

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

Wednesday, March 17, 2021  
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

(231) 922-2050

Email: [jean@downtowntc.com](mailto:jean@downtowntc.com)

Web: [www.downtowntc.com](http://www.downtowntc.com)

303 East State Street, Suite C.

Traverse City, MI 49684

## Meeting Agenda

1. Call to Order
2. Roll Call
3. Approval of January 21, 2021 Minutes
4. Opening Public Comment
5. Brief FishPass Update from Frank and Brett
6. Discussion of Land Use & Zoning Recommendations
7. Initial Steps of Public Engagement
8. Public Comment
9. 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.

**Minutes of the  
Lower Boardman Leadership Team  
Regular Meeting  
Thursday, January 21, 2021**

A regular meeting of the Lower Boardman Leadership Team was called to order via ZOOM on Thursday, January 21, 2021.

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

The following Members were absent: Sammie Dyal

Co-Chairpersons Fessell and Jay 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) None

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

(1) Meeting Minutes  
Approval of December 2020 minutes.

Moved by Soyering, Seconded by Scudato

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

**Absent:** Sammie Dyal

**CARRIED 12-0.**

(e) **PROJECT UPDATE**

(1) Dituri provided a FishPass update

- (2) Bob Doyle walked through the land use and zoning draft  
The Leadership Team agreed that the zoning subcommittee should meet to discuss several of the following components:
- The reasoning and (scientific) justification for the suggested shift from a 10 foot setback to a 25 setback in certain C-4 districts.
  - The reasoning and justification for making the Riparian Buffer area the same size as the suggested setback and what should and should not be allowed in that zone.
  - The reasoning and justification for the the suggested 10-foot critical riparian protective area, and what should and should not be allowed in that zone.
  - Replanting stipulations for the 10-foot buffer.
  - A possible density bonus for increasing the setback.

(h) **PUBLIC COMMENT**

(1) None

(i) **ADJOURNMENT**

(1) Meeting was adjourned at 7:54pm

Moved by Derenzy, Seconded by Scrudato

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

**Absent:** Sammie Dyal    **Carried 12- 0**



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

## MEMORANDUM

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**To:** Lower Boardman Leadership Team

**From:** Harry Burkholder, DDA COO

**For Meeting Date:** March 14, 2021

**SUBJECT:** Land Use and Zoning Recommendations

At our January Leadership Team meeting, we reviewed and discussed the draft land use/zoning recommendations, including the working-draft Riparian Buffer Ordinance. As you may recall, there were a handful of items within the recommendations and Buffer Ordinance that sparked debate and additional questions. As a result, the Leadership Team recommended that the zoning subcommittee reconvene to address these questions and reach consensus on final draft recommendations to be brought back to the full Leadership Team.

The Zoning Committee met on January 9<sup>th</sup>, and carefully reviewed and deliberated the zoning recommendations and working-draft riparian buffer ordinance – reaching consensus on several key points (which are included in the packet). However, there was not unanimous consensus in regards to the proposed building setback change in the C-4 (b) and C-4(c) Districts. Given the potential impact of such a change, it is worth noting the discussion and debate and it will be specifically addressed in our meeting. Bob has included a power-point that helps to frame this specific discussion. In addition, Tim Werner has provided (and will discuss) a slide-show to also help frame the discussion.

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 again for your continued commitment to the Lower Boardman Leadership Team!

**Documents Included:** (1) Bob's power-point; (2) Tim's PDF Attachment; (3) Land Use Policy recommendations from the draft UNIFIED PLAN; (4) Specific recommendations on the Riparian Buffer Ordinance; (5) Specific recommendations for additional changes to the definitions section 1320.07 of the ordinances; and (6) a copy of Chapter 1372 (Landscaping).



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## MEMORANDUM

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**To:** Lower Boardman Leadership Team

**From:** Harry Burkholder, DDA COO

**For Meeting Date:** March 14, 2021

**SUBJECT:** Project Related Items and Next Steps

### **Boardman Wall Stabilization Study**

The SmithGroup Team is almost finished with its findings and recommendations regarding their stabilization study of the Boardman Wall along the 100/200 blocks of Front Street. Bob and his team will provide a detailed summary of their findings and proposed recommendations at our April Leadership Team meeting.

### **Leadership Team Appointment**

The Lower Boardman Leadership Team (which is a sub-committee of the DDA) includes 13 members, made up of local officials (including the City Commission and DDA), government staff, a member of the Grand Traverse Band of Ottawa and Chippewa Indians, representatives from stakeholder organizations, businesses owners, residents and citizens.

Despite his recent retirement, Russ Soyring has indicated his interest in remaining on the Leadership Team as a citizen representative. In addition, Tim Werner was recently re-appointed by the city commission to continue on as the city commission representative for the Leadership Team.

At the same time, Shawn Winter (the new city planner) has expressed his interest in joining the Leadership Team. We believe Shawn is an ideal candidate for the Leadership Team. The DDA board is considering his appointment at their March 19<sup>th</sup> meeting.

### **Outreach**

As you recall from our December meeting, we hope to have the draft Unified Plan complete and ready for community input/feedback in June. The Leadership Team will be working with Bob to determine the best ways to move forward with public

engagement, employing a number of different formats that will likely include both virtual and in-person activities.

As a reminder, we continue to email a long list of citizens and stakeholders prior to each meeting, as well as other project updates. In addition, we continue to update the Lower Boardman page of the DDA website with more content as it develops.

# LOWER BOARDMAN-OTTAWAY RIVER

LEADERSHIP TEAM MEETING

MARCH 17, 2021

LimnoTech 

SMITHGROUP

# PURPOSE AND DIRECTION

## Today's Meeting

- Put the buffer and policy discussion in context with the recommendations of the Unified Plan Committee and the Values of the Leadership Team
- Link the goals of creating and improving a riparian buffer with specific sites in the project area.
- Prepare to communicate the aspirations of the Unified Plan to the public, including (but not limited to!) the Riparian Buffer Ordinance.
- Build consensus wherever possible.

## This Recommendation

- Will be tied together with recommendation from the Unified Plan Committee.
- Defines what you support taking to the public for discussion, debate, and refinement.
- Will be modified and improved through the public engagement process.



# YOUR LEADERSHIP TEAM VALUES

- 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.

# KEY INPUT FROM PUBLIC ENGAGEMENT

## Community Workshop and Focus Groups

- Providing public access (e.g., boardwalks) along the river; assume the need for universal access
- Soften shore treatment/restore natural edge
- Limit/manage additional development along the river corridor
- Remove/Limit parking from riverbanks
- Increase building setbacks
- Utilize best practices to manage stormwater and other means of improving water quality.
- Shift the balance towards habitat and nature over human recreation and economic development
- Keep river corridor natural and passive

All these ideas and goals become more achievable with a Riparian Buffer

## Community Survey

*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?*

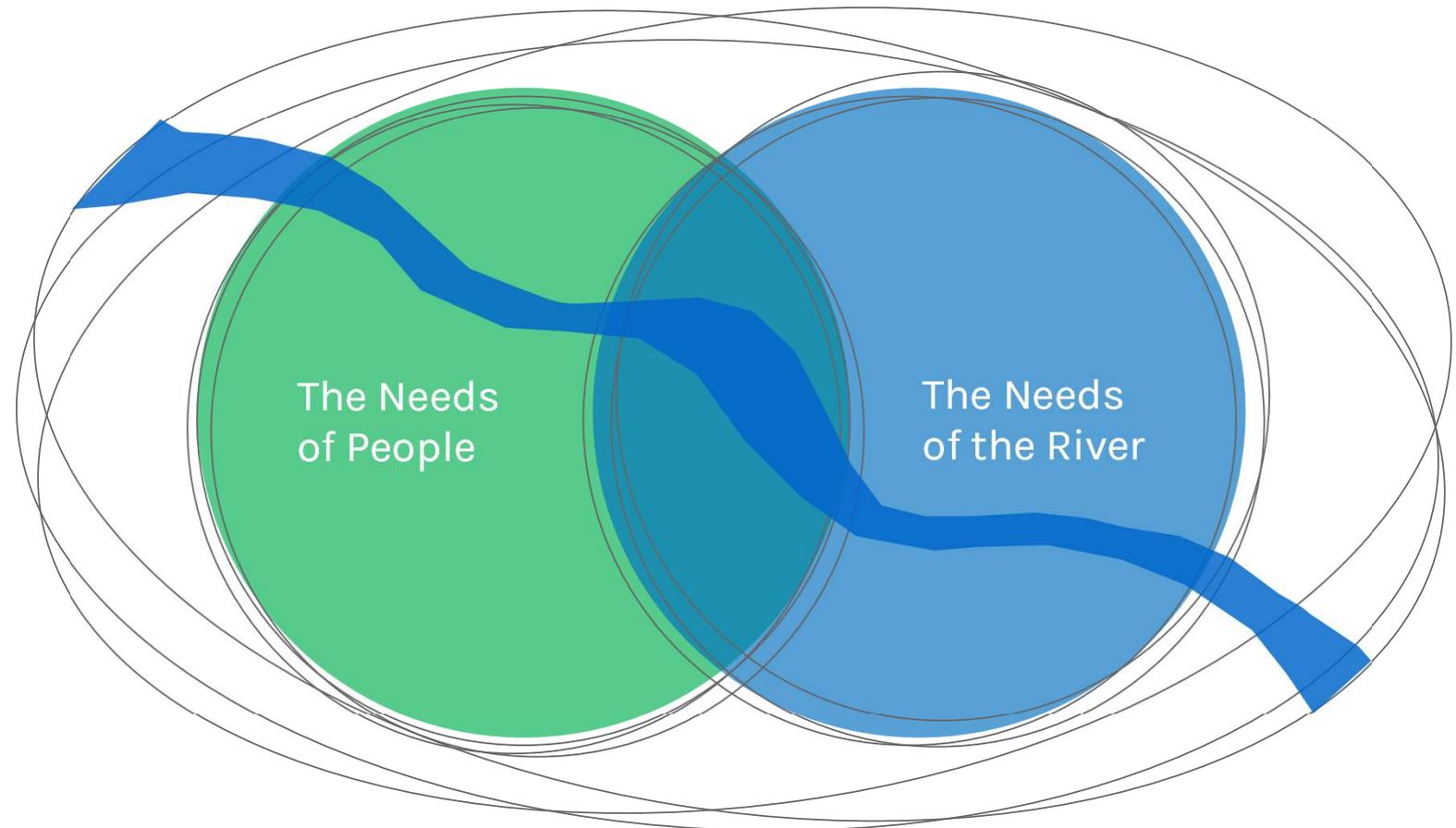
Top priorities noted (in order of priority cited) include protect and enhance natural environment, water quality, health, implement a realistic plan with transparency, accountability/oversight, **Limit development and influence of economic interests**, and use values-based plan to influence government policy.

# TURNING TOWARD THE RIVER

## Evolution of River

- Life Sustaining for culture, food, water, and navigation.
- Support for industry to transport logs and goods, convey storm water, and provide power.
- Recreational resource for boating, walking, and viewing, and a powerful economic draw.
- Re-centering the river as an ecological system

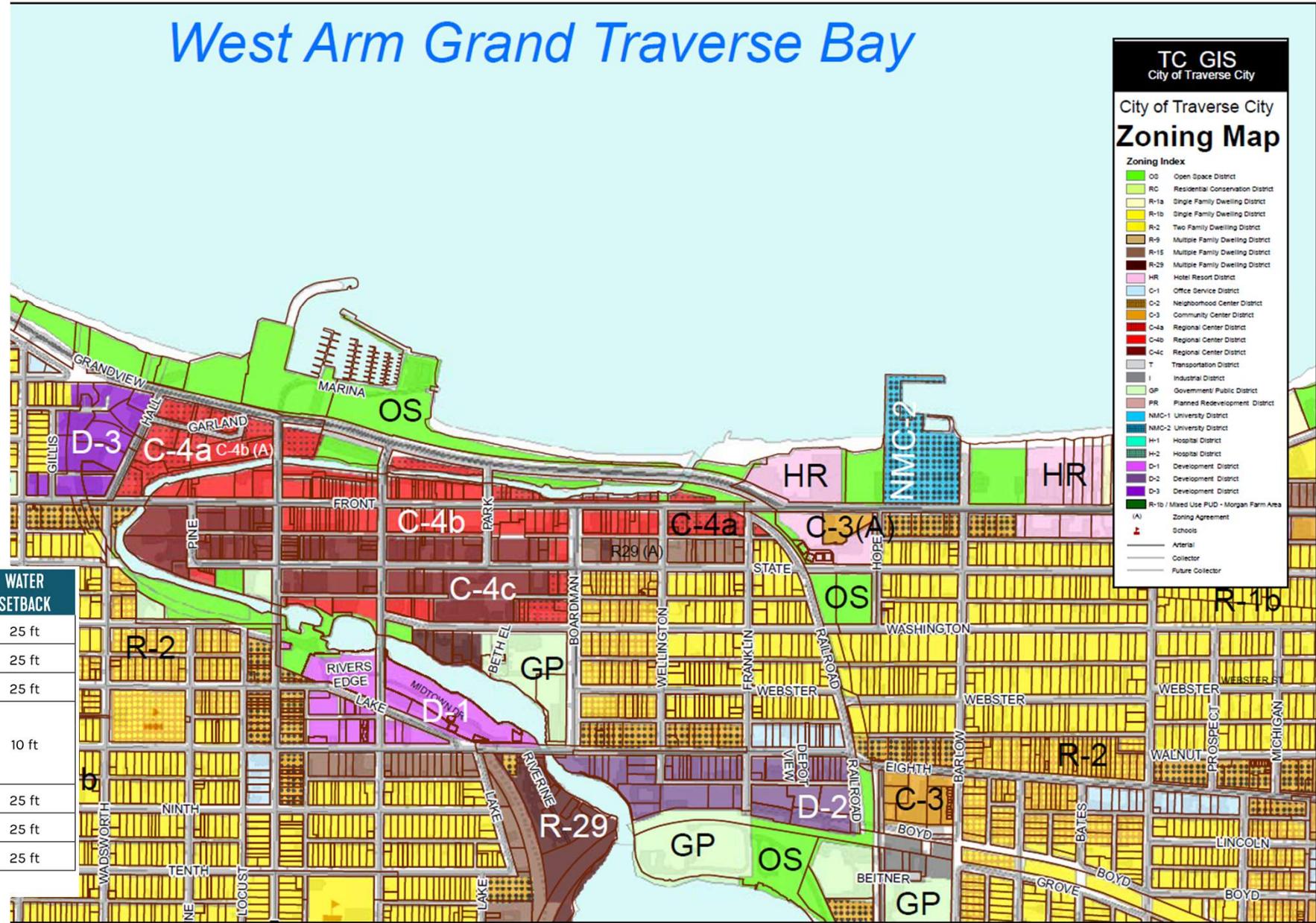
- Finding the Balance in the Urban Environment





