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# Petoskey Zoning Ordinance

September 18, 2024

Article 1 - Intent

Article 8 – Site Plan Review

Article 11 - ZBA

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# Approach

- The current zoning ordinance has fragmented provisions spread over 130+ pages
- The zoning ordinance was adopted in 1974 and is 50 years old
- Enactment of the ordinance was under PA 207 of 1921, which was the City and Village Zoning Act. Now operating under PA 110 of 2006 the Michigan Zoning Enabling Act (MZEA)
- Using the current code as the basis for the new code is impractical
- As a result, traditional “tracking” and “redlining” measures cannot be used
- The proposed code will highlight those provisions, or concepts, carried over from the old code



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# New Code Organization

1. Title and Purpose
2. Zoning Districts
3. Regulated Uses and Dimensions
4. Overlay Standards
5. General Provisions
6. Site Development Standards
7. Supplemental Use Standards
8. Site Plan Review
9. Special Use Permits
10. Land Development Options
11. Zoning Board of Appeals
12. Administration and Enforcement
13. Amendments and Severability
14. Definitions



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# Article 1 – Title and Purpose

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# Article 1 – Title and Purpose

- The document outlines the City of Petoskey Zoning Ordinance, its purpose, jurisdiction, and relationship to the Master Plan.
- Purpose of the Ordinance is to regulate land use for residential, recreational, and commercial purposes.
- The Ordinance aims to prevent overcrowding, promote public health, safety, and welfare.
- Applies to all development in the City of Petoskey, Emmet County, Michigan.
- Serves as a tool to implement recommendations of the City's Master Plan for long-term growth.



# Article 8 – Site Plan Review



## Craftsman tools

- Screwdriver
- Saw
- Hammer
- Cable cutter
- Sandpaper
- Diagonal p
- Lineman
- Long
- Mu
- Z

## Furniture list

- Bedroom
    - King size bed
    - Headboard
    - Drawer
    - Mattress
    - Lamps x 2
    - TV
    - Bed-sheet
  - Living room
    - Sofa
    - Coffee table
    - Television set
    - Stools x 4
  - Kitchen
    - Dining table
    - Chair x 4
    - Cupboard
    - Breaker-stand
    - Food party
    - Stove & oven
    - Refrigerator
  - Bathroom
    - Bath
    - Shower
- Will be delivered on 01/06/18

## Room plan 1st floor

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# Article 8 – Site Plan Review

## Section 8.1 Intent and Purpose

The Planning Commission decides on site plans not subject to administrative review or special uses.





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# Article 8 – Site Plan Review (continued)

## Section 8.2 General Requirements

- This section outlines the requirements for site plans in various development scenarios.
- Site plans are required for developments with more than one principal use on a parcel, non-residential uses in residential zones, and accessory structures.
- Certain activities like construction of residential structures, soil excavation, and change in ownership do not require site plan approval.
- Changes in use to a permitted zoning district, home occupations, and small expansions of existing uses are exempt from site plan approval.
- Additions or expansions that increase impervious surface by less than 1,500 square feet or 30% are also exempt from site plan approval.



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## Article 8 – Site Plan Review (continued)

### Section 8.3 Standards for Site Plan Approval *(Not in the current ordinance)*

- This section outlines the criteria for reviewing and approving site plans.
- Site plans must include all required information in a complete and understandable form.
- Design elements must be compatible with the topography, adjacent properties, and proposed use.
- Landscaping, fencing, and other site features should enhance the aesthetic appeal of the development.



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## Article 8 – Site Plan Review (continued)

### Section 8.3 Standards for Site Plan Approval *(Not in the current ordinance)*

- Compliance with district requirements for floor space, building height, and other standards is necessary.
- Privacy and emergency vehicle access must be considered in the site design.
- Adequate parking, drainage, and public services are required for the development.
- Screening with landscaping should be used to mitigate impacts on neighboring properties.
- Health, safety, and environmental concerns must be addressed in the site plan.



