



# AGENDA

## ZONING COMMITTEE

October 29, 2024

10 AM - Noon

Community Room

1. Call to Order
2. Review of Zoning Committee Revisions
  - a. Article 10 – Land Development Options ..... 1
3. Continue to Review
  - a. Article 4 – Overlay Districts ..... 10
4. New Review
  - a. Article 5 – General Provisions ..... 24
5. Next Meeting

# Article 10: Land Development Options

## 10.1 INTENT AND PURPOSE

Development may be pursued in a variety of different ways. This Article sets forth the development options established by the City of Petoskey. These options may be used singly or jointly depending on the circumstances of particular development scenarios. The purpose of this Article is to set forth the regulations regarding the different land development options to protect the health, safety, and welfare of the citizens of Petoskey. Where necessary, the provisions relating to the different development options contain design standards that supplement or replace particular standards in Article 6 and Article 7 and procedures that supplement or replace particular procedures in Article 8.

## 10.2 PLANNED DEVELOPMENT

### 10.2.1 Intent and Purpose

- A. The Planned Development (PD) option is intended to allow, with City approval, private or public development that is consistent with the goals and objectives of the City of Petoskey Master Plan and Future Land Use Map.
- B. The development allowed under this Section shall be considered an optional means of development only on terms agreeable to the City.
- C. Use of the PD option will allow the following:
  - Flexibility in the control of land development by encouraging innovation through an overall, comprehensive development plan to provide variety in design and layout to achieve economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
  - To encourage useful open spaces suited to the needs of the parcel(s) in question.
  - To provide proper housing including workforce housing.
  - To provide employment, service and shopping opportunities suited to the needs of the residents of the City and their immediate neighborhoods.
  - Redevelopment of brownfields and grayfields.
  - Preservation, enhancement or restoration of natural resources.
  - Preservation or restoration of historic resources.
  - Mixed-use development with residential, and nonresidential uses with a variety of housing types.
  - To allow commercial uses in residentially zoned areas and allow residential uses in commercially zoned areas.
  - To permit densities or lot sizes that are different from the applicable district, and to allow the mixing of land uses that would otherwise not be allowed.
  - The development would promote the public health, safety and welfare, reduce sprawl, and be consistent with the City of Petoskey Master Plan and Future Land Use Map.

- 42 D. It is further intended the development will be laid out so the various land uses and building
- 43 bulk will relate to one another and to adjoining existing and planned uses in such a way that
- 44 they will be compatible, with no material adverse impact of one use on another.
- 45
- 46 E. Use of the PD option encourages the following:
- 47
  - 48 • The integration of walkable and nonmotorized facilities.
  - 49 • The use of sustainable and energy-efficient site elements, such as stormwater and
  - 50 rainwater management, and recycling.
  - 51 • The use of native landscaping, protection or restoration of habitat, heat island reduction,
  - 52 and reduction of light pollution.
- 53
- 54 F. The properties are zoned [insert applicable districts] districts.
- 55
- 56 G. This option shall not be used solely to avoid the applicable zoning requirements. Problems
- 57 or constraints presented by applicable zoning provisions shall be identified in the PD
- 58 application. Any permission given for any activity, building, dimensional requirement, or use
- 59 not normally allowed shall improve the public health, safety, and welfare in the area affected.
- 60
- 61 H. The PD option may be used only when the proposed land use will not materially add service
- 62 and facility loads beyond those considered in the City of Petoskey Master Plan and other
- 63 public agency plans unless the proponent can prove to the sole satisfaction of the City that
- 64 such added loads will be accommodated or mitigated by the proponent as part of the PD.

10.2.2 Uses Permitted

- 66 A. A land use or site master plan shall be proposed to include the area within the PD. The land
- 67 use or site master plan shall be defined primarily by the City of Petoskey Zoning Ordinance
- 68 Districts that are most applicable to the various land use areas of the PD.
- 69
- 70 B. Uses permitted and uses permitted subject to special land use permit approval in this
- 71 Ordinance may be allowed within the districts identified on the PD plan, except that some
- 72 uses may be specifically prohibited from districts designated on the PD plan. Alternatively,
- 73 the City may allow uses that are not permitted in the district if specifically noted in the PD
- 74 plan. Conditions applicable to uses subject to special land use permit approval shall be used
- 75 as guidelines for design and layout but may be varied by the Planning Commission, provided
- 76 such conditions are indicated on the PD plan.
- 77

10.2.3 Height, Bulk, Density, and Area Standards

The standards for height, bulk, density, and setbacks of each district shall be applicable within each district area designated on the plan, except as specifically modified and noted on the PD plan.

10.2.4 Eligibility

Planned Development proposals shall meet the following qualifying standards to be considered under the PD land development option:

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- A. The PD shall not be allowed solely to increase density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.
- B. The PD must meet, as a minimum, five (5) of the following eight (8) objectives of the City.
  - 1. To promote the goals and objectives of the City of Petoskey Master Plan.
  - 2. To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
  - 3. To permanently establish land use patterns that are compatible or that will protect existing or planned uses.
  - 4. To accept dedicated open space areas for public use in perpetuity through a conservation easement or other means acceptable to the City.
  - 5. To provide alternative uses for lots that can provide transition buffers to residential areas.
  - 6. To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
  - 7. To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable and transformative for the city.
  - 8. To provide a diverse mix of housing options, price points, and opportunities to rent or purchase.