# EXISTING ZONING

## West Arm Grand Traverse Bay



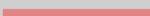
ZONING DISTRICT	MAX HEIGHT	DENSITY	MAX IMPERVIOUS SURFACE	WATER SETBACK
OS - Open Space	45 ft	N/A	20%	25 ft
R-29 - Multi-Family	40 ft	29 units/acre	50%	25 ft
C-3 - Community Center	45 ft	N/A	80%	25 ft
C-4a - Regional Center	45 ft	N/A	100%	10 ft
C-4b - Regional Center	68 ft*			
C-4c - Regional Center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

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

# WHERE IS THE RIPARIAN BUFFER APPLICABLE?

## EXISTING AND PROPOSED SETBACKS

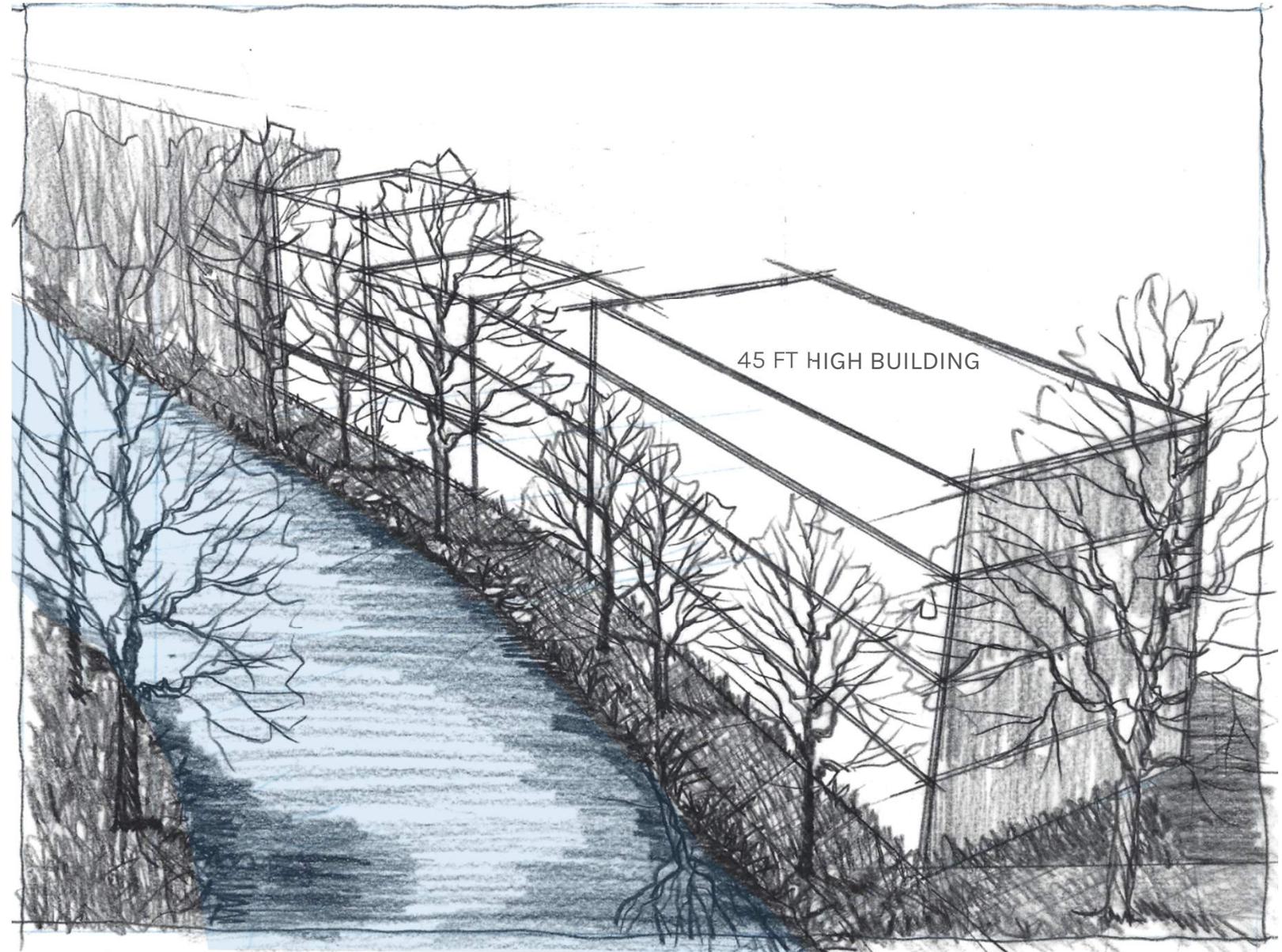
### PLAN LEGEND

-  Proposed change to 25 ft water setback (Property likely to be developed, 3 sites)
-  Proposed change to 25 ft. water setback (private property unlikely to be redeveloped in near term, 3 sites)
-  Existing 10 ft. water setback to remain
-  Existing 25 ft. water setback to remain
-  Publicly owned property
-  Land likely to be developed in near to mid term
-  Land unlikely to be developed in near term



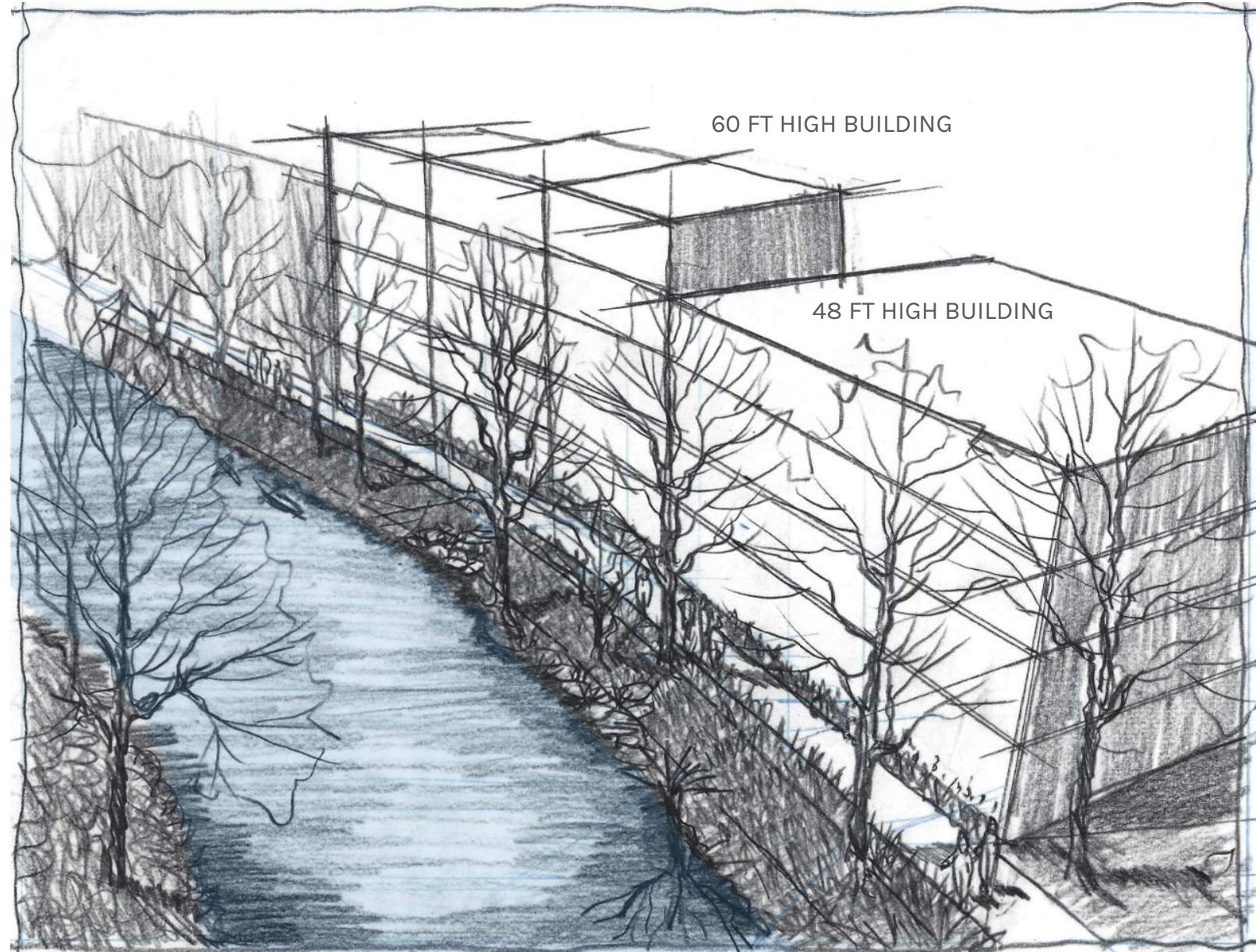
# PROPOSED RIPARIAN BUFFER WIDTH

- 10 FT. RIPARIAN BUFFER
- Matches current setback
- Applies EAST of PARK STREET, on south side of river (25 ft on north side)



# PROPOSED RIPARIAN BUFFER WIDTH

- 25 FT. RIPARIAN BUFFER
- ALL OTHER LOWER BOARDMAN/OTTAWAY REACHES



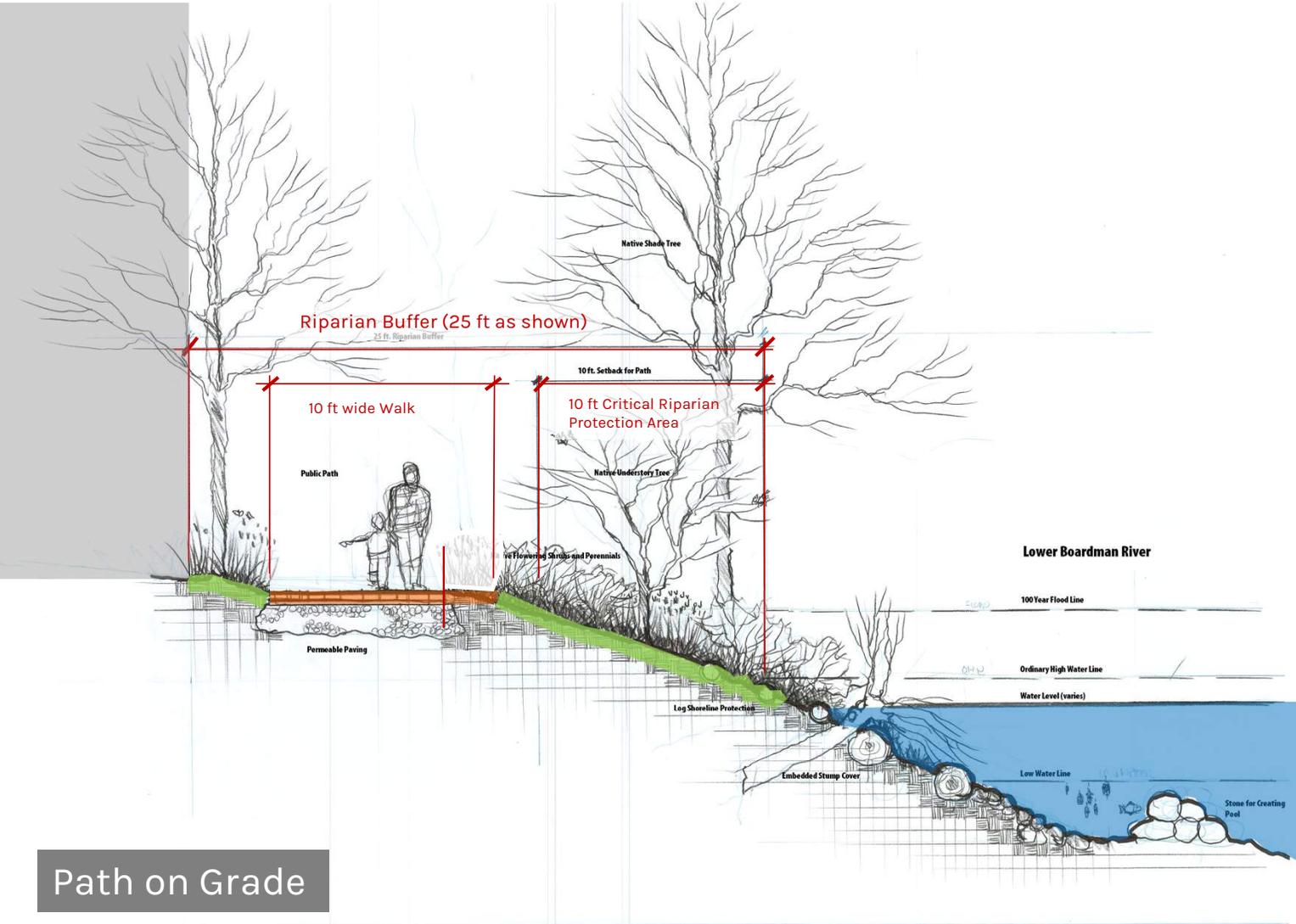
# VALUE AND FUNCTION OF AN URBAN RIPARIAN BUFFER

