

**DOWNTOWN DEVELOPMENT AUTHORITY  
LOWER BOARDMAN RIVER LEADERSHIP TEAM  
REGULAR MEETING**

Wednesday, December 16, 2020  
5:30 p.m.

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

The Lower Boardman River Leadership Team can be viewed at:

<https://us02web.zoom.us/j/86157076038>

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: 861 5707 6038**

**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 and Lower Boardman River Leadership Team meetings for the foreseeable future. Members of Lower Boardman River Leadership Team will not be present in the Governmental Center for official Lower Boardman River Leadership Team meetings.

The 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 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. Those calling in will be able to hear the audio of the Lower Boardman River Leadership Team meeting, yet their microphone will be muted.

When the Lower Boardman River Leadership Team 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

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## Meeting Agenda

1. Approval of November 18, 2020 Minutes
2. Opening Public Comment
3. Brief FishPass Update from Frank and Brett (draft construction schedule attached)
4. Discussion of Where We Are and What's Next for our Unified Planning Process
5. Public Comment
6. Adjournment

Any interested person or group may address the Leadership Team on any agenda item when recognized by the presiding officer or upon request of any Leadership Team member. Also, any interested person or group may address the Leadership Team 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 three minutes unless otherwise explained by the presiding officer, subject to appeal by the Leadership Team.



Downtown Development Authority  
303 E. State Street  
Traverse City, MI 49684  
harry@downtowntc.com  
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## MEMORANDUM

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**To:** Lower Boardman Leadership Team

**From:** Harry Burkholder, DDA COO

**For Meeting Date:** December 16, 2020

**SUBJECT:** Review and Status of the Unified Planning Process

Thank you again for your continued commitment to the Lower Boardman Leadership Team! Although our work was paused and made more complicated because of the pandemic, I believe our continued effort and resolve to develop a Unified Plan for the Lower Boardman River remains stronger than ever.

As you may recall, at our last Leadership Team meeting we discussed the recommendations from the Unified Plan subcommittee. While the recommendations presented several options/scenarios related to physical improvements to the river corridor (e.g., public access, the build environment and environmental stewardship), each option was consistent with the overarching values and goals that have been identified throughout the planning process.

Last week, after several productive meetings, the Zoning Subcommittee completed their zoning recommendations (see attached) for the river corridor, including specific recommendations to the draft Riparian Buffer Ordinance. As a reminder, the city planning commission has been working on a separate but parallel effort to develop a Riparian Buffer Ordinance – incorporating many of the comments and recommendations of the zoning subcommittee throughout the process. To be clear, the planning commission has not taken formal action on the Riparian Zoning Ordinance yet.

Given the interconnection and complexity of the river corridor, the lengthy subcommittee work, current efforts to study and determine stabilization options for the channel wall and with the end of year approaching, we'd like to take the December meeting to review what we have accomplished, where we are in the process and discuss/map-out our next steps heading into 2021. It is very important that the **entire** Leadership Team have a clear understanding of where we are and what we plan do next.

With Bob's help, a "summary-to-date" of the project process and findings has been included in this packet. It has been formatted according to the outline of the Unified Plan, but also communicates where we have been. A fair amount of information on the results of the public input process are included in the summary, as this (along with the core values) should help us determine key decisions moving forward.

To briefly review, these are the topics that the Leadership Team has spent a good deal of time analyzing and discussing over the last 18 months.

1. The results of public engagement have been summarized and reviewed.
2. Based on the public input, an Action Plan was developed and discussed, debated and refined by the Leadership Team.
3. Following the discussion of the Action Plan, two subcommittees were formed and developed:
  - a) A recommendation on the draft Riparian Buffer Ordinance, and documentation of other policy level recommendations (changes to zoning ordinances, regulatory ordinances, etc.)
  - b) A set of draft plans for physical improvements of the river corridor.

Moving forward into 2021, here are the topics that the Leadership Team will pursue over the next half year. We will discuss this in detail at our meeting.

December 2020	Review summary of work to date and work plan for 2021
January 2021	Review and take action on Riparian Buffer Ordinance recommendation; get an update on the preliminary findings of the Boardman Wall Stabilization project
February 2021	Review findings of the Boardman Wall Stabilization project and discuss implications for the future of the 100/200 block
March 2021	Discuss process for establishing project and policy priorities and gaining public input
April 2021	Discuss preliminary budget estimates, potential funding sources, and physical plan refinements
May 2021	Review public engagement strategy and potential schedule
June 2021	Prepare for public engagement

If COVID recovery lags, we could use the additional time to review the draft report, and/or discuss future management structures for implementing projects and maintaining the river corridor.

It is **VERY IMPORTANT** that you review the materials in this packet ahead of the meeting to ensure that we have an insightful and productive discussion.

Thank you!

**Documents Included:** Unified Pan Year-To-Date Summary, Zoning Recommendations (from subcommittee), Physical Improvement Recommendations (from subcommittee), Draft FishPass Project Schedule

**Minutes of the  
Lower Boardman Leadership Team  
Regular Meeting  
Wednesday, November 18, 2020**

A regular meeting of the Lower Boardman Leadership Team was called to order via ZOOM on Wednesday, November 18.

The following members were in attendance: Elise Crafts, Christine Crissman, Jean Derenzy, Deni Scrudato, Frank Dituri, Russ Soyring, Tim Werner, Michael Vickery, Sammie Dyal, Pete Kirkwood, Rick Korndorfer, and Brett Fessell (Co-Chair).

The following Members were absent: Jennifer Jay

Co-Chairperson Fessell presided at the meeting.

(a) **CALL TO ORDER, ATTENDANCE, ANNOUCEMENTS**

(1) Meeting called to order at 5:31 by Chairperson, Fessell.

(b) **PUBLIC COMMENT**

(1) Mitch Treadwell:

Tom White:

(c) **APPROVAL OF MINUTES FOR SEPTEMBER 16, 2020**

(1) Meeting Minutes  
Approval of September 2020 minutes.

Moved by Crafts , Seconded by Scrudato

**Yes:** Elise Crafts, Christine Crissman, Jean Derenzy, Deni Scrudato, Frank Dituri, Russ Soyring, Tim Werner, Michael Vickery, Sammie Dyal, Pete Kirkwood, Rick Korndorfer, and Brett Fessell.

**Absent:** Jennifer Jay

**CARRIED 12-0.**

(e) **PROJECT UPDATE**

(1) Fessell provides a FishPass update

(2) Bob Doyle provides project review

- Committee discussed capitol improvements (subcommittee recommendations) for the lower Boardman.
- Committee briefly discussed status of the Zoning Subcommittee and the Riparian Buffer Ordinance. Soyering mentioned that a public hearing on the Riparian Buffer Ordinance is likely planned for the December Planning Commission Meeting.

(h) **PUBLIC COMMENT**

(1) General

- Thomas White
- Mitch Treadwell

(i) **ADJOURNMENT**

(1) Meeting was adjourned at 7:41pm

Moved by Scrudato, Seconded by Vickery

**Yes:** Elise Crafts, Christine Crissman, Jean Derenzy, Deni Scrudato, Frank Dituri, Russ Soyering, Tim Werner, Michael Vickery, Sammie Dyal, Pete Kirkwood, Rick Korndorfer, and Brett Fessell.

**Absent:** Jennifer Jay

**CARRIED 12-0.**

# UNIFIED PLAN OF THE LOWER BOARDMAN RIVER

## ***Summary-To-Date***

December 11, 2020

### **Chapter One: ESTABLISHING A VISION**

#### **I. Statement of Purpose**

The UNIFIED PLAN is based on the premise that the environmental value of the river corridor is central to the community; this value should be reflected and reinforced through the management of change in downtown. When the community considers all users of the river (including nature) in the design process for future downtown and riverfront projects, then the Lower Boardman will reflect the value placed on water, land, nature, health, and wellness.

The river is one of our most valuable assets from a ecologic, economic, recreational, and cultural perspective, and is a significant contributor to the sense of place in downtown Traverse City. Recognizing the value of the river the Traverse City DDA (DDA) put into motion the process for developing a UNIFIED PLAN for the Lower Boardman River.

In a key initial step, the DDA established the LBR Leadership Team as an ad hoc group with diverse interests to lead development of a UNIFIED PLAN that protects and preserves and appropriately develops the downtown section of Boardman River approximately 1.6 miles of River. This includes identifying policies, facilities, amenities, programs, and other considerations that should be implemented to encourage balanced/wise/sustainable/reasonable use and enjoyment of this natural resource in Downtown Traverse City.

The UNIFIED PLAN includes our collective vision for the Lower Boardman, the desired outcomes and the policy recommendations, guidelines, and priority projects to attain the vision and outcomes.

#### **II. Vision and Values**

The Leadership Team developed a set of Core Values for the project prior to the formal planning process to frame the community's basic goals for the river corridor. These Core Values were discussed and tested through an open public process. During the planning process the community reaffirmed the Core Values and provided a set of diverse and substantial ideas that are consistent with the Core Values.

The Core Values of the UNIFIED PLAN include:

- Reflect the City's commitment to the River as a public resource and asset to be passed to residents and visitors in perpetuity.
- Contain public goals for the River and City, in keeping with the community's visions about what the River is and can become as a centerpiece for downtown identity and ethos.
- 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.
- Be explicit to the commitment to improve, restore and protect the health and integrity of the Riparian ecosystem of the lower River.

- Provide that the recommended initiatives contained in the Plan will account for the impact of those initiatives on residents, habitats, and the ecological status of the River.
- Serve to foster and sustain partnerships with shared responsibilities among public and private stakeholders who share the value that the Boardman is a “common resource” that connects everyone.
- Identify/prioritize opportunities for multi-modal access to the River.
- 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.
- 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.
- Be consistent with best riparian and aquatic science, best water and land management practices and must be harmonious with the River.
- Make nature-based stormwater best management practices (BMP’s) a priority.
- 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.
- Manage invasive vegetation and protect and retain existing native vegetation and add native vegetation where possible.
- Prohibit further hardening of the shorelines that are inconsistent with the Plan.
- Ensure that the natural flow of the River is enhanced and not curtailed or impeded by any element of the Plan.

### **III. Existing Plans for Improvement and Restoration**

For over ten years, Traverse City has been part of a precedent setting regional initiative that has garnered national and international attention to restore the Boardman River, including the removal or modification of four dams on the river.

There have been several interconnected initiatives designed and employed to develop concepts for use and protection of the river and watershed as it unites through Traverse City, including:

- Boardman River Watershed Prosperity Plan
- FishPass Project
- Boardman Water Trail Development Plan
- Boardman River Plan
- Boardman River Fisheries Report
- Your Bay, Your Say

These studies were reviewed and summarized. Critical recommendations and policies related to the Lower Boardman will be incorporated into the UNIFIED PLAN so that the new plan will build from the work of past efforts.

### **IV. Current Regulatory and Policy Guidance**

The UNIFEID PLAN will include a summary of how existing land use policies have shaped the community and river corridor, including-

- Community Master Plan
- Zoning
- TIF Districts

## **V. Public Engagement and Planning Process**

The LBR Leadership Team utilized a variety of civic engagement approaches throughout the planning process to date, including establishing a web page presence connected to the DDA page, maintaining a list of meeting participants and interested stakeholders for communicating project news, and utilizing social media platforms. Other key public engagement events and tools utilized in the study include:

### **FARMERS MARKET POP-UP**

To meet people where they are, volunteers from the community participated in “Pop Up” events, reaching out to the community at the Downtown Farmers Market and other public venues through the spring and summer of 2019.

### **PUBLIC KICK-OFF MEETING**

In June 2019, a public open house style workshop was conducted in the Farmer’s Market site in downtown Traverse City, under a large tent and during inclement weather. Despite the rain over 100 people attend the workshop and provided a great deal of valuable input on the project.

The workshop was conducted early in the planning process before specific plans, strategies and approaches were developed. The DDA started the workshop with a brief presentation that outlined the purpose of and background to the study, discussed how past effort to study the area would be used as building blocks for this new effort, and introduced the Leadership Team of the DDA.

