

CHAPTER 1342

C-2 Neighborhood Center District

The Neighborhood Center district is for the purpose of accommodating small businesses primarily serving adjacent neighborhoods with day-to-day retail goods and services. These small centers are comprised of residentially-scaled buildings with limited parking areas and a strong pedestrian orientation. Existing buildings and quality vegetation should be retained. New buildings are to be designed to reflect a residential flavor and minimize impacts (e.g., noise, light, traffic) on neighborhood residences. Overall density of up to 29 dwellings per acre is allowed.

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 - B & H Chapter 1476

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1342.01 USES ALLOWED.

The following uses of land and buildings, together with accessory uses, are allowed in the Neighborhood Center district.

- C-1 District uses except drive-throughs;
- Boat liveries;
- Brew pubs;
- Convenience stores;
- Day care facilities;
- Drinking places without entertainment;
- Drinking places with entertainment if the use is not likely to create a noise disturbance under City ordinances and if the building is provided with a central air conditioning system. Florists;
- Fruit and vegetable markets, but not public or municipal markets;
- Grocery stores;
- Hardware stores;
- Laundromats;
- Marinas;

- Movie rental stores;
 - News dealers and news stands;
 - Parcel packing services;
 - Pet grooming services without outdoor runs or kennels;
 - Preschools;
 - Radio, television and consumer electronics stores;
 - Restaurants, family, fine and fast (except drive-through and drive-ins);
 - Service stations and repair stations with no more than two bays; with or without fuel dispensing;
 - Stores, retail, miscellaneous;
 - Theatrical producers, entertainers, bands and orchestras;
 - Parking areas, public, subject to the following standards:
 - (1) Access shall be limited to one driveway per public street or two driveways per site, whichever is less.
 - (2) All parking areas which abut a public street shall be set back a minimum distance of eight feet from the property line along said street and shall provide in this setback area appropriate screening with plant materials or a combination of plant materials, berming and decorative screenwalls to a minimum height of three feet.
 - (3) Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Director.
 - (4) Unless herein varied, the Landscaping and Site Development Chapter shall apply.
- (Ord. 747. Passed 5-21-07. Ord. 867. Passed 6-7-10.)

1342.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.

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

- Residential care & treatment facilities;
- Schools.
- Transitional housing and Emergency shelters
- Wind Energy Building-mount.

(Ord. 938. Passed 4-2-12. Ord. 1003. Passed 7-7-14)

1342.03 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	3,750 sq. ft. min.	NA	70% maximum

(Ord. 887. Passed 11-1-10.)

1342.04 SETBACKS.

(a) **Front setbacks:**

- (1) **Building:** The minimum setback is the lesser of 8 feet or the average setback of principal buildings on the same face block on the same side of the street. The maximum setback is 25 feet.
- (2) **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:**

(1) **Building:**

(2) **One side/Aggregate:** None, except a minimum 10-foot side setback is required on a side adjoining an R- District.

(3) **Parking area:** 5 feet, except a minimum 10-foot side setback is required on any side adjoining an R District

(c) **Rear setbacks:**

(1) **Building:** 5 feet, except 20 feet if adjoining an R-District.

(2) **Parking area:** 5 feet, except a 20-foot setback is required for any parking area abutting, adjacent to or across a public alley from an R-District.

(3) **Parking area:** 5 feet, except a 20-foot setback is required for any parking area abutting, adjacent to or across a public alley from an R-District.

(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.

1342.05 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) **An unenclosed balcony, porch or deck** may project into a rear setback for a distance not exceeding 10 feet.

1342.06 BUILDING HEIGHT.

(a) **Building height:** Maximum 30 feet or with a floor designed and used for residential uses: 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 the exterior building materials similar to those of the main building.

(Ord. 731. Passed 3-19-07. Ord. 995. Passed 6-2-14)

1342.07 ACCESSORY BUILDINGS.

An accessory building shall:

(a) Only be permitted in the rear yard, except accessory buildings may be located streetward of the principal building on the less traveled street on through lots.

(b) Be located no closer than 4 feet to any side or rear property line. A boat house up to 242 square feet gross floor area may be built to the water's edge.

(c) Be constructed using materials and features similar to the principal building if the accessory building exceeds 500 square feet in gross floor area.

(Ord. 476. Passed 7-6-99. Ord. 554. Passed 2-4-02.)

1342.08 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 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.

Parking is not required for upper story dwellings above a first floor commercial or office use.

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.

(Ord. 764. Passed 7-2-07.)

1342.09 SPECIAL REQUIREMENTS.

To preserve and reinforce the context of historic buildings and to establish land development patterns of the Neighborhood Center district, all new buildings and additions to existing buildings are to be designed, constructed and used in accordance with the following standards:

- (a) No building shall have a gross floor area of more than 6,000 square feet on one level, and no more than 12,000 square feet gross floor area total, except a third floor and an additional 6,000 square feet are allowed if such floor is designed and used for residential purposes.
- (b) No use shall be open to the public between the hours of 2:00 a.m. and 6:00 a.m.
- (c) The predominant building wall and entryway shall face the street.
- (d) Unless determine to be impractical by the Planning Director, the building width shall not be less than 80 percent of the property width at the street.
- (e) Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units Relief from a continuous street facing wall may be achieved with wall offsets in combination with pilasters, corbeling or other permanent architectural elements, however, offsets in any wall shall not be less than eight inches from the subject plane.
- (f) Window glazing shall be recessed from the outside of all building walls.
- (g) Clear or lightly tinted transparent glass shall be used for all windows facing a public street. Decorative stained glass may be used for accents. Mirrored, smoked and darkly tinted glass is prohibited.
- (h) Street-facing building facades shall incorporate permanent architectural elements which create shadow patterns and surface textures which, in turn, enhance visual interest.
- (i) Except for buildings that are solely residential, windows or street level activities are

required on 50 percent of the first story street wall facing any public street. Street level activities include public display space, public atriums, pedestrian entrances and interior circulation and windows with views into any designated street level use.

- (j) For each 90 feet of linear building frontage, pedestrian entrances will be required. Pedestrian entrances may open onto the sidewalk or mid-block passages or walkways leading to the public right-of-way. Entries must be prominently identified and must not interfere with safe pedestrian passage along walkways. Primary entries must set back a minimum four feet from the facade.
- (k) The spacing and shape of windows and openings on the building shall closely reflect the fenestration of any adjacent historic buildings. Brick, stone, wood or a combination thereof, compatible with adjacent historic buildings, shall be used.
- (l) Fenestration, cornices and other primarily horizontal architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the area.
- (m) Any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.
- (n) All buildings that front the street, except for parking structures, accessory and utility buildings and buildings that are intended and designed to be exclusively developed for residential use shall have a minimum height of 15 feet measured from the street level entrance level to the next finished level or roof structure. The Planning Director may grant a first floor building height exception if it has been clearly demonstrated that such provision is unnecessary or that such requirements would create a practical difficulty, as contrasted merely granting an advantage or convenience.

(Ord. 476. Passed 7-6-99. Ord. 546. Passed 10-15-01. Ord. 957. Passed 1-7-13. Ord. 995. Passed 6-2-14)