BUFFER Width is a factor of your goals-

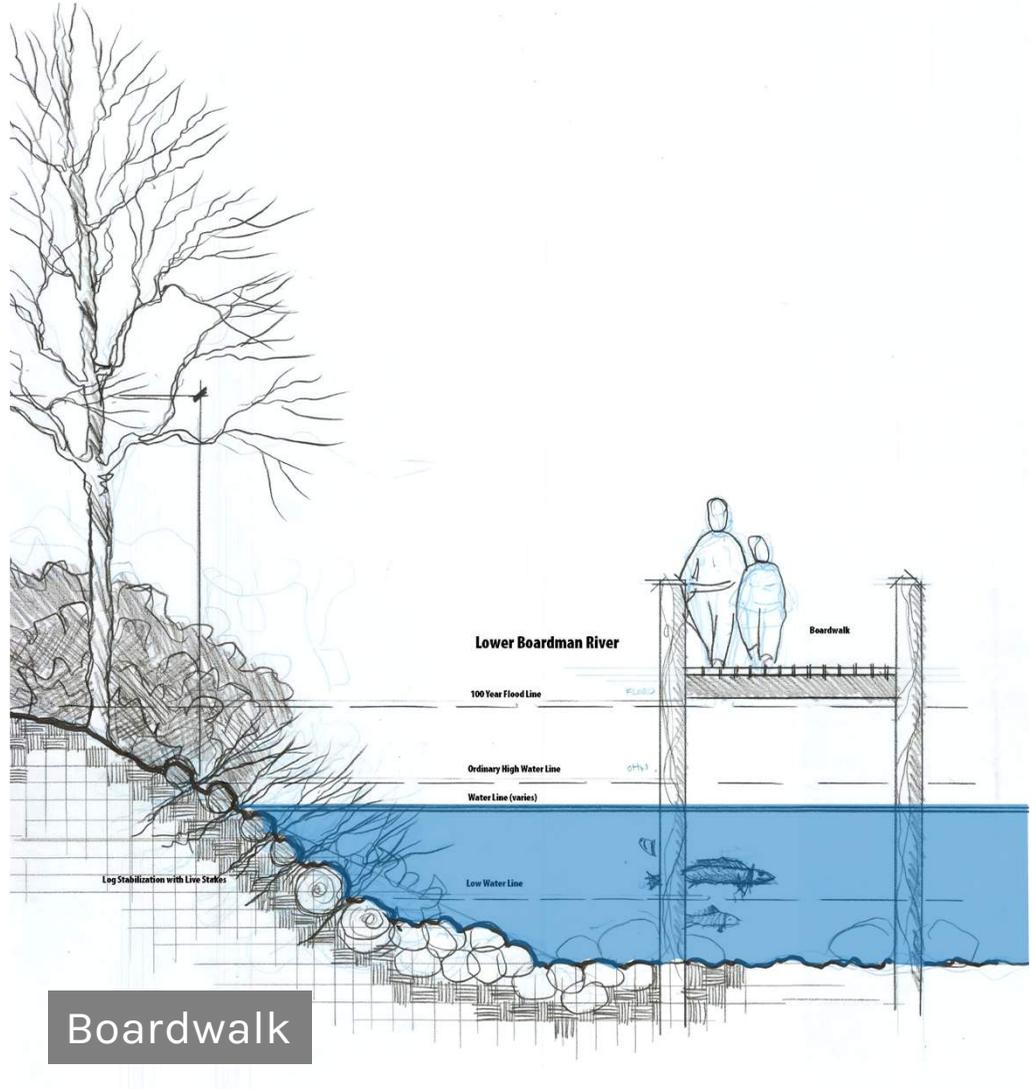
- a) Providing for recreation, engagement, and access; “Turning Toward the River”
- b) Reducing the visual presence of development.
- c) Erosion control/bank stabilization, especially for steep slopes and high banks.
- d) Restoring natural and stable riverbanks.
- e) Storm Water Quality Management through filtering and absorption.
  - Sediment reduction from parking lots and sealed surfaces
  - Reducing nitrogen from lawns
- f) Target species for habitat improvement.



# ACCESS AND RECREATION



Path on Grade

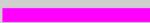


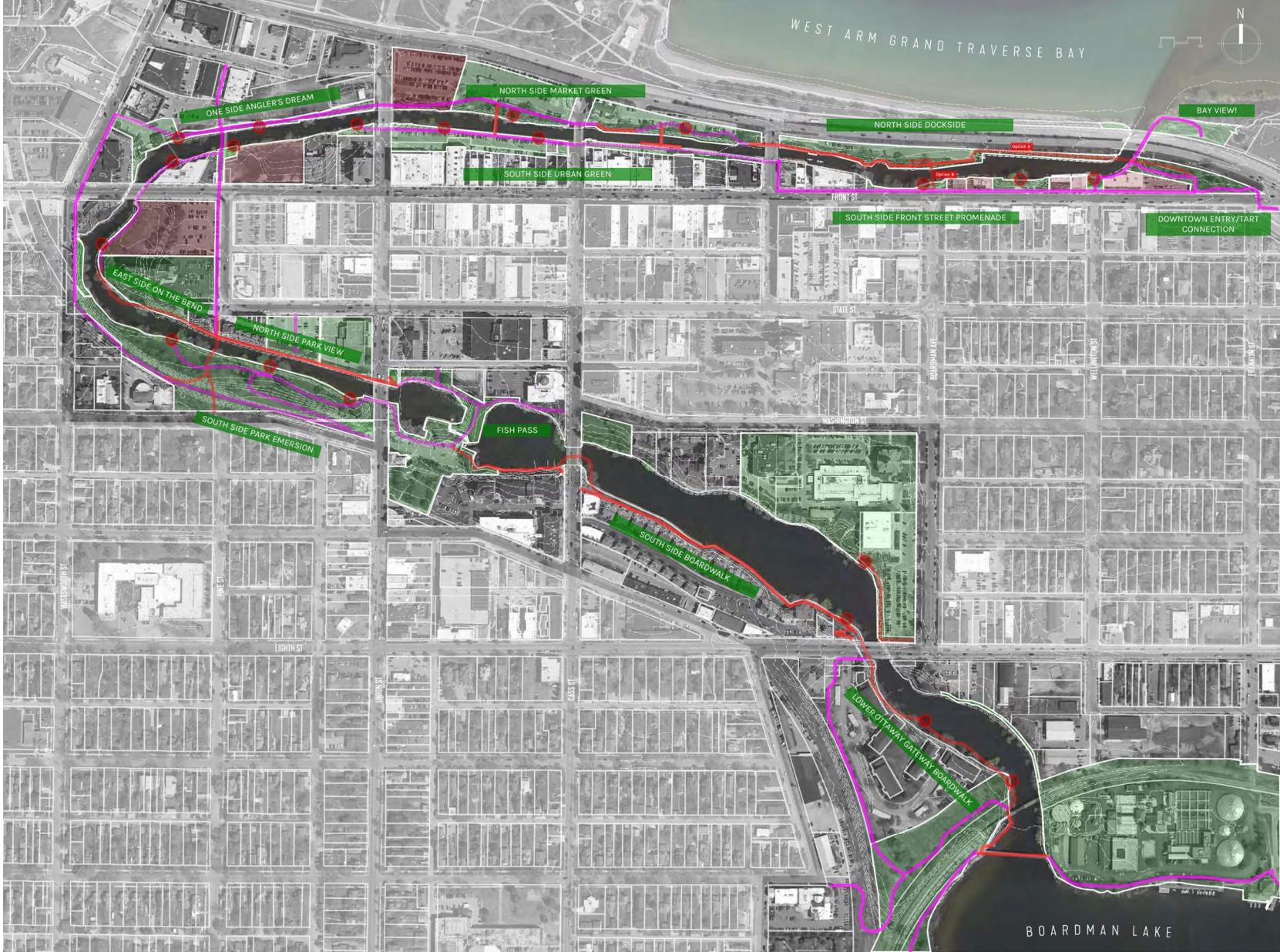
Boardwalk

# ACCESS AND RECREATION

CONCEPT FOR DISCUSSION AS RECOMMENDED BY THE UNIFIED PLAN COMMITTEE

## PLAN LEGEND

-  Existing Boardwalk
-  Potential Boardwalk
-  Existing Path/Sidewalk
-  Potential Path
-  Potential Overlook
-  Publicly owned property

