Grand Traverse Bay and Kid’s Creek.

It is staff’s recommendation to instead amend Section 1347.05 with encroachment language that is similar in other sections within the zoning code.

A proposed amendment could be:

1347.05 - Encroachments into the setbacks.

No encroachments into required setbacks are allowed except:

1. Eaves, chimneys, sills, belt course, cornices and ornamental features not to exceed 18 inches are permitted to extend within the setbacks.
2. Terraces, patios, decks, uncovered and unenclosed porches and other ornamental features which do not extend more than 30 inches above grade at the nearest side property line may project into a required side setback provided these projections are no closer than 2 feet from the subject side property line.
3. An unenclosed balcony, porch or deck may project into a rear setback for a distance not exceeding 10 feet.

If the Planning Commission would like to proceed with scheduling a Public Hearing to consider either amendment to the Development District Encroachment Section, the following motion would be appropriate:

I move that an amendment to the Traverse City Code of Ordinances Encroachments into the setbacks, in Section 1347.05 in the Development District regarding amending the setback
encroachment allowances be introduced and scheduled for a public hearing on March 5, 2019.

If the Planning Commission would like to establish a Riparian Buffer/Riparian Overlay District Subcommittee, the following motion would be appropriate:

I move that a Riparian Buffer/Riparian Overlay District Committee, a subcommittee of the Planning Commission be formed with membership consisting of members________________, ___________________________ and/or ___________________________.

RAS:mll
January 31, 2019

City of Traverse City Planning Commissioners
400 Boardman Avenue
Traverse City, MI 49684

Dear Commissioners:

On behalf of Commongrounds Cooperative, we respectfully request that the Planning Commission consider an amendment to the D-2 district to clarify to what extent encroachments are authorized in the water setback from the Boardman River. We submitted a letter jointly with The Watershed Center dated January 23, 2019, with proposed language for an amendment. In response to feedback we received from city staff, attached is an early draft of proposed language for a second alternative that would clarify the extent to which pathways, docks, and similar structures are permitted in the water setback. Commongrounds continues to support either amendment and the language regarding pathways does not affect our property as we do not plan a walkway to the water and the city owns the 10-foot strip adjacent to water next to our property. We are providing the second alternative to help inform the Planning Commission discussion and consideration of the request.

We continue to respectfully request the Planning Commission consider scheduling a proposed amendment addressing encroachments in the water setback for a public hearing and vote at its March meeting.

Thank you for your time and service.

Sincerely,

Kate Redman
Commongrounds Cooperative
Proposed D-District Amendment Language

ALTERNATIVE #1 (Endorsed by The Watershed Center)

1347.05 - Encroachments into the setbacks.

No 

building encroachments into required setbacks are allowed except eaves, chimneys, sills, belt course, cornices and ornamental features not to exceed 18 inches are permitted to extend within the setbacks. 

In addition, no encroachments of structures, parking areas, or driveways are permitted in the water setback except as authorized in this section. Encroachments that are intended to facilitate appreciation of the waterfront (e.g. deck, gazebo, playscape) may be permitted in water setbacks if all of the following are met:

(a) The encroachment does not project into any public right-of-way nor extend more than 10 feet into the water setback. The public and environmental impacts of the encroachment have been mitigated with all of the following:

(1) All runoff from the encroachment is managed on site through the use of effective stormwater management and erosion control systems that incorporate Low Impact Development approaches and do not allow discharge from the site to enter the river. Low Impact Development is an approach to stormwater runoff management that mimics natural process and uses on-site natural features to protect water quality, primarily through infiltration. Low impact design features may include green roof, on-site stormwater retention, natural retention systems, vegetative cover, permeable alternatives for pavement and other materials, and/or other uses of natural landscape features and minimized imperviousness.

(2) Pervious materials are utilized to the extent reasonably feasible for the encroachment.

(3) Vegetative cover that is appropriate for the area is installed and maintained between the shoreline and the encroachment. Vegetation should include a diverse mix of vegetation, such as grasses, shrubs, and woody species.

(4) Ground-level landscaping and natural materials are utilized to mitigate the visual impacts of the encroachment from the river and publically accessible shoreline. The encroachment shall not include storage.

(b) The encroachment is designed, installed, and permanently maintained in a manner that restores and maintains the natural shoreline ecology and hydrology, as well as the public trust in the river.
ALTERATIVE #2 (Authorizing walks; not endorsed by The Watershed Center)

1347.05 - Encroachments into the setbacks.