After the presentation participants were invited to meet with Leadership Team members and consultants at a set of six topical stations, including:

- Engagement and Past Planning
- Vision and Values
- History and Culture
- River Conditions and Habitat
- Access, Open Space, and Recreation
- Planning, Land Use, and Development

Participants were asked to record their concerns, ideas, knowledge on sticky notes at each station, which were then recorded and summarized on a spreadsheet report.

The discussions focused on answering the following questions-

- How do you value the Lower Boardman River?
- How you use or would like to use the River?
- How do we protect or restore the River and River Corridor?
- How do we provide access for all people?
- How we celebrate the cultural and historic values of the river
- How should policies and rules be developed, or modified?

## **FOCUS GROUP MEETINGS**

A series of four Focus Group meetings were conducted near the end of July 2019 in downtown Traverse City. The purpose of the meetings was to provide the public with an understanding of the project and solicit input into the direction of the project early in the planning process.

The four meetings had an intended focus; however, the public was welcomed to attend each and any of the meetings as they wished. The focus of each meeting was as follows:

- Meeting #1: Recreation Groups
- Meeting #2: Community Development, Business Focused Organizations and Other Groups
- Meeting #3: Business and Property Owners
- Meeting #4: Sustainability Groups

Following some introductory remarks, the team lead an informal dialogue about the topics the participants were most interested in, including concerns, issues, and ideas. Input from the open discussions was recorded on flip charts.

### **Findings from the Public Meetings**

From the Kick-off Workshop and the Focus Group Meetings the following priorities of the community rose to the top of the list:

#### **a) Projects**

- Providing public access (e.g., boardwalks) along the river; assume the need for universal access
- Monitor and repair places where high water and currents are undermining the shoreline-return to soft shores wherever possible.
- Encourage native fish species, limit invasive species, and add aquatic habitat
- Create additional/improve access and portage for kayaks
- Soften shore treatment/restore natural edge
- Add interpretive learning places and opportunities
- Increase and Improve Open Space on river corridor

#### **b) Policies**

- Limit/manage additional development along the river corridor
- Remove/Limit parking from riverbanks
- Increase building setbacks
- Limit/manage the use of kayaks and tubes on the river to ensure opportunities for all users and quiet enjoyment of the river for downtown residents.
- No additional hardened edge should be allowed

#### **c) Best Practice**

- Support the use of native plants and habitat creation to control erosion
- Utilize best practices to manage stormwater and other means of improving water quality.

- Ensure that the river corridor receives necessary maintenance and management, both in the short term and long term.

**d) Value/Other**

- Continue to engage the public throughout the planning process
- Shift the balance towards habitat and nature over human recreation and economic development
- Limit facilities for gathering or events along the river-focus should be on downtown/bay
- Restore Ottaway as name of river
- Keep river corridor natural and passive

**PUBLIC ON-LINE SURVEY**

A public on-line survey was conducted from June until early September 2019. Like the initial public input sessions, the survey was conducted prior to establishing any specific plans, policies, or strategies. Over 500 individuals participated in the survey, which is a significant response when measured as a percentage of the total population of the city and region.

The survey included open ended questions that allowed participants to provide both brief and expansive responses. The responses were recorded and summarized and include:

QUESTION #1: What is your favorite activity related to the Lower Boardman River? Top answers (in order of priority cited) include walking, enjoying nature, watching wildlife, kayaking/canoeing, sitting/picnicking, and fishing.

QUESTION #2: Where is your favorite place along the Lower Boardman River? The overwhelming majority of the specific locations cited are within three of the six reaches of the study area, including (in order of responses) Reach Five/Six: N. Union St. to the Bay, Reach Three: S. Union to Front St., and Reach One: Boardman Lake to Cass St.

QUESTION #3: What is your favorite memory of the Lower Boardman River? Top answers (in order of priority cited) include kayak/canoe trips, wildlife watching, social activity and quiet enjoyment, and fishing.

QUESTION #5: What do you think are the top priorities for improving and protecting the natural environment along the Lower Boardman River? Top priorities noted (in order of priority cited) include water quality (especially related to non-point source pollution), managing stormwater and flooding, shoreline stabilization and eliminating hard edges, maintenance, and removal of invasives, habitat protection and creation, and managing development, parking, and expansion of boardwalks.

QUESTION #6: What do you think are the top priorities to improve the built environment along the Lower Boardman River? Top priorities noted (in order of priority cited) include manage/restrict new development, ensure access along

private land, provide more/better access, facilities, places, connections, protect/enhance natural environment and character (find balance), and make the waterfront universally accessible.

QUESTION #7: What is the most important thing to keep in mind as we develop a Unified Plan for the Lower Boardman River? Top priorities noted (in order of priority cited) include protect and enhance natural environment, water quality, health, implement a realistic plan with transparency, accountability/oversight, Limit development and influence of economic interests, and use values-based plan to influence government policy.

## **Chapter Two: UNDERSTANDING THE LOWER BOARDMAN**

### **I. Historic and Cultural Context**

The Boardman River's original name is the Ottaway River. In its earliest form, the segment of the river that we refer to as the Lower Boardman would have been a more sinuous element of the natural landscape, winding through the sandy outwash landform and shifting location over time based on vegetative cover, storm events, water levels, and hydraulic flow characteristics.

The UNIFIED PLAN provides an overview of

- Pre-settlement natural conditions of the river,
- First People's presence in the region and study area, and cultural impact
- Settlement and industrialization of the city and impacts to the river condition

### **II. Existing Conditions by Reach**

The river and adjacent upland river corridor conditions have been studied and mapped to describe the following:

- A. River Conditions and Habitat (Aquatic+Riparian), including river depth and velocity, bank conditions, flood plain characteristics, topography, land cover, fish species present, storm sewer outfalls, and vegetation.
- B. Access, Open Space and Recreation, including presence of paths and boardwalks, connections to other walks, paths, neighborhoods, and downtown, known favorable fishing places, existing parks and related recreational amenities, boat launches and access points, pedestrian bridges and connections to vehicular bridges, gaps in pedestrian connectivity, and conflict points between pedestrians and vehicles.
- C. Land Use and Development Systems, including land use and development density patterns, zoning classifications, sense of place and architectural character, development setbacks, areas of increased or likely development pressure, existing TIF districts, and related land use and development policies.

## **Chapter Three: ACTION PLAN**

The Action Plan outlined in this report is a first set of recommendations for the Lower Boardman River, based on the extensive public input gathered in the summer and fall of 2019, the professional recommendations from the consultant team, and the guidance of the Leadership Team.

As evidenced by the content of the public input gathered to date, the community is moving toward a "water centric" perspective of the river and downtown. The values expressed by the public have been integrated into this Action Plan. The plan provides for both the human use of the river and the potential for preserving and enhancing the natural habitat.

The Action Plan is based on the premise that the environmental value of the river corridor is central to the community; this value should be reflected and reinforced through the management of change in downtown.

The Action Plan provides a detailed outline of specific strategies and ideas that should be implemented to translate the values of the community into policies, projects, and management practices to protect and enhance the river.

### **I. River Conditions and Habitat**

The project area includes the urban core of Traverse City where historic development patterns did not fully capitalize the river's potential for recreation and access or recognize its environmental value. The impact of development has left a large percentage of the corridor with vertical walls and hardened, steep slopes but has also created some interesting urban places that the community values, such as the boardwalk and the coffee shops and restaurants that overlook the river.

The river corridor in the project area also includes areas of natural beauty and value. Some of these areas have been impacted by community development in limited ways, while other seemingly natural areas are urban fill masked over by trees and vegetative growth.

#### **Projects**

The UNIFIED PLAN will include a physical illustrated plan that outlines public improvement projects within the project area, including both habitat and access/open space enhancements. There are several broad categories of projects that evolved out of community input, including:

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

#### **Guidelines**

1. Use native landscape plants and habitat enhancement structures on new public projects.

2. Develop design and maintenance guidelines for riparian landscape for use in maintaining public sites and guiding private landowners.

## **II. Access, Open Space, and the Built Environment**

There is a need to expand facilities on the river corridor to accommodate access, movement along the riverbank, and on-river recreation. However, actions to meet this need must be tempered within the larger desires to maintain a natural character of the river corridor (where it exists).

### **Projects**

The UNIFIED PLAN will include a physical illustrated plan that outlines public improvement projects within the project area, including access and open space enhancements, including:

1. 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.
2. Connect the river path system to adjacent neighborhoods, downtown, bayfront, TART, and BATA stops.
3. Consider a range of open space nodes and amenities along the river corridors of varying sizes, purposes, and characters, including:
4. Improve streets and bridges to create a more pedestrian friendly downtown and improve access to the river.

### **Guidelines**

1. Ensure universal access and consciously designed experiences for a range of abilities and aptitudes.
2. Establish design guidelines for public path facilities.
3. Manage stormwater on new projects consistent with current best practices to protect the water quality of the river and the bay.

## **III. History, Culture and Learning**

The development of a cohesive path system and improved habitat along the river is an incredible opportunity to engage the community and visitor in history, culture and learning focused on the downtown and the Lower Boardman River. The potential for learning and highlighting the uniqueness of the community should be integral into the early design stages for each reach of the river, so that the historic, cultural, and natural assets drive the location the improvements made, when appropriate.

### **Projects**

1. Honor the First People's heritage and cultural legacy through meaningful interpretive experiences throughout the project area.
2. Note and interpret key sites of European settlement, and the role of the river for industry and transportation.
3. Provide interpretive theme about geology, the formation of the river, and the connection to lake levels.

### **Guidelines**

1. Include cultural resource investigations that documents these resources especially on public properties.
2. Continue to integrate the provision of art along the river corridor as it is improved.
3. Engage the local learning community in using the LBR and FishPass for research and learning.
4. Actively manage the interpretive system of the district to reflect new information and special programs and meets the needs of all users.

## **IV. Community and Development Policies**

Recognizing an explicit commitment to the principles of public trust in the protection of the river as a community common, regulatory policies that guide building and development in the downtown area should be amended to reflect the vision and values of the Lower Boardman River UNIFIED PLAN.

### **A. Riparian Buffer Ordinance**

The Traverse City Planning Commission is currently considering a new ordinance which will regulate the edge and buffer of the Boardman Lake, Boardman River, and Kidd's Creek to create and protect riparian habitat, improve water quality, and maintain a more natural edge to the river.

A subcommittee has been formed by the Leadership Team to establish a set of recommendations for the new ordinance and this effort is ongoing.

### **B. Zoning Ordinance Changes**

The UNIFIED PLAN supports the modification of zoning ordinances to manage the scale, placement, and site improvements of new development consistent with the Core Values of the UNIFIED PLAN. These proposed changes to existing ordinances are, for the most part, intended to support and further codify the new Riparian Buffer Ordinance.

### **C. Amend the Community Master**

When adopting or modifying new ordinances, it is critical that the Community Master Plan supports the values and guidelines that are reflected in the new ordinances. This can be accomplished by integrating key findings of the UNIFIED PLAN into the next update of the Traverse City Comprehensive Plan and incorporate the UNIFIED PLAN by reference.

### **D. Regulatory Ordinance changes**

A great deal of the public input gathered during the planning process supported ideas that are best implemented through changes to the Codified Ordinances of Traverse City. Recommended regulatory ordinance modifications for consideration include:

- Consult with City Attorney, Clerk, and Manager on the alternative approaches to regulating river use and discourage disruptive behavior
- As the need may arise, consider establishing outdoor eating guidelines and potential permit requirements for private use of public space.

**E. Community Recreation Plan Changes**

Funding grants through the Michigan Department of Natural Resources (DNR) are available for many of the projects outlined in the UNIFIED PLAN. To be fully eligible for these potential grants, the planned projects should be reflected in the Recreation Plan for Traverse City. The Recreation Plan should include the UNIFIED PLAN recommendations to improve public parks in the project area and proposed trail connections.