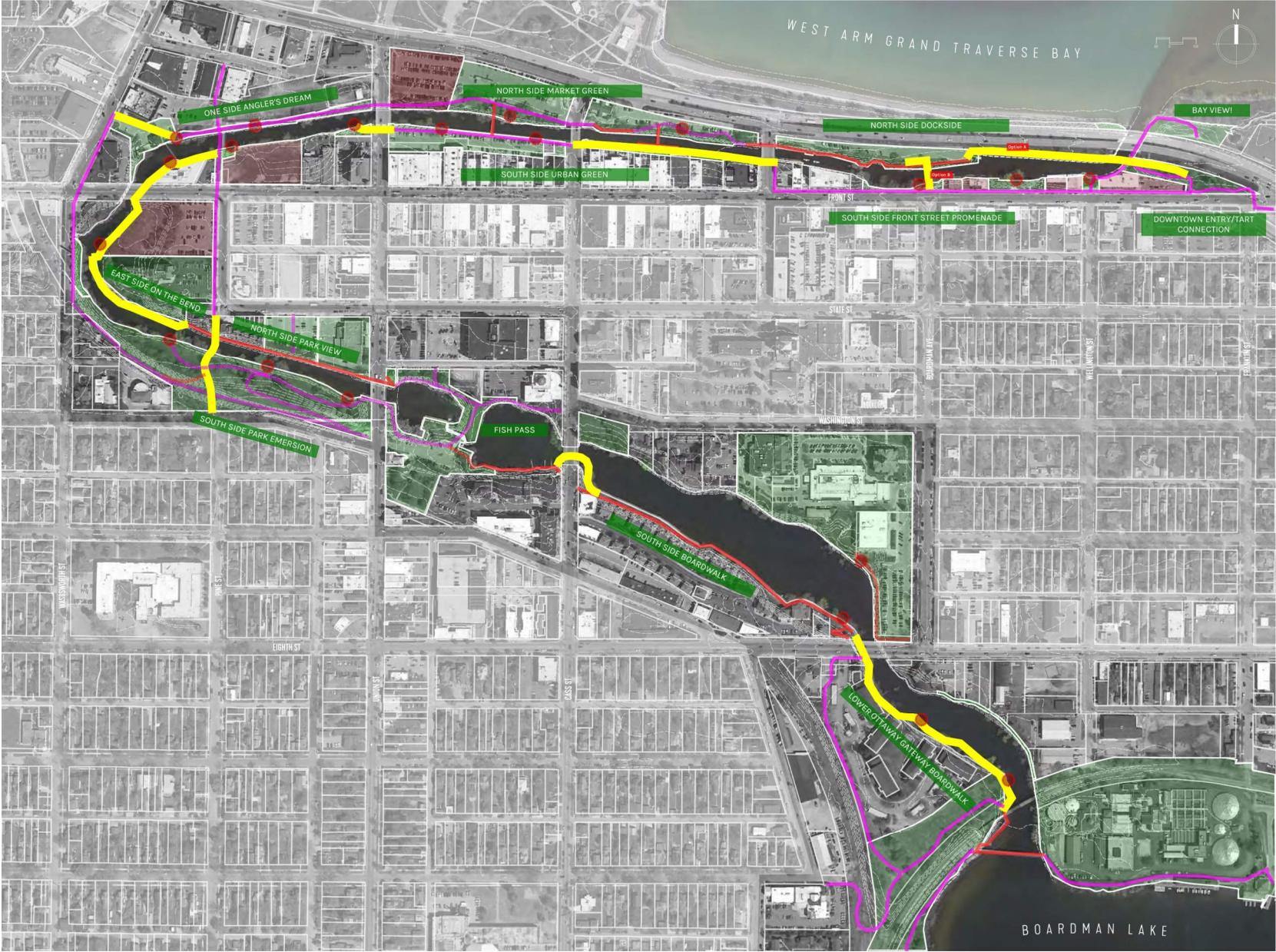


# ACCESS AND RECREATION: MISSING LINKS

CONCEPT FOR DISCUSSION AS RECOMMENDED BY THE UNIFIED PLAN COMMITTEE

## PLAN LEGEND

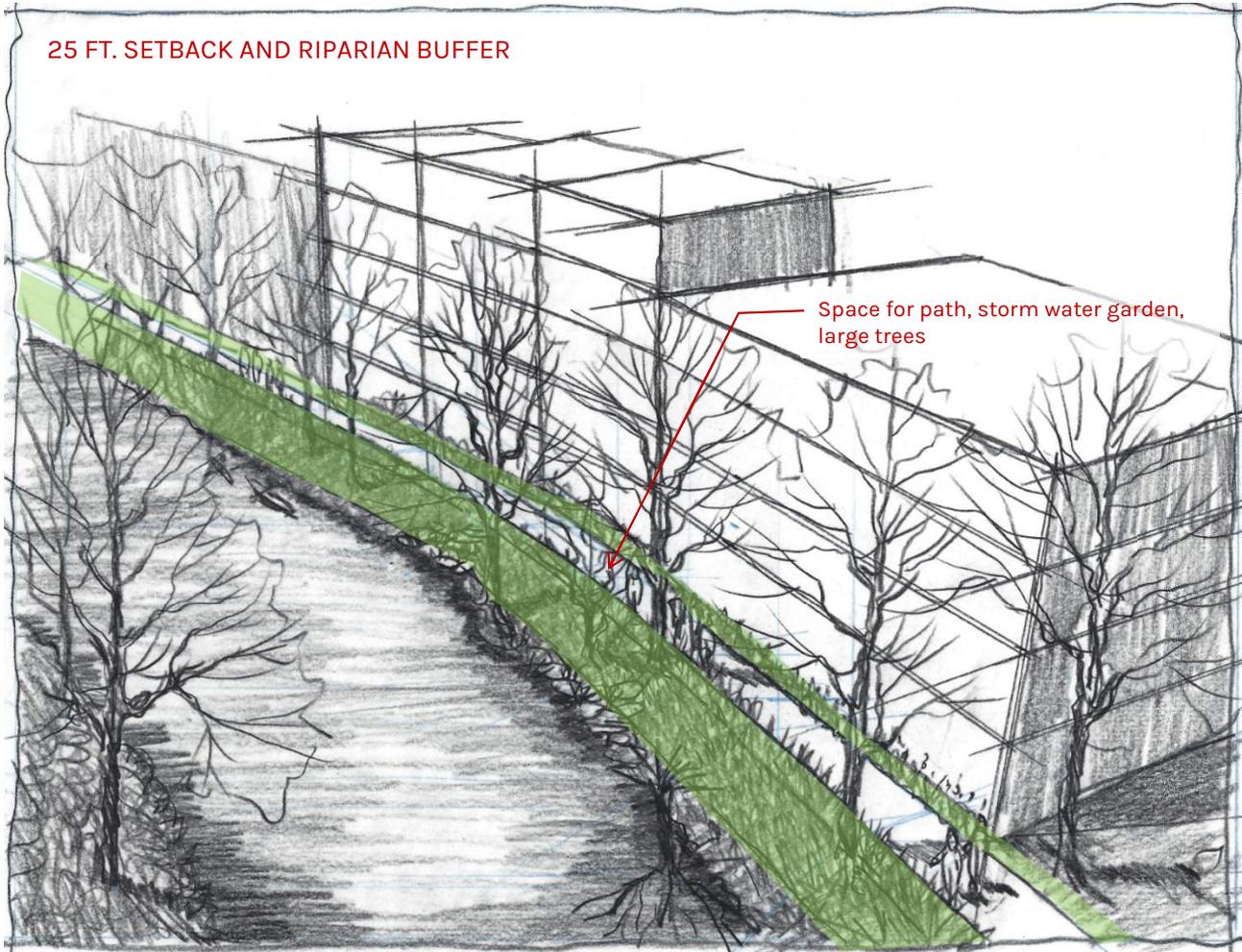
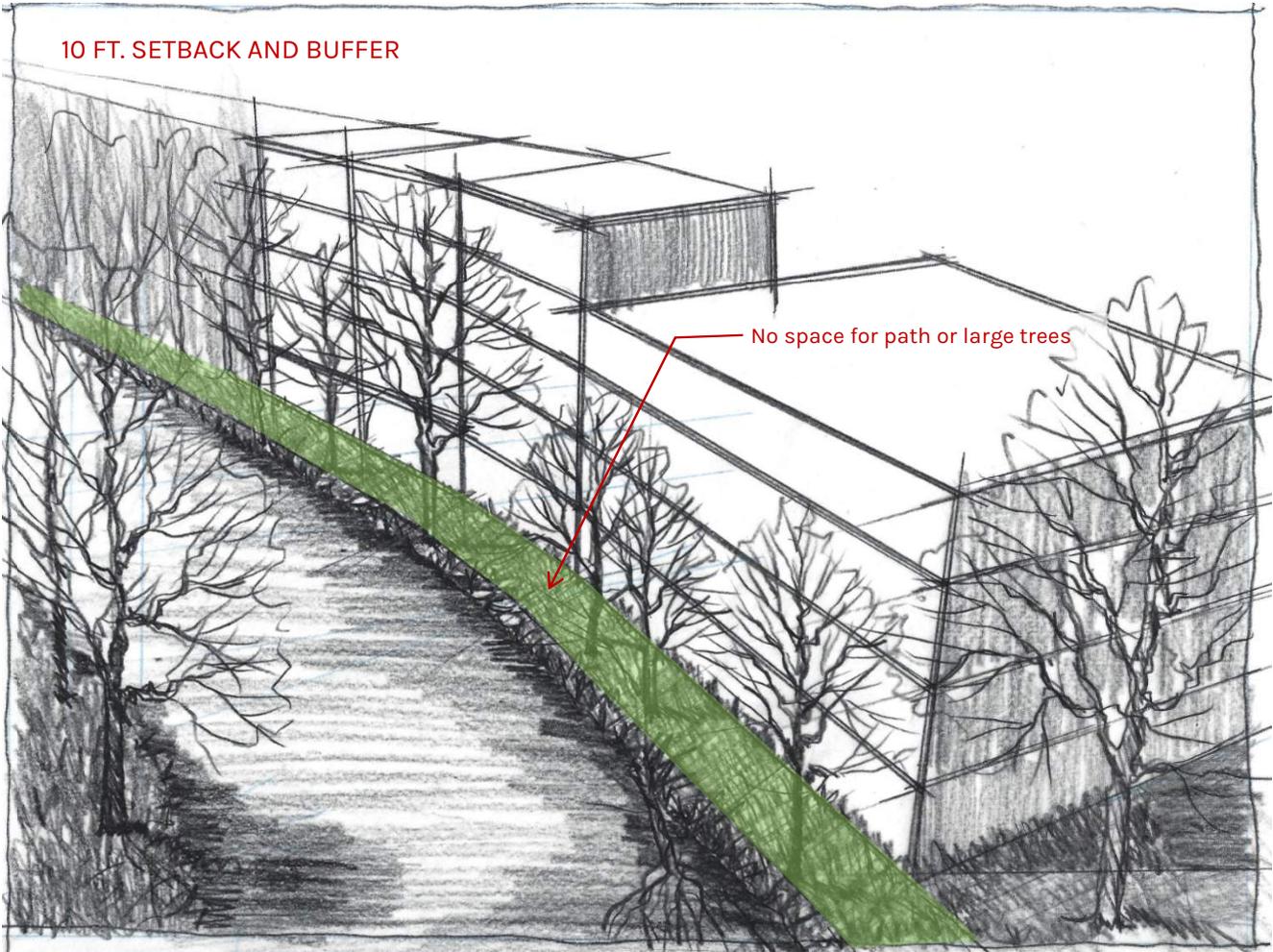
- Key Missing Link in path/boardwalk network
- Publicly owned property



# REDUCING THE VISUAL PRESENCE OF DEVELOPMENT



# REDUCING THE VISUAL PRESENCE OF DEVELOPMENT



# EROSION CONTROL AND BANK STABILIZATION

## STABILIZING A HIGH BANK

- Holds soils in place with roots
- Stabilizes toe of slope to reduce scours and undercutting

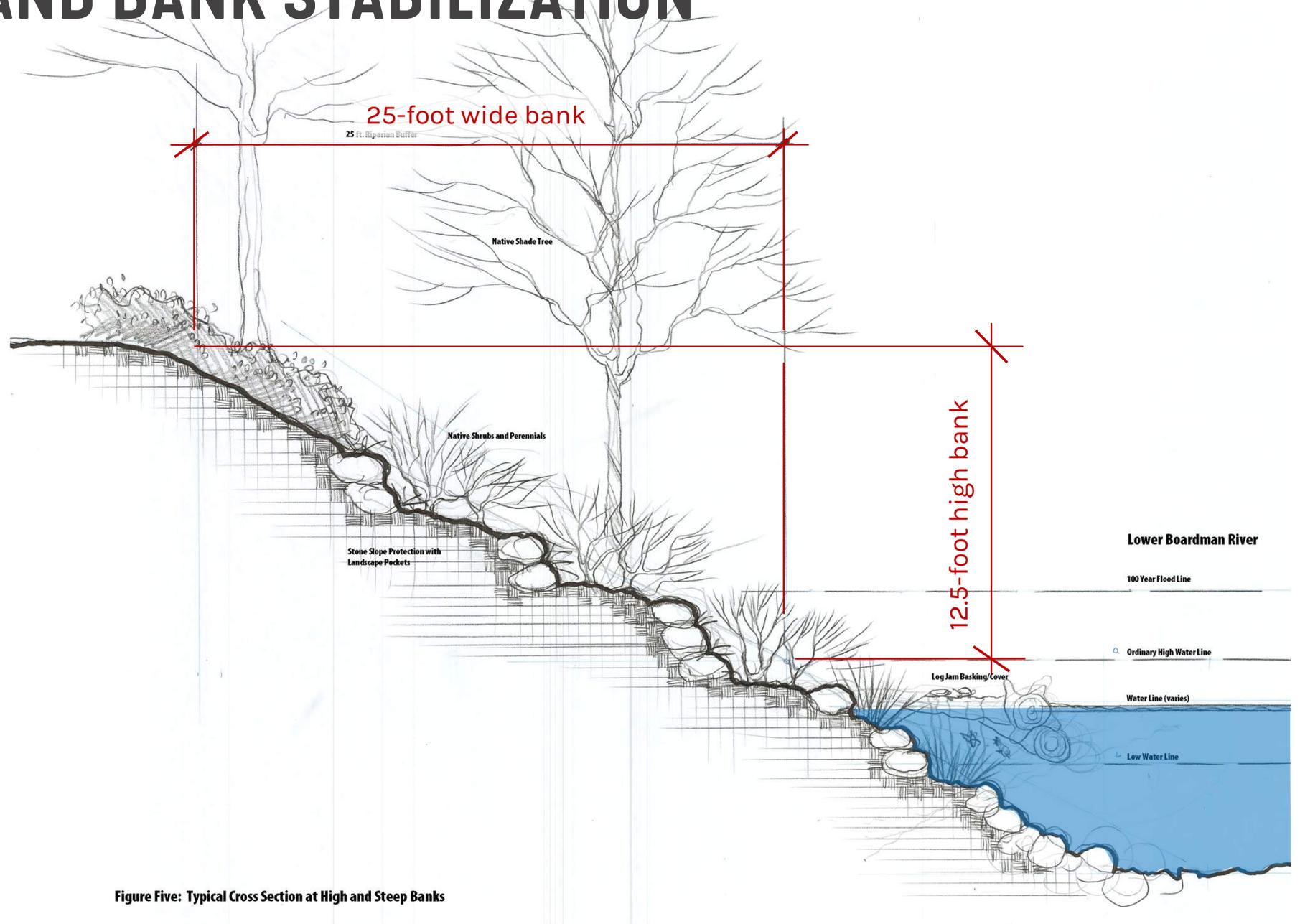
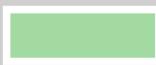