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# Article 8 – Site Plan Review (continued)

## Section 8.4 Site Plan Application Requirements

- Detailed requirements for submitting a site plan application including drawings, narratives, and additional information.
- An application for site plan review must include various items such as property boundaries, existing structures, landscaping plans, and stormwater management.
- The scale for site plan drawings varies based on the size of the property, with different scales for different acreages.
- The site plan must show the existing zoning district, proposed structures, utilities, lighting, and pedestrian facilities.
- Additional information required includes environmental characteristics, stormwater management plans, and erosion control measures.



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## Article 8 – Site Plan Review (continued)

### Section 8.4 Site Plan Application Requirements *Continued*

- The Planning Commission may waive certain requirements if deemed not applicable, upon recommendation by the Zoning Administrator.
- Two sets of site plan drawings must be submitted in print and digital format, along with additional information requested by the City.
- The plan must be submitted for review to various jurisdictions, and a statement must be provided if a review is not applicable.
- Overall, the site plan application process involves detailed documentation and compliance with various regulations and standards.



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## Article 8 – Site Plan Review

Section 8.5 Site Plan Application Review Procedures *(Not in the current ordinance)*

- The section outlines the process for zoning application submission and review.
- Applicants can request a pre-application conference with the Zoning Administrator and/or Planner.
- A conceptual review can be submitted before the formal site plan review application.
- Application materials must be submitted 30 days before the Planning Commission meeting.
- Completeness reviews are conducted by the Zoning Administrator to determine if the application is properly submitted.
- The **Administrative Review Committee** may review and decide on qualifying site plan review applications.



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# Article 8 – Site Plan Review

## Section 8.6 Site Plan Application Review Procedures

- The Planning Commission or Administrative Review Committee reviews site plan applications and can **approve, impose conditions, or deny** them.
- Conditions must protect natural resources, health, safety, and welfare, and be related to police power. If a plan does not meet standards, it will be denied with a written explanation.



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## Article 8 – Site Plan Review

Section 8.7 Record of Actions *(Not in the current ordinance)*

- The City keeps records of decisions on site plans, including meeting minutes and final plans stamped by licensed professionals.
- Approved plans must include required revisions and be signed by the applicant and Planning Commission Chair.
- Denied plans are marked accordingly.
- Occupancy is only allowed after receiving an occupancy permit. Within three months of receiving a Certificate of Occupancy, the owner must submit digital as-built site plan drawings.





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## Article 8 – Site Plan Review

### Section 8.8 Expiration, Revocation, and Reapplication

- A site plan review approval is valid for one year, with the option to request a one-year extension.
- Failure to comply with conditions may result in revocation within 15 days.
- Violations are subject to penalties and remedies outlined in the Ordinance.



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## Article 8 – Site Plan Review

### Section 8.9 Amendments and Modifications *(Not in the current ordinance)*

- The section outlines procedures for modifying approved site plans by addressing insignificant deviations and minor amendments.
- The Planning Commission is notified of Insignificant Deviations and Minor Amendments by the City Administration.
- The Zoning Administrator can authorize **insignificant deviations** that have no discernible impact on neighboring properties or the public.
- The Administrative Review Committee can approve **minor amendments** that do not substantially affect the use or surrounding areas.
- Requests for amendments beyond insignificant deviations or minor amendments are processed as **new applications** unless rejected by the original site plan holder.



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## Article 8 – Site Plan Review

Section 8.10 Fees and Guarantees *(Not in the current ordinance)*

- Fees and performance guarantees for site plan review consistent with Article 12.





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# Article 11 – Zoning Board of Appeals

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# Article 11 – Zoning Board of Appeals

## Section 11.1 Authority

- The Zoning Board of Appeals is established to ensure objectives of the Ordinance are met. Public health, safety, and welfare protected. Substantial justice ensured.
- The current zoning ordinance references PA 207 of 1921



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# Article 11 – Zoning Board of Appeals

## Section 11.2 Membership

- The Zoning Board of Appeals consists of five members and two alternates appointed by the City Council for three-year terms. *(Current ordinance has 6 members and 1 alternate)*
- Members must be City electors and reside within the City, representing various interests. Vacancies are filled by City Council resolution, and alternate members have the same voting rights as regular members.