10.2.5 PD Application Requirements

PD applications shall not be required to go through the zoning map amendment procedures, as outlined in Article 13. However, the following may be required as part of the application process, in addition to other application materials:

- A. A market study, traffic impact study, and/or environmental impact assessment, if requested by the Planning Commission..
- B. A pattern book or design guidelines manual if requested by the Planning Commission .

10.2.6 PD Application Review Procedures

The PD application review procedures follow six (6) primary steps: 1) pre-application submission and review, 2) submission of PD plan and application materials, 3) Planning Commission review and

132 recommended approval or denial of the PD, 4) City Council final review and approval or denial of the  
 133 PD, 5) submission of site plan(s) based on phases for development outlined in the PD, and 6) as-  
 134 built documentation  
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PD Review Process	Planner /Zoning Administrator	Planning Commission	City Council
Step 1 – Completeness	X		
Step 2 – Pre-Application Submission	X	X	
Step 3 – Planning Commission Review	X	X	
Step 4 – City Council Approval/Denial			X
Step 5 – Submission of Site Plan(s)	X	X	
Step 6 – As-Built Documentation	X		

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 138 A. Completeness Review (STEP 1): Upon submission of a PD application, the Zoning  
 139 Administrator shall perform a completeness review. Once an application is determined to  
 140 be complete, the Zoning Administrator and any other applicable departments and agencies  
 141 shall perform a technical review based on the pre-application submission and provide  
 142 comments to the Planning Commission  
 143  
 144 B. Pre-Application Submission and Review (STEP 2): At this step in the review process, the  
 145 Applicant shall prepare an application submission reflecting comments received from Step  
 146 1 – Completeness Review, in addition to, other information outlined below.  
 147  
 148 1. Any person owning or controlling land in the City may make an application for  
 149 consideration of a PD. Such application shall be made by presenting a request for a  
 150 preliminary determination to whether a development proposal qualifies for the PD  
 151 option.  
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 153 2. The request shall be submitted to the City, and the submission shall include the  
 154 information required below.  
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 156 a. Proof the Qualifying Standards in this Section are or will be met.  
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 158 b. A conceptual land use plan or site master plan containing enough detail to explain  
 159 the following:  
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  - The use of open space;
  - Location of land use areas;
  - Location of streets providing access to the site;
  - Pedestrian and vehicular circulation within the site;
  - Dwelling unit density and types; and buildings or floor areas contemplated, as applicable.
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 163 c. Conceptual elevations of proposed buildings and a description of building  
 164 dimensions, such as width, height, and square footage.  
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 167 d. A plan to protect natural features or preservation of open space or greenbelts.  
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- e. A stormwater management plan that incorporates low impact development (LID) water quality technologies, such as, but not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures.
- f. The Planning Commission shall review the applicant’s request for qualification. If approved **or approved with conditions**, the applicant may then continue to prepare a PD Plan on which a final determination will be made.
- g. Based on the documentation presented, the Planning Commission shall make a preliminary determination about whether a development proposal is consistent with the Intent and Purpose in this Section and qualifies for the PD option under the Qualifying Standards in this Section. If approved, the applicant may then continue to prepare a PD plan and application on which a final determination will be made. An approved request for qualification is not a guarantee for final PD approval.

C. Planning Commission Review and Determination (STEP 3): The review of a PD application by the Planning Commission shall follow the procedures below:

- 1. Review: Upon notification from the City Zoning Administrator and/or Planner of a complete PD plan application and technical review, the Planning Commission shall review the proposed PD plan and make a determination about the proposal's qualification for the PD option and for adherence to the following objectives and requirements:
  - a. The proposed PD adheres to the conditions for qualification of the PD option and promotes the land use goals and objectives of the City.
  - b. All applicable provisions of this Article shall be met. If any provision of this Article shall be in conflict with the provisions of any other Section of this Article, the provisions of this Section shall apply to the lands embraced within a PD area.
  - c. There will be at the time of development, an acceptable means of disposing of sanitary sewage and of supplying the development with water and the street network, storm water drainage system, and other public infrastructure and services are satisfactory.
  - d. Public Hearing: The Planning Commission shall hold a public hearing on the PD plan and shall give notice as provided in Article 12.
  - e. Finding of Facts: After the review and public hearing, the Planning Commission shall adopt a finding of fact relative to the PD under consideration as the basis of their recommendation to approve or deny the application, along with any applicable conditions.

217 f. Recommendation: The Planning Commission shall submit its recommendation to  
 218 the City Council along with the technical review and findings of fact for final  
 219 determination.