Figure Five: Typical Cross Section at High and Steep Banks

# EROSION CONTROL AND BANK STABILIZATION

## STABILIZING A HIGH BANK

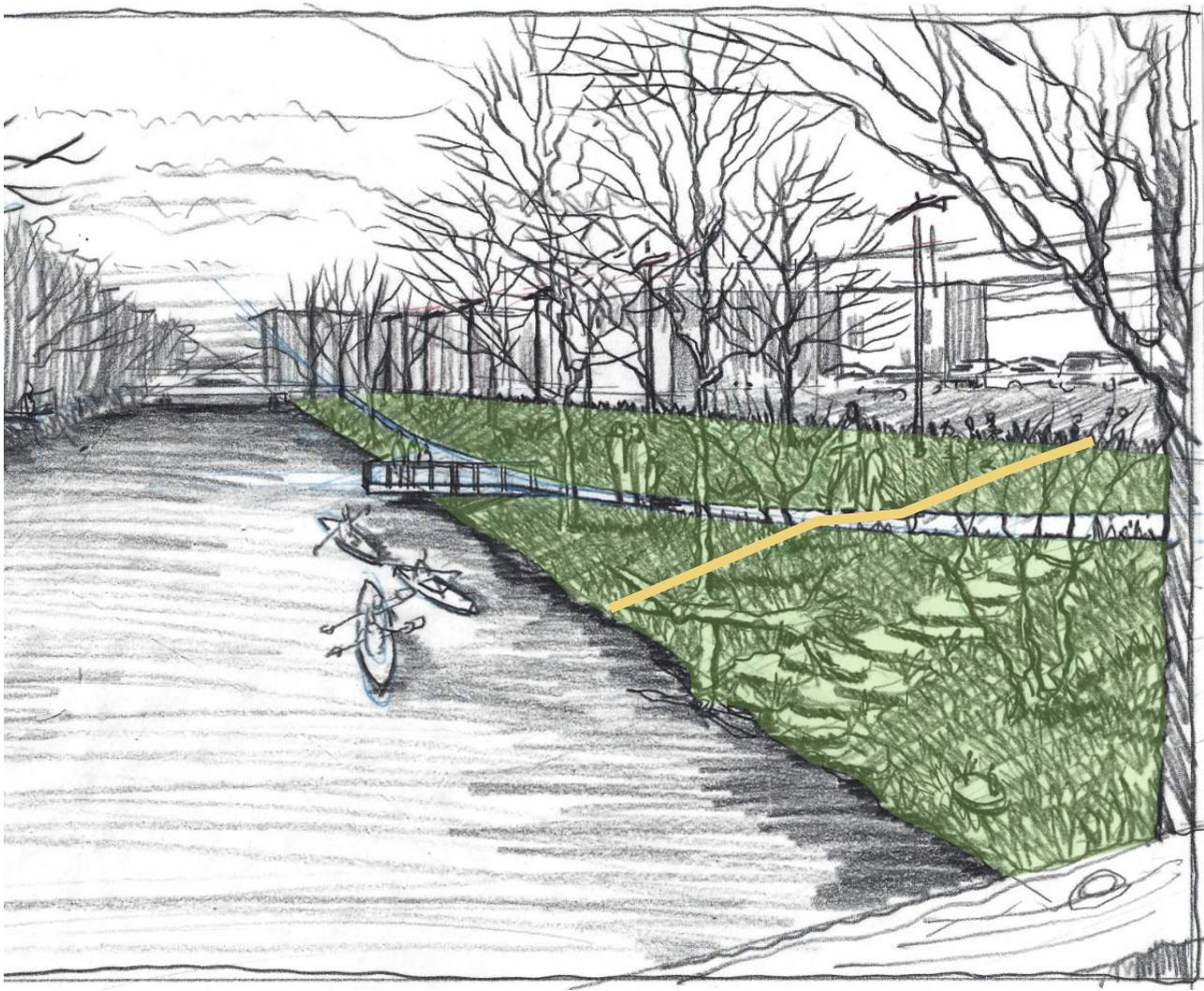
### PLAN LEGEND

-  Steep bank 10 high and greater
-  Publicly owned property

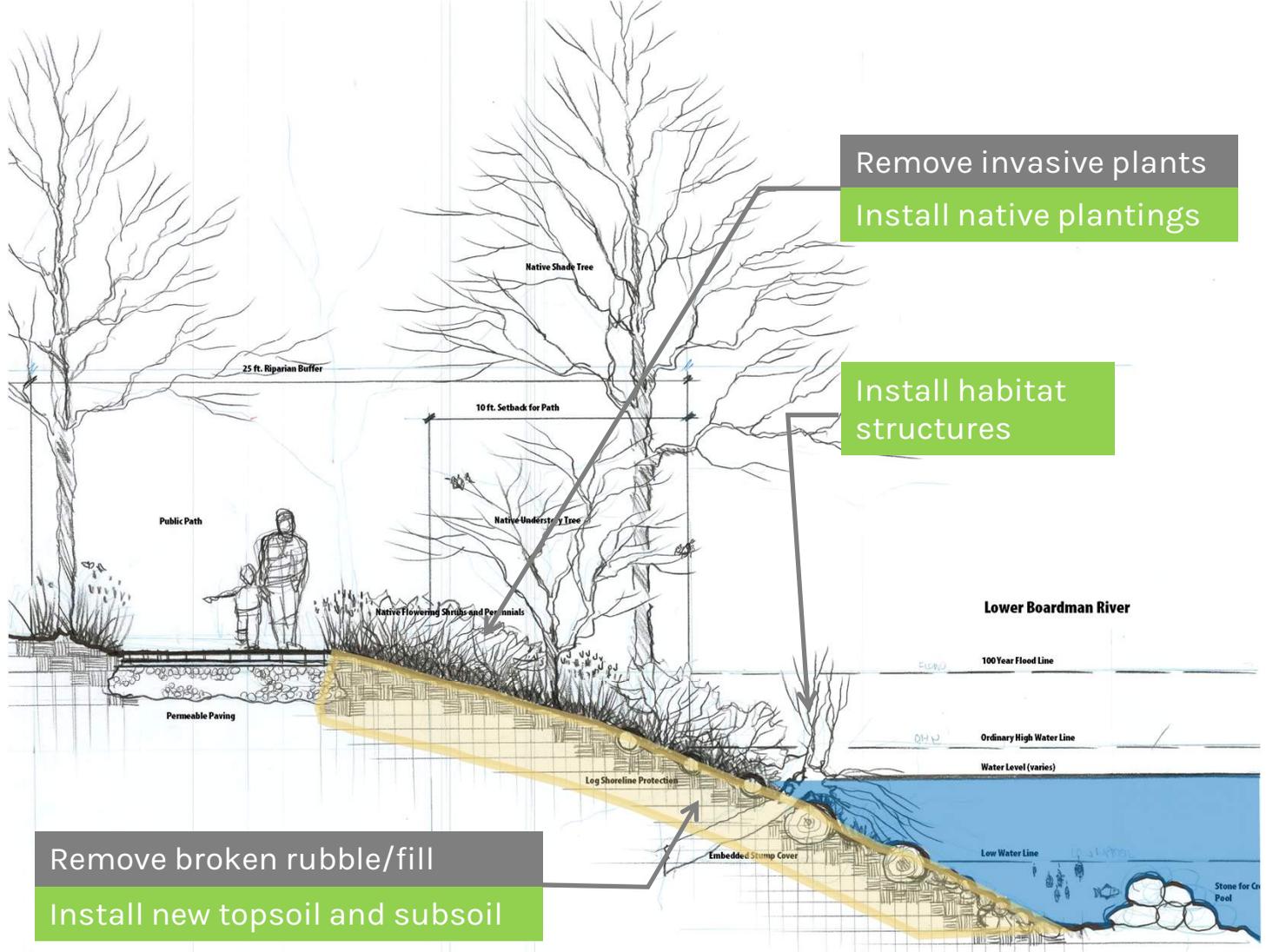
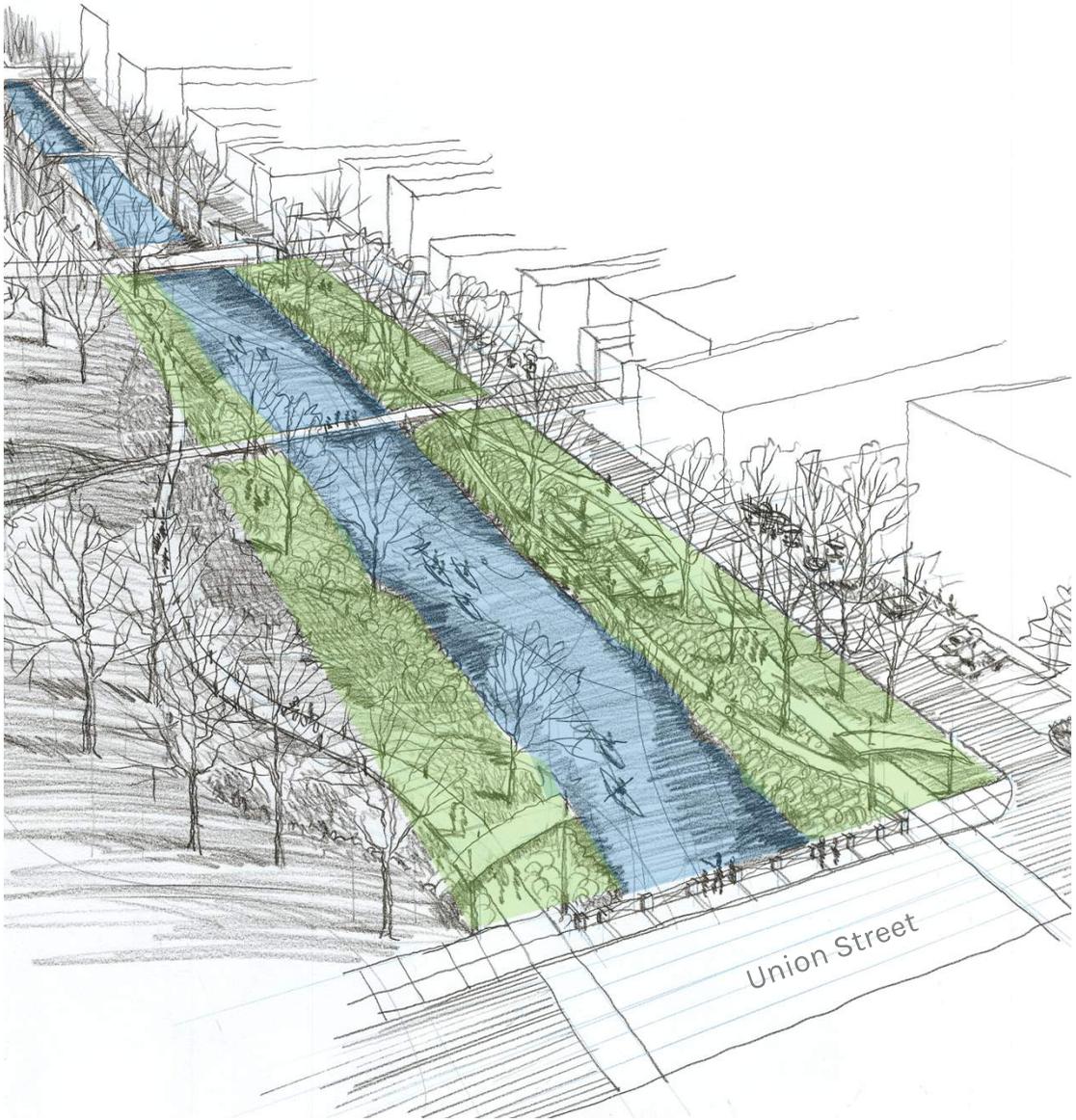


# RESTORING NATURAL AND STABLE RIVERBANKS

100 Block of Front St, looking east



# RESTORING NATURAL AND STABLE RIVERBANKS



Cross Section with Path

# STORM WATER QUALITY MANAGEMENT

- Provides space for infiltration gardens and vegetated swales to capture sediment and filter water from parking lots
- Provides space to filter nitrogen from lawn runoff
- Vegetation slows velocity of flood waters and overland flow, increases infiltration

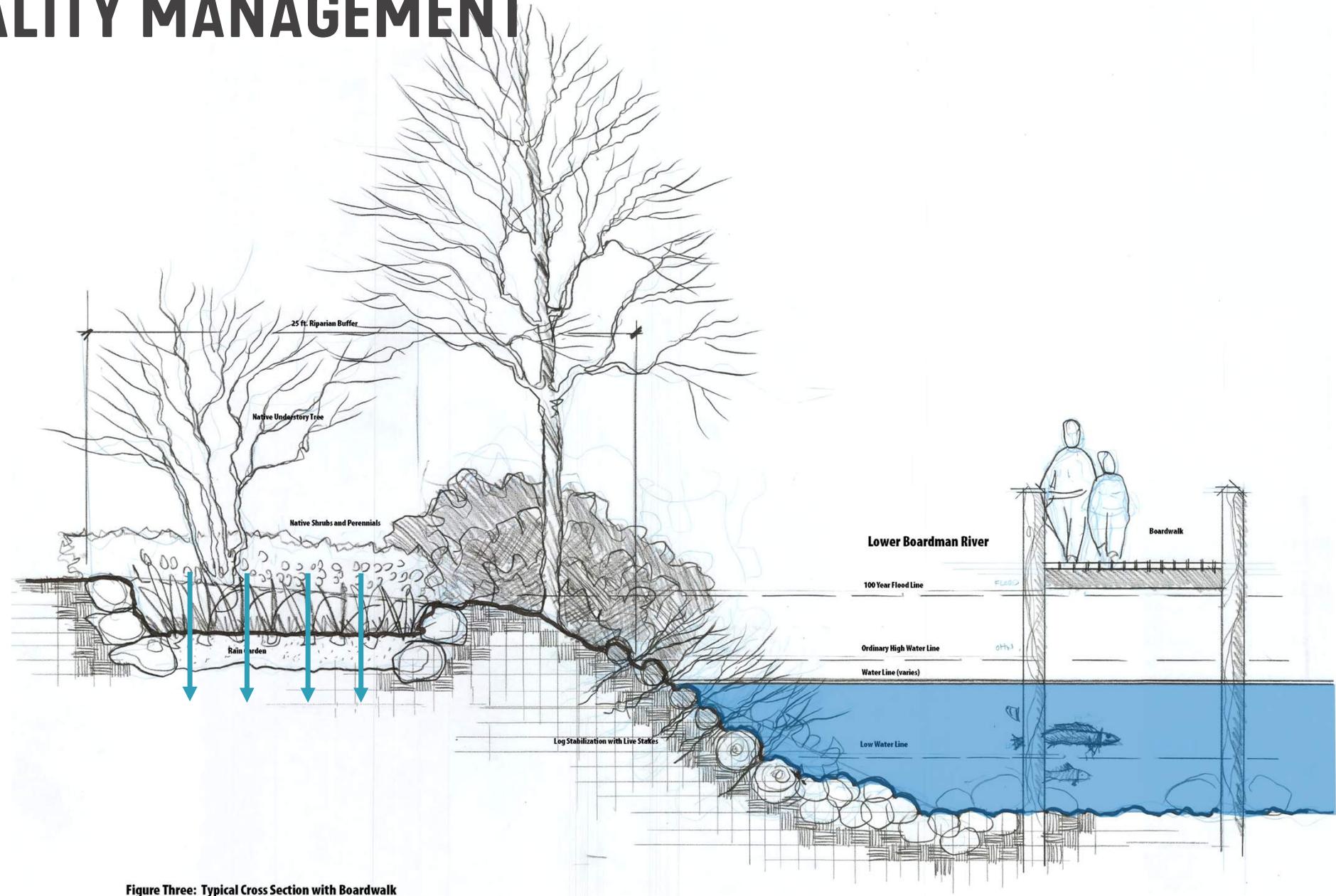


Figure Three: Typical Cross Section with Boardwalk

# STORM WATER QUALITY MANAGEMENT



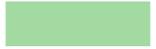
KERRYTOWN DISTRICT  
Downtown Ann Arbor



# STORM WATER QUALITY MANAGEMENT

## PARKING LOTS AND SEALED SURFACES

### PLAN LEGEND

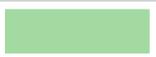
-  Site adjacent to river with parking
-  Site adjacent to river with parking and known stormwater management best practices in place
-  Publicly owned property



