

CHAPTER 1330

RC - Residential Conservation District

The Residential Conservation (RC) District is for the purpose of classifying property susceptible to erosion or flooding for clustered, low-density development in the least sensitive portions of such property.

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

1330.01	Uses allowed.	1330.05	Encroachments into the setbacks.
1330.02	Uses allowed by special land use permit.	1330.06	Building height.
1330.03	Lot, density and impervious surface provisions.	1330.07	Accessory buildings.
1330.04	Setbacks.	1330.08	Parking, loading and driveways.

1330.01 USES ALLOWED.

The following uses of land and buildings, together with accessory uses, are allowed in the Residential Conservation District:

- OS district uses, with buildings less than 3,000 square feet gross floor area;
- R-1a and R-1b district uses;
- Clustered single family dwellings;
- Home occupations subject to the following conditions:
 - (1) A home occupation shall be conducted within the dwelling which is the bona fide residence of the principal practitioner of the occupation, or in a building accessory to such dwelling.
 - (2) All business activity and storage shall take place within the interior of the dwelling and/or accessory building.
 - (3) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
 - (4) The home occupation shall not generate vehicular traffic beyond eight trip-ends per day.
 - (5) Only off-street parking facilities customary for a residential use and located on the premises may be used.
 - (6) No vehicles used in the conduct of the occupation may be parked, kept or otherwise be present on the premises, other than such as are customarily used for domestic or household purposes.
 - (7) Home occupations shall be conducted solely by persons residing at the residence, and no more than two such persons shall be employed in the home occupation.

- (8) Any sign identifying the occupation must conform to the regulations of Traverse City Code Chapter 1476, Signs.
 - (9) No sale or rental of goods is allowed on the premises, except as secondary and incidental to the furnishing of a service.
 - (10) Instruction in crafts and fine arts are recognized as allowable home occupations if they meet the above conditions.
 - (11) The use shall not generate noise, vibration or odors detectible beyond the property line.
- Medical Marihuana Cultivation on a Parcel containing one Single Family Dwelling meeting the following requirements:
 - (1) No more than the maximum number of plants one (1) person may cultivate under the Michigan Medical Marihuana Act shall be cultivated per Parcel;
 - (2) The Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - (3) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the Primary Caregiver or Qualifying Patient cultivating the plants;
 - (4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the Parcel and shall not be visible from an adjoining public way;
 - (5) The Principal Use of the Parcel shall be a Dwelling and shall be in actual use as such.
 - (6) No transfer of Medical Marihuana to Qualifying Patients other than Qualifying Patients residing on the Parcel shall occur.
 - (7) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
 - (8) No vehicles used in cultivation may be parked, kept or otherwise be present on the Parcel, other than such as are customarily used for domestic or household purposes.
 - Medical Marihuana Cultivation on a Parcel containing a more than one Single Family Dwelling, a Two Family Dwelling, or a Multiple Family Dwelling meeting the following requirements:
 - (1) No more than 12 Medical Marihuana plants shall be cultivated per Dwelling Unit;
 - (2) The Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - (3) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the Primary Caregiver or Qualifying Patient cultivating the plants;
 - (4) Cultivation shall be conducted so as not to create unreasonable dust, glare, noise, odors, or light spillage beyond the parcel and shall not be visible from an adjoining public way;

- (5) The Principal Use of the Dwelling Unit shall be a Dwelling and shall be in actual use as such.
- (6) No transfer of Medical Marihuana to Qualifying Patients other than than Qualifying Patients residing within the Dwelling Unit shall occur.
- (7) No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.
- (8) No vehicles used in cultivation may be parked, kept or otherwise be present on the Parcel, other than such as are customarily used for domestic or household purposes.

(Ord. 476. Passed 7-6-99. Ord. 650. Passed 8-16-04. Ord. 874. Passed 8-16-10.)

1330.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.

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

- Adult foster care small group home;
- Buildings 3,000 square feet or larger gross floor area for OS District uses;
- Essential services buildings;
- Temporary accessory dwelling units.

(Ord. 476. Passed 7-6-99. Ord. 893. Passed 12-6-10.)

1330.03 LOT, DENSITY AND IMPERVIOUS SURFACE PROVISIONS.

Lot width (min.)	Lot area (min.)	Density (maximum)	Impervious surface
20 feet	No minimum.	4.4 dwelling units/acre	20% maximum

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

1330.04 SETBACKS.

(a) **Front setbacks:**

Building: No new building or building addition shall be erected closer to the street than the average setback of the buildings within 200 feet on either side. Where there are no buildings, minimum setback is 25 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.(No setback if adjacent to RC district).

Aggregate: 20 feet.(No setback if adjacent to RC district).

Parking area: The setback is minimum of 10 feet if contiguous to an R-district. Otherwise, the setbacks is 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:** 50 feet inland from the ordinary high water mark of Grand Traverse Bay and Boardman Lake and 25 feet from the ordinary high water mark of Boardman River. Where the dock line is established by City ordinance, it shall be measured inland from the dock line.
- (f) **Storage** of a boat, motor home, camper, utility trailer or other recreational vehicle or equipment shall be limited to the rear yard only. Storage shall mean parking the vehicle or equipment in an area unused for the purpose for which it was designed for a period of 30 consecutive days or more.

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

1330.05 ENCROACHMENTS INTO THE SETBACKS.

No encroachments into the required setbacks are allowed except:

- (a) **Eaves, chimneys, sills, belt courses, cornices and ornamental features** not to exceed 18 inches are permitted to extend within the setbacks.
- (b) **Terraces, patios, decks, uncovered and unenclosed porches and other ornamental features** which do not extend more than 30 inches above grade at the nearest side property line may project into a required side setback provided these projections are no closer than 2 feet from the subject side property line.
- (c) **An unenclosed balcony, porch or deck** may project into a front or rear setback for a distance not exceeding 10 feet.

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

1330.06 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.

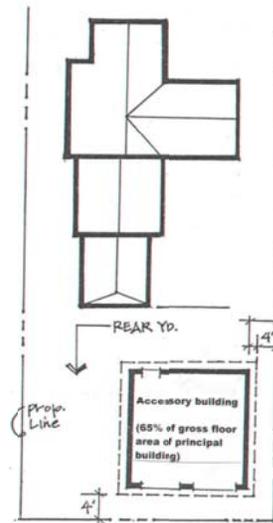
Parapet walls may be erected as necessary to screen rooftop equipment if the wall extends around the perimeter of the building and incorporates exterior building materials similar to those of the main building.

(Ord. 476. Passed 7-6-99. Ord 725. Passed 3-19-07.)

1330.07 ACCESSORY BUILDINGS.

Accessory buildings shall:

- (a) Only be permitted in the rear yard.
- (b) Not exceed 25 feet or the height of the principal building(s), whichever is less.
- (c) Not be closer than 4 feet to any side or rear property line. A boat house up to 250 square feet in gross floor area may be built to the waters edge.
- (d) Have a total gross floor area of all accessory buildings on the lot no greater than 65% of the gross floor area of the principal building(s).



- (e) Be constructed using materials and features similar to the principal building(s) if the accessory building exceeds 200 square feet in gross floor area.

(Ord. 476. Passed 7-6-99. Ord. 542. Passed 8-20-01. Ord. 637. Passed 4-5-04.)

1330.08 PARKING, LOADING AND DRIVEWAYS.

Driveways for residential lots must access from a publicly maintained alley if available. Other 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 are 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)