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 221 **D. City Council Review and Approval (STEP 4)**  
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- 223 1. Determination: Upon receipt of the technical review, findings of fact, and  
 224 recommendation of the Planning Commission, the City Council shall review the  
 225 application and make a determination to approve or deny the application, and any  
 226 applicable conditions.  
 227  
 228 2. PD Development Agreement: If the City Council approves the application, it shall direct  
 229 the City attorney to prepare a PD Development Agreement setting forth the conditions on  
 230 which such approval is based. The PD Development Agreement shall:  
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 232 a. Be signed by the Mayor, City Clerk and the applicant.  
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 234 b. Become effective on execution after its approval.  
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 236 c. Be recorded at the Emmet County Register of Deeds' office by the applicant, who  
 237 shall provide a copy of the record to the City within forty-five (45) days of City Council  
 238 approval.  
 239  
 240 d. Limit the development and uses that may take place in such area to those expressly  
 241 permitted under the PD Development Agreement unless otherwise amended  
 242 following the procedures in this Section.  
 243

244 **E. Submission of Site Plans (STEP 5):** Before any zoning permits are issued for the PD, the final  
 245 site plan(s) for the project area shall be submitted to the City for review and approval, or  
 246 approval with conditions by the Planning Commission of the following:  
 247

- 248 1. Review and approval of site plans shall comply with Article 8 and this Section except as  
 249 otherwise modified in the approved plan and PD Development Agreement.  
 250  
 251 2. Before approving of any site plan, the Planning Commission shall decide that:  
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 253 a. All portions of the project area shown on the approved plan for the PD for use by the  
 254 public or the residents of lands within the PD have been committed to such uses  
 255 under the PD Development Agreement;  
 256  
 257 b. The site plan is in conformity with the approved development agreement and plan for  
 258 the PD;  
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 260 c. Provisions have been made under the PD Development Agreement to provide for the  
 261 financing of any improvements shown on the project area plan for open spaces and  
 262 common areas which are to be provided by the applicant and that maintenance of  
 263 such improvements is assured under the PD Development Agreement.  
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265 F. Submission of As-Built Documentation (STEP 6): A copy of the as-built, to scale, drawings  
266 and documentation shall be submitted to the City.  
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268 10.2.7 Termination and Expiration

269 An approved PD Development Agreement may be terminated or expire in the following ways:  
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271 A. An applicant or the applicant's successors or assigns may choose to terminate a PD  
272 Development Agreement, before any development within the area involved, by filing with the  
273 City and recording at the Emmet County Register of Deeds an affidavit so stating. The  
274 approval of the plan under the PD Development Agreement shall terminate on such  
275 recording.  
276

277 B. No approved plan under a PD Development Agreement shall be terminated after  
278 development begins except with the approval of the City Council and of all parties with  
279 interest in the land.  
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281 C. Within one (1) year following execution of the PD Development Agreement by the City  
282 Council, approved site plans for an area included within the PD must be filed with the City. If  
283 such plans have not been filed within the one (1) year period, the right to develop the  
284 approved plan under the PD Development Agreement shall be automatically terminated  
285 unless an extension is requested in writing by the applicant and authorized by the City  
286 Council. The City Council may authorize one (1) extension of up to one (1) year.  
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288 D. If the development of the approved site plan(s) is not substantially completed in three (3)  
289 years after approval, further final submittals under the PD shall stop until the part in question  
290 is completed, or cause can be shown for not completing the same.  
291

292 10.2.8 Fees and Performance Guarantees

293 Fees and performance guarantees associated with the review and approval of a PD application shall  
294 be consistent with the requirements in Article 12.  
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296 10.2.9 Interpretation of Approval

297 Approval of a PD under this Section shall be considered an optional method of development and  
298 improvement of property subject to the mutual agreement of the City and the applicant.  
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300 10.2.10 Amendments to Planned Development Plan

301 Proposed amendments or changes to an approved PD plan and/or PD Development Agreement shall  
302 be presented to the Zoning Administrator **who** shall decide whether the proposed modification is of  
303 minor or major nature based on Article 8, with the following additions:  
304

305 A. Minor Amendment: If determined to be a minor amendment, the Administrative Review  
306 Committee may review and approve or deny the request. The PD Development Agreement  
307 shall be modified to reflect any minor amendment that has been approved.  
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309           B. Major Amendment: If a major amendment is determined, the Planning Commission shall  
 310 hold a public hearing consistent with the requirements in Article 12 as part of its review and  
 311 recommend to the City Council to approve or deny the request. The City Council shall have  
 312 the final determination to approve or deny a major amendment request. The PD  
 313 Development Agreement shall be modified to reflect any major amendment that has been  
 314 approved.  
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316   10.3    CONDOMINIUM DEVELOPMENT

317   New condominium projects and conversion condominium projects shall conform to the regulations set forth  
 318 in the Condominium Act, Public Act 59 of 1978 of the State of Michigan, as amended, as well as to the  
 319 requirements of this Ordinance and all other applicable regulations of the City. In addition, the following  
 320 standards and review procedures shall apply:  
 321

