

CHAPTER 1334

R-2 Two-Family Dwelling District

The Two Family Dwelling (R-2) District is for the purpose of allowing two-family dwellings designed to be architecturally compatible with surrounding housing.

1334.01	Uses allowed.	1334.05	Encroachments into the setbacks.
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1334.04	Setbacks.	1334.08	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

1334.01 USES ALLOWED.

The following uses of land and buildings, together with accessory uses, are allowed in the Two Family Dwelling District:

- Adult foster care family home;
- Art galleries in non-residential buildings built prior to 1950, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;
- Athletic fields;
- Boat houses if they are an accessory use, if they are designed for housing a boat, if provisions are made for routing of any boardwalk, and if proper State and federal permits are obtained;
- Community Gardens;
- Dwellings, single family;
- Dwellings, two-family;
- Dwellings, multiple family, in non-residential buildings built prior to 1950, provided they are located on an arterial or collector street and provided the building is not expanded other than for barrier free access requirements;
- Essential services;
- Golf courses;
- 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) No sign, display or device identifying the occupation may be used.
 - (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 dwelling unit 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 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.
- Offices in nonresidential buildings built prior to 1950, provided they are located on an arterial or collector street and provided the building is not expanded except as necessary to meet barrier free access requirements.
 - Tourist homes meeting the following requirements:
 - (1) Rooms utilized for sleeping shall be part of the primary residential structure and shall not be specifically constructed or remodeled for rental purposes.
 - (2) The tourist home shall not be closer than 1,000 to an existing licensed tourist home.
 - (3) The exterior appearance of the structure shall not be altered from its single family appearance.
 - (4) There shall be no separate or additional kitchen facility for the guests.
 - (5) Off-street parking shall be provided as required by this Zoning code and shall be developed in such a manner that the residential character of the property is preserved.
 - (6) A site plan is approved according to this Zoning Code. Certain site plan information may be waived at the discretion of Planning Director.
 - (7) A City tourist home license is maintained.
 - (8) A tourist home shall be an incidental and secondary use of a dwelling unit for business purposes. The intent of this provision is to ensure compatibility of such business use with other permitted uses of the residential districts and with the residential character of the neighborhoods involved, and to ensure that tourist homes are clearly secondary and incidental uses of residential buildings.
 - Other similar uses as approved by the Planning Commission provided:
 - (1) The uses are located on an arterial or collector street.
 - (2) The uses are in a non-residential building built prior to 1950 and the building is not expanded except as necessary to meet barrier-free access requirements.
 - (3) The uses will not generate excessive noise, lighting, fumes or other nuisances.

(Ord. 693. Passed 12-19-05. Ord. 746. Passed 5-21-07. Ord. 842. Passed 8-3-09. Ord. 876. Passed 8-16-10. Ord. 894. Passed 12-6-10.)

1334.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.

The following uses of land and buildings, together with Accessory Uses, are allowed in the Two Family Dwelling District if a special land use permit is issued according to the standards of this Chapter:

- Adult foster care small group home;
- Clustered single family dwellings;
- Essential services buildings;
- Group day care homes;
- Places of worship;
- Schools.

(Ord. 894. Passed 12-6-10.)

1334.03 LOT, DENSITY AND IMPERVIOUS SURFACE PROVISIONS.

<u>Lot width (min.)</u>	<u>Lot area (min.)</u>	<u>Density (maximum)</u>
Impervious surface		
35 feet	4,000 sq. feet	45% maximum

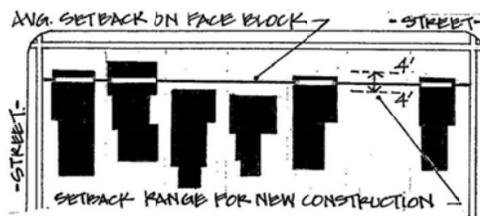
(Ord. 476. Passed 7-6-99. Ord. 555. Passed 2-4-02. Ord. 621. Passed 2-2-04. Ord. 750. Passed 5-21-07. Ord. 884. Passed 11-1-10.)

1334.04 SETBACKS.

(a) **Front setbacks:**

Building: Within 4 feet of the average setback of principal buildings on the same face block but no closer that 6 feet from the front property line.

Parking area: 3 feet minimum.



