



CITY OF TRAVERSE CITY
IMPLEMENTATION POLICY FOR
CHARTER §28 BUILDING HEIGHT RESTRICTION

1. Background: The following language was added to Section 28 of the City Charter at the November 2016 election:

“It is hereby declared that buildings over 60 feet in height are generally inconsistent with the residential and historical character of Traverse City. Therefore, any proposal for construction of a building with a height above 60 feet, shall not be approved by the City or City Commission, until after the proposal is submitted to and approved by a majority of the City electors at a regular election, or at a special election.”

2. Purpose: The purpose of the City of Traverse City Implementation Policy for Charter §28 Building Height Restriction is to establish a procedure for implementation of the above referenced Charter provision that may be relied upon by property owners, City administration, staff and the public to ensure consistency and predictability in the administration of approvals related to building height, as required by this provision.

3. Procedure:

- a. Measurement: For purposes of determining whether the Charter provision is triggered by a proposed building with a height above 60 feet, the methods of measuring building height contained in the Traverse City Zoning Ordinance shall be applied.
- b. Timing of election:
- c.
 - i. If the proposal is required to obtain a Special Land Use Permit, the election shall occur after the public hearing of the Planning Commission, but prior to the public hearing of the City Commission required pursuant to Traverse City Zoning Ordinance Section 1364.04.
 - ii. If the proposal is required to obtain a Planned Unit Development, the election shall occur after the public hearing of the Planning Commission if one is held, but prior to the public hearing of the City Commission required pursuant to Traverse City Zoning Ordinance Section 1362.02.

- d. Preamble on Ballot:

The preamble for all ballot proposals that are a subject of this policy shall be, “The City Charter of the City of Traverse City provides that the City or City Commission may not grant approval for the construction of any building in excess of 60 feet in height without approval by the voters. The City of Traverse City has received an application to construct a building at _____ [insert address/property description/Tax ID number] _____, with a height above 60 feet, with

the height to be measured as determined by the applicable local zoning regulation.”

- e. Ballot question: The question appearing on the ballot for consideration of the electors shall be “Shall a building with a height above 60 feet be constructed at _____ [address/property description/tax ID number] _____?”
 - f. Title of Ballot Proposal:
The City Clerk shall establish the title of the ballot proposal consistent with the titling of other ballot proposals, such as *City Proposal 1* or *City Proposal 2* and shall make such title available to all interested parties as soon as possible in an effort to clearly establish the identity of a given proposal in advance of the election for public discourse purposes.
 - g. Election costs: If the question appears on a regular election, there are negligible costs to the City and therefore no costs will be charged to the applicant. If the question appears on a special election at the request and discretion of the applicant, the applicant shall pay the incremental additional costs to the City for the special election. If multiple questions are placed on the ballot at the request of multiple applicants the incremental costs shall be divided equally among the applicants.
 - h. Approval/Disapproval of Electors:
 - i. If the proposal *is not* approved at the election no public hearing shall be held and the proposal shall not be considered by the City Commission. The proposal may be placed before the electorate at the next available election, at the request of the applicant. There shall be no limit on the number of times an applicant may request to place the proposal before the electorate.
 - ii. If the proposal *is* approved at the election, the proposal shall be scheduled for public hearing before the City Commission within a reasonable time following certification of the election results. Voter approval shall be considered valid for as long as three years following the City Commission’s final approval of a proposal, provided substantial construction has commenced within that timeframe; if substantial construction has not commenced within that timeframe, voter approval shall no longer be valid.
4. Pre-existing Buildings. Any lawfully constructed building that pre-dates the Charter provision that is the subject of this policy shall not be considered subject to the Charter provision or this policy. However in the event such a building is damaged such that the damage exceeds fifty percent of its true cash value, exclusive of land and foundations, as determined for property tax assessment purposes or destroyed and proposed to be re-built to a height above 60 feet, the Charter provision and this policy shall apply. Additionally, in the event an existing building with a height below 60 feet is altered in such a way to increase the height to a height above 60 feet, the provision of Charter Section 28 and this Policy shall apply. Finally, in the event an existing building with a height above 60 feet is proposed to be altered in such a way that increases its height beyond its current height, the Charter provision and this policy shall apply.

5. Pre-existing Approved SLUPs. Any property which has received a SLUP for a taller building prior to adoption of the Charter provision shall not be subject to the requirements of Charter Section 28 for voter approval. If any such SLUP should expire, a future application for a building with a height above 60 feet located on those properties shall be subject to the Charter provision requirement and this policy.
6. If the zoning regulations regarding buildings with a height above 60 feet are amended, this policy shall be revisited and updated by the City Commission as necessary.

I certify that this policy was adopted by the City Commission for the City of Traverse City on April 3, 2017, at a regular meeting held in the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, and amended by the City Commission at its April 24, 2017, meeting.



Benjamin Marentette, MMC, City Clerk