- 322       A. Each condominium project shall be reviewed in a manner consistent with like projects within the  
 323 underlying zoning district.
- 324
- 325       B. All site plan review provisions and requirements outlined in Article 8 shall apply to condominium  
 326 projects.
- 327
- 328       C. Subdivision Requirements: A site condominium project shall be considered equivalent to a platted  
 329 subdivision for the purposes of enforcing the site and building standards of the City. The substantive  
 330 requirements for streets, sidewalks, utilities, storm drainage, and subdivision lot layout and design  
 331 as outlined in the Subdivision Control/Land Division Act, Public Act 288 of 1967 of the State of  
 332 Michigan, as amended, and Subdivision Regulations of the City, shall apply to all site condominium  
 333 projects.  
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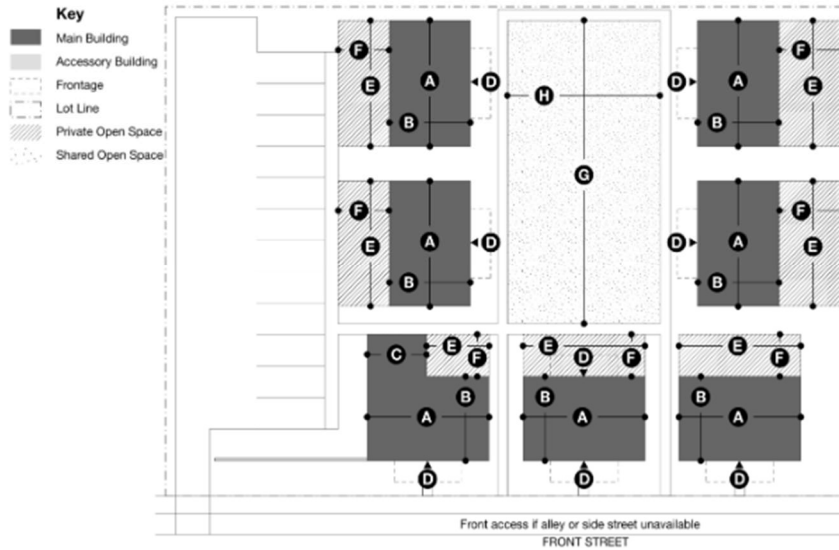
335   10.4    MANUFACTURED HOME DEVELOPMENTS

336   All manufactured home developments shall comply with the regulations outlined in the Mobile Home  
 337 Commission Act, Public Act 96 of 1987, as amended, as well as to the requirements of this Ordinance and  
 338 all other applicable regulations of the City. It shall be the duty of the Planning Commission to review a  
 339 preliminary plan for a manufactured home development for compliance with the design standards for  
 340 manufactured housing communities contained in the Mobile Home Commission Act. If it is determined that  
 341 the manufactured housing community complies with the regulations established in the Mobile Home  
 342 Commission Act, it shall be approved.  
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10.5 COTTAGE COURTS

A cottage court development is a grouping of small, detached houses, two-unit houses, or backyard cottages clustered around a common open space or shared courtyard. This type of housing development utilizes a shared parking lot, and access to the homes is from the open courtyard.



Building Standards		Site Standards	
Units Per Building	1	Main Entrance	
Buildings per Site	3 Min., 12 Max.	D – Face Street	
Main Building		D - Face Court	
A – Length	Dimensioned to accommodate a minimum of 600 square feet to a maximum of 1,080 square feet	Private Open Space	
B - Width		E – Width	12 Feet Minimum
		F – Depth	8 Feet Minimum
Secondary Wings		Shared Open Space	
C – Width	20 feet maximum	G – Length	Note (1)
		H – Width	Note (2)
		Area	= (G x H) +20%

367 Note (1) Length is determined by the number of cottages facing the width of the courtyard plus the open space between  
368 the cottages facing the courtyard.

369 Note (2) Width is determined by the number of cottages facing the length of the courtyard

# Article 4: Overlay Districts

## 4.1 OVERLAY DISTRICTS

In addition to the restrictions and requirements of the base zoning district applicable to a particular site, the restrictions of the applicable Overlay District or Districts shall also apply. ~~To the extent there is a conflict between the restrictions or requirements associated with the applicable districts, the restrictions or requirements that most restrictively limit the use of the site shall apply.~~ Overlay districts are tools for dealing with special situations or accomplishing special zoning goals. As the name implies, overlay zoning districts are "overlaid" on base zoning classification to alter some or all the underlying district regulations. Overlay districts are shown on the Official Zoning Map as dashed lines labeled with the overlay map symbol or with the overlay district name. To the extent there is a conflict between the restrictions or requirements associated with the applicable districts, the restrictions or requirements that most restrictively limit the use of the site shall apply.

## 4.2 FLOODPLAIN OVERLAY DISTRICT

### 4.2.1 Intent and Purpose

- A. The floodplains of the City are subject to periodic inundation of floodwaters which result in loss of property, health, and safety hazards, disruption of commerce and governmental service, and impairment of tax base.
- B. It is the purpose of this section to comply with the provisions and requirements of the Federal Insurance and Mitigation Administration, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Vol. 41, No. 207, October 26, 1976, and re-designated at 44FR 31177, May 31, 1979.
- C. The provisions of this section are intended to:
  - 1. Help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;
  - 2. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;
  - 3. Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
  - 4. Protect individuals from buying lands which are designated to be unsuited for intended purposes because of flooding;
  - 5. Permit reasonable economic use of property located within a designated floodplain area.

