

**DOWNTOWN DEVELOPMENT AUTHORITY
LOWER BOARDMAN RIVER LEADERSHIP TEAM
ZONING SUBCOMMITTEE**

Wednesday, September 30, 2020
10:00 a.m.

The Lower Boardman River Leadership Team Zoning Subcommittee Meeting will not be held at the Governmental Center. The Lower Boardman River Leadership Team Zoning Subcommittee will be conducted remotely via Zoom Webinar.

The Lower Boardman River Leadership Team Zoning Subcommittee Meeting can be viewed at:

<https://us02web.zoom.us/j/88215661020>

Anyone wishing to listen and give public comment will need to call in and wait in a “virtual waiting room” where their microphones will be muted until they are called upon:

Dial: 312 626 6799

Meeting ID: 882 1566 1020

Participant ID: # (yes just #)

Posted and Published

The DDA recognizes the importance of not bringing people together unnecessarily in an effort to stop the spread of the coronavirus. The Governmental Center has been closed to walk-in traffic and will be closed for all DDA, Lower Boardman River Leadership Team and Lower Boardman River Leadership Team Subcommittee meetings for the foreseeable future. Members of the Lower Boardman River Leadership Team Zoning Subcommittee will not be present in the Governmental Center for official Lower Boardman River Leadership Team Zoning Subcommittee meetings.

This meeting is being conducted remotely to assist in stopping the spread of the coronavirus. Individuals with disabilities may participate in the meeting by calling-in to the number as though they were going to be giving public comment as outlined below or by calling the TDD#.

For members of the Lower Boardman River Leadership Team Zoning Subcommittee members and key DDA staff, their name will appear on screen when they are speaking. For individuals who may wish to give public comment, the method for providing public comment during these remote-participation meetings is to call the number outlined in the header as well as enter the Meeting ID and Participant ID as outlined in the header.

Callers wishing to give public comment may call in before the meeting starts and wait in a “virtual waiting room.” These instructions will be included in every official published agenda of the Lower Boardman River Leadership Team Zoning Subcommittee. Those calling in will be able to hear the audio of the Lower Boardman River Leadership Team Zoning Subcommittee meeting, yet their microphone will be muted.

When the Lower Boardman River Leadership Team Zoning Subcommittee accepts public comment, in the order calls were received, the meeting facilitator will identify the caller by the last four digits of their telephone number and ask them if they would like to make a comment.

While not required, but so we do not have to go through an unnecessarily long list of callers, we ask, if possible, that those who do not wish to give public comment refrain from calling in and instead listen to the meeting.

The DDA CEO has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the DDA office.

If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the DDA CEO

The DDA and Lower Boardman River Leadership Team is committed to a dialog that is constructive, respectful and civil. We ask that all individuals interacting verbally or in writing with the Lower Boardman River Leadership Team honor these values.

DDA:

c/o Jean Derenzy, CEO

(231) 922-2050

Email: jean@downtowntc.com

Web: www.downtowntc.com

303 East State Street, Suite C.

Traverse City, MI 49684

Lower Boardman Leadership Team Zoning Subcommittee Meeting Agenda

1. Opening Public Comment
2. Discussion of Zoning Recommendations
3. Next Steps and Reporting Out To The Full Leadership Team
4. Public Comment
5. Adjournment

Any interested person or group may address the Leadership Team Zoning Subcommittee on any agenda item when recognized by the presiding officer or upon request of any Leadership Team Subcommittee member. Also, any interested person or group may address the Leadership Team Zoning Subcommittee on any matter of concerning the Lower Boardman River not on the Agenda during the agenda item designated Public Comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Leadership Team Zoning Subcommittee .



Downtown Development Authority
303 E. State Street
Traverse City, MI 49684
harry@downtowntc.com
231-922-2050

MEMORANDUM

To: Lower Boardman Leadership Team, Zoning Subcommittee

From: Harry Burkholder, DDA COO

For Meeting Date: September 30, 2020

SUBJECT: Review and Status of the Zoning Recommendations

As you may recall, the purpose of the Zoning Subcommittee is to allow a smaller set of the Leadership Team to more closely review, discuss and formulate recommendations on important elements of the Unified Plan. More specifically, the goal of the Zoning Subcommittee is to develop and draft zoning language recommendations for the Unified Plan that are consistent with the overarching values and goals of the Unified Plan. Zoning language will likely include individual text amendments to several sections of the current zoning ordinance or may (or may not) include a complete zoning overlay district.

For this meeting, we will be reviewing in more detail the findings from the first subcommittee meeting (presented in power-point form in the packet). I have also included the most current working Riparian Buffer ordinance (and support materials) the city is working on. It is very important that you review the presentation and other materials ahead of the meeting to ensure that we have an insightful and productive discussion.

While the Zoning Subcommittee is made up of the members listed below, any Lower Boardman Leadership Team member is welcome to attend and provide input.

LBR Zoning Subcommittee Members

- Christine Crissman, Chair
- Michael Vickery
- Tim Werner
- Russ Soyering
- Sammie Dyal

LOWER BOARDMAN RIVER

LEADERSHIP TEAM MEETING

SEPTEMBER 16, 2020



SMITHGROUP

AGENDA

WHERE DID WE LEAVE OFF??

- Where did we leave off?
- Findings of the Zoning Overlay Committee
- Findings of the Unified Plan Committee
- Next Steps and Schedule

WHERE DID WE LEAVE OFF?

1. Establishment of Lower Boardman Values
2. Analysis of river corridor relative to access and use, river habitat conditions, history and culture, zoning and planning, etc.
3. Public On-line Survey, Community Workshop, and Focus Group Meetings
4. Development of Action Plan for the corridor in response to public input
5. Subcommittee Development of –
 - a) Zoning and Development Regulations (Zoning Overlay Committee), and
 - b) Framework Plan for Improvements (Unified Plan Committee)

ZONING AND DEVELOPMENT REGULATIONS

ZONING OVERLAY COMMITTEE

UNIFIED PLAN OUTLINE

A. ESTABLISHING A VISION

- 1. Statement of Purpose
- 2. Existing Plans for Improvement and Restoration
- 3. Current Regulatory and Policy Guidance
- 4. Public Engagement and Planning Process
- 5. Vision and Values

B. UNDERSTANDING THE LOWER BOARDMAN

- 1. Historic and Cultural Context
- 2. Current Users (Aquatic and Riparian Wildlife / Pedestrians and Non-Motorized Travelers / Water Based Recreators / Storm Water)
- 3. Existing Conditions by Reach (River Conditions and Habitat (Aquatic+Riparian) / Access, Open Space and Recreation / Land Use and Development Systems)

C. ACTION PLAN

- 1. River Conditions and Habitat
- 2. Access, Open Space and the Built Environment
- 3. History, Culture and Learning
- 4. Community and Development Policies
- 5. Implementation and Management

D. FRAMEWORK PLAN

- 1. Reach be Reach description of plans
- 2. Anticipated costs
- 3. Priorities and Phasing
- 4. Potential Funding Sources

CORE VALUES

COMMUNITY AND DEVELOPMENT POLICIES

The following Core Values, established at the outset of the planning efforts, most align with the management of private and public development along the river:

- *Help ensure that new or rehabilitated developments along the river are compatible with the City's renewable energy goals.*
- *Establish that development sites, destinations and structures must protect the health, aesthetics, accessibility and health of the relationship between the river and residents/visitors.*
- *Use the natural and cultural values of the river as a guide for decisions about the commercial, economic or utilitarian values to be leveraged for the public good.*
- *Prohibit further hardening of the shorelines that are inconsistent with the Unified Plan.*

ZONING ORDINANCES FOR DOWNTOWN DEVELOPMENT

BIG PICTURE

- Chapter 1346 - C-4 Regional Center Districts
- Chapter 1368 - Size and Area Requirements

WHERE and WHEN

- Chapter 1372 - Landscaping
- Chapter 1374 - Circulation and Parking
- Chapter 1375 - Outdoor Lighting
- Proposed Riparian Buffer Ordinance

APPROVALS

- Chapter 1366 - Site Plans and Site Development Standards
- Chapter 1364 - Special Land Use Regulations

RIPARIAN BUFFER ORDINANCE

CURRENT PROPOSAL

- **PURPOSE:** To preserve areas that intercept and filter surface water runoff and improve water quality while also providing community scenic and recreational values.
- The riparian buffer zone shall include all land located within twenty-five (25) feet of the ordinary high-water mark (subject to refinement based on slopes)

RIPARIAN BUFFER ORDINANCE

CURRENT PROPOSAL

STANDARDS:

1. No development, permanent structures (including fences) or parking area(s) shall be allowed within the riparian buffer zone.
2. Existing vegetation shall be preserved
3. If the natural vegetation, then that vegetation shall be replaced with similarly sized native or native cultivar trees and other woody vegetation.
4. A mowed lawn to the water's edge is prohibited.
5. Any tree listed on the State of Michigan Invasive Species list that has been identified may be removed.
6. No permanent structure, including fences, shall be allowed within the riparian buffer zone.
7. Allows but limits walkways, tree pruning
8. Fertilizers, manures, and chemicals shall not be used, stored, or located within the riparian buffer zone area.
Same with unsightly, offensive, or potentially polluting material
9. No breakwalls, seawalls, bulkheads, broken concrete, rubble, rock riprap, or other shoreline hardening materials
10. Provides for lot limitations and developability.

RIPARIAN BUFFER ORDINANCE

POTENTIAL CHANGES TO THE ORDINANCE

New STANDARDS:

1. The draft ordinance needs to address public access paths and service pavements that are parallel to the river, and patios/public gathering places along river. Add to section #3-

“Public access paths parallel to the river are allowed, provided they do not exceed 12 feet in width. Publicly accessible patios and gathering spaces are also allowed in the Riparian Buffer, provided they do not exceed 20% of the buffer area. Paved surfaces must be constructed of permeable paving.”

2. The draft ordinance prohibits parking in the Riparian Buffer, effectively establishing a 25-foot setback for parking. The Committee has considered a policy that restricts new public parking facilities to a 50-foot setback. This could be accomplished by adding to the Riparian Buffer Ordinance the following-

“For the purposes of parking motor vehicles on publicly owned property the riparian buffer zone shall include all land located within fifty (50) feet of the ordinary high-water mark.