**V. Implementation and Management**

The City and DDA should establish a strategic plan to pursue the implementation of the UNIFIED PLAN, manage development of the public river corridor, monitor river conditions and development, and maintain the river corridor.

**Chapter Four: The PHYSICAL PLAN**

**I. Reach be Reach Description of Plans**

The UNIFIED PLAN is broad in scope, covering public policy, physical improvements, and implementation strategies. Broad master plans by definition and typical practice do not represent specific designs that can be implemented literally, but rather they point out areas where existing conditions should be improved, and establish key objectives that such improvements should strive to address.

**II. Anticipated Costs**

A cost model will be finalized as part of the UNIFIED PLAN to assist the City, DDA, and community in establishing priorities.

**III. Priorities and Phasing**

In the next round of Public Engagement, the Leadership Team will work to establish a list of priorities and potential phasing for implementing physical improvements.

**IV. Potential Funding Sources**

The UNIFIED PLAN will identify potential sources of grants to assist in the implementation of improvements, including:

- A. DNR Grants
- B. EGLE Grants
- C. NFWF - National Fish and Wildlife Foundation
- D. The Great Lakes Fishery Trust

**V. Moving Forward**

Moving forward will necessitate the development of key partnerships within local government agencies, non-profits, advocacy groups, other key public stakeholders, and the greater Traverse City community. The Traverse City Downtown Development Authority (DDA) and the Leadership Team will continue to build partnerships through an open and transparent public planning process, and ongoing connections with stakeholders of all types. The planning process will continue to engage the community and take direction from their input and guidance.

# LOWER BOARDMAN RIVER

UNIFIED PLAN COMMITTEE

NOVEMBER 10, 2020

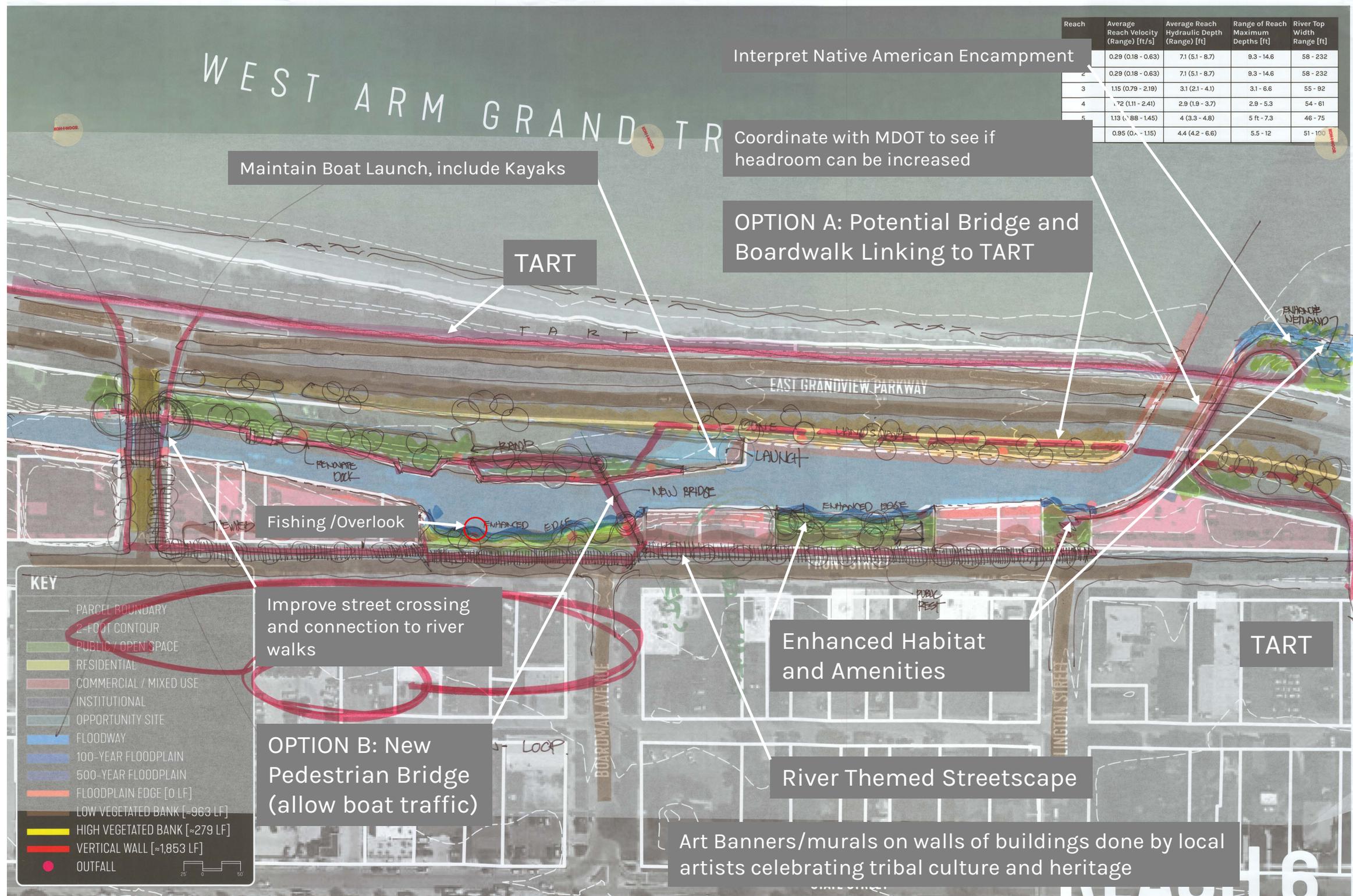
# REACH 6

The primary themes of the Unified Plan for physical improvements are **CULTURE, CONNECTIVITY, and HABITAT**.

**CULTURE** focused learning and art to educate and inspire people about the first people and their history in the region.

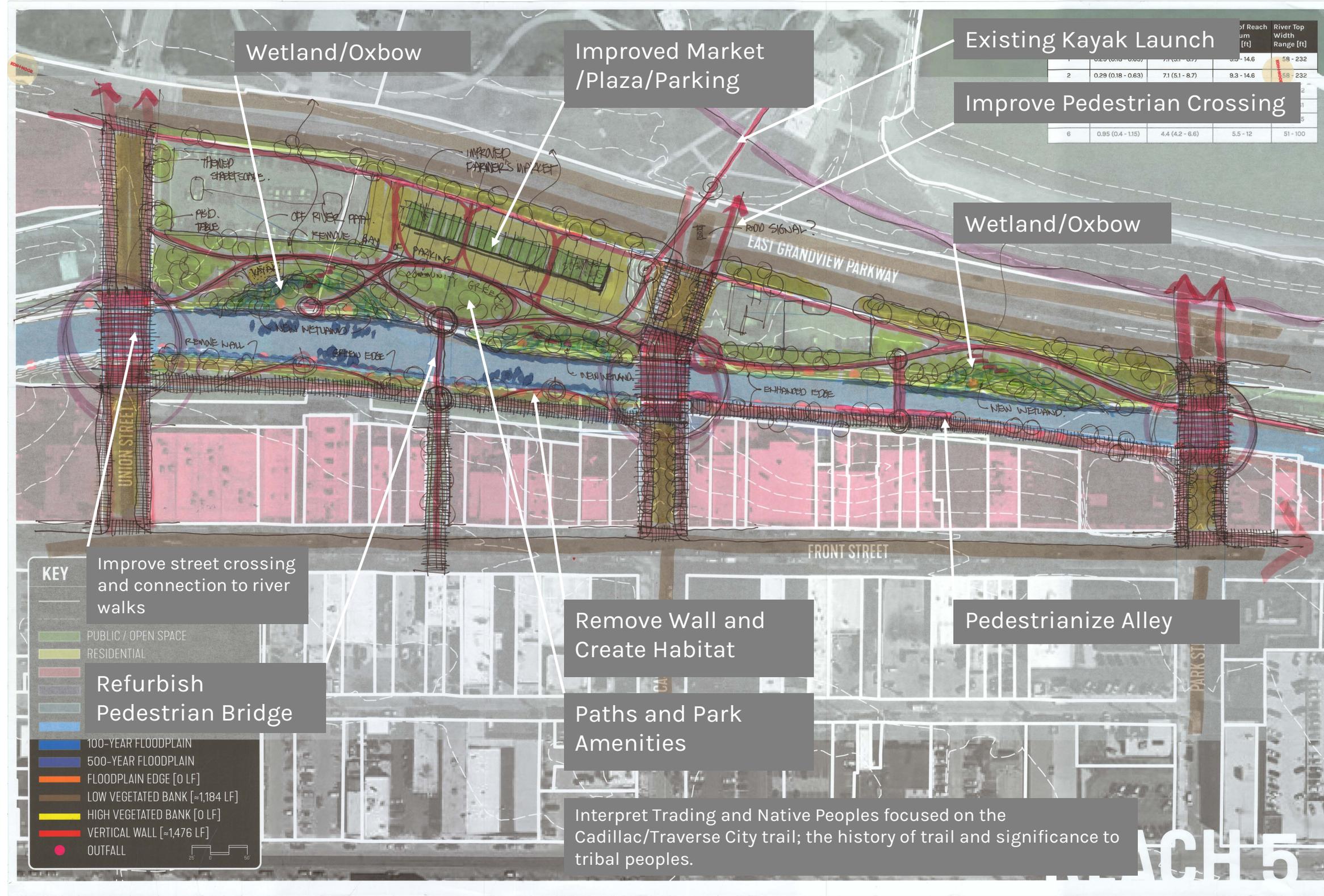
**CONNECTIVITY** for people to recreate along, celebrate the value of, and learn about the Boardman River.

**HABITAT** preservation and creation for aquatic, riparian, and avian communities to increase native species diversity and improve water quality.

