

# CHAPTER 1344

## C-3 Community Center District

The Community Center (C-3) district is for the purpose of accommodating a wide range of retail goods and services available to the community. These uses are intended to be developed compactly and have coordinated access, preferably with limited driveways and shared parking facilities. More intense uses such as twenty-four-hour stores and drive-through establishments are appropriate.

1344.01	Uses allowed.	1344.05	Encroachments into the setbacks.
1344.02	Uses allowed by special land use permit.	1344.06	Building height.
1344.03	Lot, density and impervious surface provisions.	1344.07	Accessory buildings.
1344.04	Setbacks.	1344.08	Parking, loading and driveways.

### **1344.01 USES ALLOWED.**

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

- HR District uses;
- C-2 District uses;
- Amusement and recreation services (see mechanical amusement arcades below);
- Communication establishments;
- Contractors, with no outside storage;
- Drinking places with entertainment;
- Equipment rental and leasing;
- Finance services, including those having drive throughs subject to the standards of Section 1374.06, *Drive-throughs*;
- Kennels, provided no that no building, open kennel or exercise runway is closer than 200 feet from a Residential District;
- Mechanical amusement arcades subject to the following:
  - (1) All necessary licenses are obtained and maintained.
  - (2) There is in physical attendance at all times of operation a minimum of one adult employee whose sole responsibility is to supervise the conduct of patrons on or near the premises.
  - (3) Suitable ventilation, fire protection measures and adequate lighting inside and outside the premises are provided for the safety of patrons and the public as required by the Fire Marshal.
  - (4) One bicycle rack per mechanical amusement device is provided on-site and located subject to the approval of the Planning Director.
  - (5) There is not more than one arcade in a face block, and in no case shall an arcade be located closer than 600 feet to any existing arcade or amusement park.
- Medical Marihuana Collective meeting the following requirements:

- (1) Use and transfer of Medical Marihuana 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;
  - (2) Transfer of Medical Marihuana shall be only allowed to a Qualifying Patient directly in person by his or her Registered Primary Caregiver or by another Qualifying Patient as allowed by 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) The Collective shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
  - (4) No Medical Marihuana Cultivation shall occur on the parcel.
  - (5) Except for parents or guardians of a Qualifying Patient and the Owner or staff of the facility, persons other than a Qualifying Patient or Primary Caregiver shall be not permitted within the Collective when Medical Marihuana is being transferred or used.
  - (6) A Qualifying Patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
  - (7) A Medical Marihuana Collective shall not be located within a 1,000 foot radius from any existing School.
  - (8) A Medical Marihuana Collective shall not be located within 1000 feet from another existing Collective.
  - (9) An Owner or Operator of a Medical Marihuana Collective shall not have been convicted of a felony involving controlled substances.
  - (10) The name and address of all persons with an ownership interest in the Medical Marihuana Collective and all Operators of the Medical Marihuana Collective shall be provided to the Zoning Administrator at least ten (10) business days prior to opening the Medical Marihuana Collective and least ten (10) business days prior to when a new person owns or operates the Medical Marihuana Collective.
- Microbrewery
  - Motorized vehicle dealers, mobile home dealers, watercraft dealers and recreational vehicle dealers subject to the following conditions:
    - (1) All outdoor display and storage in front or on the side of a building shall meet landscape requirements for parking areas.
    - (2) Outdoor display areas shall be differentiated from parking areas using contrasting surface material and shall be designated on a site plan.
    - (3) Any display platforms shall not be elevated more than three feet higher than the adjacent public right of way.
  - Personal services, including those having drive-throughs subject to the standards of Section 1374.06, *Drive-throughs*;
  - Pet boarding or pet grooming services, provided that no building, open kennel or exercise runway is closer than 200 feet from an R-District.
  - Printing (commercial);
  - Repair services, miscellaneous;
  - Restaurants, family, fine and fast, including drive-ins and drive-throughs accessory to an on-site, indoor, full service restaurant and including the parking requirements of Chapter 1372, *Landscaping* and Section 1374.06, *Drive-throughs*:

- Retail trade;
- Service stations and repair shops (except tire retreading) with or without fuel dispensing;
- Theaters, except outdoor;
- Vehicle wash facilities subject to the following standards:
  - (1) Customer stacking space shall be provided at a rate of three spaces per bay or wash area for a stationary-type (coin-operated) system, and eight spaces per bay for an automatic system.
  - (2) Customer stacking spaces shall be located and arranged to preclude obstruction of traffic flow on the public right-of-way or overhang and the public sidewalk.
  - (3) Grates the full width of the driveway shall be provided at the exits to intercept and collect excess water and prevent its spread onto the public right of way.
  - (4) A 35 foot setback is required from the property line where the primary exit for the vehicle was facility is made. All other setbacks shall conform to the district requirements.
  - (5) All operations connected with this facility shall be conducted within the buildings, except for vacuuming, so as to minimize the effect of noise and moisture on surrounding areas.
  - (6) Where an auto wash is adjoining residential property or is separated from such property by a public alley, there shall be provided a continuous decorative screenwall of not less than five feet or more than six feet in height.
  - (7) Ingress and egress shall be on an arterial or collector street, except where the Planning Commission determines public welfare or safety would be best served by allowing other means of ingress or egress.
- Veterinary services, provided that no building, open kennel or exercise runway is closer than 200 feet from a R-District;
- Warehousing.

(Ord. 778. Passed 1-7-08. Ord. 878. Passed 8-16-10. Ord. 903. Passed 2-7-11.)

**1344.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.**

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

- Communication towers;
- Essential services buildings;
- Residential care and treatment facilities;
- Schools;
- Transitional housing and Emergency shelters
- Wind Energy Pole/Tower-Mount
- Wind Energy Building-Mount

(Ord. 476. Passed 7-6-99. Ord. 938. Passed 4-2-12. Ord. 1004. Passed 7-7-14)

**1344.03 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	N/A	80% maximum

(Ord. 476. Passed 7-6-99. Ord. 888. Passed 11-1-10.)

**1344.04 SETBACKS.**

(A) **Front setbacks:**

**Building:** 25' maximum; 8' minimum

**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/Aggregate:**

None, except a 10-foot side setback is required on the side adjoining an R-District.

**Parking area:** 5 feet, except a 10-foot setback is required on any portion abutting an R-District.

(C) **Rear setbacks:**

**Building:** 5 feet, except 20 feet is required on any portion abutting or across an alley from an R- district.

**Parking area:** 5 feet, except 20 feet is required on any portion abutting, adjacent to or across an 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 the Boardman River. Where the dock line is established by City ordinance, it shall be measured from the dock line.

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

**1344.05 ENCROACHMENTS INTO THE SETBACK.**

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.

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

**1344.06 BUILDING HEIGHT.**

(a) **Building height:**

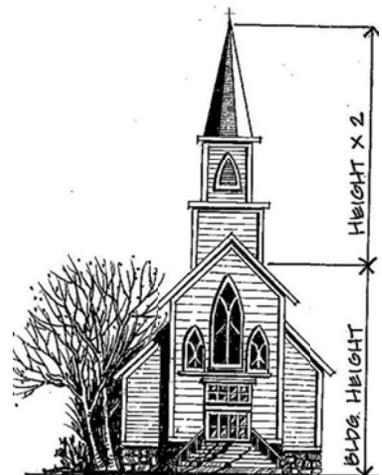
Maximum 45 feet

(b) **Exceptions:**

**Steeples 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. 732. Passed 3-19-07)



**1344.07 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 5 feet to any side or rear property line. A boat house, up to 250 sq. 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.)

**1344.08 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. 476. Passed 7-6-99. Ord. 765. Passed 7-2-07.)

**1344.09 SPECIAL REQUIREMENTS.**

To establish land development patterns of the district, all new buildings and additions to existing buildings are to be designed and constructed in accordance with the following standards:

- (a) The predominant building wall and entryway shall face the public or private street.
- (b) Unless determined to be impractical, by the Planning Director, the building width shall not be less than 60 percent of the property width at the street.
- (c) 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.
- (d) Horizontal building modulation shall be used to reduce the perceived mass of a large building. Horizontal awnings, balconies, and roof features should be incorporated into new developments provided that their appearance varies through the use of color, materials, size and location.
- (e) Except for buildings that are solely residential, windows or street level activities are required on 40 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.
- (f) 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

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tinted glass is prohibited.

- (g) Street-facing building facades shall incorporate permanent architectural elements which create shadow patterns and surface textures which, in turn, enhance visual interest.
- (h) 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.
- (i) 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. 619. Passed 2-2-04. Ord. 996. Passed 6-2-14)