PARKING

PRIORITY: HIGH

OBJECTIVES

- Create additional setback for parking from the OHW line

STRATEGY

- Adopt the Riparian Buffer Ordinance, which says “No development, permanent structures (including fences) or parking area(s) shall be allowed within the riparian buffer zone.”
- Amend ordinance 1374.03 *Motor Vehicle Parking*, subsection (c) *Location of parking areas*, as follows:
“(6.) Parking is not allowed within the Riparian Buffer, pursuant to the Riparian Buffer Ordinance.”
- Amend Ordinance 1346.04 *C-4 District*, subsection *Setbacks*, as follows: (g) Parking is not allowed within the Riparian Buffer, pursuant to the Riparian Buffer Ordinance.”

PARKING

PRIORITY: LOW (ASSUMING RIPARIAN BUFFER ORDINANCE IS ADOPTED)

OBJECTIVES

- Restrict the creation of public and private parking within the river corridor.

STRATEGY

- Parking is not required in C-4 Districts, which is most of downtown. Ordinance 1364 C04 Districts states “No parking is required in this district, however, if parking is provided, it must meet the standards contained in Chapter 1374, circulation and parking and restrictions of this chapter.”
- This ordinance is effective at discouraging and managing the design of private parking in downtown.
- For the regulation of public parking refer to earlier slide.

HARDENED SHORELINE

PRIORITY: HIGH

OBJECTIVES

- Establish policy in City development regulations that prohibit vertical wall construction as shoreline stabilization treatment, where feasible, and encourage habitat enriched walls where they are unavoidable.

RECOMMENDATIONS

- Refine and adopt the Riparian Buffer Ordinance to strengthen the ordinance. Existing text:

“No breakwalls, seawalls, bulkheads, broken concrete, rubble, rock riprap, or other shoreline hardening materials shall be located within the riparian buffer zone.” Then add:

“Existing vertical walls that require replacement during site re-development must be assessed to determine if alternative methods of slope stabilization may be employed. If limitations of space due to the preservation of historic resources lead to replacement of vertical walls, the new walls shall include fisheries habitat enhancements in accordance with the Unified Plan.

Rip Rap may be required to stabilize slopes in high current areas, or on steeply sloping banks. When required rip rap shall be natural stone and used in concert with landscaping and organic stabilization methods to increase natural habitat.”

STORM WATER

PRIORITY: HIGH

OBJECTIVES

- Restrict direct stormwater flow from lots into the river

STRATEGIES

- Adopt Downtown Stormwater Guidelines and Best Practices for all of downtown.
- Refine and adopt the Riparian Buffer Ordinance to strengthen the ordinance, adding-
 - “Paved surfaces, including service areas, parking, walks and patios, which are located on ALL property covered by this ordinance, shall not be allowed to drain directly into the river without pretreatment as outlined in the Downtown Stormwater Guidelines.”

LANDSCAPE

PRIORITY: HIGH

OBJECTIVES

- Encourage the use of native plants and the preservation of healthy existing native trees.

CURRENT REGULATIONS

- Chapter 1372 Landscaping requires preservation/ encourages use of native plants (list pending)

RECOMMENDATIONS

- Refine and Adopt Riparian Buffer Ordinance to be specific on riparian and aquatic plantings in the buffer. Add-

“Landscaping in the riparian buffer zone shall include only native or native cultivar trees, native woody shrubs and understory trees, and native grasses and flowers. Plantings shall be arranged and selected to retard water runoff, prevent erosion, and create wildlife food sources, nesting habitat, movement corridors, and protective cover.”

SETBACKS AND HEIGHTS

- Very high response from community to encourage greater setbacks and reduce scale of development along river
- Regulations may vary from reach to reach-all in one solution not sensible.

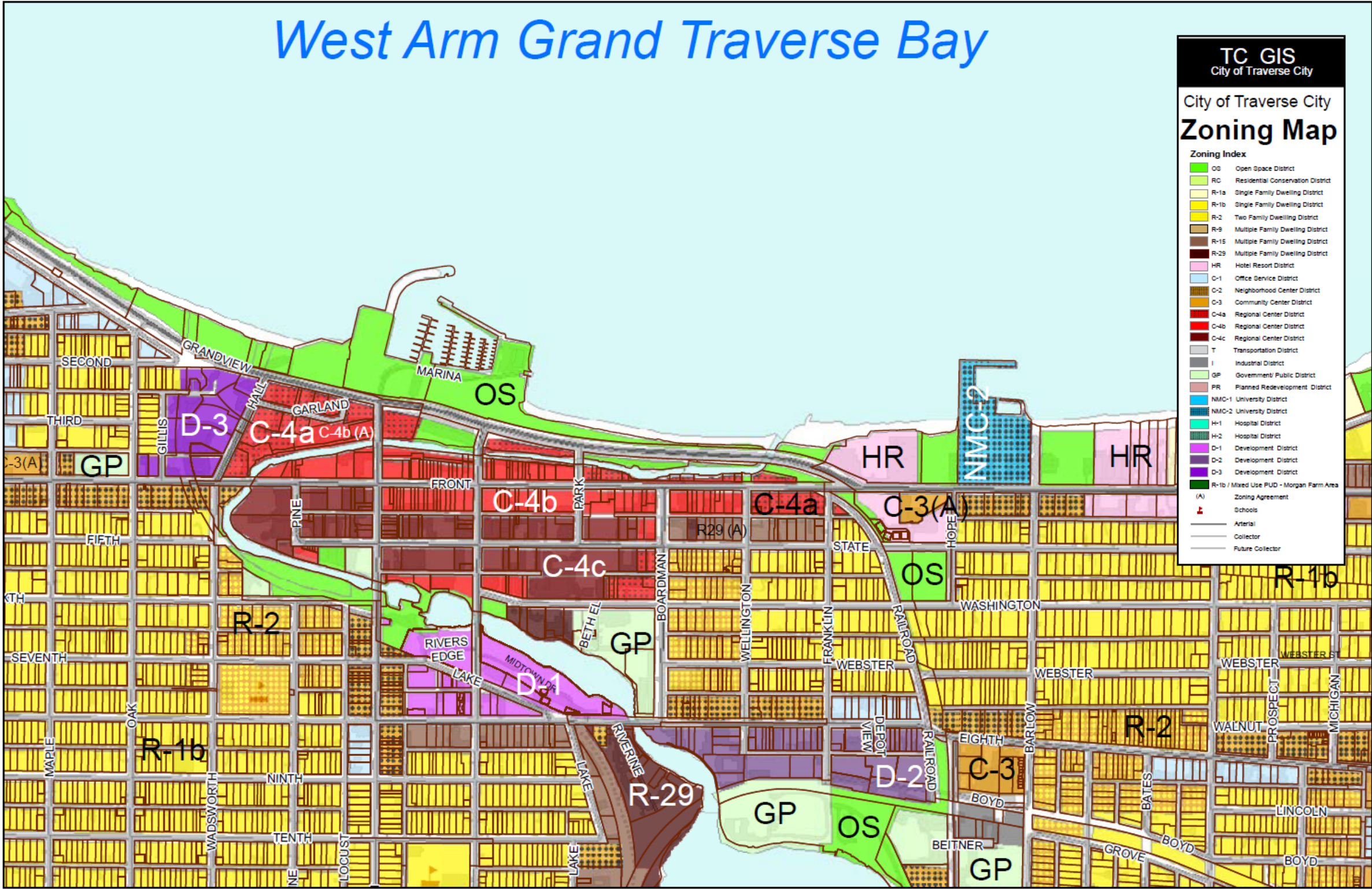
EXISTING SETBACK REQUIREMENTS

ZONING DISTRICT	MAX HEIGHT	DENSITY	MAX IMPERVIOUS SURFACE	WATER SETBACK
OS – Open Space	45 ft	N/A	20%	25 ft
R-29 – Multi-Family	40 ft	29 units/acre	50%	25 ft
C-3 – Community Center	45 ft	N/A	80%	25 ft
C-4a – Regional Center	45 ft	N/A	100%	10 ft
C-4b – Regional Center	68 ft*			
C-4c – Regional Center	100 ft*			
D-1 – Ironworks Development	45 ft, 60 ft	N/A	70%	25 ft
D-2 – Depot Development	45 ft, 60 ft	N/A	60%	25 ft
GP – Government/Public	25-90 ft	N/A	70%	25 ft

NOTE: Buildings over 60 ft will require Special Land Use Permit.

SETBACKS

CURRENT ZONING



SETBACKS AND HEIGHTS

PRIORITY: HIGH

OBJECTIVES

- Establish greater building setbacks for development along the river in response to public input.

STRATEGY

- Amend *Ordinance 1346.04 C-4 District, Setbacks, subsection (e) Water Setbacks*
 - C-4a: 10-foot setback from OHW per current ordinance
 - C-4b and C-4c: 25-foot setback from OHW
- Amend *Ordinance 1368.02 Size and Area Requirements, subsection (b) Setbacks Required* with same language
- Refine the Riparian Buffer Ordinance, adding-
 - “The Riparian Buffer Zone shall be ten (10) feet wide from the ordinary high-water mark for sites zoned C-4a.”

GREEN BUILDING INCENTIVES (STILL REQUIRES RECOMMENDATION)

PRIORITY: LONG TERM

OBJECTIVE

- Adopt incentives to encourage the use of sustainable building materials, energy efficiency and production, habitat creation, bird safe windows, creation of public access, and reuse of building water.

STRATEGY

- Increasing building height and development density is often used as an incentive to induce developers to create public benefits such as green building techniques. Based on current laws, development over 60 feet is discouraged due to a public vote; therefore, allowing increased height is not a viable option.
 - Other incentives that could be considered include allowing administrative review of site plans, and/or
 - Adopting a broader green building requirement for downtown construction.

PRIVATE USE OF PUBLIC SPACE

PRIORITY: LOW, COULD BE IMPLEMENTED IF REQUIRED

OBJECTIVE

- Consider establishing outdoor eating guidelines and potential permit requirements **for private use of public space**, similar to those used by many communities for managing sidewalk cafes.

STRATEGY

- Currently Traverse City regulates on-street dining with Ordinance 1020.07 - Sidewalk Cafe Permits, and regulates events and use of parks through Park and Public Land Use Permits.
- The ordinance and permit processes could be amended to include the use of riverfront public land, or private land with access easements.

LIGHTING

PRIORITY: NO ACTION REQUIRED

OBJECTIVE

- Integrate lighting guidelines into the appropriate sections of the city zoning and regulatory ordinances

STRATEGY

- No immediate Action required, as Chapter 1375 Outdoor Lighting ordinance has clear guidelines to encourage dark sky compliance
- **New public projects should conform to ordinance**

ENCOURAGING FRONTAGE ON RIVER

PRIORITY: HIGH

OBJECTIVE

- Encourage businesses that have both a street frontage and a river frontage to activate the waterfront side of their business

STRATEGY

Chapter 1346, R-4 Districts includes “Buildings along Boardman River should be designed to integrate with both the sidewalk and riverwalk systems.”