No building encroachments into required setbacks are allowed except eaves, chimneys, sills, belt course, cornices and ornamental features not to exceed 18 inches are permitted to extend within the setbacks. In addition, no encroachments of structures, parking areas, walks, staircases, pathways, docks, driveways, or other similar objects, are permitted in water setbacks except as authorized in this section. Encroachments that are intended to facilitate appreciation of the waterfront (e.g. deck, gazebo, playscape, walks, staircases, docks, pathways) may be permitted in water setbacks if all of the following are met:

(a) The public and environmental impacts of the encroachment have been mitigated with all of the following:

(1) All runoff from the encroachment is managed on site through the use of effective stormwater management and erosion control systems that incorporate Low Impact Development approaches and do not allow discharge from the site to enter the river. Low Impact Development is an approach to stormwater runoff management that mimics natural process and uses on-site natural features to protect water quality, primarily through infiltration. Low impact design features may include green roof, on-site stormwater retention, natural retention systems, vegetative cover, permeable alternatives for pavement and other materials, and/or other uses of natural landscape features and minimized imperviousness.

(2) Pervious materials are utilized to the extent reasonably feasible for the encroachment.

(3) Vegetative cover that is appropriate for the area is installed and maintained between the shoreline and the encroachment. Vegetation should include a diverse mix of vegetation, such as grasses, shrubs, and woody species.

(4) Ground-level landscaping and natural materials are utilized to mitigate the visual impacts of the encroachment from the river and publically accessible shoreline. The encroachment shall not include storage.

(b) The encroachment does not project into any public right-of-way nor extend more than 10 feet into the water setback. This section notwithstanding, walks, pathways, docks, stairs, and other similar structures that facilitate public access to the water and by their nature cannot be located anywhere except adjacent to the water may extend more than 10 feet into the setback to reach the water; so long as the design, size, and location creates the minimum practicable disturbance of the setback area and does not disturb soil or vegetation that exceeds 20% of the area of the shoreline or setback area. Such encroachments shall meet all other requirements of this section and shall not include buildings.
(c) The encroachment is designed, installed, and permanently maintained in a manner that restores and maintains the natural shoreline ecology and hydrology, as well as the public trust in the river.
Mission Statement:
“The Planning Department’s primary purpose is to guide the City with land use and planning in order to enhance the quality of the community and ensure it remains a place where both citizens and businesses love to call home”

Contact Information:
City of Traverse City
Planning Department
Governmental Center, 2nd Floor
400 Boardman Ave.
Traverse City MI 49684
(231) 922-4460 office
(231) 922-4457 fax

Staff:
Russell A. Soyring, AICP
Planning Director
David M. Weston
Zoning Administrator
Michael Trombley
Code Enforcement Officer
Missy Luick
Planning Assistant
In 2018, the Planning Department provided the following services:

- Provided administrative staff for the Planning Commission
- 10 Ordinance Amendments
- 1 Rezoning Request
- 1 Site Plan Review
- 1 Planned Unit Development
- 3 Project Reviews for Consistency with Master Plan
- 6 Presentations
• Provided administrative staff for:
  • Grand Traverse Commons Joint Planning Commission
  • Board of Zoning Appeals (5 requests)
  • Historic Districts Commission (13 requests)
• Subcommittees:
  • Capital Improvement Program Committee
  • Watershed Center-led Tree Task Force
  • Green Team
  • Boardman River Water Unified Plan Committee (led by TC DDA)
  • Housing and Building Committee
  • Traffic Calming Committee
  • Eighth Street Form Based Code Committee
2018 Planning Department Summary

Master Plan

Helped administer the City of Traverse City Master Plan, a document that guides city zoning, land use, urban design and physical improvements, such as buildings, streets and parks.

Inspections

Inspected multi-family rental dwellings, rooming houses and property maintenance code violations.

Planning & Zoning

Worked with property owners and developers, other agencies and city departments to ensure that building plans were consistent with the laws regarding size and placement of buildings, signs, parking areas and landscape requirements.

Answered zoning and land use questions and interpreted land use principles, planning and zoning laws.
2018 Planning Department Projects

Safe Routes to School
In July 2018, the City received conditional commitment from MDOT that our multi-school $2M Safe Routes to School (SRTS) infrastructure grant to construct 4.9 miles of linear trail/sidewalk expansion, bike lanes, traffic calming, crosswalk improvements and signage upgrades.