45 [INSERT OVERLAY MAP]  
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4.2.2 Applicability

- A. Designated floodplain areas shall overlay existing zoning districts delineated on the Zoning District Map of the City. The boundaries of the floodplain areas are identified in the FEMA Floor Insurance Rate Maps (FIRM) panels, numbered 26047C0338D, 26047C0339D, 26047C0426D, and 26047C0427D.
- B. The standard applied to establishing the floodplain area is the base floodplain delineated by the base flood. In areas associated with ravine flooding, a floodway is designated within the floodplain area.
- C. Where there are disputes as to the location of a floodplain area boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with Article 11.

4.2.3 Application of Regulations

- A. In addition to other requirements of this chapter applicable to development in the underlying zoning district, compliance with the requirements of this section shall be necessary for all development occurring within designated floodplain areas. Conflicts between the requirements of this section and other requirements of this chapter or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section. In such cases, the more stringent requirement shall be applied.
- B. Upon application for zoning permits, the Zoning Administrator shall determine whether said use is located within a designated floodplain area. The issuance of a land use permit within the floodplain area shall comply with the following standards:
  - 1. The requirements of this section shall be met;
  - 2. The requirements of the underlying districts and all other applicable provisions of this chapter shall be met; and
  - 3. All necessary development permits shall have been issued by appropriate Local, State, and Federal authorities, including a floodplain permit, approval, or letter of authority from the Michigan Department of Environment, Great Lakes, and Energy under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
- C. Floodplain management administrative duties.
  - 1. With regard to the Federal Insurance and Mitigation Administration, and the regulation of development within the flood hazard area zone as prescribed in this section, the duties of the Zoning Administrator shall include, but are not limited to:

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- a. Notification to adjacent communities and the Michigan Department of Environment, Great Lakes and Energy of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
  - b. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed; and
  - c. Recording of all certificates of flood proofing, and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the variance. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
2. All records and maps pertaining to the Federal Insurance and Mitigation Administration shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
  3. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering the Ordinance in the absence of data from FEMA.

4.2.4 Floodplain Standards and Requirements

- A. The following general standards and requirements shall be applied to all uses proposed to be located within the floodplain area:
  1. All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and mobile homes, shall;
    - a. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
    - b. Be constructed with materials and utility equipment resistant ~~of to~~ flood damage;
    - c. Be constructed by methods and practices that minimize flood damage.
  2. All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
  3. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters.

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- 4. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
- 5. Adequate drainage shall be provided to reduce exposure to flood hazards.
- 6. The Department of Public Works shall review development proposals to determine compliance with the standards in this section and shall transmit his/her determination to the Zoning Administrator.
- 7. Land shall not be divided in a manner that creates parcels or lots that cannot be used in conformance with the requirements of this article.
- 8. The flood-carrying capacity of any altered or relocated watercourse not subject to ~~state~~ State and Federal regulations shall be designed to ensure flood-carrying capacity shall be maintained.
- 9. Available flood hazard data from federal, state, or other sources shall be reasonably utilized to meet the standards of this section. Data furnished by FEMA shall take precedence over data from other sources.

B. The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area.

- 1. All new construction and substantial improvements of non-residential structures shall ~~have either; meet the Flood-Resistant Construction provisions of the Michigan Building Code.~~
  - ~~a. The lowest floor, including the basement, elevated at least six (6) inches above the base flood level design flood elevation;~~
  - ~~b. Be constructed such that below the base flood level design flood elevation, together with attendant utility and sanitary facilities there are flood openings to allow the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Any portion of the structure above the design flood elevation shall be water tight. walls substantially impermeable A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied and that the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with a base flood in the location of the structure are met.~~

C. Mobile home standards. The following general standards and requirements shall be applied to mobile homes located within floodplain areas:

- 1. Anchoring must meet ~~HUD specifications, per rule 605~~ the Michigan Residential Code or the Michigan Building Code..

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2. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the City of Petoskey Public Safety for mobile home parks and mobile home subdivisions.

D. The following standards shall be applied to all new uses proposed to be located within the floodway portion of the floodplain area.

1. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Michigan Department of Environment, Great Lakes and Energy that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.

2. The placement of mobile homes shall be prohibited.

3. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.

4.2.5 Warning and Disclaimer of Liability

A. The degree of flood protection required by provisions of this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.

B. These provisions do not imply that areas outside the floodplain or land uses permitted within such districts will be free from flooding or flood damages nor shall the City or any officer or employee thereof be liable for any flood damages that result from reliance on the provisions of this section or any administrative decision lawfully made there under.