- Amend subsection 1346.09 - Special requirements to strengthen this language with actual requirements, such as
 - (1) The predominant building wall and entryway shall face the public or private street. **Where adjacent to the Boardman River, or to public land that is adjacent to the river, the building shall have a public entrance and architectural features denoting a public entrance facing the river.**

SUMMARY

Issues addressed in Riparian Buffer Ordinance

- Encourage the use of native plants and the preservation of healthy existing native trees.
- Prohibit hardened shoreline construction
- Restrict the creation of public and private parking within the river corridor

Issues which could be addressed with Ordinance Amendments

- Restrict the creation of public and private parking within the river corridor
- Establish greater building setbacks
- Adopt incentives for sustainable building
- Encourage businesses that to activate the waterfront

FRAMEWORK PLAN FOR IMPROVEMENTS

UNIFIED PLAN COMMITTEE

UNIFIED PLAN OUTLINE

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CORE VALUES

The following Core Values, established at the outset of the planning process, most align with the **preservation and restoration of the environmental assets** of the river:

- *Be consistent with best riparian and aquatic science, best water and land management practices and must be harmonious with the river.*
- *Be explicit to the commitment to improve, restore and protect the health and integrity of the riparian ecosystem of the lower river.*
- *Manage invasive vegetation and protect and retain existing native vegetation and add native vegetation where possible.*
- *Ensure that the natural flow of the river is enhanced and not curtailed or impeded by any element of the plan.*

RIVER CONDITIONS AND HABITAT

RECOMMENDATIONS

- *Improve degraded and hardened riverbanks on public property with green solutions and enhanced riparian habitat.*
- *Where public land exists along the river corridor, create more green space with enhanced habitat and sustainable landscapes.*
- *Coordinate habitat enhancements with the FishPass (assuming implementation).*
- *Create fisheries habitat to encourage targeted (native) species*
- *Encourage private development to also protect and create habitat, as outline in Section IV. Community and Development Policies in this report.*

CORE VALUES

The following Core Values, established at the outset of the planning efforts, most align with providing **public access and open space** along the river:

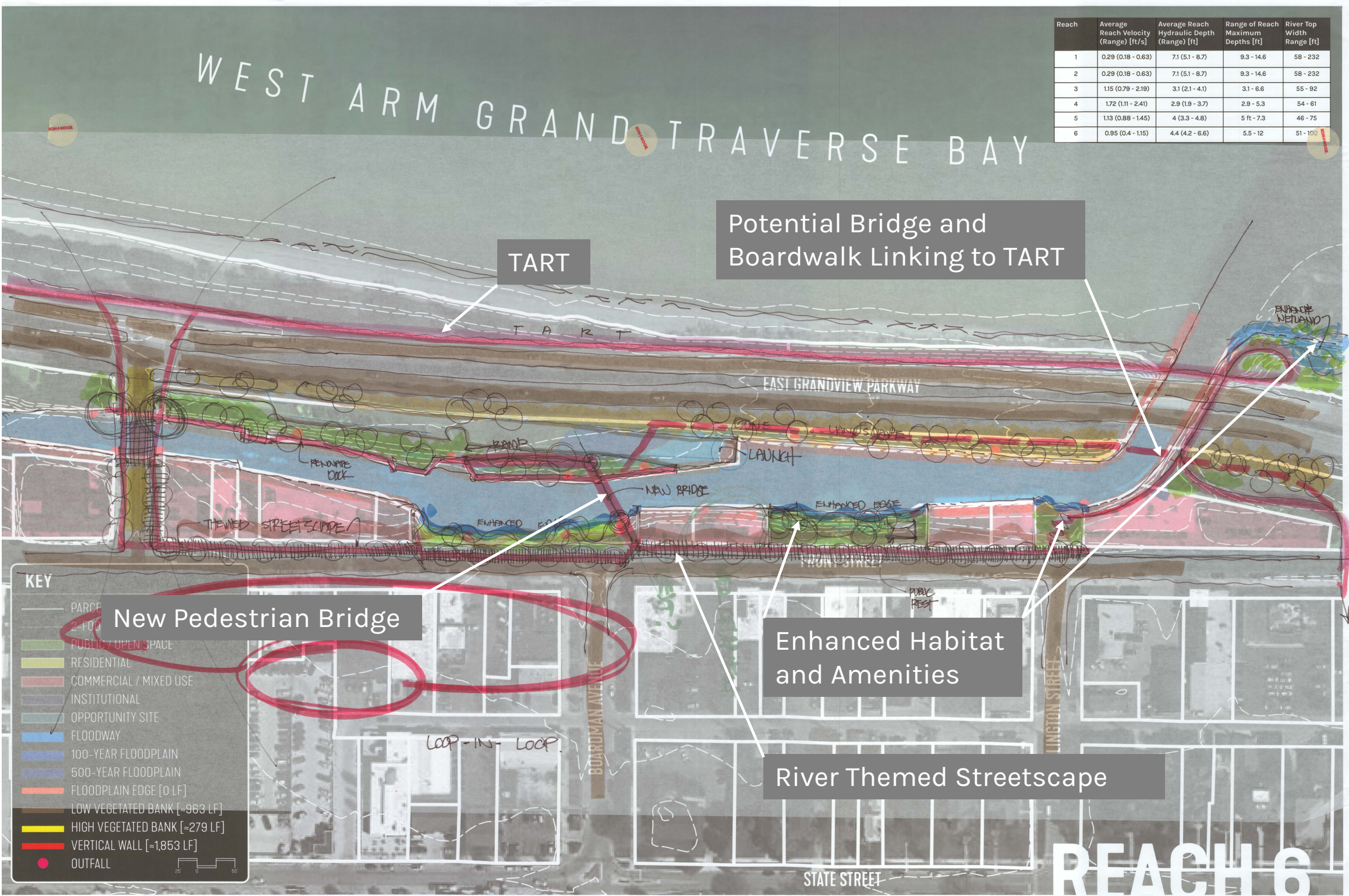
- *Identify/prioritize opportunities for multi-modal access to the river.*
- *Integrate existing river walks and pathways with new connections between sites and destinations that link the river to the City in ways that are physical, visual, aesthetic and psychological.*
- *Enhance ecological and aesthetic river conditions, take advantage of and integrate iconic structures, and identify new sites and structures that serve as destination or centers of programming to attract year-round access.*
- *Make nature-based stormwater best management practices (BMP's) a priority.*

ACCESS, OPEN SPACE AND THE BUILT ENVIRONMENT

RECOMMENDATIONS

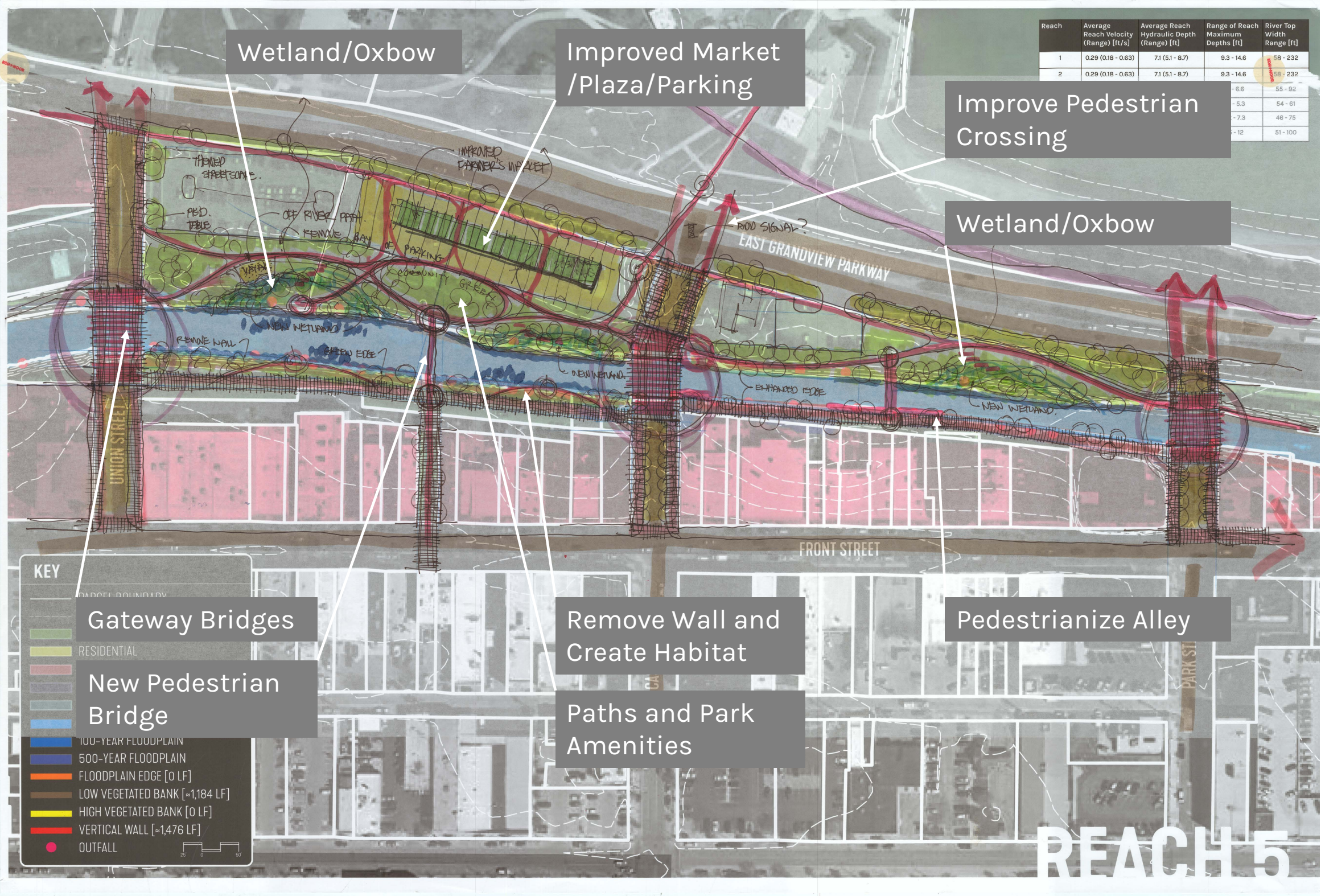
- *Provide a clear, legible connected path system that allows users to find their way along the corridor, while providing for moments of discovery that feel unique.*
- *Connect the river path system to adjacent neighborhoods, downtown, bayfront, TART, and BATA stops.*
- *Consider a range of open space nodes and amenities along the river corridors of varying sizes, purposes, and characters*
- *Improve streets and bridges to create a more pedestrian friendly downtown and improve access to the river.*
- *Ensure universal access and consciously designed experiences for a range of abilities and aptitudes.*