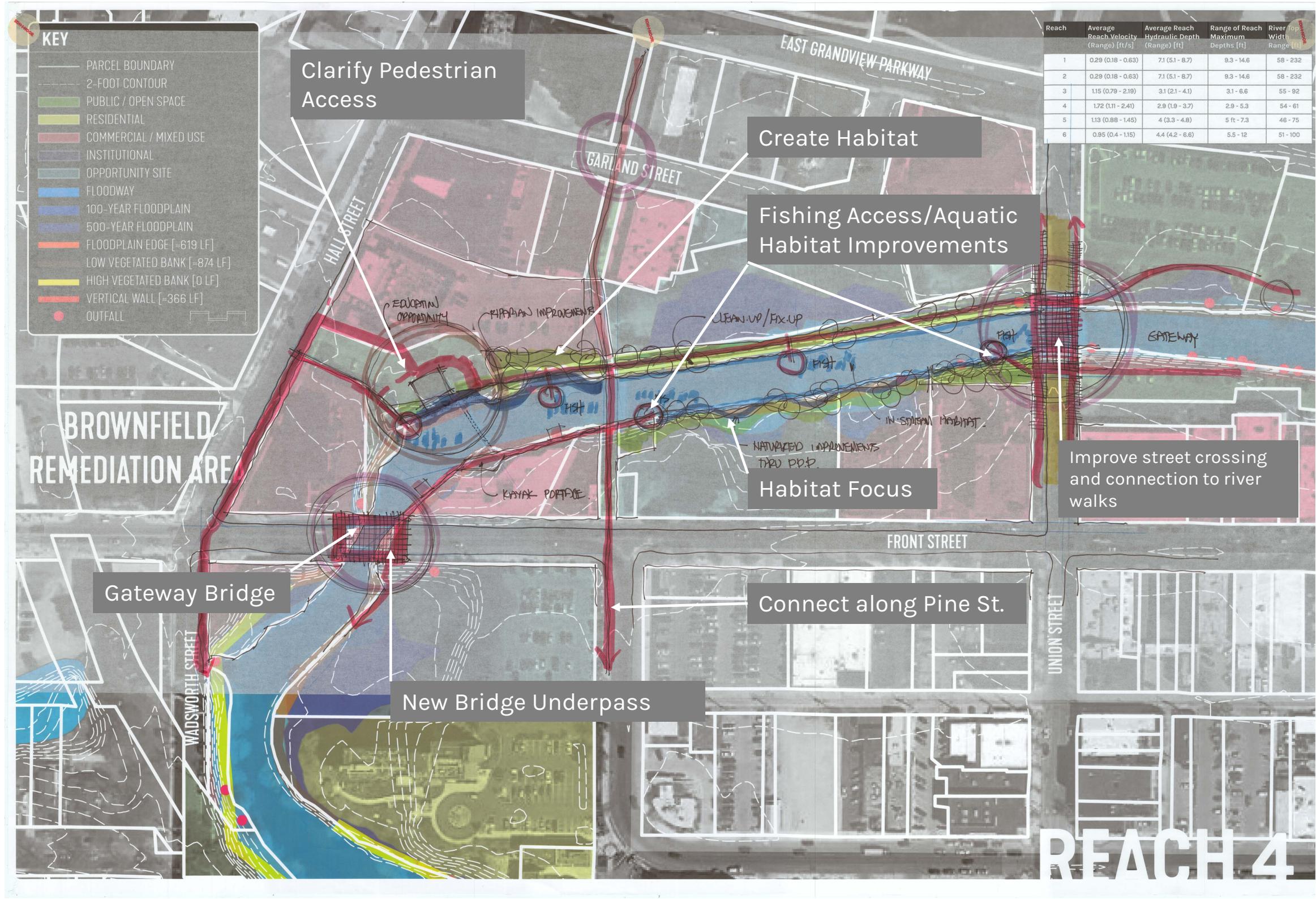


# REACH 5

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

Connecting Boardwalk with landscape buffer

FishPass - what it is and why it's needed

- Why fishing is so important
- Water is life...
- Talk about the way people fish...
- Tribal Fishing Rights
- Treaties (Inland and Great Lakes Consent Decrees)
- Art Duhamel story

Aquatic Habitat Improvements

Wetland/Oxbow/ Education Focus

Consider Options for Parking/Park

Improve Trail

Universal Access to FishPass

KEY  
 — PARCEL BOUNDARY  
 - - - 2-FOOT CONTOUR

Potential Interpretive topics-

- GTB History
- Use of area before contact
- Native and non-native use of the rivers
- Brief on Treaties
- GTB today (Re-recognition, tribal enterprises, etc.)
- Historical story about Hanna Park
- Native art area
- Native relations with Traverse City

Tree Top Path/River Crossing

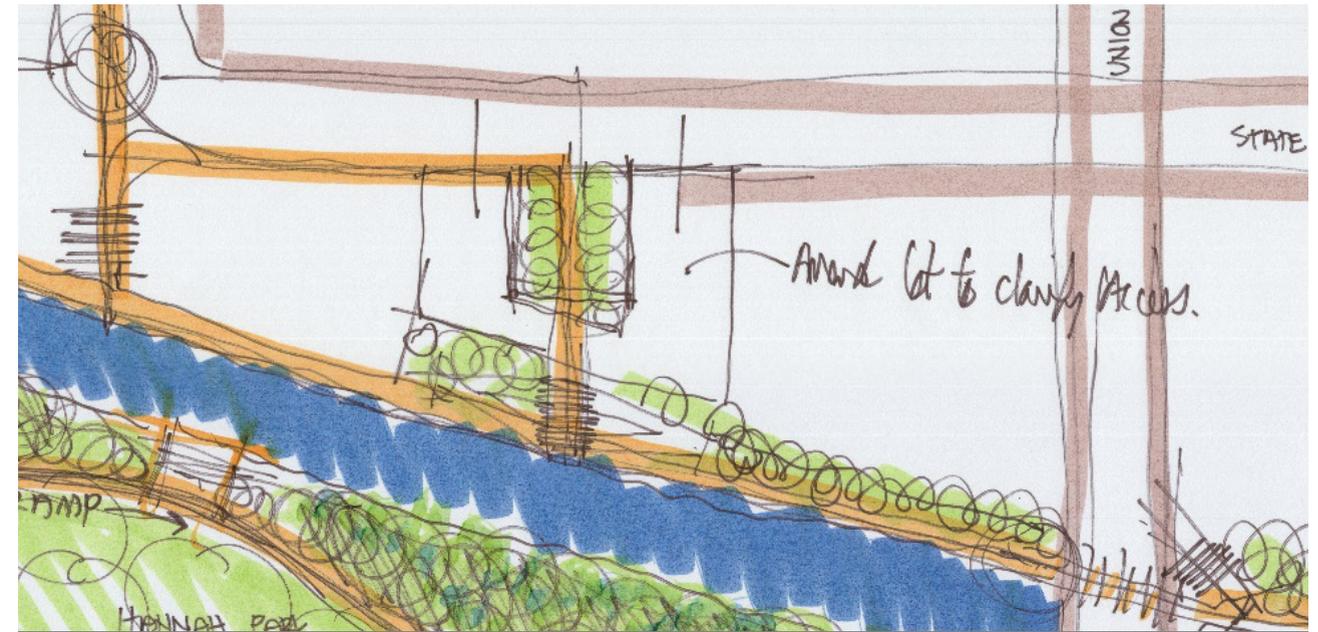
Maintain Core Park Character

Integrate Lay Park?

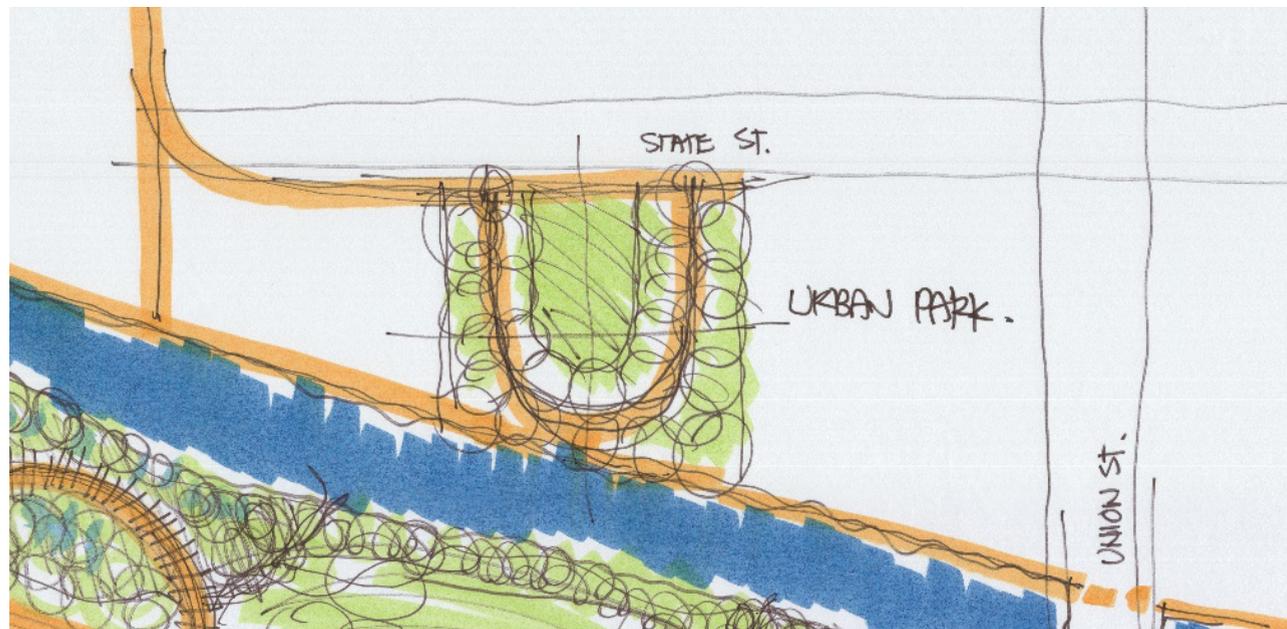
CONNECT TO LAY PARK

# REACH 3

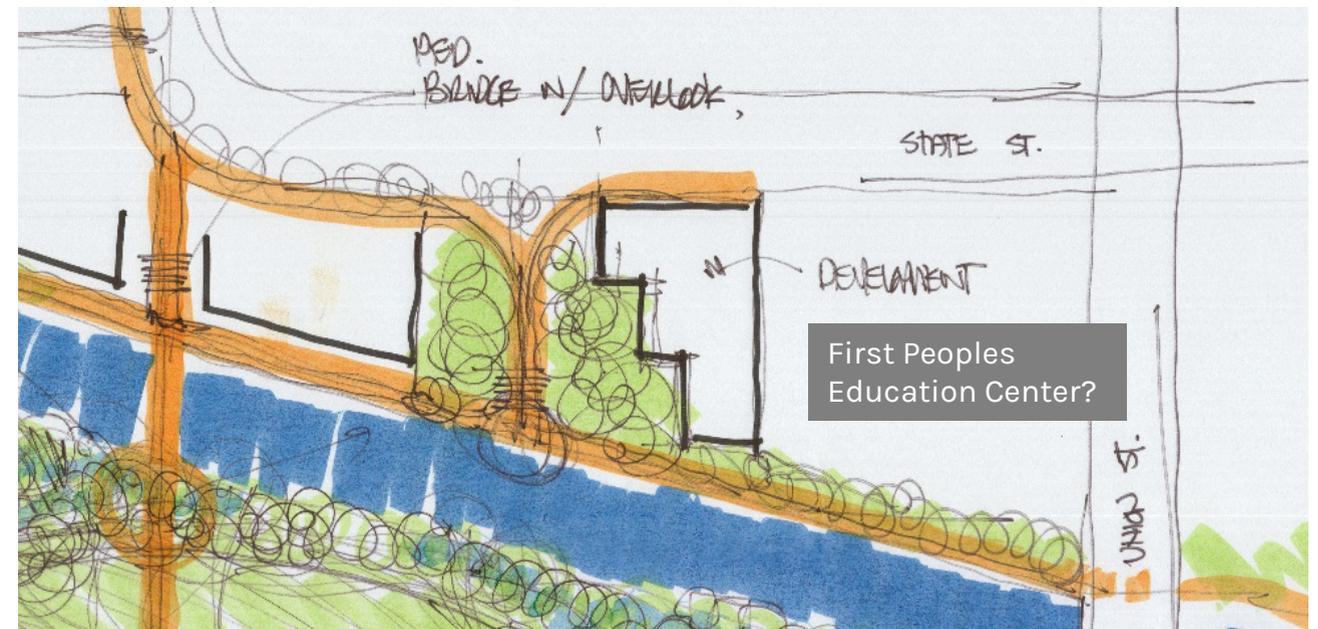
## OPTIONS FOR PARKING LOT ON STATE STREET