4.3 DOWNTOWN OVERLAY (DO) DISTRICT

4.3.1 Intent and Purpose

A. The purpose of the Downtown Overlay District is to encourage infill development, redevelopment, and re-investment in areas with existing infrastructure investments as a means of achieving balanced growth, efficient land use and cost-effective delivery of urban services. The provisions of this district recognize the economic challenges inherent in developing successful infill properties and provide an alternative zoning option to promote private re-investment within the downtown area. The specific objectives of the Downtown Overlay District are:

1. Provide tailored development regulations and design standards that will set the downtown area apart from other commercial areas within the city, consistent with the vision of the City’s Community Master Plan;



- 232 2. Accommodate growth within the downtown area by encouraging and facilitating new
- 233 development on vacant, bypassed and underutilized land within areas that already
- 234 have infrastructure, utilities, and public facilities;
- 235
- 236 3. Allow and encourage a mixed-use pattern of development in the downtown area;
- 237
- 238 4. Provide development standards and incentives that stimulate infill and
- 239 redevelopment within the downtown area;
- 240
- 241 5. Create a compact mixture of land uses, including shops, workplaces, civic buildings,
- 242 entertainment uses, and residences that satisfy market demand within the
- 243 downtown area;
- 244
- 245 6. Provide an environment that promotes safe pedestrian access and connections
- 246 between developments, more pedestrian-scale amenities and an identifiable
- 247 downtown core area;
- 248
- 249 7. Create the opportunity to improve the quality of development and retail services
- 250 within the downtown area;
- 251
- 252 8. Create the opportunity to enhance property values and increase economic and
- 253 financial benefits to the city, business owners and property owners;
- 254
- 255 B. The Downtown Overlay District is created as an overlay district to be applied to land within
- 256 and adjacent to the Central Business District. The boundaries of the Downtown Overlay
- 257 District are depicted on the Overlay District Map.

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259 4.3.2 Required Standards

- 260 1. Building Placement. Buildings shall be placed on the lot according to the
- 261 requirements in the table below.
- 262

263 **Table XX: Building Placement**

	Building Placement	
	Minimum	Maximum
Setback (Distance from Property Line	0 Feet	0 Feet
Front	0 Feet	0 Feet
Rear (Alley)	0 Feet	0 – 5 Feet

- 265
- 266 2. Building Placement Exception. A building may have up to a five-foot setback on the
- 267 street frontage ground-floor level only to allow for recessed entries, outdoor seating,
- 268 widened sidewalks or other public space.
- 269
- 270 3. Building Form. All buildings shall have a primary first-floor entrance that faces the
- 271 street at sidewalk grade.
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4. Any building more than 50 feet in width along a street frontage must have a façade that is divided into minimum 25-foot and maximum 50-foot sections delineated by vertical piers, material patterns, or other articulation.
5. Floor and building heights shall be in accordance with Table XX.
6. Loading docks, overhead doors, and other service entries are prohibited on street-facing facades.
7. Drive-through and drive-up accessory or principal uses are not allowed.

**Table XX: Building Form**

Building Form	Dimensional Requirements
Street Façade Built-To Property Line	100%
Lot Width	25 Feet Minimum
Lot Depth	145 Feet Maximum
Height – First Floor	15 Feet
Building Height (Minimum)	2 Stories, 28 Feet
Building Height (Maximum)	3 Stories, 45 Feet
Accessory Building Height	2 Stories, 20 Feet
Finish Ground Floor Grade Level (Minimum)	Sidewalk Grade
Finish Ground Floor Grade Level (Maximum)	6 inches above Sidewalk Grade
First Floor Ceiling Height (Minimum)	15 Feet
Under Floor Ceiling Height (Minimum)	9 Feet

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4.3.3 Architectural Standards

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1. All new construction shall be required to incorporate the architectural standards enumerated below.
  - a) Any building with a flat roof shall have a projecting horizontal element (e.g., cornice) that is no less than ten percent of the upper-most story wall area to articulate the top of the building (element is included in upper-story wall area calculation).
  - b) Rooftop mechanical equipment shall be placed where it minimizes visibility from street frontage.
  - c) Upper-story windows shall have articulated detailing such as expression of lintels or hoods or arches above them.
  - d) Upper story windows shall occupy no less than 25 percent and no more than 50 percent of the upper floors façade surface (cornice or other decorative element is not included in the upper-story wall area calculation).

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- e) Upper story windows shall be recessed back from the face of the building walls, or protruding bay windows to give the wall some three-dimensional depth.
- f) A design separation between the first floor and upper stories shall be provided with a lower cornice or other horizontal feature.
- g) First floor fenestration shall be no less than 40 percent along street fronting walls; blank walls along street frontages are prohibited. Window and door glass shall provide a minimum of 60 percent visible light transmittance.
- h) Entry doors shall be recessed back from the face of the building, but no more than five feet.
- i) Storefront window sills shall be no higher than 30 inches above sidewalk grade.

4.3.4 Parking.

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1. If provided, off-street parking shall meet the following standards in addition to any applicable requirements of Article 6 of the zoning ordinance.
  - a) Parking is only allowed in the rear yard and screened with a hedge or finished masonry wall of at least three feet and no more than four feet in height from view of any public street or park.
  - b) Parking spaces must be set back a minimum of three feet from the property line.