REACH 6

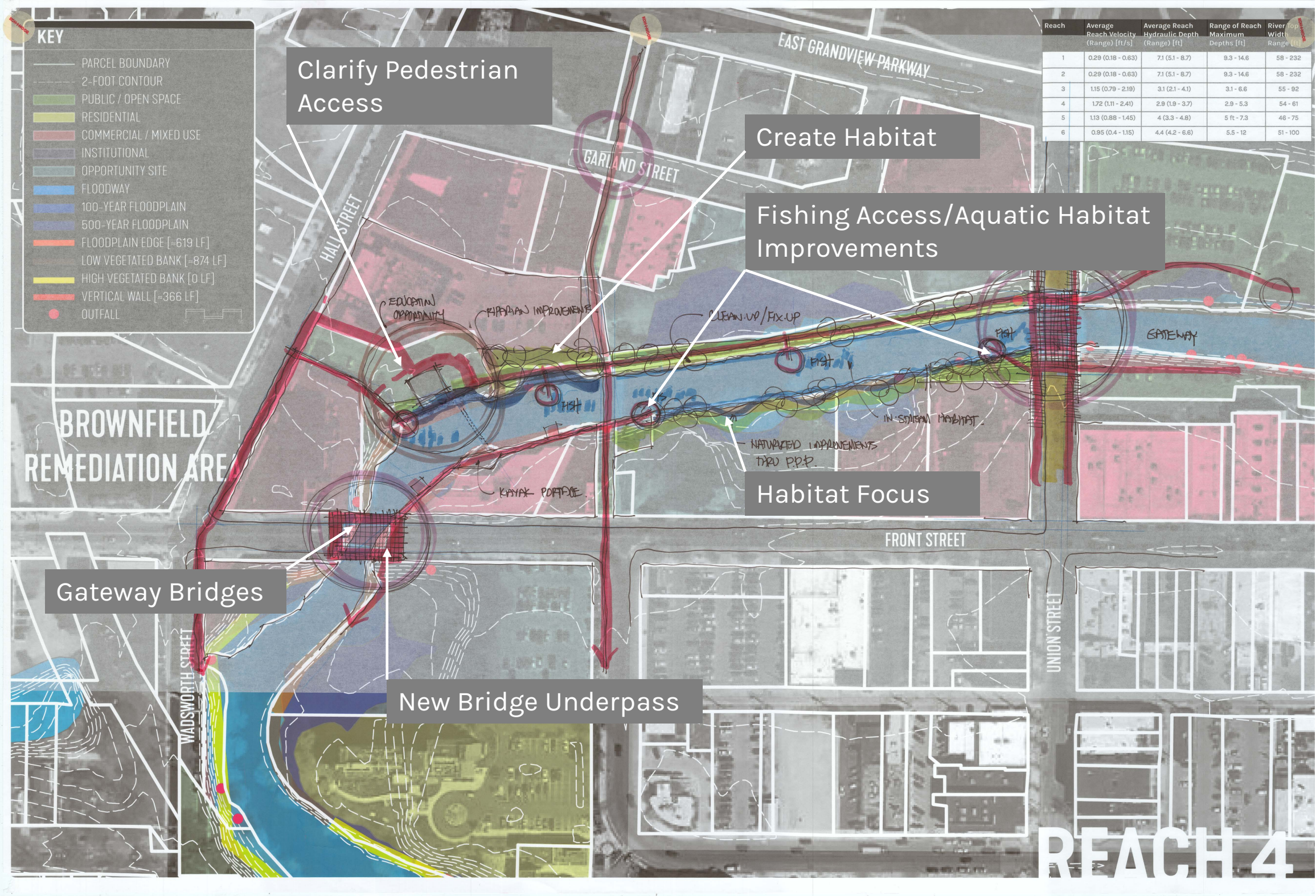


REACH 5

The condition of the wall, soils, river flow characteristics, sanitary sewer (and other utilities), topography, and property ownership and easements need to be more fully understood to test feasibility of the concept for the 100 block.



REACH 4



REACH 3

Habitat Improvements
/Fishing Access

Aquatic Habitat
Improvements

Improve Trail

Tree Top Path/River
Crossing

Connecting
Path/Boardwalk

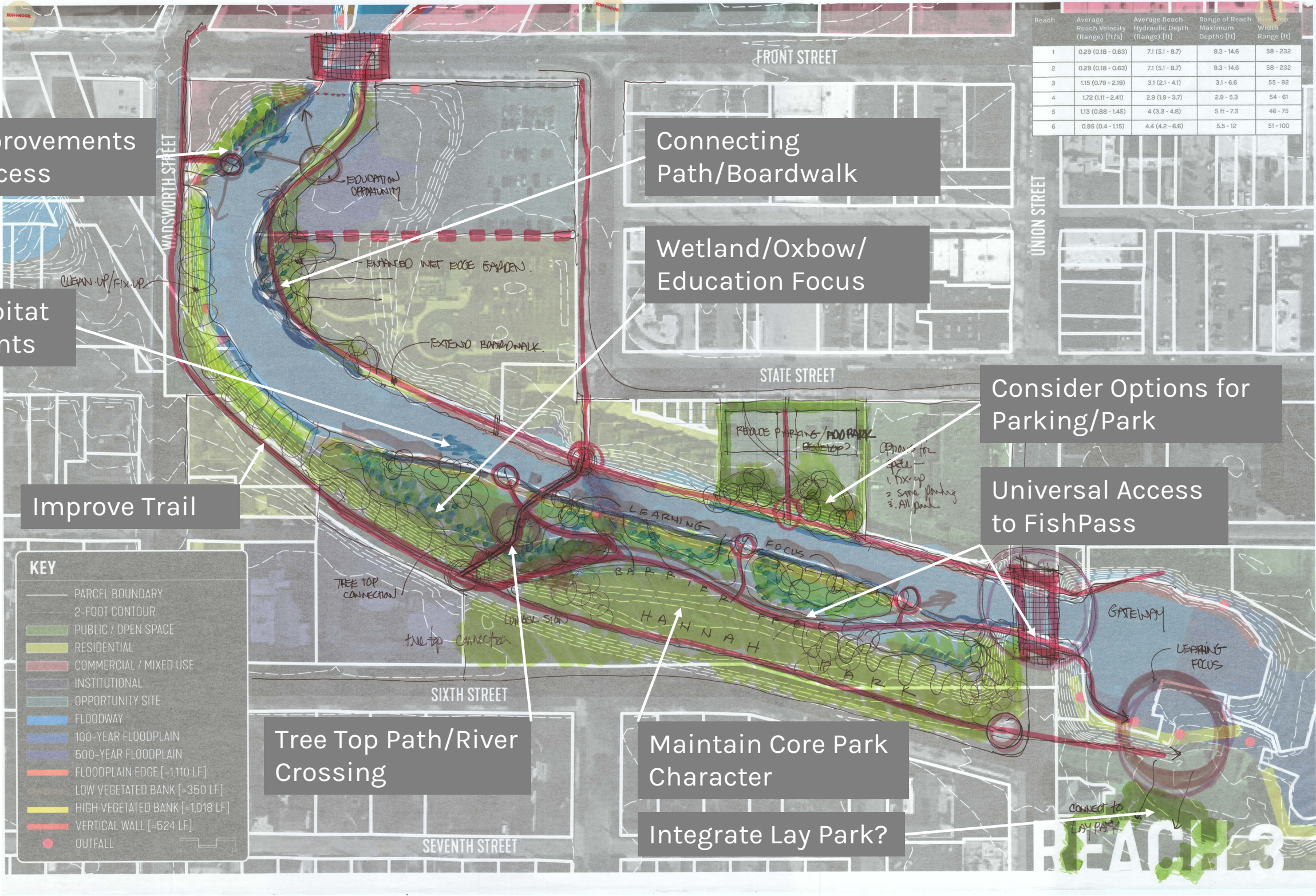
Wetland/Oxbow/
Education Focus

Consider Options for
Parking/Park

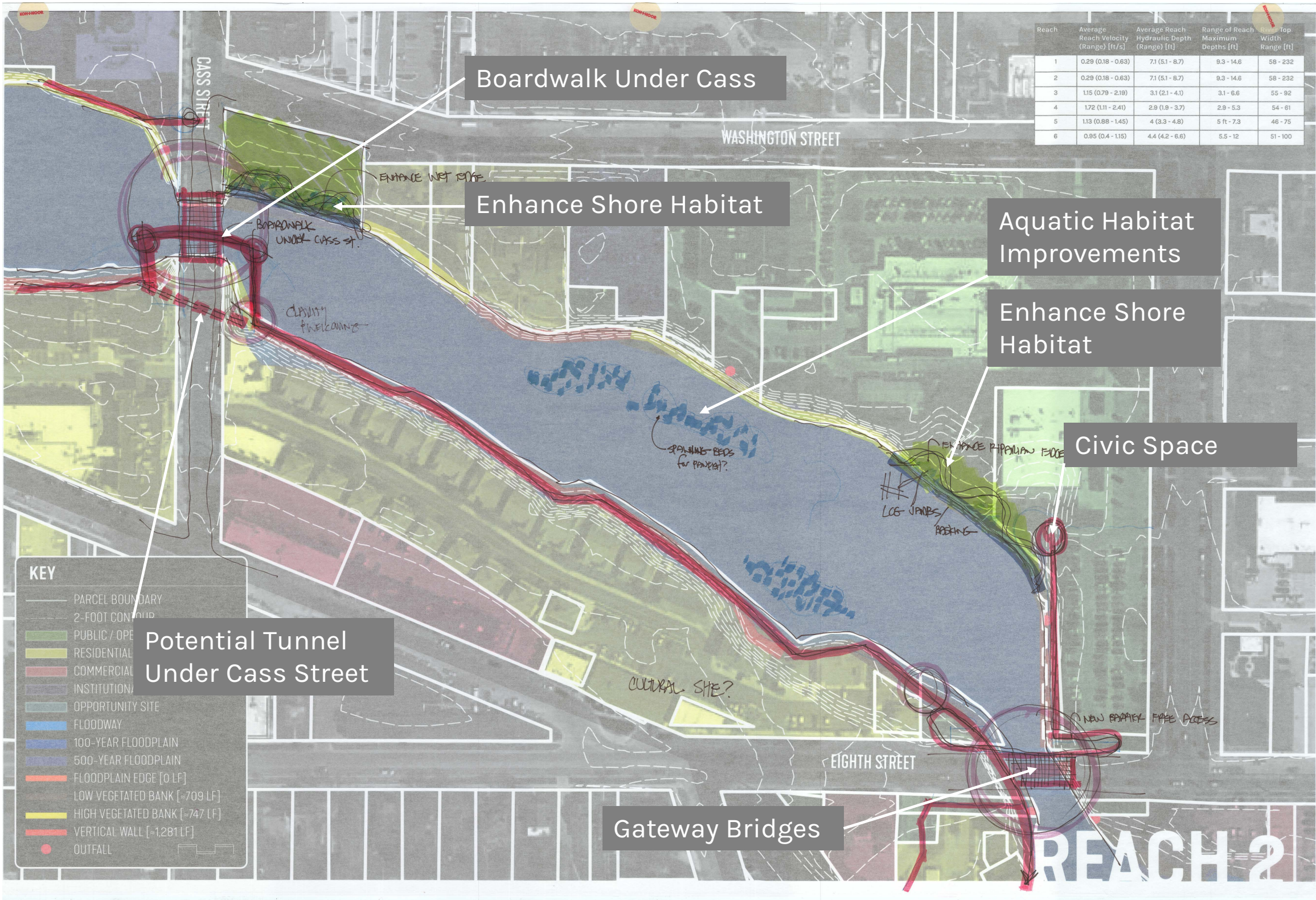
Universal Access
to FishPass

Maintain Core Park
Character

Integrate Lay Park?