Reorganize Parking to Improve Pedestrian Connection

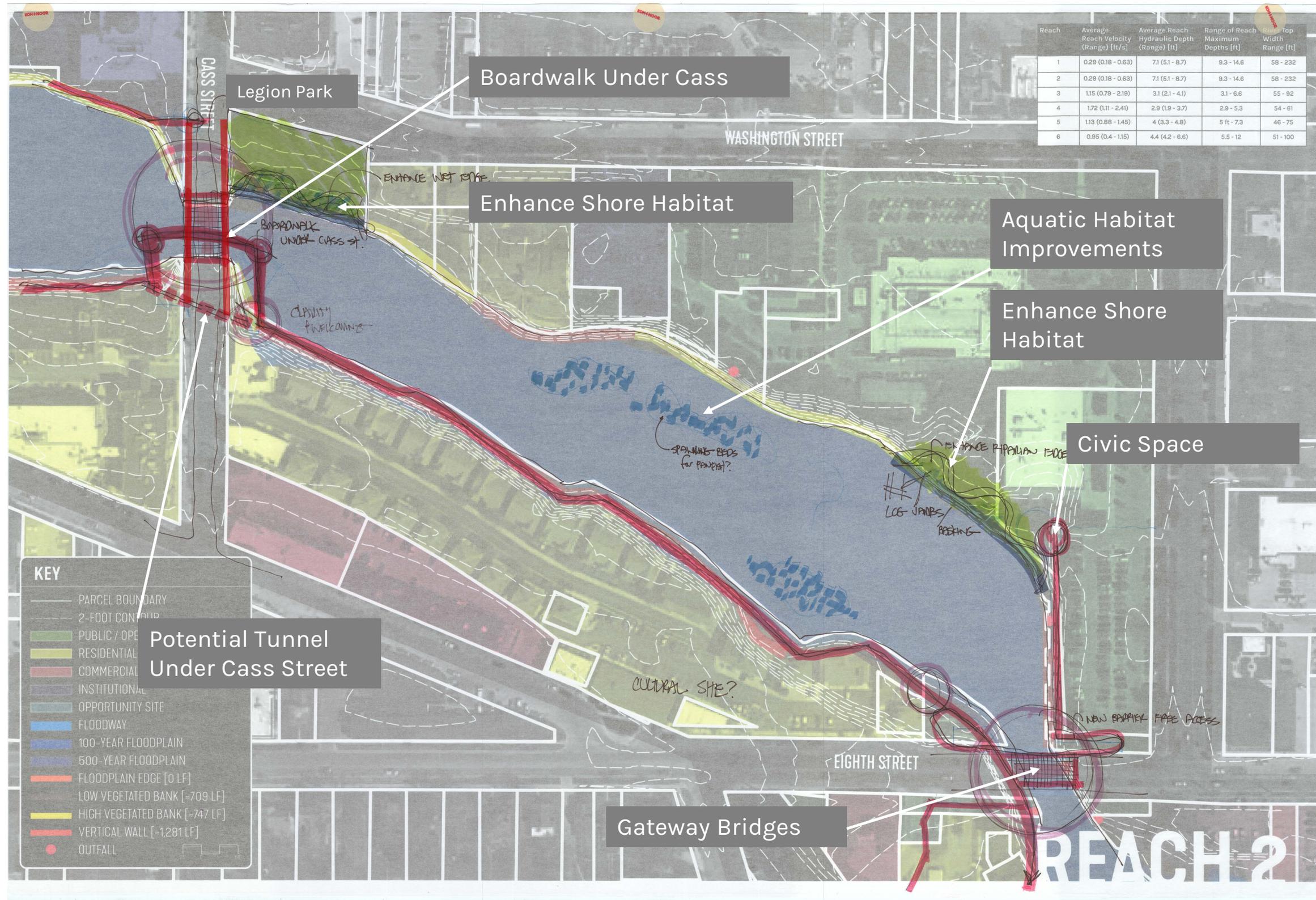


Create Passive Urban Park and Demonstration Gardens



Partially Develop Lot and Provide Access Improvements

# REACH 2



# REACH 1

Improvements on the Lower Boardman need to acknowledge and be sensitive to the homeless population.



Native Art Installations - What it means to be Anishinaabe  
History of Anishinaabe of Boardman lake, river and surrounding area

# Lower Boardman River UNIFIED PLAN

*Excerpt from draft Chapter Three: Action Plan*

*December 16, 2020*

## **Community and Development Policies**

### **A. What needs to change and why**

Recognizing an explicit commitment to the principles of public trust in the protection of the river as a community common, regulatory policies that guide building and development in the downtown area should be amended to reflect the vision and values of the Lower Boardman River UNIFIED PLAN.

Modifying public policy will impact private land development, as these are the regulations and guiding documents that shape the use of the land in our community. However, the intent in modifying these regulations and guiding documents is also to establish standards by which public improvements must abide. The Riparian Buffer Ordinance is intended to work in concert with other codes and ordinances to clarify the principles and standards that guide public policy and private development decisions about any practice that impacts the flow, ecological health, and protected uses of the river as a public trust common.

Specific language is proposed as part of this chapter to provide a guideline in modifying existing and proposed ordinances; however, each of these amendments will need additional effort and conversation with the city planner and planning commission prior to adoption.

### **B. Core Values**

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:

- 1. Help ensure that new or rehabilitated developments along the river are compatible with the City's renewable energy goals.*
- 2. Establish that development sites, destinations and structures must protect the health, aesthetics, accessibility, and health of the relationship between the river and residents/visitors.*
- 3. 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.*
- 4. Prohibit further hardening of the shorelines that are inconsistent with the Unified Plan.*

### **C. Riparian Buffer Ordinance**

The Traverse City Planning Commission is currently considering a new ordinance which will regulate the edge and buffer of the Boardman Lake, Boardman River, and Kidd's Creek to

create and protect riparian habitat, improve water quality, and maintain a more natural edge to the river.

The purpose of the Riparian Buffer Ordinance is to preserve areas that intercept and filter surface water runoff and improve water quality while also providing community scenic and recreational values. The ordinance is written to protect and enhance a larger part of the community than just the study area of the UNIFIED PLAN but is a suitable regulatory tool for the downtown waterfront.

The importance of the Riparian Buffer Ordinance to fulfilling the goals and value of the UNIFIED PLAN and addressing the primary concerns expressed by the public cannot be overstated. The ordinance should be aspirational in its charge and supported by the community. The proposed ordinance is an opportunity to promote a “river first” approach in the protection and enhancement of the river consistent with the Values expressed in this UNIFIED PLAN and through the public input and engagement.

***The Leadership Team studied the draft ordinance in detail and support specific modifications to the draft (as recorded separately.)***

In general terms the recommendations from the Leadership Team focus on the following issues:

1. Clarify expectations and understanding of the Riparian buffer Ordinance by editing and adding new definitions to ordinance Section 1320.07 (as recorded separately.)
2. Further defining and guiding the use of the Riparian Buffer for private and public uses.
3. Increasing restrictions for use and maintenance of the shoreline and the immediate 10-foot wide strip of land adjacent to, and landward of, the Ordinary High-Water Mark.
4. Providing guidelines for public paths, boardwalks, and overlooks as to the location, width, and overall coverage of the Riparian Buffer.
5. Providing illustrations to clarify the intent of the ordinance.
6. Adding additional guidance on tree preservation, new landscaping, and bank and slope protection.
7. Clarifying and strengthening regulations on parking and paved areas and the use of vertical walls.
8. Further defining the appropriate width of the Riparian buffer in downtown zoning districts.

#### D. Zoning Ordinance Changes

The UNIFIED PLAN supports the modification of zoning ordinances to manage the scale, placement, and site improvements of new development consistent with the Core Values of the UNIFIED PLAN. These proposed changes to existing ordinances are, for the most part, intended to support and further codify the new Riparian Buffer Ordinance.

Amendments may be made to the applicable zoning district including OS Open Space, R-29 Multiple Family, C-3 Community Center District, C-4 Regional Center District, and Development Districts D-1 Ironwoods and D-2 Depot. To the greatest extent possible, all new approvals shall be administrative or departmental review unless already part of a Planning Commission review process in accordance with Redevelopment Ready Communities (RRC) Best Practices.

1. Create additional setback for parking from the OHW mark.
  - a) 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.”
  - b) 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.”
  - c) 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.”
2. Restrict the creation of public and private parking within the river corridor.

Parking is not required in C-4 Districts, which is most of downtown. Ordinance 1364 C-4 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, coupled with the proposed changes to the ordinances noted above, is effective at discouraging and managing the design of private parking in downtown, and restricting all parking from locating directly adjacent to the river.

3. Establish and maintain appropriate building setbacks for development along the river in response to public input.
  - a) Amend Ordinance 1346.04 C-4 District, *Setbacks*, subsection (e) *Water Setbacks*.
    - C-4a sites that are located south of the river and east of Park Street: 10-foot setback from OHW
    - C-4b and C-4c (and remaining C-4a sites): 25-foot setback from OHW
  - b) Amend Ordinance 1368.02 *Size and Area Requirements*, subsection (b) *Setbacks Required* with same language.

- c) Maintain current setback from OHW of 25 feet in zoning districts OS-Open Space, R-29 Multi-family, D-1 Ironworks Development, D-2 Depot Development, and GP Government Building.
- d) Establish a 25-foot building setback and Riparian Buffer in all zoning districts where property is adjacent to Kids Creek.

4. The Vision Statements of the UNIFIED PLAN Leadership Team include the following: “Help ensure that new or rehabilitated developments along the River are compatible with the City’s renewable energy goals.” Similar themes emerged from public engagement to require or at least encourage development in the project are to be sustainable and green, through building codes and/or zoning ordinances.

Given the proprietary nature of sustainable building programs, the untested legal merit of enforcing codes more stringent than are required by states, and the ongoing shift in state codes to green building practices, communities in the state of Michigan have been reluctant to adopt their own requirements. Other communities across the country have adopted their own requirements, establishing new point systems for achieving compliance.

Some Michigan communities are encouraging the use of green building practices such as the use of sustainable building materials, energy efficiency and production, habitat creation, bird safe windows, and reuse of building water. 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 Traverse City laws, development over 60 feet is highly discouraged due to the need for a public referendum to increase building heights.

The UNIFIED PLAN supports the development and adoption of modifications to local ordinances and building codes that would encourage, if not require, the use of green building practices. This topic requires a larger conversation with the community, as the goals and values of green building do not directly correlate with the preservation and enhancement of the river corridor, and they have community wide potential and benefits in creating a resilient city.

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

No immediate Action required, as Chapter 1375 Outdoor Lighting ordinance has clear guidelines to encourage dark sky compliance.

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

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

To strengthen this intent section 1346.09 (1) of this ordinance should be amended as follows:

“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.”

7. The ordinance definitions and use restrictions for setbacks for all districts in within the Riparian Buffer Ordinance need to be scrutinized and amended for consistency, and to reflect the guidelines of the proposed Riparian Buffer Ordinance and the UNIFIED PLAN.

**E. Regulatory Ordinance changes**

A great deal of the public input gathered during the planning process supported ideas that are best implemented through changes to the Codified Ordinances of Traverse City. These ordinances are considered “regulatory,” since they are local laws enacted to regulate activity or set standards for the use and development of public facilities such as streets. These ordinances are adopted by the City Commission and are outside of Zoning Ordinances which are focused on regulating the use of land.

Recommended regulatory ordinance modifications for consideration include:

- Integrate lighting guidelines into the appropriate sections of the Codified Ordinances of Traverse City, under Part 10-Streets, Utilities and Public Services, and Part 14-Building and Housing Code.
- Amend the Codified Codes of Traverse City, Part 13 Zoning Code, Chapter 1372 Landscaping to reflect use of native plants and preservation of trees. Regulate landscape maintenance practices in Riparian Buffer to limit manicured lawns, minimize use of pesticides and herbicides, and restrict dumping of refuse (organic or otherwise).
- Consult with City Attorney, Clerk, and Manager on the alternative approaches to regulating river use. Propose and conduct a fair and open process, working in cooperation with licensees. Propose and adopt changes to the Codified Codes of Traverse City, Part Ten Streets, Utilities and Public Services Code, Chapter 1064 Parks, and related codes. Code changes could include volume limitations placed on licensees, Quiet Zones along the corridor, limitation on the use of alcohol, hours of operations, and disorderly conduct.
- As the need may arise, consider establishing outdoor eating guidelines and potential permit requirements for private use of public space, like those used by many communities for managing sidewalk cafes. This may be an amendment of existing Low Impact and High Impact Park and Public Land Use Permits.

**F. Adoption of Local Policies related to River Corridor**

The City of Traverse City and the Traverse City DDA should adopt policies that require physical improvement projects on publicly owned property must meet the standards set by the Riparian Buffer Ordinance and other zoning and regulatory ordinances, specifically-

1. The Riparian Buffer Ordinance once adopted.

2. The draft Riparian Buffer Ordinance prohibits parking in the Riparian Buffer, effectively establishing a 25-foot setback for parking. The UNIFIED PLAN recommends a policy that restricts new public parking facilities to a 50-foot setback.  
“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. Refer to Figure Five: Cross Section at Public Parking Lot”
3. The Downtown Stormwater Guidelines and Best Practices (as prepared by AECComm) and the existing 2019 Storm Water Ordinance.
4. Chapter 1375 Outdoor Lighting ordinance to encourage dark sky compliance. All new public projects should conform to ordinance when improving downtown and riverfront public spaces.
5. Chapter 1372 Landscaping for plant selection and landscape maintenance.