# STORM WATER QUALITY MANAGEMENT

## LAWNS

### PLAN LEGEND

-  Private lawns draining toward river
-  Public lawns draining toward river
-  Publicly owned property



# TARGET SPECIES HABITAT CREATION

- Provides shade for water, reducing temperature and elevates dissolved oxygen
- Woody debris provides fish cover, basking for turtles, access path to bank
- Understory trees provide habitat and food for songbirds

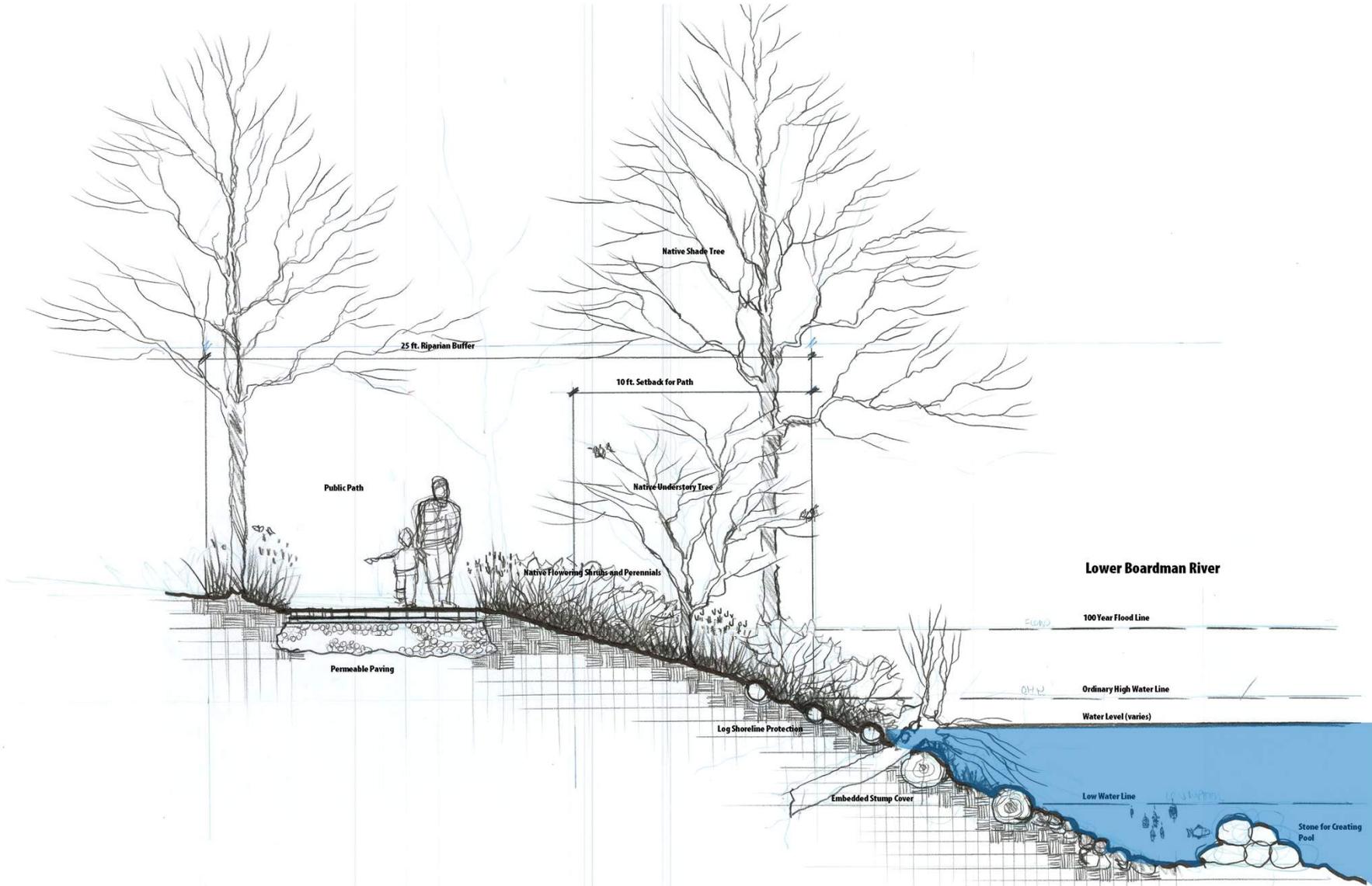


Figure Two: Typical Cross Section with Path

# TARGET SPECIES HABITAT CREATION

## EXPANDING THE FLOOD PLAIN

- Expanding and enhancing wetland edge
- Expanding riparian width to increase nesting habitat

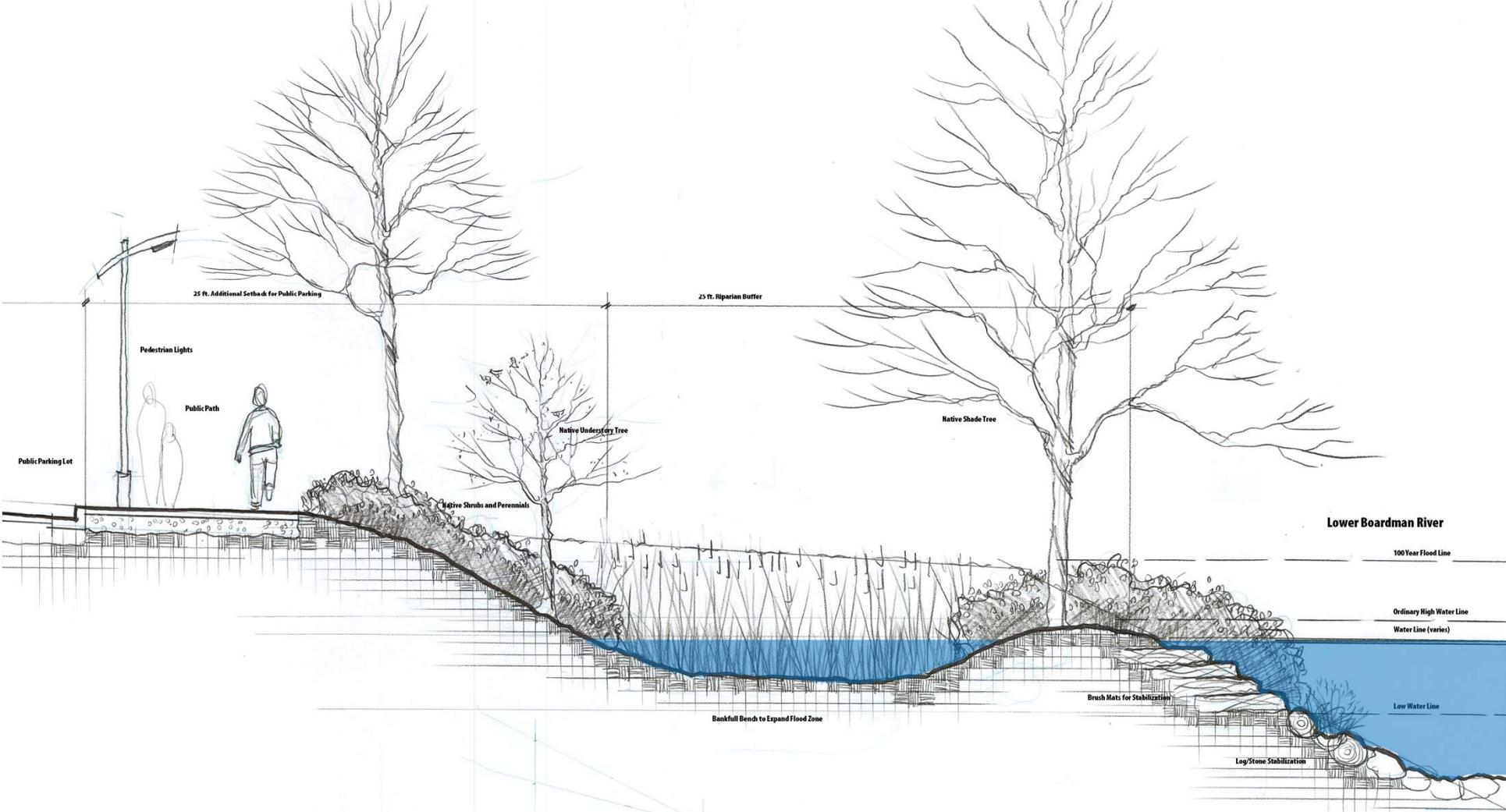


Figure Four: Cross Section



# PORT HURON CASE STUDY

## RESTORING OLD FILL RIVERBANKS



# RESULTS FROM BIOLOGICAL SURVEYS

## Results of Habitat Creation

- 140% increase in bird species richness
- 700% increase in macroinvertebrate taxa richness
- Substantial increase in distribution and population of reptiles, amphibians, and fish
- Reduced presence of non-native and target invasive plant species by half, with very limited distribution



# VALUE AND FUNCTION OF AN URBAN RIPARIAN BUFFER

BUFFER Width is a factor of your goal; WHAT ARE YOUR PRIORITIES??

- a) Providing for recreation, engagement, and access; “Turning Toward the River”
- b) Reducing the visual presence of development.
- c) Erosion control/bank stabilization, especially for steep slopes and high banks.
- d) Restoring natural and stable riverbanks.
- e) Storm Water Quality Management through filtering and absorption.
  - Sediment reduction from parking lots and sealed surfaces
  - Reducing nitrogen from lawns
- f) Target species for habitat improvement.



# THREE DOCUMENTS FOR CONSIDERATION

- Draft of the Lower Boardman-Ottaway-River UNIFIED PLAN; Chapter Three: COMMUNITY and DEVELOPMENT POLICIES
- Recommendations for Ordinance Section 1373 RIPARIAN BUFFER ORDINANCE
- Recommendations for Ordinance Section 1320.07 DEFINITIONS

What could this be if we “turn toward the river?”



What could this be if we “turn toward the river?”



What could this be if we “turn toward the river?”



# Do we like Morsels?



## Lower Boardman-Ottaway-River UNIFIED PLAN

*Excerpt from draft Chapter Three: Action Plan*

*February 17, 2021*

### **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-Ottaway River UNIFIED PLAN.

*While a large portion of the UNIFIED PLAN focuses on creating sustainable improvements for public lands, there is also a need to address how private development and interests can contribute to the stewardship of the river.*

Modifying public policy will impact private land development, as these are the regulations and guiding documents that shape the use of and respect for 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 Boardman Lake, Boardman-Ottaway River, and Kid's Creek to create and protect riparian habitat, improve water quality, and maintain a more natural edge to the river.

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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:

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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 (when, what and why), 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 a new Riparian Buffer Ordinance. **Recommended changes include:**

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.”

3. This ordinance, coupled with the proposed changes to the ordinances noted above, is **intended to manage parking design downtown and discourage parking directly adjacent to the river.** 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.

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**Deleted:** 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.¶

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**Deleted:** effective at discouraging and managing the design of private parking in downtown, and restricting all parking from locating directly adjacent to the river.¶

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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 is 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-Ottaway 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-Ottaway 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 by planning staff and the Planning Commission. ~~Zoning Ordinance Section 1320.07 Definitions has been edited by the Leadership Team~~ to reflect the guidelines of the proposed Riparian Buffer Ordinance and the UNIFIED PLAN (documented separately.)

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#### 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 eliminate manicured lawns, the use of pesticides and herbicides, and 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.

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#### 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 TIF 97 Stormwater Management Plan and the City of Traverse City Ordinance Chapter 1068 - Ground-Water Protection and Storm-Water Runoff Control.
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.

**Deleted:** Downtown Stormwater Guidelines and Best Practices (as prepared by AECComm) and the existing 2019 Storm Water Ordinance.

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. Recognize the Lower Boardman-Ottaway River UNIFIED PLAN as a community planning document of record when amending the next the Community Master 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.

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**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 2026. As an alternative approach worth consideration and exploration, the Recreation Plan could be amended in advance of the next regular update to expedite access to DNR funding programs.

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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 and enhance 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, cultural, 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:
  - (2) For parcels adjacent to the Lower Boardman River, the width of the riparian buffer is the full width of the water's edge setback required.
  - (3) 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% of the total area of the Riparian buffer zone.
- (ii) For properties with frontage along the Lower Boardman River 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 is referred to as the Critical Riparian Protection Area.
- (a) Within the Critical Riparian Protection Area, only the following improvements for private use are allowed: permeable surface paths and permeable dock landings.
  - (b) The part of the improvements for private use located within the Critical Riparian Protection Area may not exceed 15% of the Critical Riparian Protection Area.
- (iii) For properties with frontage along the Lower Boardman River a private recreation area is allowed within the area landward of the Critical Riparian Protection Area to the edge of the Riparian Buffer. Allowed improvements are restricted to permeable surface paths, permeable decks, and one dock landing per parcel of property, which together shall not exceed 20% of the Riparian Buffer Area, exclusive of the Critical Riparian Protection Area.
- (iv) The width of all paths measured in the Riparian Buffer is limited to 8 feet total for the entire lot when such path is intended for private use.
- (v) 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.
  - (vi) Paved or unpaved service drives, driveways, working/service areas, materials or refuse storage are not allowed in the Riparian Buffer.
  - (vii) Installation, maintenance or otherwise deemed necessary essential public utility services, maintaining minimal impact to the Riparian buffer zone.
- (4) 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.