REACH 2



REACH 1



NEXT STEPS

UNIFIED PLAN OUTLINE

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PUBLIC ENGAGEMENT

WHO?

Key Stakeholders

- 1. Planning Commission
- 2. City Engineering and Streets staff
- 3. Recreation vendors and organizations
- 4. FishPass team
- 5. Environmental focused non-profits
- 6. Merchants and landowners
- 7. Downtown residents
- 8. City Commission

General Public

WHAT?

- Process to-date and anticipated results
- Vision and Values
- Community and Development Policies
- Unified Plan Framework for Improvements
- Priorities and Phasing
- Next Steps





HOW?

Web Site Posting and Feedback

Individual Stakeholder Meetings/ Discussions

ON-LINE ENGAGEMENT

Traverse City Lower Boardman River

A Story Map    

1

Welcome!

Welcome to the conversation!

The Lower Boardman is a 1.6-mile section of the Boardman River. It encompasses rich history and tradition, aquatic life, bridges, streets, boardwalks, paths, parks, businesses and buildings, boats, canoes, kayaks, a robust fishery, anglers, a fish ladder, a major tributary, from the mouth of the Boardman Lake to the mouth of the River that empties into the West Grand Traverse Bay.

The Traverse City DDA is undertaking the development of a Unified Plan for the Lower Boardman River that will serve as a guide for policy recommendations and development, as well as identify recreational and river access opportunities and establish priorities for stormwater management and habitat restoration.

Discover something new about the Lower Boardman River...

- History and Culture
- Access and Open Space
- River Conditions and Habitat
- Land Use and Development

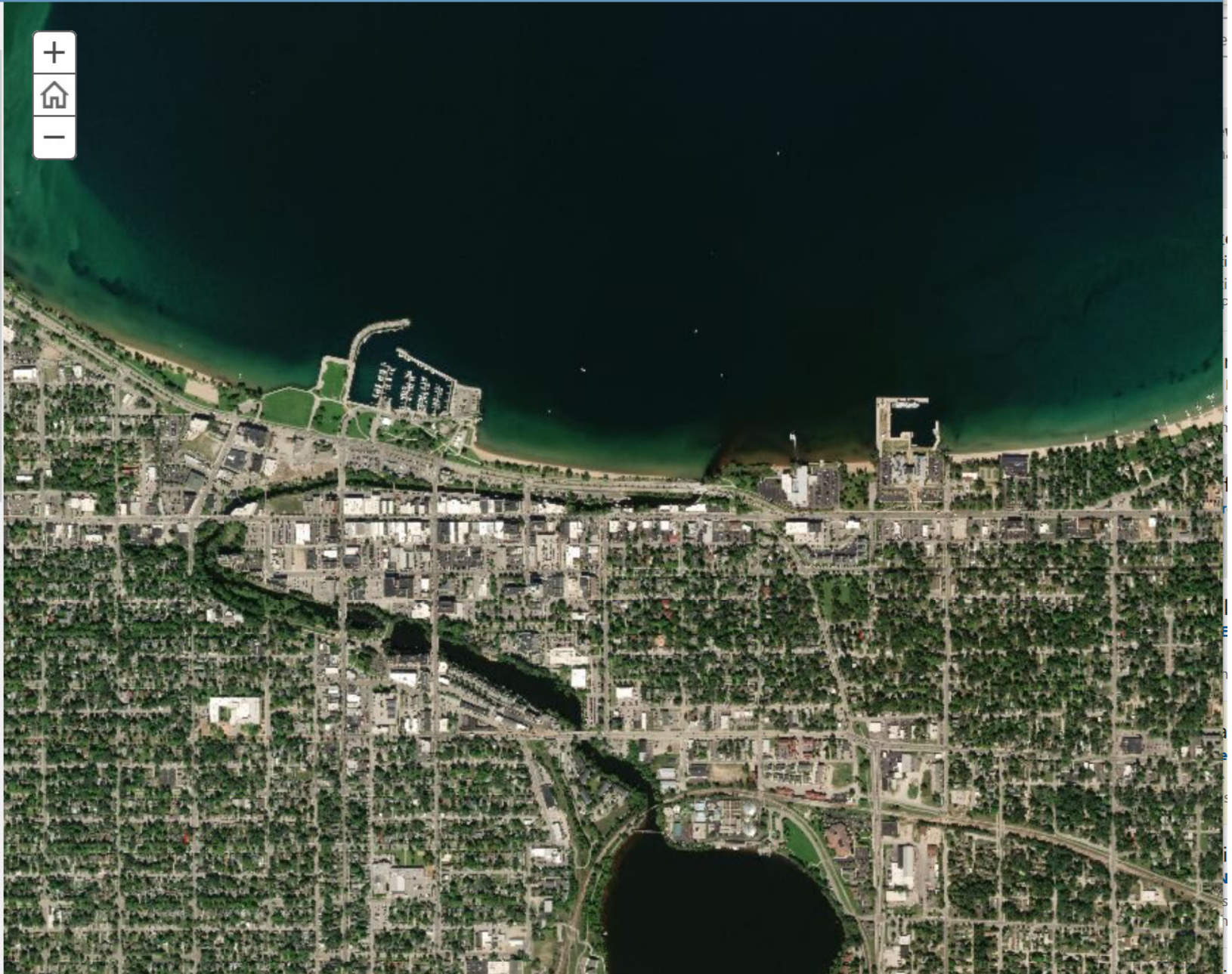
Tell us what you think... Your involvement is our top priority!

Take our [online survey](#) and visit our project page for public engagement updates.

Check out our map questions that ask you to place dots on the map.

2

History and Culture



39 smithgroup.com Lower Boardman River Leadership Team 12/18/2019

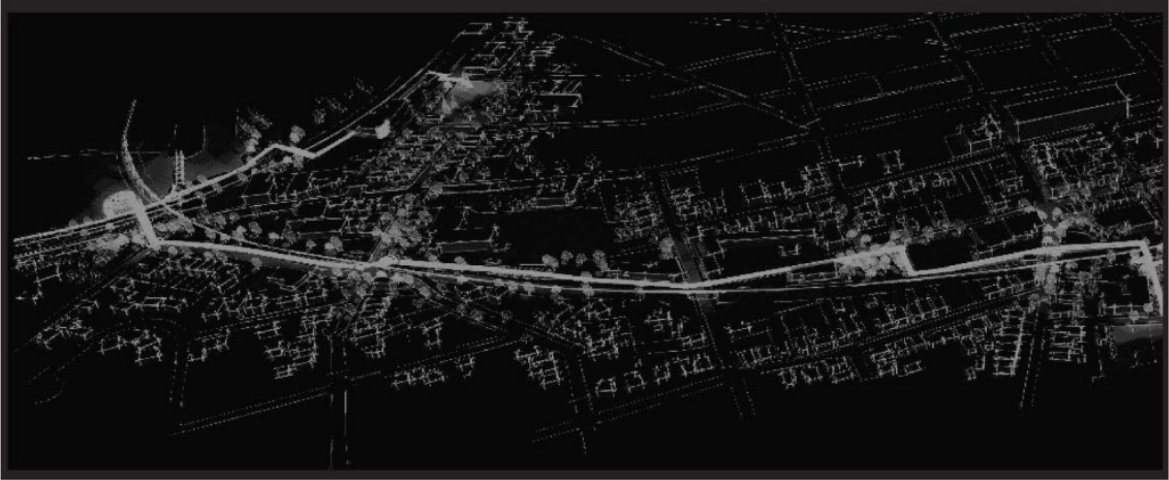
SMITHGROUP


City of Ann Arbor: Treeline Project Page

The Treeline

Allen Creek Urban Trail


The Treeline: Allen Creek Urban Trail





The Treeline

Allen Creek Urban Trail



MASTER PLAN

12.18.2017

40

smithgroup.com

Lower Boardman River Leadership Team

12/18/2019

SMITHGROUP

ON-LINE ENGAGEMENT

City of Ann Arbor: Treeline Project Page

The Treeline: Allen Creek Urban Trail

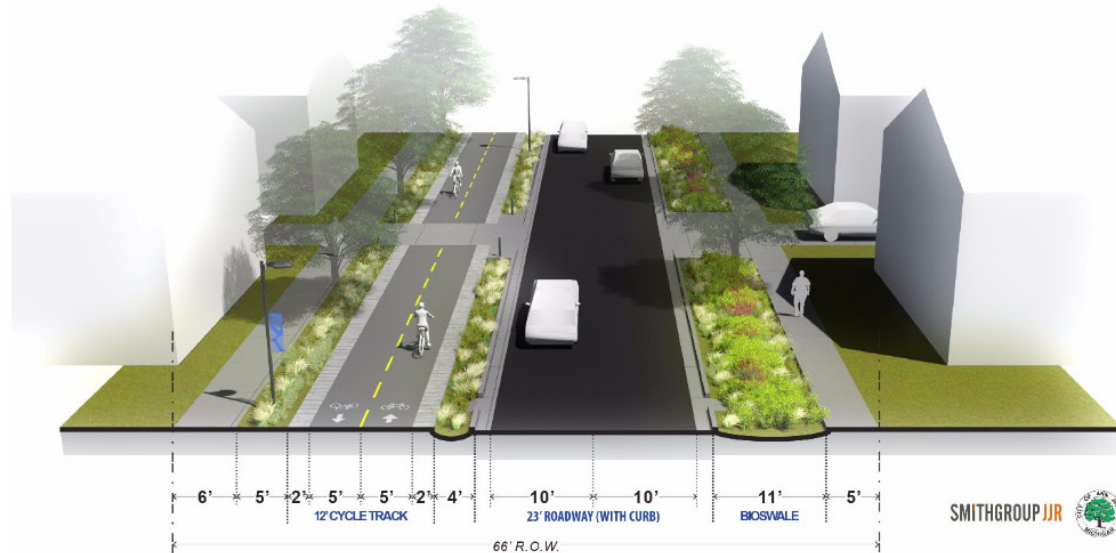


SMITHGROUP JJR



Trail within Public Street Rights-of-Way (below)

- Street rights-of-way are typically 66-feet wide within the project area.
- Expand sidewalk width to a 6-foot minimum.
- Construct a separated bicycle facility (e.g., cycle track) on one side of the street with removal of parking lane. Street reconstruction may be necessary to accommodate the cycle track.
- Incorporate landscaping enhancement on both sides of the street.
- Follow the City's Green Streets Policy as required to manage stormwater.
- On-grade street crossings, at intersections and midblock, should prioritize pedestrian and bicycle safety using best practices and appropriate design guidelines.