4.3.5 Windows and Entry Doors

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1. All buildings with first-floor nonresidential uses shall maintain transparency for at least 75 percent of the first-floor facade area between two and eight feet above grade level. Doors and windows provide transparency.
2. All windows shall use transparent, non-reflective glass.
3. Areas of solid wall shall not exceed a length of 20 feet.
4. Recessed entrances are encouraged. Doors are encouraged to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.

4.4 HISTORIC OVERLAY

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4.4.1 Intent and Purpose

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- A. The purpose and intent of the Historic Overlay District is to protect the City’s character and charm by ensuring that the historical assets of the community are preserved and enhanced.

350 The Overlay is intended to base site-specific property dimensional regulations on the  
 351 historical development patterns of the neighborhoods, encourage the preservation of  
 352 historic architecture, prevent the demolition of historic structures, encourage the building of  
 353 new structures that complement the overall historic character of the neighborhoods,  
 354 preserve and increase property values, and make the City’s historic districts highly desirable  
 355 places to live, visit, and do business.

356  
 357 4.4.2 Applicability.

- 358 A. The Overlay shall apply within any portion of the City that is listed on the National Register of  
 359 Historic Places. A map of the district boundaries is included in this section. In the event that  
 360 additional areas are added to the National Register of Historic Places, they shall be subject  
 361 to the Overlay as well. Any boundary amendments shall be included on the Overlay district  
 362 map.
- 363
- 364 B. The following actions shall be subject to the regulations of the Overlay.
- 365
- 366 1. New construction of any structure, including accessory structures.
  - 367
  - 368 2. Additions to any principal building.
  - 369
  - 370 3. Exterior renovations within the Downtown Overlay District.
  - 371
  - 372 4. Demolition of a principal structure.
  - 373
  - 374 5. Exterior renovations to existing structures in zoning districts other than the  
 375 Downtown Overlay, including but not limited to, replacing windows, replacing roofs,  
 376 painting, and re-siding, shall not be subject to the regulations of this Overlay.
  - 377

378 4.4.3 Requirements and Standards

379 A. Existing Structures.

- 380
- 381 1. All structures within the boundaries of the Overlay existing at the time of adoption of  
 382 the Overlay shall be conforming about dimensional standards such as setback and  
 383 height. Any structure existing at the time of this Overlay that is damaged by fire, flood,  
 384 weather event, or accident may be rebuilt with the same dimensions, location, and  
 385 building height, provided that the design meets the Architectural Standards of the  
 386 Overlay.
  - 387
  - 388 2. Within the Downtown Overlay, all new construction, additions, and exterior  
 389 renovations to existing buildings and structures shall meet the Secretary of the  
 390 Interior’s Standards for Rehabilitation.
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  - 392 3. New construction taking place in all zoning districts covered by the Overlay shall  
 393 meet the Secretary of the Interior’s Standards for Rehabilitation.
  - 394

395 B. Dimensional Requirements

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1. The following requirements shall apply to all new construction or building additions with the Overlay. Existing structures shall be considered to conforming dimensions in all respects, unless they are being expanded, in which cases the standards of this section shall apply.

**Table XX: Dimensional Requirements**

	Type of Structure	
	Principal Structures	Accessory Structures
Front Building Line (Front Yard Setback)	The average setback of all principal structures on the block may be used. In no case shall the front building setback be less than the average.	Accessory structure are prohibited in front yards.
Front Porches	Open porches (porches without enclosures) shall not project closer to the front property line than the average of all front porches on the block.	
Side Building Line (Side Yard Setback)	The side building line setback shall meet the minimum average of all principal structures on the same side of the street and block. However, the distance between buildings cannot be less than ten (10) feet.	The side building line for any new accessory structure shall comply with the setback requirements for the district in which it is located.
Rear Building Line Rear Yard Setback	The rear building line for any principal structure shall be no closer to the rear lot line than the average setback of all principal structures on the same street and block.	The rear building line for any accessory structure shall meet the minimum average of all accessory structures on the same side of the street and block.
Structure Height	The maximum height of a principal structure shall not exceed the height of the tallest structure on the block except within the Downtown Overlay District. The height of buildings within the downtown are determined by the Downtown Overlay.	The maximum height of a accessory structure shall not exceed the height of the tallest accessory structure on the block and street.

406

407 4.4.4 Review and Approval Process

- 408 1. An application shall be submitted outlining the proposed project and include all  
 409 pertinent information, which may include building elevations, site plan, and type of  
 410 materials. There shall be no fee for this application.  
 411  
 412 2. The Zoning Administrator and/or the Administrative Review Committee shall review  
 413 the application and related materials and provide a recommendation to the applicant  
 414 regarding the proposed project.  
 415  
 416 3. Projects exceeding 5,000 square feet of building footprint will be referred to the  
 417 Planning Commission for review.  
 418

419 4.4.5 Administration and Enforcement

- 420 1. Appeals shall be to the Zoning Board of Appeals.  
 421  
 422 2. The Zoning Board of Appeals shall have the power to grant variances from this Overlay  
 423 using the criteria and process in Article 11 of this ordinance.  
 424

425 4.5 SHORELINE PROTECTION STRIP (SPZ)

