

CHAPTER 1328

OS - Open Space District

The Open Space (OS) District is for the purpose of accommodating natural or park-like settings including parks, playgrounds, athletic fields, wetlands, floodplains, natural areas and cultural buildings, often linked with pedestrian and bicycle paths.

1328.01	Uses allowed.	1328.05	Encroachments into the setbacks.
1328.02	Uses allowed by special land use permit.	1328.06	Building height.
1328.03	Lot, density and impervious surface provisions.	1328.07	Accessory buildings.
1328.04	Setbacks.	1328.08	Parking, loading and driveways.

CROSS REFERENCES

- Zoning and planning in home rules cities - MCLA 117.4i
- Regulation of location of trades, buildings and uses by local authorities - MCLA 125.581
- Regulation of buildings; authority to zone - MCLA 125.582
- Regulation of congested areas - MCLA 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a
- Signs in residential districts - B & H 1476.06, 1476.10 and 1476.27

1328.01 USES ALLOWED.

The following uses of land and buildings, together with accessory uses, are allowed in the Open Space District, with buildings less than 3,000 square feet in gross floor area:

- Airport clear zones;
- Athletic fields;
- Boat houses;
- Boat liveries;
- Cultural facilities;
- Community Gardens;
- Essential services without buildings;
- Golf Courses
- Marinas
- Outdoor public swimming pools
- Parks
- Playgrounds
- Recreational Facilities
- Theaters in municipality owned buildings built prior to 2013

(Ord. 476. Passed 7-6-99. Ord. 842. Passed 8-3-09. Ord. 972. Passed 6-3-13)

1328.02 USES ALLOWED BY SPECIAL LAND USE PERMIT

The following uses of land and buildings, together with accessory uses, are allowed in the Open Space District if a special land use permit is issued according to the standards of this Code:

- New buildings 3,000 square feet or larger in gross floor area for allowed uses;
- Essential services buildings.

(Ord. 476. Passed 7-6-99. Ord. 972. Passed 6-3-13)

1328.03 LOT, DENSITY AND IMPERVIOUS SURFACE PROVISIONS.

<u>Lot width (min.)</u>	<u>Lot area (min.)</u>	<u>Density (maximum)</u>	<u>Impervious surface</u>
20 feet	No minimum.	Not applicable.	20% maximum.

(Ord. 476. Passed 7-6-99)

1328.04 SETBACKS.

(a) **Front setbacks:**

Building: No new building or building addition shall be erected closer to the street than average setback of the buildings within 200 feet on either side. Where there are no buildings, the minimum setback is 30 feet.

Parking area: Behind or to the side of the principal building and set back a distance equal to the setback of the principal building or 25 feet, whichever is greater. For through lots, parking may be provided streetward of the principal building on the street that carries less traffic, but in no case closer than 25 feet from the front property line.

(b) **Side setbacks (minimum):**

Building:

One side: 10 feet

Aggregate: 20 feet

Parking area: If contiguous to an R-district, a minimum of 10 feet. Otherwise, 5 feet. If shared parking is developed, these setbacks would affect only the perimeter of the combined parcels.

(c) **Rear setbacks:**

Building: 30 feet

Parking area: 5 feet

(d) **Corner lots and through lots** shall have a front setback on each street.

(e) **Water setbacks:** Except for bathhouses and buildings which need to be on or in close proximity to the water (such as harbormaster offices, marina fueling facilities and boathouses), building shall be set back 50 feet inland from the ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25 feet from ordinary high water mark of the Boardman River. Where the dock line is establishing by City ordinance, the setback shall be measures inland from the dock line.

(Ord. 476. Passed 7-6-99. Ord. 502. Passed 5-15-00.)

1328.05 ENCROACHMENTS INTO THE SETBACKS.

No encroachments into the required setbacks are allowed.

(Ord. 476. Passed 7-6-99)

1328.06 BUILDING HEIGHT.

(a) **Building height:** Maximum 45 feet

(b) **Exceptions:**

Steeple and clock towers may be erected to a height not exceeding twice the height of the attached building.

Parapet walls may be erected as necessary to screen rooftop equipment if the wall extends around the perimeter of the building and incorporates exterior building materials similar to those of the main building.

(Ord. 476. Passed 7-6-99. Ord 724. Passed 3-19-07.)

1328.07 ACCESSORY BUILDINGS.

Accessory buildings shall be located no closer than 5 feet from any side or rear property line. A boat house up to 250 feet in gross floor area may be built to the water's edge.

(Ord. 476. Passed 7-6-99)

1328.08 PARKING, LOADING AND DRIVEWAYS.

Requirements for parking, loading and driveways are contained in Chapter 1374. In addition, athletic fields may provide up to 50% of the required number of organized parking on an area developed in turf grasses. Grassed parking areas shall be considered as providing one parking space for every 350 square feet of continuous turf-covered area. All grassed parking areas shall be maintained in a healthy, vigorous growing condition and shall not be used more than 12 times per calendar year. When use requires more frequent parking, an impervious surface or approved pervious hard surface parking area shall be developed.

(Ord. 476. Passed 7-6-99)