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# Article 11 – Zoning Board of Appeals

## Section 11.3 Organization

- The Zoning Board of Appeals (ZBA) adopts rules of procedure and elects a Chair and Vice-Chair.
- Meetings are held at the Chair's call, decisions are made promptly, and majority vote is required.
- The ZBA may request reports, keep minutes, and have the power to compel testimony.



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# Article 11 – Zoning Board of Appeals

## Section 11.4 Applications

- Applications to the ZBA require applicant information, site plan, and a letter summarizing the request.
- A fee set by City Council must be paid at filing.
- Additional information may be requested by ZBA for decision-making.





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# Article 11 – Zoning Board of Appeals

## Section 11.5 Appeals of Administrative Decisions

- The ZBA hears appeals alleging errors of law in zoning decisions, with a 30-day deadline for filing.
- Appeals stay proceedings unless imminent peril is certified. The ZBA reverses decisions based on specific criteria.



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# Article 11 – Zoning Board of Appeals

## Section 11.6 Interpretation of Zoning Districts

- The Zoning Board of Appeals (ZBA) has the power to interpret the Zoning Map to align with the City of Petoskey Zoning Ordinance and Master Plan.
- Rules for interpreting boundaries include following center lines of streets, lot lines, municipal boundaries, and railroad lines.
- The ZBA can also extend regulations for portions of lots that were in single ownership at the time of the Ordinance's passage.



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# Article 11 – Zoning Board of Appeals

## Section 11.7 Interpretation of Zoning Ordinance Provisions

- The ZBA has the power to interpret Zoning Ordinance provisions to preserve zoning district character.
- It can also hear appeals of similar use decisions made by the Planning Commission. The ZBA makes determinations based on Article 3 standards. (*Regulated Uses, Dimensional and Bulk Requirements*)



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# Article 11 – Zoning Board of Appeals

## Section 11.8 Variances

- The Zoning Board of Appeals has the authority to grant **variances**, including dimensional and use variances, based on specific standards.
- The ZBA can authorize variances from the Ordinance to ensure public safety and substantial justice, including dimensional and use variances.
- Practical difficulties must be demonstrated for a **non-use variance** (called a dimensional variance), with the minimum variance needed for relief.
- An unnecessary hardship must be shown for a use variance, with a 2/3 vote required from the ZBA.
- The variance requested must be the minimum needed to provide substantial relief and cannot be solely economic in nature.
- The problem and need for the variance must not be self-created by the applicant.



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# Article 11 – Zoning Board of Appeals

## Section 11.9 Exceptions

- The Zoning Board of Appeals is authorized to hear and decide exceptions, subject to conditions.
- ZBA ensures compliance with the Ordinance and preserves the character of zoning districts.



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# Article 11 – Zoning Board of Appeals

## Section 11.10 Hearings and Decisions

- The ZBA must conduct a public hearing before making a determination on a case. Each decision includes written findings.



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# Article 11 – Zoning Board of Appeals

## Section 11.11 Fees

- Fees and performance guarantees for ZBA request review consistent with Article 12 regulations.



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# Article 11 – Zoning Board of Appeals

## Section 11.12 Limitations of Authority

- This section outlines the regulations and limitations of the Zoning Board of Appeals.
- Orders of the ZBA are valid for **one year** unless building permits are obtained and work is completed.
- ZBA cannot consider appeals of Planning Commission or City Council decisions on certain matters.
- ZBA jurisdiction for site plan appeals is limited to cases referred by the Planning Commission.
- ZBA can grant sign variances based on practical difficulties and public safety concerns.







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# Petoskey Zoning Ordinance

DISCUSSION

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