The UNIFIED PLAN recognizes the importance of managing and enforcement of the zoning and regulatory ordinances, and the limitations of city and DDA staff time to conduct this work. As such, we recommend that the needs be evaluated carefully, and adequate staffing level be considered to accomplish the goals of this plan.

**G. Amend the Community Master Plan to be consistent with the findings and recommendations of the Lower Boardman River UNIFIED PLAN.**

When adopting or modifying new ordinances, it is critical that the Community Master Plan supports the values and guidelines that are reflected in the new ordinances. This can be accomplished in by integrating key findings of the UNIFIED PLAN into the next update of the Traverse City Comprehensive Plan and incorporate the UNIFIED PLAN by reference.

**H. Community Recreation Plan Changes**

Funding grants through the Michigan Department of Natural Resources (DNR) are available for many of the projects outlined in the UNIFIED PLAN. To be fully eligible for these potential grants, the planned projects should be reflected in the Recreation Plan for Traverse City. Per DNR guidelines, the Recreation Plan is updated every five years, which in Traverse City’s case would be in 2021.

The Recreation Plan should include the UNIFIED PLAN recommendations to improve public parks in the project area and proposed trail connections. The City and DDA will need to coordinate Recreation Plan changes with the Parks and Recreation Commission.

**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 with a Riparian buffer zone (see Section 1320.07 *General Provisions and Definitions*) located in Grand Traverse Bay, Boardman Lake, Boardman River and Kids Creek where a land use permit is required, the following compliance is required:
  - (1) For the purposes of defining the allowed uses, structures, and construction within any building setback (front, rear, or side) which overlaps with a Riparian Buffer, the regulations and requirements of Chapter 1373 – RIPARIAN BUFFER ORDINANCE shall take precedence.
  - (2) No development, permanent structures, fences, impervious surfaces or parking areas shall be allowed in the Riparian buffer zone, except for the following:

- (i) Private recreational areas such as permeable surface paths; permeable patios, playgrounds and playground safety enclosures; mown lawns; fire pits; permeable decks and dock landings, boat launches and boathouses allowed by this zoning code; temporary storage of seasonal boats, rafts and docks; temporary structures under 200 square feet are allowed in the Riparian buffer zone that meet the following requirements:
  - (a) All private recreational areas are constructed of permeable material that shall not allow for surface water to drain directly into Grand Traverse Bay, Boardman Lake, Boardman River or Kids Creek.
  - (b) The total private recreational area may not exceed 30% area of the total area of the total Riparian buffer zone.
- (ii) The strip of land within the Riparian Buffer Zone that is 10 feet wide on the landward side of the OHW Mark shall be subject to further restrictions and referred to as the Critical Riparian Protection Area.
  - (a) Within the Critical Riparian Protection Area, only the following private recreation areas are allowed: fire pits, permeable surface paths, and permeable dock landings.
  - (b) The part of the private recreation area located within the Critical Riparian Protection Area and may not exceed 15% of the Critical Riparian Protection Area.
- (iii) Private recreation areas allowed in the Riparian Buffer for all sites within frontage along the Lower Boardman River shall be further limited to allow only permeable surface paths, permeable decks, and fire pits, and one dock landing per parcel of property, which together shall not exceed 15% of the Riparian Buffer Area. The width of all paths measured together is limited to 8 feet total for the entire lot.
- (iv) Public permeable surface walkways are allowed in the Riparian buffer zone that meet the following requirements:
  - (a) Public paths that parallel the river shall be located outside of the Critical Riparian Protection Area. If a parallel path is located closer to the OHW Mark, the path shall be an elevated boardwalk and be located to the river side of the OHW Mark, an activity regulated by the State of Michigan and the US Corp

of Engineers. Refer to Figure Three: Typical Cross Section with Boardwalk.”

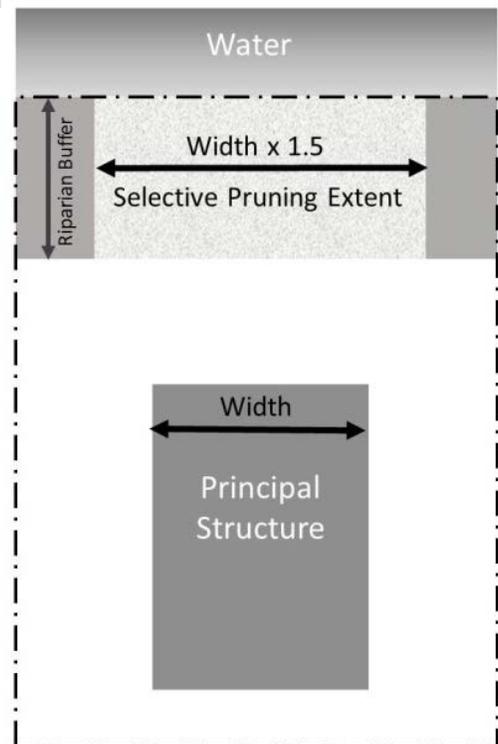
- (b) Public paths that are not parallel to the river may exist in the Critical Riparian Protection Area only if they are providing access to overlooks, boardwalks, bridges, or defined public access points.
  - (c) Public paths shall be limited to a maximum width of 10 feet, and a minimum width of 6 feet.
  - (d) A site plan of the Riparian buffer zone area and the public walkway must be submitted to and approved by the Planning Commission.
  - (e) The combined private recreational area and public walkway shall not exceed 40% area of the total area of the Riparian buffer zone.
  - (v) Paved or unpaved service drives, driveways, working/service areas, materials or refuse storage are not allowed in the Riparian Buffer.
  - (vi) Installation, maintenance or otherwise deemed necessary essential public utility services, maintaining minimal impact to the Riparian buffer zone.
- (3) Existing vegetation and healthy trees shall be preserved in the Riparian buffer zone as enumerated herein and within Chapter 1372 – Landscaping, except as follows:
- (i) 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 and shall be replaced with native vegetation within one year of removal.

Any tree listed on the State of Michigan Invasive Species list that has been identified by a Certified Arborist may be removed, provided the stump and roots are treated and left in place.

- (ii) Removal of trees less than 6 inches DBH and other vegetation within the Riparian Buffer shall be prohibited unless approved for publicly accessible recreational paths, boardwalks, overlooks, bridges, and related public amenities, and for removal and

improvement of degraded habitat, subject to the tree replacement requirements noted herein.

- (iii) 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.
  - (iv) The removal of 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.
- (4) 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) Any area cleared for Private recreational use as defined in this chapter, shall be counted towards the allowable pruned area.
  - (iii) No clear cutting of woody vegetation is permitted within the Riparian buffer zone.



- (5) Landscaping within the riparian buffer shall comply with Chapter 1372 – Landscaping, as supplemented herein. New landscape materials in the riparian buffer zone shall be native. Plantings shall be arranged and selected to retard water runoff, prevent erosion, and create wildlife food sources, nesting habitat, movement corridors, and protective cover. Selection of landscape plants shall include a diversity of species within any one plant type and shall be suitable for the conditions of the proposed habitat and reflective of the plant specie’s native habitat.

Proposed landscaping shall be limited to the use of plants that have cultural significance to the First Peoples (including plants such as sage, sweet grass, northern white cedar, and native tobacco), and/or plants that are indigenous to the Boardman River region.

- (6) Soil and erosion measures and procedures will be employed in accordance with Natural Resources and Environmental Protection Act (Part 91 P.A. 451 as amended) 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.
- (7) 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, lawn clippings, leaves, garbage, trash, refuse and animal pens.
- (8) No new private seawalls, bulkheads, broken concrete, rubble, 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 for projects which are regulated under jurisdiction of Michigan Department of Environment, Great Lakes and Energy (EGLE) and the Army Corps of Engineers.) Natural Rock Riprap is allowed in the Riparian buffer zone.

This ordinance recognizes that the urban context of downtown Traverse City may not encourage pure landscape, habitat based, or “green” solutions, but for these sites there is a need to find solutions that create real habitat benefits. Rip Rap may be required to stabilize slopes in high

current areas, or on steeply sloping banks. The use of landscape plantings and biodegradable materials is encouraged over the use of natural rock riprap. When required, rip rap shall be natural stone and used in concert with landscaping to create pocket plantings, and with other organic stabilization methods such as coir logs, brush mats, live stakes, and logs/stumps to minimize banks hardened with stone . Refer to Figures Two, Three, Four and Five.

- (9) New construction of paved surfaces, including service areas, parking, walks and patios, which are located on all property that includes or is adjacent to a Riparian Buffer along the Lower Boardman River, shall not be allowed to drain directly into the river without pretreatment as recommended in the TIF 97 Stormwater Management Plan and regulated by the City of Traverse City Ordinance Chapter 1068 - Ground-Water Protection and Storm-Water Runoff Control .
- (10) 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.
- (11) Reduction. In the event that the application of the Riparian buffer zone 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

DRAFT

**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.

***Boardwalk* means a walkway constructed at or above the surrounding grade, and supported by posts or columns embedded into the ground.**

*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 Riparian Protection Area* is a subset area of the Riparian Buffer Zone, defined as follows: a 10-foot wide area measured landward from the Ordinary High Water Mark and extending parallel to the river, lake or water body shoreline.**

*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.

***Deck* means an open, unwallled structure that supports outdoor use of property, typically built above adjacent grade and supported by posts, columns, and /or adjacent buildings.**

*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.

*Dock Landing* means a walkway structure or path that is used to provide access from land above the Ordinary High-Water Mark into a waterbody for the purposes of facilitating recreational use of the water.

*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.

**Lower Boardman River is the reach of the Boardman River that extends from the north shore of Boardman Lake to the Grand Traverse Bay of Lake Michigan.**

*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, Boardman Lake, and 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.