FishPass
FishPass is an innovative project to enhance fish passage and connectivity between the Boardman (Ottaway) River and Lake Michigan, while removing invasive or non-desirable fishes through controlled sorting. FishPass will replace the deteriorating Union Street Dam in downtown Traverse City, Michigan with an improved barrier featuring a fish-sorting channel and a nature-like river channel.
2018 Planning Department Projects

Traverse City Street Design Manual
In early 2018, the City hired MSKS to incorporate work from the draft Traffic Calming Plan, draft Active Transportation Plan and draft Street Pattern Book into a single document entitled “Traverse City Street Design Manual”. It is anticipated that the document will be adopted in 2019 after a public review process.

Eighth Street Reconstruction
In September 2018, a contract was awarded to Gourdie-Fraser to conduct engineering services to implement the Envision Eighth Master Plan for the Railroad-Boardman phase. It is expected that the street will be reconstructed in Summer 2019.
## 2018 Planning Department Metrics

### Two-Year Comparison

<table>
<thead>
<tr>
<th>Type</th>
<th>2018</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land use permits</td>
<td>200</td>
<td>230</td>
</tr>
<tr>
<td>On-site final inspections</td>
<td>104</td>
<td>120</td>
</tr>
<tr>
<td>Sign permits</td>
<td>52</td>
<td>66</td>
</tr>
<tr>
<td>Tourist home license approvals</td>
<td>24</td>
<td>21</td>
</tr>
<tr>
<td>Non-conforming use public notices</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Notice of violation citations</td>
<td>30</td>
<td>66</td>
</tr>
<tr>
<td>New dwelling units approved</td>
<td>144</td>
<td>135</td>
</tr>
</tbody>
</table>

### 2018 Zoning Chart

The chart shows the comparison of various planning metrics between 2017 and 2018.
2018 Planning Department Metrics

$ Value of Construction Costs within the City

<table>
<thead>
<tr>
<th>Year</th>
<th>Construction Value (in Millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>$55.29</td>
</tr>
<tr>
<td>2011</td>
<td>$66.70</td>
</tr>
<tr>
<td>2012</td>
<td>$71.19</td>
</tr>
<tr>
<td>2013</td>
<td>$123.94</td>
</tr>
<tr>
<td>2014</td>
<td>$135.62</td>
</tr>
<tr>
<td>2015</td>
<td>$107.70</td>
</tr>
<tr>
<td>2016</td>
<td>$134.40</td>
</tr>
<tr>
<td>2017</td>
<td>$65.28</td>
</tr>
<tr>
<td>2018</td>
<td>$47.40</td>
</tr>
</tbody>
</table>
Capital Improvement Program Metrics

FY 18/19 Grand Total $ 41,884,787

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Bridges</td>
<td>$4,540,000</td>
</tr>
<tr>
<td>Total Brown Bridges</td>
<td>$155,000</td>
</tr>
<tr>
<td>Total Cemetery</td>
<td>$0</td>
</tr>
<tr>
<td>Total Civic</td>
<td>$490,000</td>
</tr>
<tr>
<td>Total Facilities</td>
<td>$0</td>
</tr>
<tr>
<td>Total Fire</td>
<td>$0</td>
</tr>
<tr>
<td>Total Garage</td>
<td>$2,051,000</td>
</tr>
<tr>
<td>Total General Government</td>
<td>$30,000</td>
</tr>
<tr>
<td>Total Light and Power</td>
<td>$11,261,667</td>
</tr>
<tr>
<td>Total Parking</td>
<td>$1,035,000</td>
</tr>
<tr>
<td>Total Parks</td>
<td>$3,420,750</td>
</tr>
<tr>
<td>Total Streets</td>
<td>$2,660,700</td>
</tr>
<tr>
<td>Total Walkways</td>
<td>$5,779,500</td>
</tr>
<tr>
<td>Total Wastewater</td>
<td>$3,468,170</td>
</tr>
<tr>
<td>Total Water</td>
<td>$6,993,000</td>
</tr>
</tbody>
</table>
Infrastructure Expenditures

Streets, alleys and sidewalks

- 2009: $255
- 2010: $221,443
- 2011: $316,141
- 2012: $573,186
- 2013: $562,611
- 2014: $697,015
- 2015: $783,598
- 2016: $829,333
- 2017: $647,013
- 2018: $560,859
## Code Enforcement

<table>
<thead>
<tr>
<th>Inspections and Citations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk Café Inspections</td>
<td>9</td>
</tr>
<tr>
<td>Rental Housing Inspections</td>
<td>486</td>
</tr>
<tr>
<td>Citations</td>
<td>10</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>495</strong></td>
</tr>
</tbody>
</table>