SMITHGROUP JJR



TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: RIPARIAN BUFFER ZONE ORDINANCE

THE CITY OF TRAVERSE CITY ORDAINS:

That Section _____, _____, of the Zoning Code of the Traverse City Code of Ordinances, be added to read in its entirety as follows:

Chapter 1373 - RIPARIAN BUFFER ZONE

The intent of this chapter is to:

1. Conserve, protect, and restore natural riparian resources through scientifically supported processes.
2. Preserve areas that intercept and filter surface water runoff and improve water quality.
3. Protect shoreline and floodplain areas critical for flood attenuation and soil loss.
4. Conserve near-shore aquatic habitat for fish and invertebrates and shoreline and streambank habitat crucial for birds, insects and mammals.
5. Provide community scenic values and recreational values of watercourses and waterbodies.
6. Preserve natural deep-rooted vegetation critical for stable shorelines and streambanks.
7. Provide for the establishment of natural vegetation buffers on all sites adjacent to water bodies to promote public health and safety and protect land values.

1373.01 – Compliance Required.

- (a) For all parcels within the Riparian buffer zone (see Section 1320.07 *General Provisions and Definitions*) for Grand Traverse Bay, Kids Creek, Boardman River and Boardman Lake the following compliance is required:

(1) No development, permanent structures, fences, impervious surfaces or parking areas shall be allowed in the Riparian buffer zone, except for the following:

- (i) Private Pathways meeting the following conditions:

(a) The pathway(s) shall be perpendicular to the waterfront.

(b) The pathway(s) shall be constructed of permeable material that does not allow surface water to drain directly into Boardman Lake, Boardman River, Kids Creek or Grand Traverse Bay.

(c) No more than two pathways, not to exceed a combined width of the greater of 10 feet or 20% of the total lot width, shall be constructed.

(d) Healthy trees over 6" in Diameter at Breast Height, in the Riparian buffer zone may not be removed for pathway construction without the Planning Director's, or his or her designee's approval.

(ii) Permeable surface paths; fire pits; decks and dock landings; boat launches; boathouses allowed by this zoning code; temporary storage of seasonal boats, rafts and docks; temporary structures under 200 sq. ft. that shall be removed during the winter are allowed in the Riparian buffer zone. (**Staff input requested for this section during discussion**)

(iii) Installation, maintenance or otherwise deemed necessary essential public utility services, maintaining minimal impact to the Riparian buffer zone.

(2) Existing vegetation and healthy trees shall be preserved in the Riparian buffer zone except as follows:

(i) Manicured lawns may be mown up to a distance of six (6) feet from the water's edge. (A six (6) foot unmown buffer must remain from the water's edge.)

(ii) Dead and/or diseased woody vegetation, unsafe or fallen trees, noxious plants including poison ivy, poison sumac, poison oak and other plants regarded as a common nuisance in Section 2, Public Act of 359 of 1941, as amended, being MCL 247.62, may be removed from the Riparian buffer zone.

a. If more than 25 square feet of living vegetation is removed within the Riparian buffer zone in violation of this section, or due to disease or other factors, then the removed vegetation shall be replaced with native woody vegetation that is effective in retarding water runoff, preventing erosion, and preserving the natural beauty of the area within one (1) year of removal.

(iii) Any tree listed on the State of Michigan Invasive Species list that has been identified by a Certified Arborist may be removed, provided:

a. The stump and roots are treated and left in place.

b. For each tree removed, a replacement native or native cultivar tree of similar size at maturity shall be planted in the Riparian buffer zone within one (1) year of removal.

- c. The removal of one or more trees as identified on the State of Michigan Invasive Species list with a 6" diameter at breast height requires a consultation with a Certified Arborist.

(3) If a dwelling is sited on a waterfront lot, selective pruning (see Section 1320.07 *General Provisions and Definitions*) within the Riparian buffer zone is allowed as follows:

- (i) No more than an area equal to one and one-half (1 ½) times the principal structure width that faces the waterfront may be selectively pruned.
- (ii) Prior to any tree pruning the property owner shall consult with the Planning Director, or his or her's designee to establish the acceptable amount of pruning.
- (iii) No clear cutting is permitted within the Riparian buffer zone.

(4) Soil and erosion measures and procedures will be employed in accordance with Michigan regulation standards and the City of Traverse City Ground-Water Protection and Storm-Water Runoff Control Chapter 1068 of the City of Traverse City Codified Ordinances. Removal or disturbance of vegetation in a manner that is inconsistent with erosion and sedimentation control and riparian buffer protection shall be prohibited in the Riparian buffer zone.

(5) The following may not be used or stored in the Riparian buffer zone:

- (i) Fertilizers, manures or chemicals.
- (ii) No unsightly, offensive or potentially polluting material, including but not limited to:
 - a. Compost piles, lawn clippings, leaves, garbage, trash, refuse and animal pens.

(6) No new private break walls, seawalls, bulkheads, broken concrete, rubble, rock riprap, or other shoreline hardening materials along Boardman Lake, Boardman River or Kids Creek shall be located within the Riparian buffer zone. Private Property owners must seek guidance for appropriate permits from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the Army Corps of Engineers for the area located beyond the Riparian buffer zone and into the water's edge.

(7) Motor or wheeled vehicle traffic shall be prohibited in any area of the Riparian buffer zone with the exception of pathways or boat launches adequately designed to accommodate the type and volume of vehicular movement, this includes public launches and parking areas.

(8) Reduction. In the event that the application of the Riparian buffer zone standards of this Section, together with any other dimensional restrictions applicable under this Ordinance, results in a legal parcel that cannot be reasonably developed for permitted land uses in the district within which the property is located, a waiver, variance, modification, exception or similar provision shall be determined by the Board of Zoning appeals.

The effective date of this Ordinance is the _____ day of _____, 2020.

I hereby certify the above ordinance amendment was introduced on _____, 2020, at a regular meeting of the City Commission and was enacted on _____, 2020, 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

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on _____.

Benjamin C. Marentette, City Clerk

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. _____

Effective date: _____

TITLE: ORDINANCE

THE CITY OF TRAVERSE CITY ORDAINS:

That Section _____, _____, 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. More than one principal building is allowed on a lot.

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.

Guest night means an adult who occupies a room in a tourist home overnight. (i.e. An adult guest occupying a room in a tourist home for 4 nights has stayed for 4 guest nights.)

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.

Hospitality house means a facility that provides lodging to patients, family members or caretakers and medical workers while away from their home communities. The facility will typically have shared kitchens, common living areas and private bedrooms.

Host, tourist home, means the owner resides in the tourist home overnight.

Invasive Species means:

- (1) Non-native (or alien) to the ecosystem under consideration; and,
- (2) Whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

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 removal of over 4,000 square feet of woody vegetation from any site, or
- (2) The removal of more than 10 trees more than 6 inches in diameter at breast height or 2 trees more than 24 inches in diameter at breast height from any parcel.

Mowing, trimming or pruning of vegetation to maintain it in a healthy, viable condition is not considered land clearing, nor is the removal of woody plants in connection with the installation or maintenance of any essential service not including an essential service building.

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 a 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 facility means a location at which a person is licensed to operate under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and a marihuana facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City and operates as a medical marihuana grower, medical marihuana processor, medical marihuana secure transporter, medical marihuana provisioning center, or a medical marihuana safety compliance facility.

Medical marihuana grower means a use where a person holding a state operating license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and a marihuana facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City cultivates, dries, trims, or cures and packages medical marihuana for sale to a processor or provisioning center.

Medical marihuana provisioning center means a use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and a marihuana facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City purchases medical marihuana from a medical marihuana grower or medical marihuana processor and commercially sells, supplies, or provides medical marihuana to registered qualifying patients as defined in the Michigan Medical Marihuana Act, MCL 333.26241 et seq., directly or through the registered qualifying patients' registered primary caregiver. Medical marihuana provisioning center includes any property where medical marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A residential location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Michigan Medical Marihuana Act, MCL 333.26241 et seq., is not a medical marihuana provisioning center.

Medical marihuana processor means a use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and a marihuana facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City purchases medical marihuana from a medical marihuana grower and extracts resin from the marihuana or creates a

marihuana-infused product for sale and transfer in packaged form to a medical marihuana provisioning center.

Medical marihuana safety compliance facility means a use where a person holding a state operating license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and a marihuana facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City takes medical marihuana from a marihuana facility or receives medical marihuana from a registered primary caregiver, tests the medical marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the medical marihuana to the marihuana facility.

Medical marihuana secure transporter means a use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and a marihuana facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City stores medical marihuana and transports medical marihuana between medical marihuana facilities for a fee.

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.

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 residence means a housing unit in which an owner or lessee resides for the majority of the year and provides proof of primary residence evidence acceptable to the City Clerk.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Pruning means the targeted removal of diseased, damaged, dead or overgrown branches or stems to increase fruitfulness and growth. Pruning does not mean the complete removal or damaging of a tree to intentionally prevent growth.

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.

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.

Riparian buffer zone means all land located within twenty-five (25) feet of the ordinary high water mark of Grand Traverse Bay and Boardman Lake, and ten (10) feet of the ordinary high water mark of Kids Creek and Boardman River.