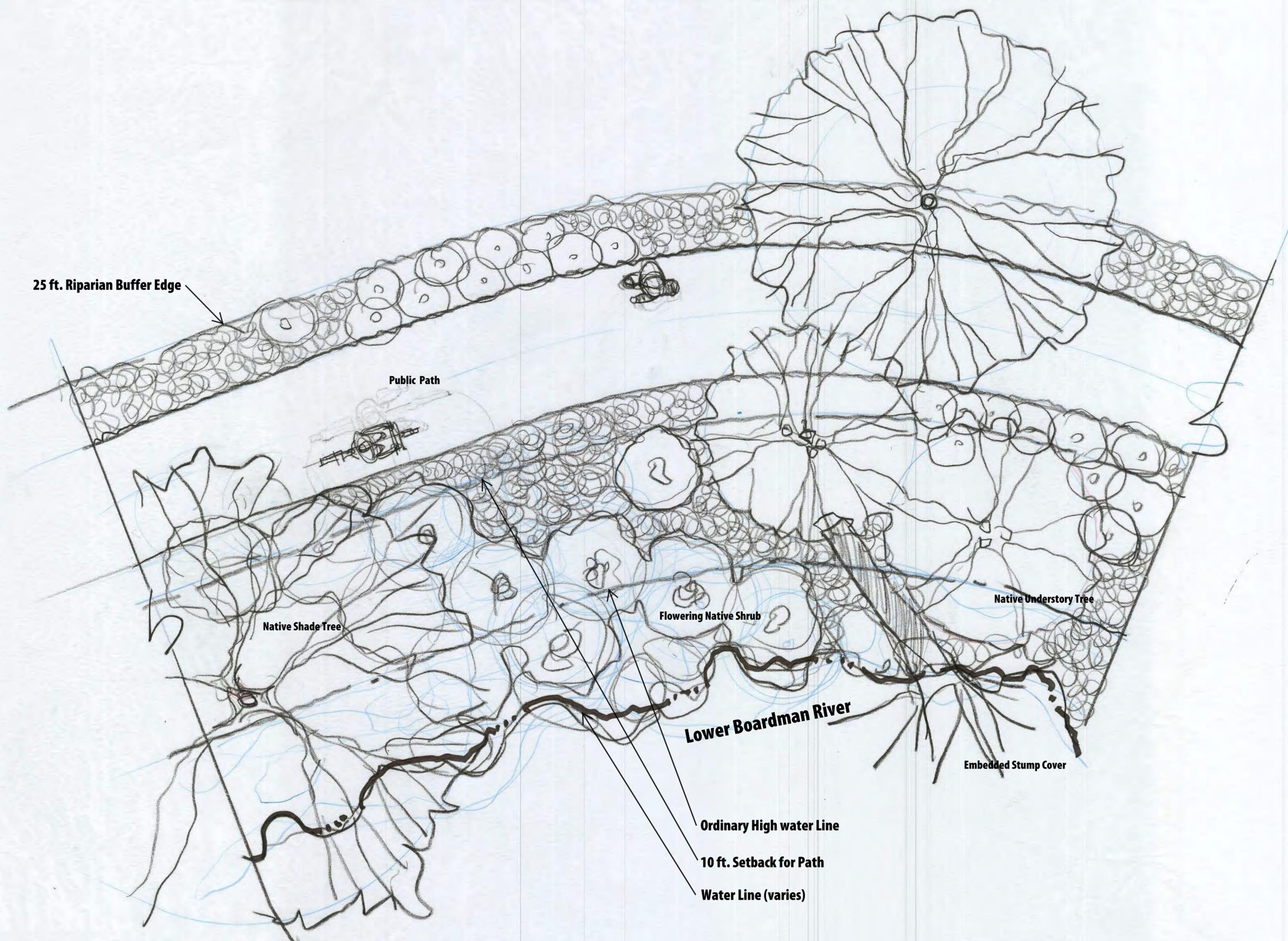
\_\_\_\_\_  
James Carruthers, Mayor

\_\_\_\_\_  
Benjamin C. Marentette, City Clerk

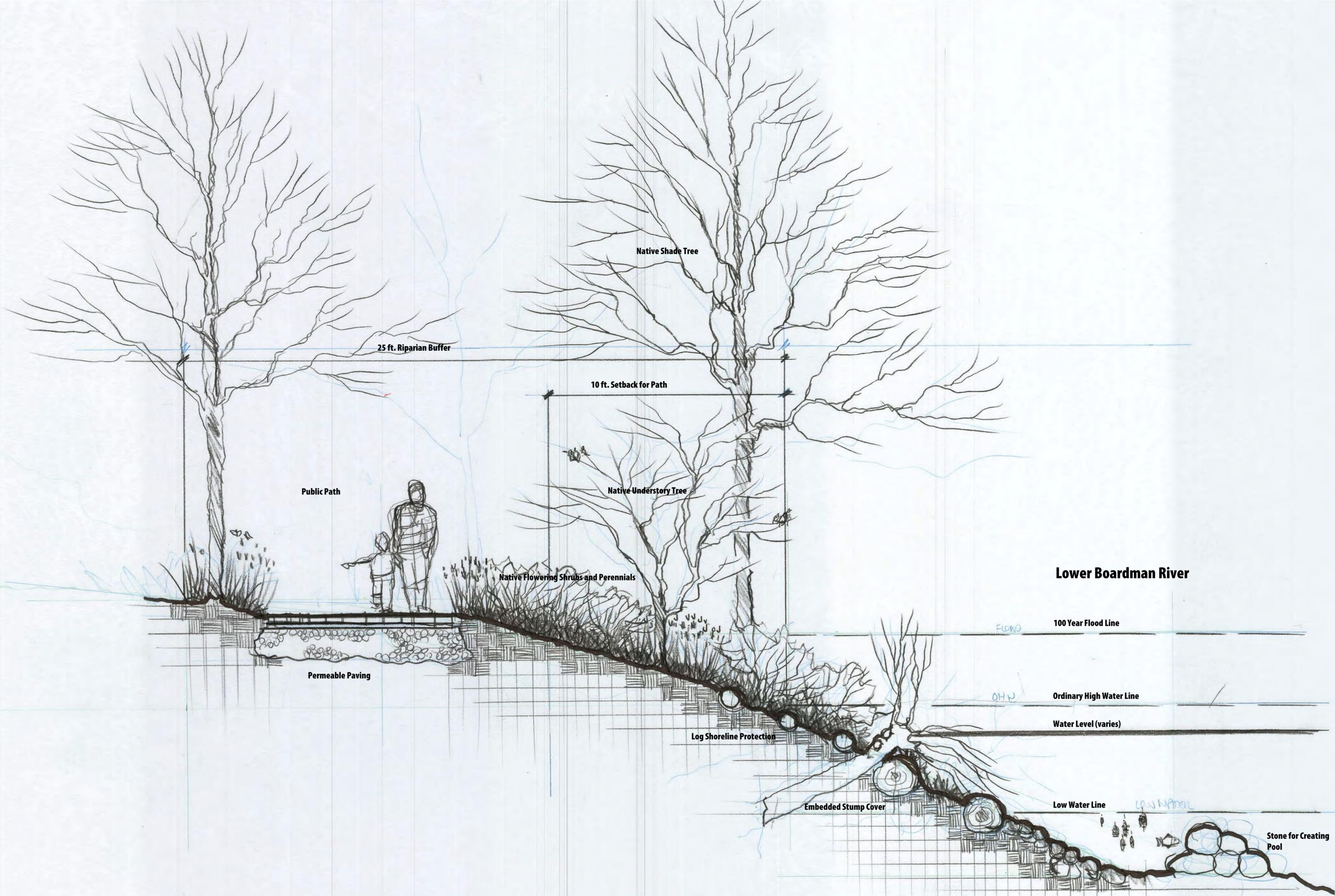
I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on \_\_\_\_\_.

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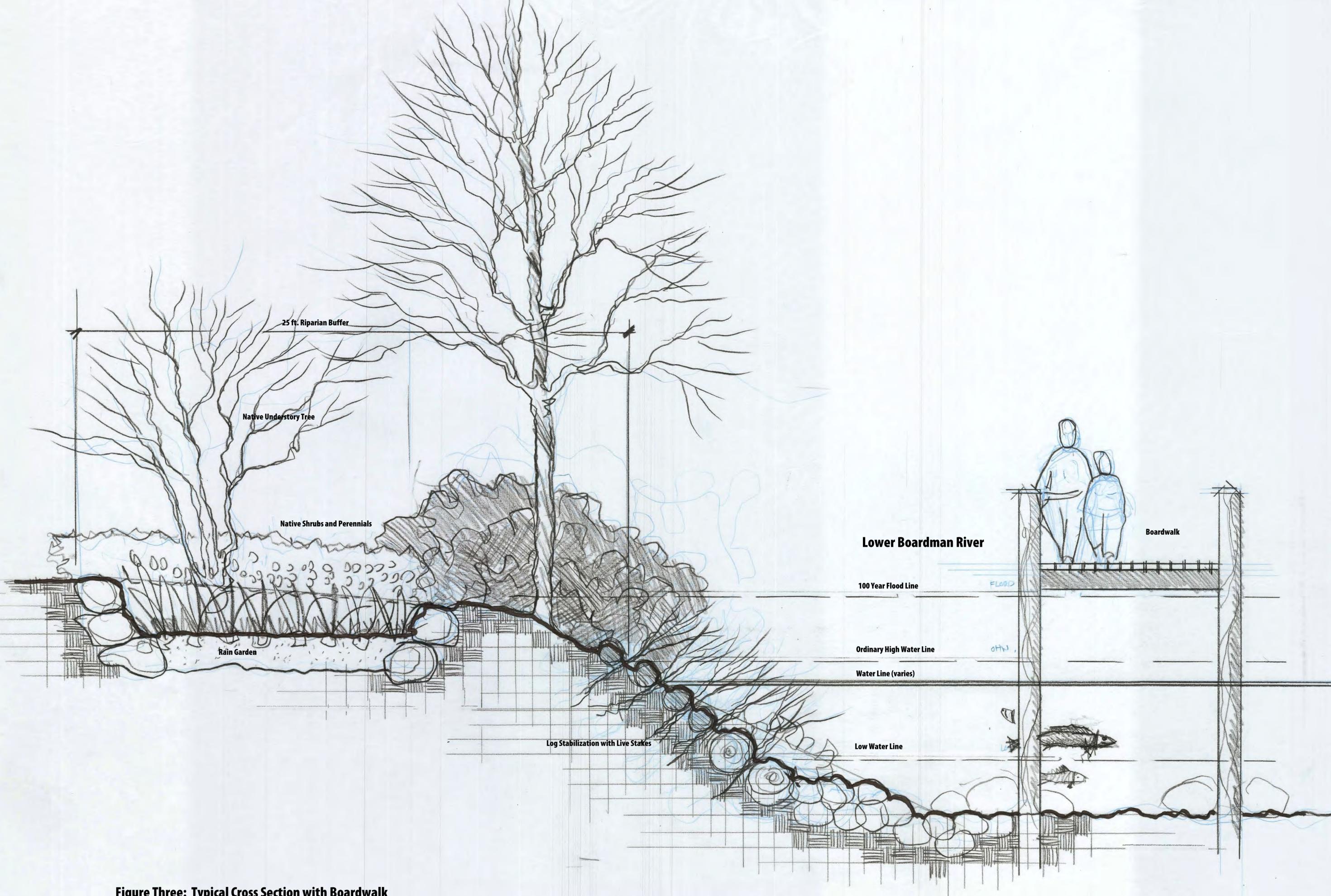
Benjamin C. Marentette, City Clerk



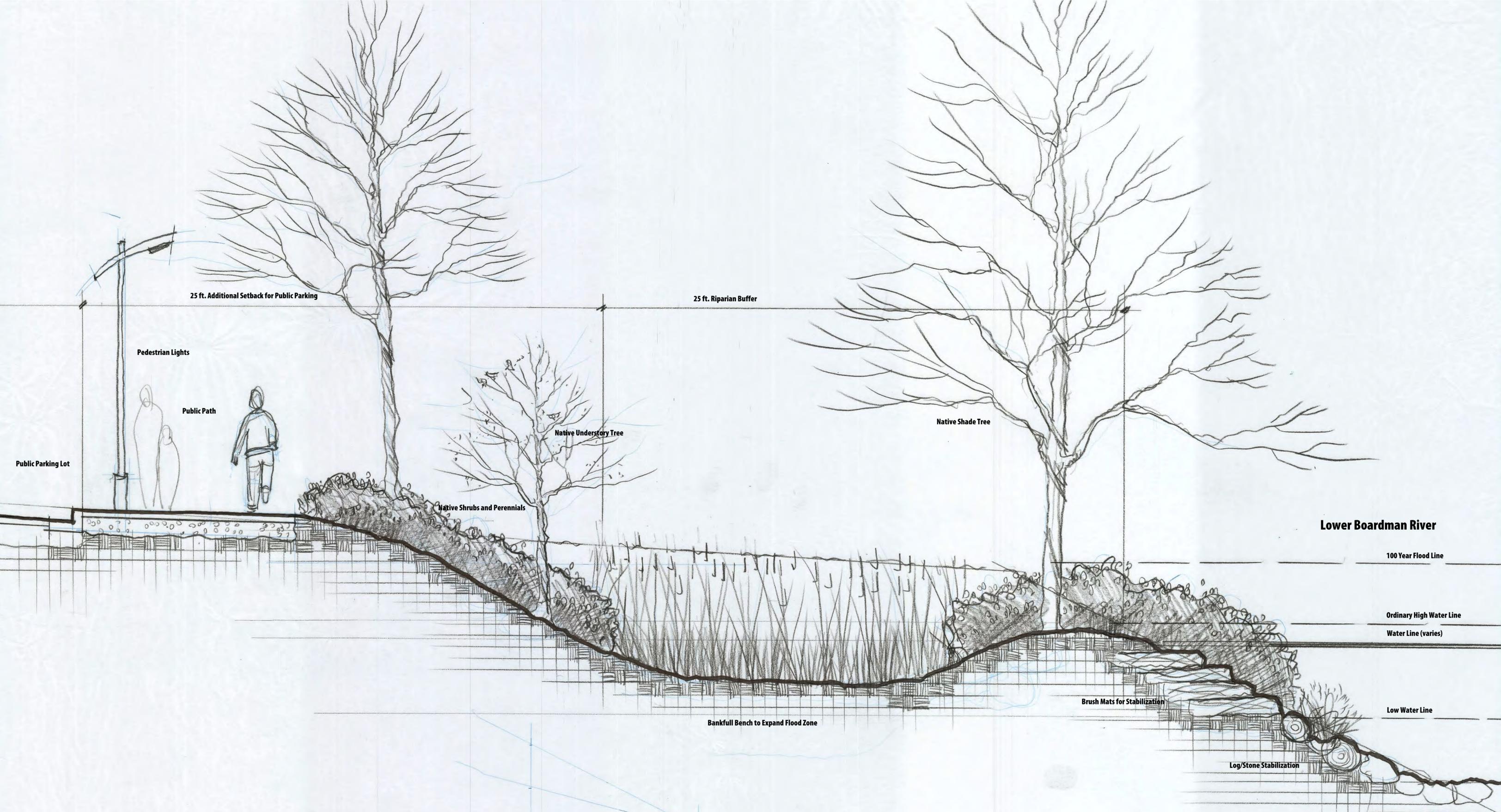
**Figure One: Typical Plan of LBR Riparian Zone**