### Investigations

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawns</td>
<td>56</td>
</tr>
<tr>
<td>Sign Violations</td>
<td>112</td>
</tr>
<tr>
<td>Brush/ Streets Dept.</td>
<td>89</td>
</tr>
<tr>
<td>Parking violations</td>
<td>59</td>
</tr>
<tr>
<td>Neighbor Disputes</td>
<td>38</td>
</tr>
<tr>
<td>Street Performer inspections/investigations</td>
<td>18</td>
</tr>
<tr>
<td>Animals</td>
<td>14</td>
</tr>
<tr>
<td>Trash/garbage/junk</td>
<td>56</td>
</tr>
<tr>
<td>Dilapidated Homes/buildings</td>
<td>8</td>
</tr>
<tr>
<td>Food Trucks/Vendors</td>
<td>14</td>
</tr>
<tr>
<td>Noise</td>
<td>16</td>
</tr>
<tr>
<td>Health/Safety</td>
<td>23</td>
</tr>
<tr>
<td>News Racks</td>
<td>8</td>
</tr>
<tr>
<td>ADU Violations</td>
<td>15</td>
</tr>
<tr>
<td>Miscellaneous Compl.</td>
<td>67</td>
</tr>
<tr>
<td>Snow Complaints</td>
<td>20</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>613</strong></td>
</tr>
</tbody>
</table>
Thank you
<table>
<thead>
<tr>
<th>INVESTIGATIONS for 2018</th>
<th>Year End Totals For 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawns</td>
<td>56</td>
</tr>
<tr>
<td>Sign Violations</td>
<td>112</td>
</tr>
<tr>
<td>Sidewalk Café Inspections</td>
<td>9</td>
</tr>
<tr>
<td>Brush/ Streets Dept.</td>
<td>89</td>
</tr>
<tr>
<td>Parking violations</td>
<td>59</td>
</tr>
<tr>
<td>Neighbor Disputes</td>
<td>38</td>
</tr>
<tr>
<td>Street Performer inspections/compl.</td>
<td>18</td>
</tr>
<tr>
<td>Animals</td>
<td>14</td>
</tr>
<tr>
<td>Trash/garbage/junk</td>
<td>56</td>
</tr>
<tr>
<td>Smoking Violation</td>
<td></td>
</tr>
<tr>
<td>Dilapidated Homes/buildings</td>
<td>8</td>
</tr>
<tr>
<td>Food Trucks/Vendors</td>
<td>14</td>
</tr>
<tr>
<td>Noise</td>
<td>16</td>
</tr>
<tr>
<td>Health/Safety</td>
<td>23</td>
</tr>
<tr>
<td>News Racks</td>
<td>8</td>
</tr>
<tr>
<td>ADU Violations</td>
<td>15</td>
</tr>
<tr>
<td>Miscellaneous Compl.</td>
<td>67</td>
</tr>
<tr>
<td><strong>Rental Housing Insp.</strong></td>
<td><strong>486</strong></td>
</tr>
<tr>
<td>Snow Complaints</td>
<td>20</td>
</tr>
<tr>
<td>Citations</td>
<td>10</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>(Investigations- 622)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>(Citations-10)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>(RHI-486)</strong></td>
</tr>
<tr>
<td>INVESTIGATIONS for 2018</td>
<td>OCTOBER</td>
</tr>
<tr>
<td>------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Lawns</td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td></td>
</tr>
<tr>
<td>Sidewalk Café</td>
<td></td>
</tr>
<tr>
<td>Streets Department</td>
<td>5</td>
</tr>
<tr>
<td>Parking</td>
<td>1</td>
</tr>
<tr>
<td>Neighbor Disputes</td>
<td>1</td>
</tr>
<tr>
<td>Street Performer</td>
<td></td>
</tr>
<tr>
<td>Animals</td>
<td>1</td>
</tr>
<tr>
<td>Trash/garbage/junk</td>
<td>2</td>
</tr>
<tr>
<td>Dilapidated Homes/buildings</td>
<td>1</td>
</tr>
<tr>
<td>Food Trucks/Vendors</td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td></td>
</tr>
<tr>
<td>Health/Safety</td>
<td>1</td>
</tr>
<tr>
<td>News Racks</td>
<td></td>
</tr>
<tr>
<td>ADU</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>4</td>
</tr>
<tr>
<td>Rental Housing Inspections</td>
<td>30</td>
</tr>
<tr>
<td>Snow</td>
<td></td>
</tr>
<tr>
<td>Citations</td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>84</td>
</tr>
</tbody>
</table>

The above chart shows the type and amount of each investigation that was handled. Approximately 90% of the above investigations were call generated, and 10% self initiated.