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. If there is more than one principal building on a lot, at least one of the principal buildings must meet the front setback.

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.

Tree Canopy Cover means:

- (1) The cover provided by tree crowns over the ground surface, either individually or as a group; also, a measure of the percent of a lot covered by all tree canopy, calculated by dividing the total area of tree canopy cover by the total area of the lot, and multiplying by 100.

Tourist home, high intensity means a single-family dwelling that is a primary residence which is owned and hosted in residence by the owner renting out not more than 3 rooms for compensation, limited to not more than 2 adults per room, to persons who do not stay for more than 14 consecutive days for 85 or greater guest nights per year.

Tourist home, low intensity means a single-family dwelling that is a primary residence which is owned and hosted in residence by the owner renting out not more than 2 rooms for compensation, limited to not more than 2 adults per room, to persons who do not stay for more than 14 consecutive days for no greater than 84 guest nights per year.

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.

Tree protection area means: the soil around and under a tree. The radius of the tree protection area measures 1 foot per 1 inch of diameter at breast (DBH) from the trunk outwards and 24 inches in depth.

For example, for a 10 inch DBH tree, the Tree Protection area is located at least 10 feet out from the trunk and 24 inches deep.

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.

Woody plant means:

- (1) Vegetation that produces wood as its structural tissue. Woody plants include trees, bushes, shrubs, vines and woody perennial flowering plants.

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

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

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

Yard, side. "Side yard" means all land lying between a principal building and the side lot lines and extending from the front to the rear of the principal building.

Zoning Code means Part 13, Title One of the Code of Ordinances of the City of Traverse City and includes the text of this Zoning Code as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

The effective date of this Ordinance is the _____ day of _____, 2020.

I hereby certify the above ordinance amendment was introduced on _____, 2020, at a regular meeting of the City Commission and was enacted on _____, 2020, 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

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on _____.

Benjamin C. Marentette, City Clerk



Riparian Buffer Zone Ordinance

DRAFT ORDINANCE REVIEW -9/15/20

Review and construct ordinance to preserve and sustain healthy, natural, riparian buffer zones
Educate and implement to staff and community

GOALS AND OBJECTIVES

Research

MODEL
ORDINANCES AND
DISCUSSIONS WITH
OTHER
MUNICIPALITIES

USDA – NATURAL
RESOURCE
CONSERVATION
SERVICES

GRAND TRAVERSE
BAY WATERSHED
CENTER

GRAND TRAVERSE
CONSERVATION
DISTRICT

RIPARIAN BUFFER ZONE COMMITTEE:

Anna Dituri – Chairperson

Janet Fleshman

Heather Shaw

Formed in October, 2019

DEFINITIONS (Section 1320.07)

RIPARIAN BUFFER ZONE

Boardman Lake: 25 Feet

Grand Traverse Bay: 25 feet

Boardman River: 10 feet

- Lower Boardman River Unified Plan Committee

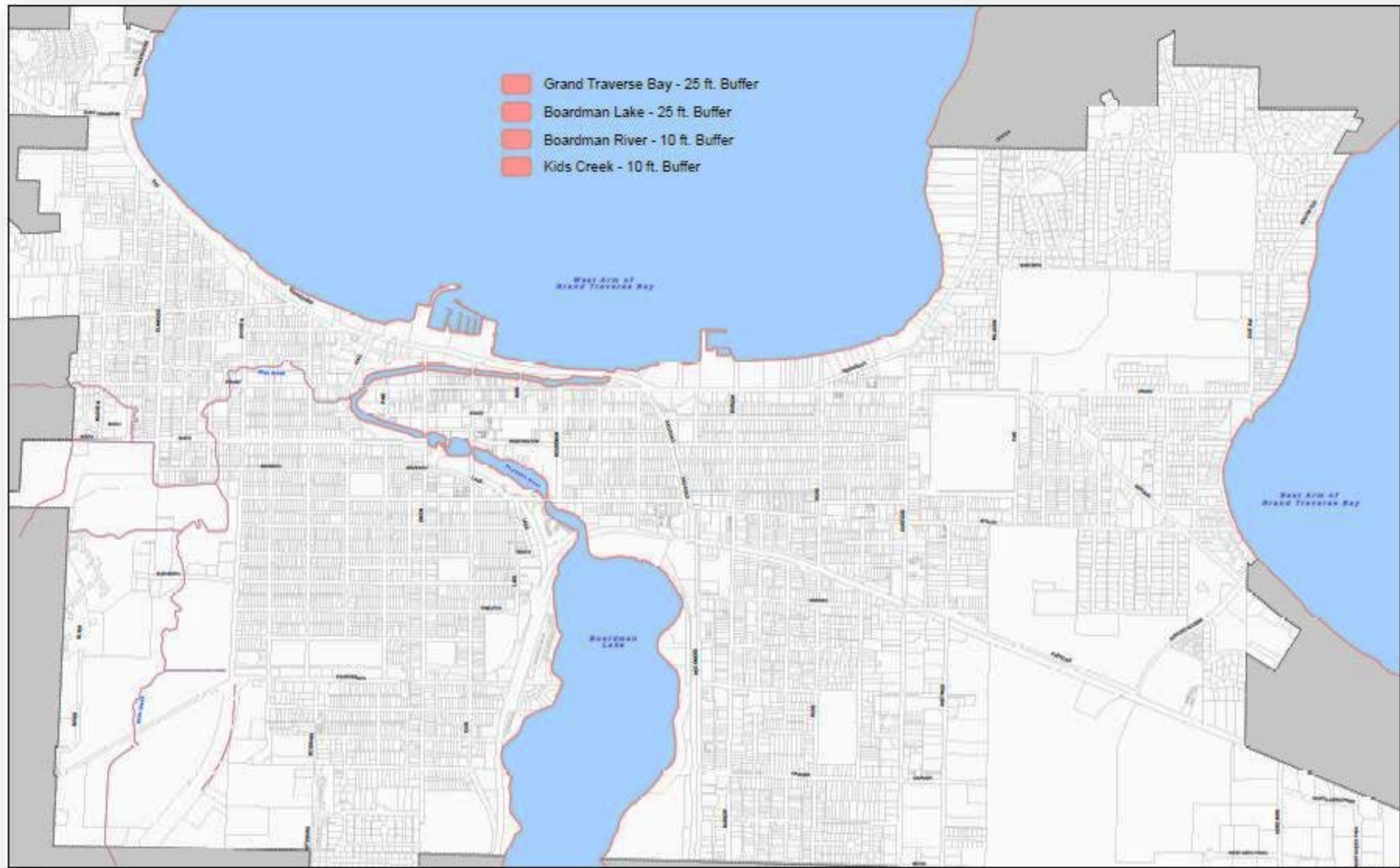
Kids Creek: 10 feet

- 40% slope not part of calculation

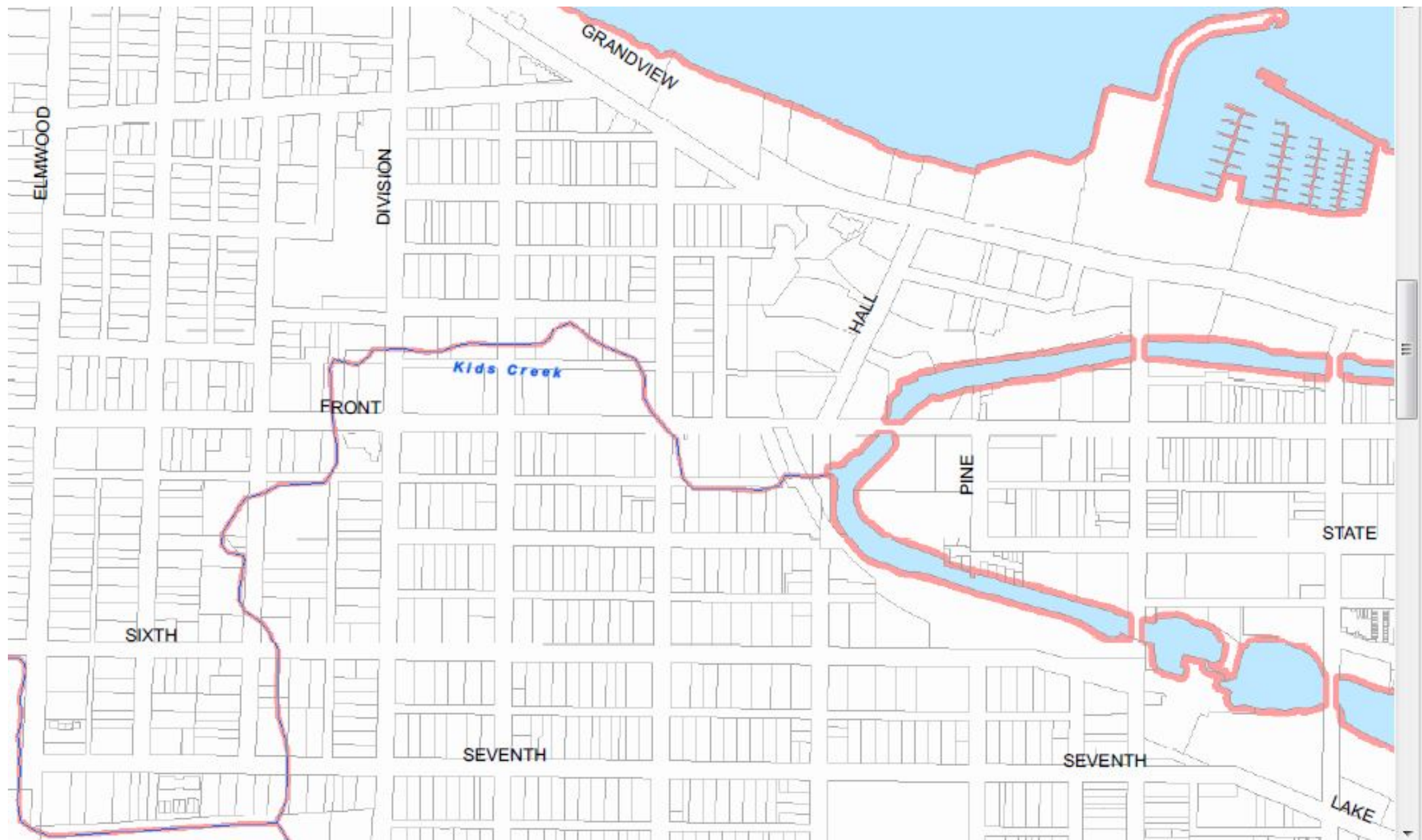
PRUNING

Targeted removal of:

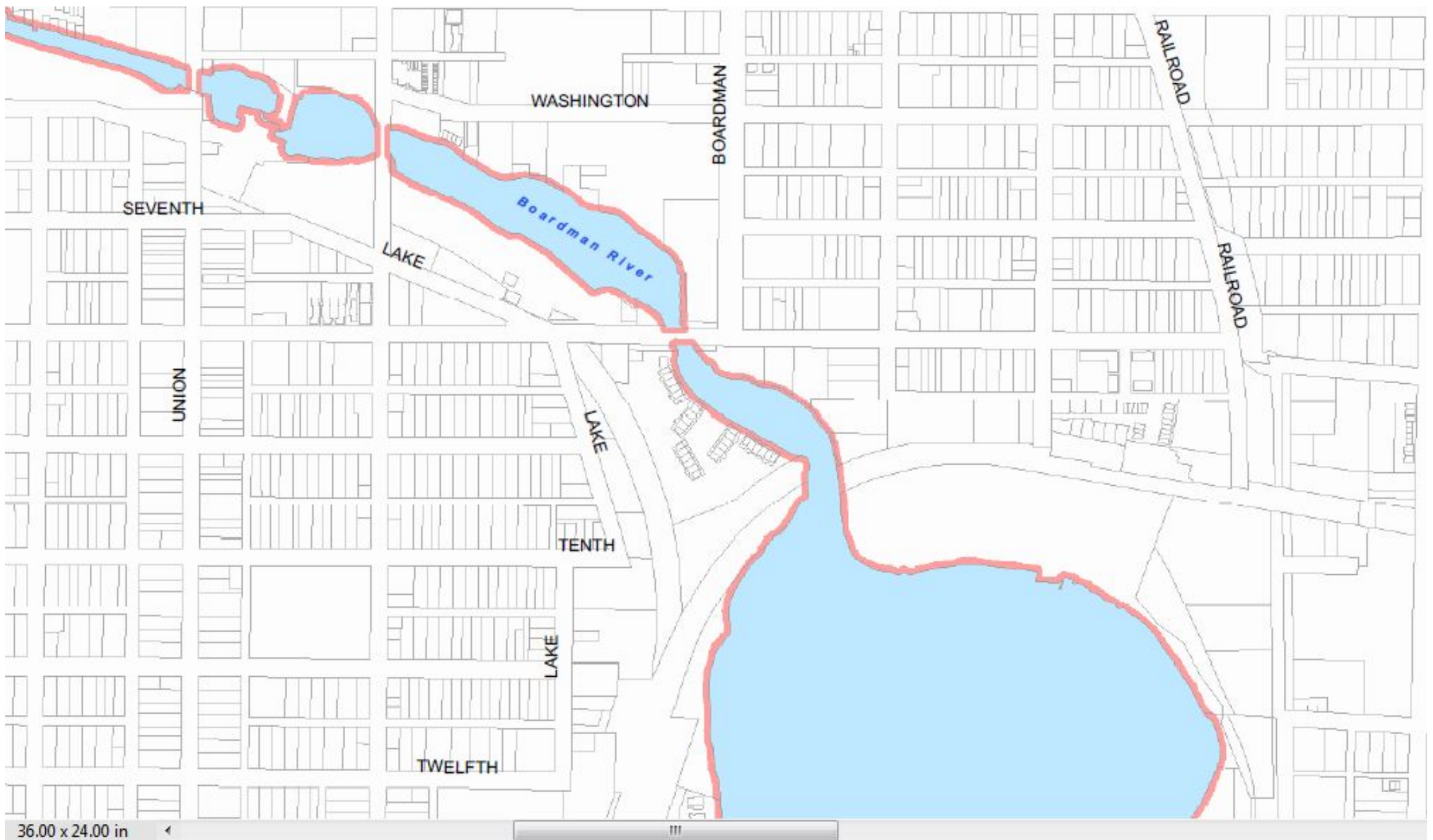
- Dead, diseased, damaged, overgrown branches
- NOT the complete removal or damaging of tree to prevent growth
- Discuss: saplings



COMPLIANCE REQUIRED (SECTION 1373.01) All parcels within the Riparian Buffer Zone, as defined in Section 1320.07



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Distance: 10.5
Feet



PATHWAYS

- Perpendicular to waterfront
- Permeable material
- Not greater than 10 feet or 20% lot size (whichever is greater)
- Healthy trees 6" DBH or larger must not be removed for pathway
 - Planning Director or his/her's designee may use discretion
- Permeable surface paths, fire pits, decks, docks, boathouses, landings, temporary structures, docks, boats.
 - This does not apply to the water's edge and beyond (EGLE).
- Public Utility Essential Services with minimal impact



321 E. Front Street (Morsels building)



Zoning Requirements:

C-4a Building setback – 10 feet

Proposed Riparian Buffer – 10 feet

Encroachments – None currently allowed except for balconies 36" (15 feet above grade)

Are pathways currently allowed, and would RBZ Ordinance allow for pathways where currently restricted?



Existing Vegetation Shall be Preserved

Section 1373.02(2)

MANICURED LAWNS AND VEGETATION



- NO MOW 6 FEET FROM WATER'S EDGE
- REMOVAL OF 25 SQUARE FEET OF WOODY VEGETATION MUST BE REPLACED WITHIN ONE YEAR
- PUBLIC PARK IMPACT

Healthy Trees Remain in RBZ

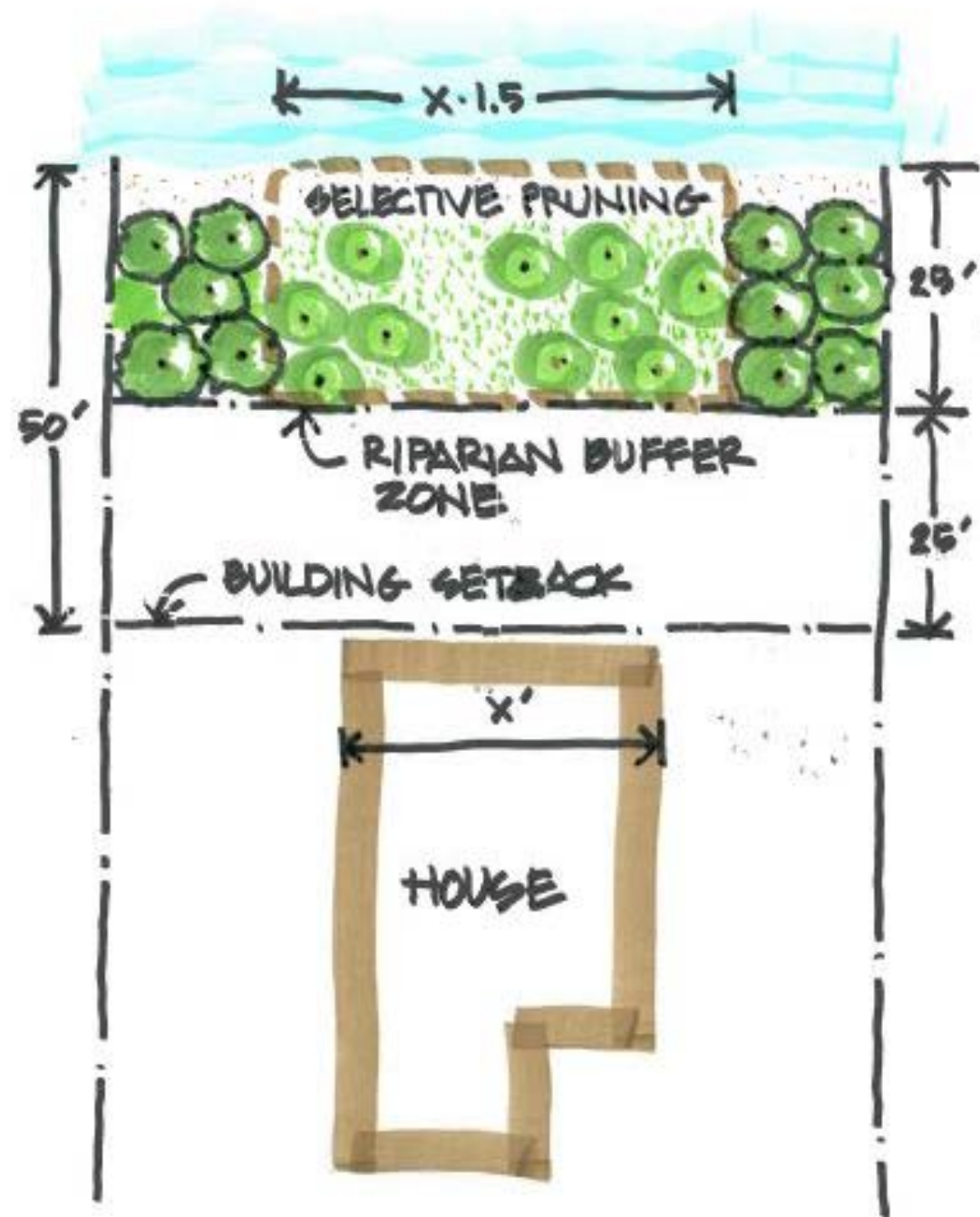


Invasive Species May be Removed

- ❑ Shall be identified by a Certified Arborist and on State of Michigan Invasive Species list
- ❑ Shall be replaced with native or native cultivar
- ❑ Shall be replaced within one year by a similarly sized tree at maturity
- ❑ 6" DBH or greater need Planning Director or his/her's designee's approval

Selective Pruning

- No more than an area 1.5 times the width of the principal building facing the waterfront
- Must consult with Planning Director
- No Clear Cutting within the Riparian buffer zone



Soil & Erosion

Fertilizers

Seawalls

- Soil & Erosion measures both State of Michigan regulations and Chapter 1068 of the Traverse City Codified Ordinances must be followed
- No fertilizers, compost, offensive materials, animal pens, polluting materials, trash, leaves or other harmful materials
- No new seawalls/hardening materials along: Boardman Lake, Boardman River and Kids Creek
- No motorized vehicles, unless properly utilized for water access

- EGLE has jurisdiction from the water's edge, and is the governing body for permits for seawalls etc.
- Currently , the CITY has jurisdiction on the land, not water
- What about seawall repair? Same jurisdiction applies as above



Photo Credit: John Russell (with permission)













Next steps

PLANNING COMMISSION DISCUSSION AND FEEDBACK

INVITE LOCAL EXPERTS FOR STUDY SESSION

TIMELINE AND GOAL OF IMPLEMENTATION AND AT
WHAT LEVEL OF ORDINANCE DEPTH

SEND BACK TO COMMITTEE OR MOVE FORWARD WITH
PLANNING COMMISSION