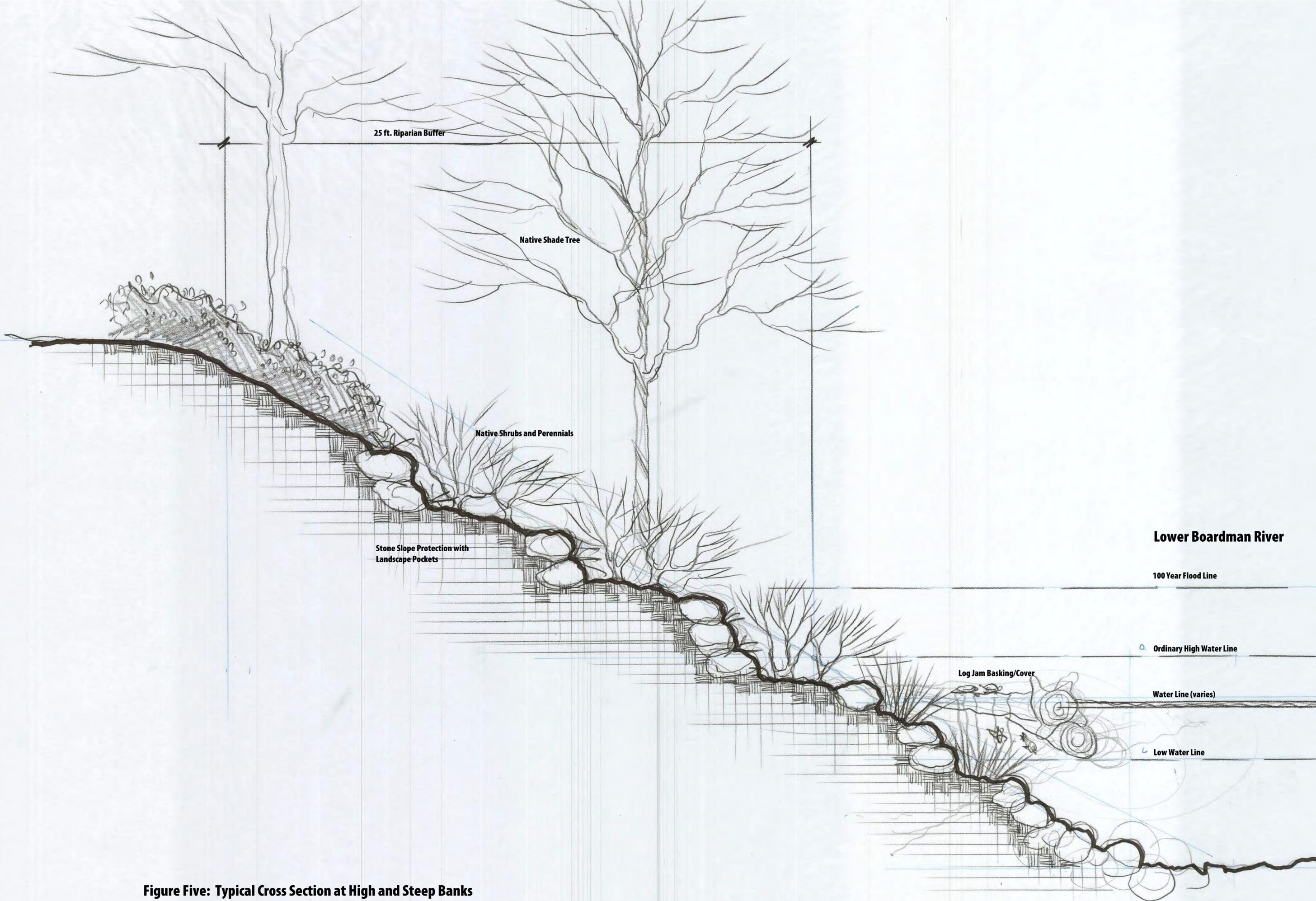
**Figure Two: Typical Cross Section with Path**



**Figure Three: Typical Cross Section with Boardwalk**



**Figure Four: Cross Section at Public Parking Lot**



**Figure Five: Typical Cross Section at High and Steep Banks**

Activity ID	Activity Name	Calendar	Original Duration	Actual Duration	Remaining Duration	Start	Finish	2020				2021							
								Nov	Dec	Jan	Feb	Nov	Dec	Jan	Feb				
<b>Bi-Directional Union St. Fish Pass</b>																			
<b>Executive Summary</b>																			
<b>Project Milestones</b>																			
MILE-100	NTP Acknowledged	5D	0	0	0	04-Nov-20 A													
<b>Permitting</b>																			
<b>Federal</b>																			
PERM-100	Fed Permit #2 - N/A	7D	1	0	1	01-Dec-20	02-Dec-20												
PERM-105	Fed Permit #1 - N/A	7D	1	0	1	01-Dec-20	02-Dec-20												
<b>State and Local</b>																			
PERM-110	Storm Water Runoff Permit	7D	15	0	15	01-Dec-20	16-Dec-20												
PERM-115	Demo Permit	7D	15	0	15	01-Dec-20	16-Dec-20												
PERM-120	Soil Erosion & Sed. Control	7D	15	0	15	01-Dec-20	16-Dec-20												
PERM-155	New Activity	7D	15	0	15	01-Dec-20	16-Dec-20												
<b>Preconstruction</b>																			
<b>Preconstruction Submittals</b>																			
<b>Prepare &amp; Submit</b>																			
PRE-110	P/S - Certified Survey Results	5D	10	0	10	01-Dec-20	14-Dec-20												
PRE-120	P/S - Submittal Register	5D	10	0	10	01-Dec-20	14-Dec-20												
PRE-140	P/S - Site Layout / Access Plan	5D	10	0	10	01-Dec-20	14-Dec-20												
PRE-130	P/S - Project Schedule	5D	5	0	5	01-Dec-20	07-Dec-20												
PRE-150	P/S - Activity Hazard Analysis	5D	10	0	10	01-Dec-20	14-Dec-20												
PRE-190	P/S - Crane Critical Lift Plan	5D	10	0	10	01-Dec-20	14-Dec-20												
PRE-200	P/S - Crane Oper. Qualifications	5D	10	0	10	01-Dec-20	14-Dec-20												
PRE-170	P/S - Excavation Plan	5D	10	0	10	01-Dec-20	14-Dec-20												
PRE-180	P/S - Fall Protection & Prev. Plan	5D	10	0	10	01-Dec-20	14-Dec-20												
PRE-210	P/S - Demolition Plan	5D	10	0	10	01-Dec-20	14-Dec-20												
PRE-390	P/S - Accident Prevention Plan	5D	5	0	5	01-Dec-20	07-Dec-20												
<b>Govmt Review &amp; Approve</b>																			
PRE-230	R/A - Project Schedule	7D	14	0	14	07-Dec-20	21-Dec-20												
PRE-400	R/A - Accident Prevention Plan	7D	14	0	14	07-Dec-20	21-Dec-20												
PRE-290	R/A - Certified Survey Results	7D	14	0	14	14-Dec-20	28-Dec-20												
PRE-220	R/A - Submittal Register	7D	14	0	14	14-Dec-20	28-Dec-20												
PRE-300	R/A - Site Layout / Access Plan	7D	14	0	14	14-Dec-20	28-Dec-20												
PRE-240	R/A - Activity Hazard Analysis	7D	14	0	14	14-Dec-20	28-Dec-20												
PRE-310	R/A - Crane Critical Lift Plan	7D	14	0	14	14-Dec-20	28-Dec-20												
PRE-320	R/A - Crane Oper. Qualifications	7D	14	0	14	14-Dec-20	28-Dec-20												
PRE-260	R/A - Excavation Plan	7D	14	0	14	14-Dec-20	28-Dec-20												
PRE-270	R/A - Fall Protection & Prev. Plan	7D	14	0	14	14-Dec-20	28-Dec-20												
PRE-280	R/A - Demolition Plan	7D	14	0	14	14-Dec-20	28-Dec-20												
<b>Preconstruction Meeting</b>																			
PRE-105	Precon Meeting	5D	1	0	1	22-Dec-20	22-Dec-20												
<b>Critical Submittals</b>																			
<b>Prepare &amp; Submit</b>																			
PRE-330	P/S - Cofferdam Sheet Piling SD/Calcs	5D	15	0	15	01-Dec-20	21-Dec-20												
PRE-360	P/S - Watermain SD	5D	15	0	15	01-Dec-20	21-Dec-20												
<b>Review &amp; Approve</b>																			

█ Actual Level of Effort   
 █ Remaining Work   
 ◆ Milestone  
█ Actual Work   
 █ Critical Remaining Work

Activity ID	Activity Name	Calendar	Original Duration	Actual Duration	Remaining Duration	Start	Finish	2020				2021						
								Nov	Dec	Jan	Feb	Nov	Dec	Jan	Feb			
PRE-340	R/A - Cofferdam Sheet Piling SD/Calcs	7D	14	0	14	21-Dec-20	04-Jan-21											
PRE-370	R/A - Watermain SD	7D	14	0	14	21-Dec-20	04-Jan-21											
<b>Fabrication &amp; Delivery</b>																		
PRE-350	F/D - Cofferdam Sheet Piling SD/Calcs	5D	2	0	2	05-Jan-21	06-Jan-21											
PRE-380	F/D - Watermain	5D	2	0	2	05-Jan-21	06-Jan-21											
<b>Construction</b>																		
<b>Phase 1</b>																		
CON-130	Start Phase 1	5D	1	0	1	29-Dec-20	29-Dec-20											
CON-190	Mobilize / Site Construction Fence	5D	10	0	10	30-Dec-20	13-Jan-21											
CON-180	SESC Measures/Prot.	5D	5	0	5	14-Jan-21	21-Jan-21											
CON-100	Watermain Construction	5D	10	0	10	22-Jan-21	04-Feb-21											
CON-110	Site Clearing	5D	5	0	5	22-Jan-21	28-Jan-21											
CON-120	Sheet Piling - Upstream	5D	15	0	15	05-Feb-21	26-Feb-21											
CON-170	Test New Watermain	5D	5	0	5	05-Feb-21	11-Feb-21											
<b>Phase 2</b>																		
<b>Phase 3</b>																		

█ Actual Level of Effort   
 █ Remaining Work   
 ◆ Milestone   
 █ Actual Work   
 █ Critical Remaining Work