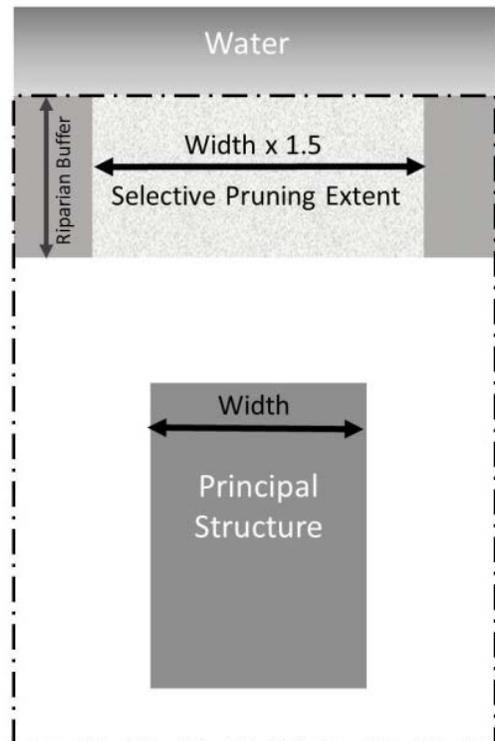
Any tree listed on the State of Michigan Invasive Species list that has been identified by a Certified Arborist may be removed, provided the stump and roots are treated and left in place.

- (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.

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. All plant materials shall be maintained in a healthy growing condition pursuant to Chapter 1372 – Landscaping, subsection 1370.03 (e).

- (5) 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.



- (6) Landscape improvements in a Riparian Buffer shall be required when compliance is required as stipulated in Chapter 1372 Landscaping, Subsection 1372.01 “Compliance Required”.

Pursuant to Chapter 1372 Landscaping all areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian oriented surfaces or water surfaces shall be planted with living vegetation, including canopy trees, shrubbery and ground covers. The combination of plant materials selected shall be placed in harmonious and natural associations and represent the approved indigenous landscape materials and their cultivars listed in the Tree Species Guidelines document adopted by the Parks and Recreation Commission and found on the City's website on the Parks and Recreation Division page.

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.

- (7) 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.
- (8) 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.
- (9) 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.

- (10) 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.
- (11) 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.
- (12) 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

**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-Ottaway River that extends from the northernmost part 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

## Chapter 1372 - Landscaping<sup>[25]</sup>

The process of development may require the alteration of existing topography and soil structure, the disruption of native vegetation and the expansion of impervious surface area over the development site. The cumulative effects of the land altering process extend far beyond the property lines of an individual development site and if development is not undertaken within the context of the broader community, it will not only degrade the individual development, but also the community of which it is a part. It is, therefore, the intent of this chapter to protect and manage vegetation to:

- (1) Aid in the stabilization of the environmental balance through air purification, oxygen regeneration, groundwater protection and recharge and the control of stormwater runoff.
- (2) Safeguard and enhance private and public property values and encourage continued investment and stewardship in the community.
- (3) Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale.
- (4) Provide visual screens between land uses of differing character and use intensities.
- (5) Prevent reductions in the City's urban forest.
- (6) Provide for the preservation of larger native trees which are valuable amenities to the urban environment that, once destroyed, can only be replaced after generations; and
- (7) Ensure that the local stock of native trees and vegetation is replaced.

It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this chapter. The provisions of this chapter shall be considered the minimum development standards and not a design goal.

(Ord. No. [1108](#), Passed 11-4-19.)

Footnotes:

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**Editor's note**— Ord. No. [1108](#), passed November 4, 2019, repealed and reenacted Ch. 1372. Former Ch. 1372 pertained to similar subject matter and derived from Ord. No. 476, passed July 6, 1999; Ord. No. 494, passed May 1, 2000; and Ord. No. 593, passed January 6, 2003.

1372.01 - Compliance required.

- (a) For parcels exclusively with a total of one or two dwellings and for vacant parcels less than 10,000 square feet, the following compliance is required:
  - (1) At least 1 canopy tree per 4,000 square feet of parcel area is required if the number of existing trees do not meet that requirement.
  - (2) Any request for a land use permit or building permit for a single family or two-family dwelling or accessory structure shall be accompanied by 3 copies of a site diagram drawn to scale showing the proposed use of the site, buildings and structures on the site, lot lines and their relationship to existing property lines and to neighboring sites. A sample site diagram is shown as Figure 1-4 in appendix 2.

- (3) All new utility lines such as electric, telephone, cable television and other similar lines shall be installed underground. All trees planted within 40 feet of overhead powerlines shall be coordinated with the utility owner. Ground mounted utility junction boxes and access boxes shall be screened with landscape materials or architectural screens, with coordination with the utility owner.
  - (4) Existing healthy trees located within required water setbacks shall be preserved. 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. For each invasive tree removed a replacement tree within the water setback area shall be planted.
- (b) For vacant parcels 10,000 square feet and greater, and for parcels with 3 or more dwellings, and all other uses, compliance with this chapter shall be required for:
- (1) Any new building, rebuilding, conversion, enlargement or structural alteration requiring a building permit and having a value of \$20,000.00 or more;
  - (2) Land clearing as described in this Zoning Code; or
  - (3) Parking areas that are required to comply with Section 1374.03, Motor Vehicle Parking.
- (c) Compliance is not required for trees which are removed for:
- (1) Aeronautical use;
  - (2) Obstruct the airspace for safe flight of aircraft landing, or taking off at Cherry Capital airport or helicopter landing pads;
  - (3) For an essential service building, and
  - (4) Section 1348.11, Unlawful uses.

(Ord. No. [1108](#), Passed 11-4-19.)

#### 1372.02 - Landscape plan.

A landscape plan shall be required for any development requiring a site plan and no building or land use permit shall be issued until a landscape plan has been submitted to and approved by the Planning Director or his or her designee. All landscape plans shall utilize the required site plan as a base sheet and shall include the following additional information:

- (1) A tree survey, sealed by a landscape architect, surveyor, engineer or architect licensed to practice in the State of Michigan. The survey shall establish the location, species and assessment of the general health and condition of all trees with a 6 inch or greater diameter at breast height, their approximate height and spread or crown diameter in the disturbed area of the site.
- (2) A calculation verifying the minimum percentage of landscape area has been met and the percentage of landscape area dedicated to pedestrian ways and inorganic mulches.
- (3) A detailed description of either written or graphic form, indicating the applicant's plans to shield the existing trees to be protected from damage during site development and construction.
- (4) Contour lines at minimum 2 foot intervals shall be shown for sites with grades in excess of 6 percent slopes; otherwise, proposed and existing elevations at sufficient locations on the site to clearly show drainage patterns.
- (5) Description of the type of equipment and methods to be used to irrigate the required landscape areas.
- (6) Location, height, elevation/section and material of proposed screening walls, fencing, retaining walls and berms. Berms are to be delineated by 1 foot contours and designed with slopes not to exceed 1:3 gradients and protected with sod, shrubs, or other types of natural ground covers.

- (7) Complete description of proposed and existing plant materials shown on the plan, including common and botanical names, quantities, container or caliper sizes, heights, spread and spacing at installation.

(Ord. No. [1108](#), Passed 11-4-19.)

1372.03 - Standards and materials.

(a) *General performance standards.* The following general performance standards shall apply whenever compliance is required:

- (1) All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian oriented impervious surfaces or water surfaces shall be planted with living vegetation, including canopy trees, shrubbery and ground covers. The combination of plant materials selected shall be placed in harmonious and natural associations and represent the approved indigenous landscape materials and their cultivars listed in the Tree Species Guidelines document adopted by the Parks and Recreation Commission and found on the City's website on the Parks and Recreation Division page.
- (2) Landscape Plan shall provide a variety of tree genera. At least 50 percent of tree plantings shall be species native to Michigan.
- (3) The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible.
- (4) All trees shall be located where there is sufficient amount of soil and room for growth.
- (5) Landscape materials shall not obstruct access to or view of fire hydrants or other fire connections.

(b) *Existing vegetation.* The following standards shall apply to existing site vegetation whenever compliance is required:

- (1) Existing healthy trees located within required water setbacks shall be preserved. 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. For each invasive tree removed a replacement tree within the water setback area shall be planted.
- (2) Trees to be preserved can be pruned to remove dead, diseased or irregular branching, but the crown form characteristic of the respective species shall be maintained.
- (3) Preserved trees shall be protected with sturdy, highly visible barriers around the tree or group of trees and the delineated tree protection area must be included in the site plan.
- (4) The tree protection area shall remain undisturbed by cutting, filling or storage of materials and equipment during the development process.

(c) *Minimum tree canopy.* Except for parcels exclusively with a total of 1 or 2 dwellings, all parcels must meet the minimum tree canopy cover listed in the chart below whenever a new building or an expansion of an existing building is constructed. For the purposes of this ordinance any newly planted canopy tree 2.5 inch in caliper will be credited as having a canopy of 500 square feet. Newly planted trees are recommended to be selected from the [Tree Species Guidelines](#) document adopted by the Parks and Recreation Commission and found on the City's website on the Parks and Recreation Division page.

Minimum Tree Canopy Cover Chart:

<i>District</i>	<i>Minimum Tree Canopy Cover %</i>

OS	40
RC	50
R-1a	50
R-1b	45
R-2	45
R-9	50
R-15	45
R-29	40
HR	40
C-1	40
C-2	35
C-3	30
C-4	10
D-1, D-2, D-3	30
T	20
GP	30
I	30
NMC-1	40
NMC-2	40
H-1	30

H-2	30
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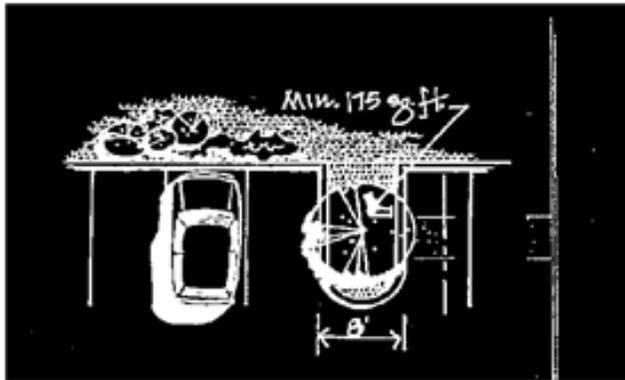
Exceptions to the Minimum Tree Canopy Coverage Chart:

- (1) If physical constraints or existing buildings make it impractical to meet the minimum tree canopy requirement, a property owner shall contribute \$300.00 to the City of Traverse City Tree Planting Fund. For each \$300.00 contributed, the property owner will receive a tree canopy credit of 500 square feet.
- (2) In NMC-1 and NMC-2, 40 percent or the percentage required as part of the approved Master Site and Facility Plan.
- (3) For those lots that have 60 percent or more tree canopy, 35 percent of the existing tree canopy shall be preserved.
- (d) *Landscape materials.* The following landscape material requirements shall apply whenever compliance is required:
  - (1) All landscape plant materials preserved or used pursuant to the provisions of this Code shall be healthy and compatible with local climate, site soils characteristics, drainage and available water supply.
  - (2) Deciduous canopy trees required by this Code shall not be less than 2.5 inches caliper.
  - (3) Coniferous trees required by this Code shall be at least 6 feet in height when planted.
  - (4) All shrubs required shall be of a size generally known in the nursery industry as requiring a 5 gallon container.
- (e) *Maintenance standards.* The following maintenance standards shall apply whenever compliance is required:
  - (1) All landscape plant materials required by this Code shall be supplied with a watering system sufficient to maintain the plants in a healthy condition.
  - (2) All plant materials shall be maintained in a healthy growing condition for a minimum of 3 years. Dead and unsalvageable plant materials shall be replaced with the same size and variety of plant materials originally required on the site development plan within 30 days of the "Notice to Replace" issued by the City. Replacement may be delayed if the Planning Director determines that circumstances beyond the control of the property owner prevent timely replacement.
  - (3) To protect oak trees and help prevent oak wilt disease, pruning oaks from April through November is prohibited.
  - (4) Planting of trees that will grow above the height limits established in the airspace of the Cherry Capital Airport set forth in the Airport Layout Plan (ALP) and the Airport Approach Plan (AAP) or creates hazards to aviation shall be prohibited.
- (f) *Utilities.* All new utility lines such as electric, telephone, cable television and other similar lines shall be installed underground. All trees planted within 20 feet of overhead powerlines, 20 feet of distribution lines, and 40 feet of transmission lines, shall be coordinated with the utility owner. Ground mounted utility junction boxes and access boxes shall be screened with landscape materials or architectural screens, with coordination with the utility owner.

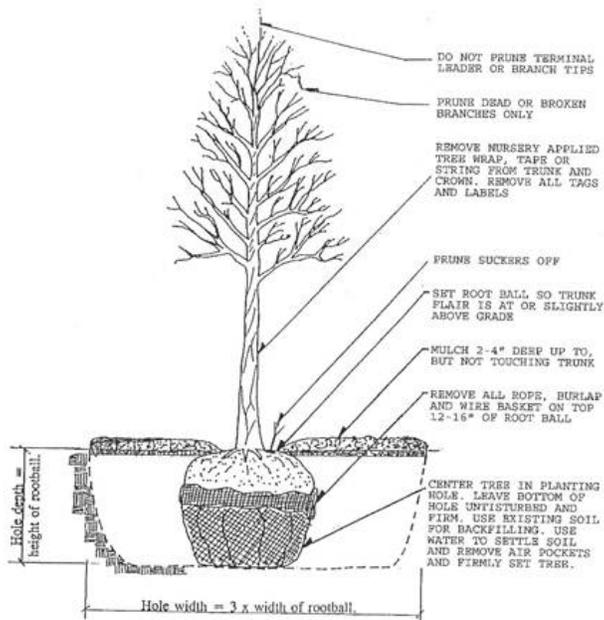
(Ord. No. [1108](#), Passed 11-4-19.)