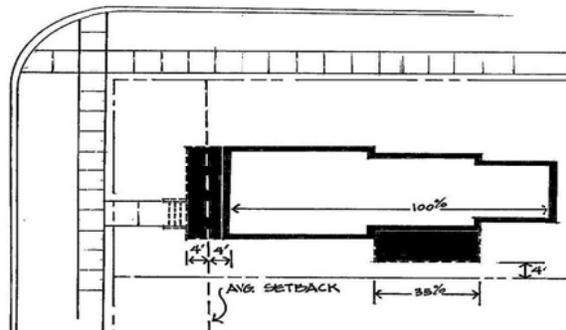
(b) **Side setbacks (minimum):**

Building:

One Side: 6 feet

Aggregate: 14 feet 35% of a side building wall may be located no closer than 4 feet from the side property line.

Parking area: 2 feet



(c) **Rear setbacks:**

Building: 25 feet

Parking area: None

(d) **Corner 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 the 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 is limited to the rear yard only. Storage means 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. 759. Passed 7-2-07.)

1334.05 ENCROACHMENTS INTO THE SETBACKS.

No encroachments into 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 setback.
- (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 or porch** may project into a front setback not more than 8 feet from the exterior building line, but not closer than 6 feet from the front right of way line.

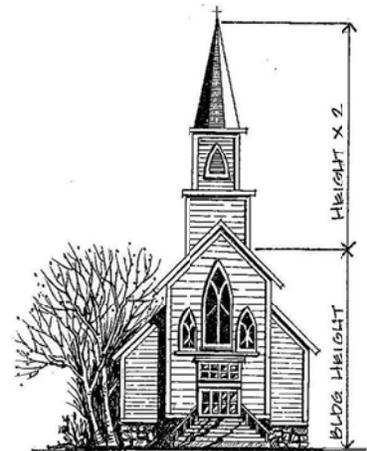
1334.06 BUILDING HEIGHT.

- (a) **Building height:** Maximum 35 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.

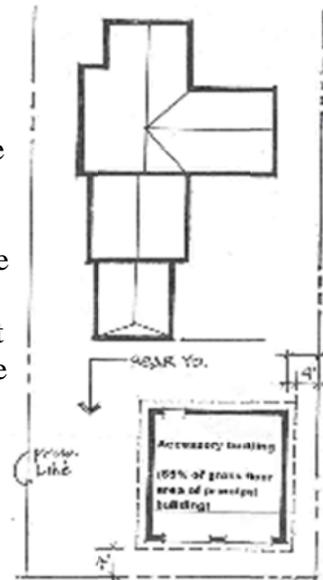


(Ord. 727. Passed 3-19-07.)

1334.07 ACCESSORY BUILDINGS.

Accessory buildings shall:

- (a) Only be permitted in the rear yard, except accessory buildings may be located streetward on lots on navigable water and may be located streetward of the principal building on the less traveled street on through lots.
- (b) Not exceed 25 feet or the height of the principal building(s) at the median point, 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 water's 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. 542. Passed 8-20-01. Ord. 554. Passed 2-4-02. Ord. 637. Passed 4-5-04.)

1334.08 PARKING, LOADING AND DRIVEWAYS.

Minimum parking space requirements are 1 per dwelling unit.

Additional requirements for parking, loading and driveways are contained in Chapter 1374.

Any residential building or driveway constructed after the effective date of this zoning code which has access to a maintained alley shall not have access to a street nor shall a parking area be located in the front yard.

For parcels having alley access, the parking of a boat, motor home, camper, utility trailer or other recreational vehicle is limited to the rear yard.

Any parking area for single or two family residential use shall, at a minimum, be surfaced and the area clearly defined with gravel, crushed stone, concrete, asphalt, brick or equal material, and be maintained substantially free of dust, mud and standing water.

Parking for motor vehicles shall occur only on a surface permitted by this code.

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. Ord. 760. Passed 7-2-07.)

1334.09 SPECIAL REQUIREMENTS.

To preserve and reinforce the development patterns of the Two Family Dwelling District the following special requirements shall apply:

- (a) In the Boardman and Central Neighborhood Historic Districts, attached garages for parcels with alley access shall be prohibited.
- (b) In the Boardman and Central Neighborhood Historic Districts, the distance between dwellings and accessory buildings greater than 200 square feet that have alley access shall not be less than 30 feet. The 30 foot separation between dwellings and accessory buildings can be reduced to 20 feet if it is determined to be impractical by the Planning Director.

(Ord. 975. Passed 7-1-13)