1372.04 - Landscape development internal to a surface parking area.

- (a) Any use providing fewer than 20 parking spaces or less than 6,000 square feet of parking and maneuvering area shall comply with Section 1372.03 (Standards and Materials), Section 1372.05 (Screening Requirements for Parking Areas), and Section 1372.06 (Landscape Requirements for Street Rights-of-Way), as otherwise applicable. Where the parking area is part of a development that requires a site plan, then the provisions of Section 1372.02 (Landscape Plan) also apply.
- (b) Any use providing or requiring 20 or more parking spaces or 6,000 square feet or more of parking and maneuvering area shall comply with the following standards in Section 1372.03 (Standards and Materials), Section 1372.05 (Screening Requirements for Parking Areas), and Section 1372.06 (Landscape Requirements for Street Rights-of-Way), as otherwise applicable. Where the parking area is part of a development that requires a site plan, then the provisions of Section 1372.02 (Landscape Plan) also apply. In addition, the applicant:
- (1) Shall supply internal landscaping not less than 8 percent of the off street parking area, including access and egress drives and such landscape areas.
  - (2) Within the boundaries of the parking area, the applicant shall provide not less than 1 deciduous canopy tree for every 10 parking spaces. The trees shall meet the size and species requirements for *Internal Parking Lot Trees* in the Tree Species Guidelines document found on the City's website on the Parks and Recreation Division page.
  - (3) The required trees shall be planted within landscape islands that meet the following standards:
    - a. No required landscape area shall contain less than 175 square feet or provide any dimension of less than 8 feet and minimum of 3 times the root ball of amended soil volume that is non-compacted.



## TREE PLANTING DETAIL



- b. Landscaping within the landscape island shall meet the *Landscaping* definition in Section 1370.03.
- c. All perimeter and interior landscaped areas must have protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Bollards or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers.
- d. Trees and landscape islands shall be distributed throughout the parking lot and shall be situated and designed to provide tree canopy throughout the parking lot.
- e. For the purpose of calculating the amount of required internal landscaping in any parking area, pedestrian walks are excluded if the walks are constructed using a separate and contrasting paving material which provides a durable surface.

(Ord. No. [1108](#), Passed 11-4-19.)

### 1372.05 - Screening requirements for parking areas.

Except for parcels exclusively with a total of 1 or 2 dwellings, parking areas shall be screened from streets, the alley and from neighboring properties whenever parking is developed according to the following:

- (1) Screening shall be provided within a required setback area and the screening shall establish an opaque screen at least 5 feet in height as measured from the finished parking area grade where it adjoins the setback.
- (2) Required screening of parking areas shall be achieved through the use of a decorative masonry screen wall, earth berms, trees and landscape plant materials, either in combination or independently.

- (3) Specific screening elements may be relocated, redesigned or partially eliminated at the direction of the City Engineer to correct clear vision or other safety considerations.
- (4) Required screening may be interrupted to provide reasonable pedestrian or bicycle access to a property from a public right-of-way.

(Ord. No. [1108](#), Passed 11-4-19.)

#### 1372.06 - Landscape requirements for street rights-of-way.

The following landscape requirements for street rights-of-way shall apply when compliance is required:

- (1) With the approval of the City Manager or his or her designee, canopy trees shall be provided along the public street in a planting area provided in the treelawn with an average maximum distance of 40 feet for the streets with formal urban and 30 feet in all other areas between trees. The trees shall be planted so as not to interfere with utilities, streets, sidewalks, street lights, sight distances, clear vision areas, and shall not be planted closer than 8 feet to fire hydrants.
- (2) All trees shall have a minimum size of 2.5 inches caliper.
- (3) Subsequent or replacement trees shall be planted only with the permission of the City Manager or his or her designee.
- (4) Trees shall be of sufficient size to be pruned to a 7 foot branching height with 1 main stem upon planting.
- (5) Existing trees shall be preserved within the tree lawn.
- (6) For each existing tree in the street right-of way, a 500 square feet tree canopy will be credited.

(Ord. No. [1108](#), Passed 11-4-19.)

#### 1372.07 - Alternative compliance.

The Planning Director may approve variations from strict compliance with this chapter, including up to a 50 percent reduction for the front and rear setback, when there is no feasible alternative and an applicant can demonstrate that at least 1 of the following apply to a specific development site:

- (1) When topography, shape, size or other natural features make full compliance impractical or impossible.
- (2) When safety considerations warrant alternative compliance.
- (3) When there is not a practical alternative in the siting of a building or changing the shape or size of the footprint of the building or the location of site access or the location of underground utilities to service the site.
- (4) When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this chapter.
- (5) When a required setback would necessitate the removal of an existing tree greater than or equal to 6 inches diameter at breast height. Any existing tree greater than or equal to 6 inches diameter at breast height that is preserved by an approved variation must be protected and remain for at least 5 years from the date of the variation.

(Ord. No. [1108](#), Passed 11-4-19.)

#### Chapter 1375 - Outdoor Lighting

It is the intent of Outdoor Lighting regulations to:

- Minimize light trespass and light straying from artificial light sources;
- Eliminate intrusive artificial lighting that contributes to the "sky glow" phenomenon and disrupts the natural quality of nighttime;
- Minimize harshly lighted surfaces and direct glare in order to enhance nighttime vision;
- Encourage lighting practices and lighting systems that are designed to conserve energy; and
- Provide for adequate nighttime safety, utility, security, and productivity.

(Ord. No. [1052](#). Passed 6-5-17)

1375.01 - Application of chapter; conflict of laws.

- (a) All outdoor lighting shall be installed in conformance with the requirements of this chapter. If any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement shall apply. If any of the provisions of any other chapter of these Codified Ordinances is clearly in conflict with this chapter, this chapter shall apply.
- (b) This section does not prevent the use of any material or method of installation not specifically addressed. In considering any deviation from the provisions of this section, the Zoning Administrator shall take into consideration any state-of-the-art technology that is consistent with the intent of this section, as new lighting technology develops, that is useful in reducing light above the horizontal plane.

(Ord. No. [1052](#). Passed 6-5-17)

1375.02 - Definitions.

As used in this section:

*Bulb or lamp* means the source of electrical light as distinguished from the whole assembly (see Luminaire). Lamp is used to denote the bulb and its housing.

*Cut-off shielding* means a technique or method of construction which causes light emitted from an outdoor light fixture to be projected only below and imaginary horizontal plane passing through the fixture below the light source.

*Direct glare* means the visual discomfort resulting from insufficiently shielded light sources in the field of view.

*Fixture* means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attached parts.

*Footcandle* means the luminance produced on a surface 1 foot from a uniform point source of 1 candela.

*Full-cutoff fixture* means zero intensity at or above a horizontal plane (90° above nadir) and limited to a value not exceeding 10 percent of the lamp lumens at or above 80°.

*IESNA* is the acronym for the Illuminating Engineering Society of North America.

*Illuminance* means the density of luminous flux incident on the surface measured in units of footcandles.

*Light source* means the bulb which creates the light onto adjacent areas that may affect residential properties.

*Lumen* means a unit of luminous flux, the flux emitted within a solid angle by a point source with a uniform luminous intensity of 1 candela. One footcandle is 1 lumen per square foot. One lux is 1 lumen per square meter.

*Luminaire* means the complete lighting unit, including the lamp, the fixture, and other parts.

*Nadir* means a point on the imaginary celestial sphere directly below the observer, diametrically opposite the zenith.

*Outdoor light fixture* means an illuminating device which is permanently installed outdoors, including, but not limited to, devices used to illuminate signs.

*Shielding* means in general, a permanently installed, non-translucent shade, cowl, hood, baffle or other construction which limits, restricts or directs light or the visibility of a light source to meet the standards of this chapter.

*Zenith* means an imaginary point directly "above" a particular location (latitude and longitude on Earth) that extends on the imaginary celestial sphere.

(Ord. No. [1052](#) . Passed 6-5-17)

#### 1375.03 - Exceptions.

The following outdoor lighting types shall be exempt from the provisions of this section:

- (1) Emergency lighting.
- (2) Any lighting required by the FCC or FAA or any security lighting directly related to the operations of the airport.
- (3) Correctional facilities.
- (4) Decorative porch and wall lights, low voltage paths, landscaping and exterior building lighting that emit no more 500 lumens per fixture provided that if any such light is directed toward adjacent residential buildings or nearby land, or creates direct glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to mitigate such conditions.
- (5) Underwater lighting in swimming pools and other water features that emit no more than 1,000 lumens.
- (6) Temporary lighting for theatrical, television, performance areas, construction sites and community festivals.
- (7) Seasonal and holiday lighting provided that the lighting does not create direct glare onto other properties or upon the public rights-of-way.
- (8) Lighted signs, which are regulated by Chapter 1476, Signs.
- (9) Neon lighting.
- (10) Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fuels.
- (11) Luminaires used to illuminate the flag of the United States of America provided the lighting of the flag or pole shall not create a direct glare beyond the property boundary.
- (12) Beacon lights that direct mariners into the opening of the Boardman River, marinas and boat launches.
- (13) Ornamental and architectural lighting for bridges, public art or statuary.

- (14) Outdoor light fixtures legally installed prior to June 15, 2017 and repairs to existing luminaires not exceeding 25 percent of the total luminaires.

(Ord. No. [1052](#). Passed 6-5-17)

#### 1375.04 - Prohibited lighting.

No person shall install, maintain or use outdoor lighting for which an electrical permit is required and has not been issued for the following types of lighting:

- (1) Floodlights or swivel luminaires designed to light a scene or object to a level greater than its surroundings unless aimed downward. No fixtures may be positioned at an angle to permit light to be emitted horizontally or above the horizontal plane.
- (2) Unshielded lights that are more intense than 2,250 lumens or a 150 watt incandescent bulb.
- (3) Search lights and any other device designed solely to light the night sky except those used by law enforcement authorities and civil authorities.
- (4) Laser source light or any similar high intensity light when projected above the horizontal plane.
- (5) Mercury vapor lights.
- (6) Metal halide lights, unless used for outdoor sport facilities.
- (7) Quartz lights.

(Ord. No. [1052](#). Passed 6-5-17)

#### 1375.05 - Design and construction standards for all outdoor lighting except for public street lighting.

All outdoor lighting shall be designed and constructed to meet or exceed the following minimum requirements; all measures to be taken at the ground surface level.

- (1) Direct or reflected outdoor lighting shall be designed and located to be confined to the site for which it is accessory. The maximum lighting levels at the property lines of any other property shall not exceed 0.2 footcandles.
- (2) Lighting of building facades shall be from the top and directed downward with full cut-off shielding.
- (3) All lamps and luminaires shall be hooded, louvered or a combination thereof in order to assure the areas beyond the development site boundary including public rights-of-way are protected from direct glare.
- (4) All outdoor lighting fixtures shall provide a 100 percent cut off above the horizontal plane at the lowest point of the light source.
- (5) Outdoor public and commercial recreation area and amusement area lighting fixtures shall be equipped with baffling or glare guards so the lighting fixtures' beams fall within the primary playing area, immediate surroundings, or other site amenities. The footcandles at the site boundary shall not exceed 0.80 footcandles on average and 0.01 footcandles on average within 15 feet of the boundary.
- (6) The average lighting values for areas intended to be lit on commercial, industrial and institutional parcels shall not exceed 1.0 footcandles on average. The uniformity ratio (maximum to minimum) for all parking lots shall not exceed the current IESNA RP-20 uniformity ratio guideline. (*Note: Current guideline is 15:1*)
- (7) With the exception of public recreation facilities, the average lighting values intended to be lit in a R-District shall not exceed 1.0 footcandles on average. The uniformity ratio (maximum to

minimum) for parking lots shall not exceed the current IESNA RP-20 uniformity ratio guideline.  
(Note: Current guideline is 15:1)

- (8) Gas station service areas for filling fuel shall not exceed 12.5 footcandles on average.
- (9) Outdoor display areas including, but not limited to automobile or equipment dealer displays or storage lots shall not exceed 15 footcandles on average during the hours the business is open to the public or until 12:00 a.m.
- (10) Site lighting for non-residential uses shall not exceed 1.0 footcandles on average when a use is not open for business.
- (11) All lamps and luminaries within 200 feet from Grand Traverse Bay, Boardman Lake or Boardman River shall be located, mounted and shielded to direct illumination away from the water surface with the exception that full cutoff fixture dock lights, directed downward with less than 250 lumens are permitted.

(Ord. No. [1052](#) . Passed 6-5-17)

#### 1375.06 - Design and construction standards for public street lighting.

- (a) Streetlights in the public rights-of-way shall be the minimum necessary to provide adequate illumination for public safety and be designed to direct lighting downward onto the public rights-of-way
- (b) Luminaries installed up to the edge of any bordering property are permitted.
- (c) Public street illumination shall use the most current American National Standard Practice for Roadway Lighting ANSI/IESNA RP-08 for all public street lighting.

(Ord. No. [1052](#) . Passed 6-5-17)

#### 1375.07 - Submission requirements.

Except for one and two-family dwellings, a site plan shall contain a photometric layout for the exterior lighting. The Planning Director may waive this requirement if there is no parking area.

(Ord. No. [1052](#) . Passed 6-5-17)