426 4.5.1 Intent and Purpose

- 427 A. A Shoreland Protection Strip (SPZ) shall be required for all properties not covered by a  
 428 bottomland lease or public-owned property extending inland thirty-five (35) feet depending  
 429 on the grade from the established 1985 OHWM (580.5), bank, or delineated wetland. The  
 430 purpose of the SPZ is to protect the body of water from soil erosion and to provide a filter to  
 431 remove pesticides, fertilizers, and other pollutants.  
 432

433 4.5.2 When is the Waterfront Review required:

434

Type of Work	Administrative Review Committee	Zoning Administrator
Construction of a new residence or major reconstruction. Major reconstruction determined if the construction cost of the major reconstruction exceeds 50% of the state equalized valuation of the property.	r	
Modification of spatial dimensions of existing structures without changing the footprint		r
Modification of spatial dimensions of existing structures less than 50%, or an additional accessory structure .	r	

Addition or modification of a walkway, retaining wall or patio/deck within the 100ft setback .		r
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A. General Standards: The following standards shall apply within the SPZ:

1. Existing Vegetation: Existing vegetation shall remain in a natural state and shall not be altered or removed except under the following conditions:
  - a) Dead, dying, or diseased vegetation may be removed but it shall be required that root systems remain in place for soil stability.
  - b) Invasive species, as identified by the Michigan Natural Shoreline Partnership shall be removed.
  - c) Existing trees and shrubs may be selectively trimmed to improve views.

B. Allowed Structures:

1. Walkways and stairs 6 ft or less in width, to the waters’ edge, permeable materials preferred.
2. Shoreline retaining structures permitted by appropriate agency (EGLE, USACE).

C. Prohibited Activities: The following activities and uses shall be prohibited within the SPZ:

1. Storage or use of pesticides, herbicides, and fertilizers.
2. Storage or burning of compost, grass clippings, leaf litter, or other yard and garden debris.
3. Septic tanks and septic drainage fields.
4. The placement of earth fill such as rocks, sand, and soil unless permitted.

D. Restoration of Shoreland Protection Strip: Any SPZ altered or disturbed beyond the limits established in this Section shall require a zoning permit and shall be restored by the following corrective measures:

1. The SPZ shall be replanted only with native species as identified by the Michigan Natural Shoreline Partnership (<https://www.shorelinepartnership.org/>).
2. Where ground cover does not exist, native ground cover vegetation shall be incorporated on the balance of the SPZ.

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3. Restoration of an altered or damaged SPZ shall require a landscape plan meeting the requirements in Article 5 and shall be approved by the Administrative Review Committee.
- E. Nonconforming Shoreland Protection Strips: A nonconforming SPZ shall be brought into compliance with this Ordinance as a condition of a zoning permit to establish a new or altered principal structure on a parcel or lot that contains property within the SPZ. Compliance shall be established by meeting the following standards:
4. Trees and shrubs shall meet the minimum size standards in Article 6.
  5. Native ground cover vegetation shall be incorporated on the balance of the SPZ.
  6. Only native species identified by the Michigan Natural Shoreline Partnership (<https://www.shorelinepartnership.org/>) shall be permitted.
  7. Nonconforming Shoreland Protection Strips shall require a landscape plan and shall be approved by the Administrative Review Committee.
- F. Penalties: Violations of this Section are considered to be a nuisance per se such violations and correction of any conditions resulting from violations shall be subject to the provisions in Article 12 of this ordinance.



# Article 5: General Provisions

## 5.1 GENERAL PROVISIONS

The following provisions shall apply to the interpretation of this Code, and the application of the provisions of this Code to the use of land and the location and use of buildings and other structures within the City of Petoskey.

## 5.2 INTERPRETATION OF CODE.

In interpreting and applying the provisions of this Chapter, they shall be deemed to be the minimum requirements adopted for the promotion of public safety, health, convenience, comfort, prosperity, and general welfare. This Chapter does not intend to interfere with or subrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this Chapter, or which shall be adopted or issued, pursuant to the law relating to the use of a building or premises, nor is it intended by this Chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or requires larger open spaces than are imposed or required by any such ordinances, rules, regulations or permits, or by easements, covenants or agreements, the provisions of this Chapter shall control.

## 5.3 CONFLICTING REGULATIONS

Wherever any provision of this Chapter imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provision of this Chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Chapter, then the provisions of such other ordinance shall govern. Whenever any provision of any Zoning District as hereinafter created in this Chapter imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by any other provisions of this Chapter, then the provision contained in the specific Zoning District shall apply.

The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" are not regulatory and are provided for illustrative purposes only.

## 5.4 AWNINGS AND CANOPIES

No awning or canopy that emits any measurable illumination shall be approved in any district, and reflective material shall not be used on any awning or canopy in any Zoning District. An awning or canopy shall not be used as a sign; however, letters three (3) inches or less in height may be displayed on an approved awning or canopy, provided such lettering shall be uniformly located only along the lower edge of the awning or canopy in a single line, and further provided, such lettering shall have been approved by the Administrative Review Committee. Awnings or canopies are prohibited in the CBD and adjacent districts unless approved by the Administrative Review Committee after a review of a plan and drawing depicting the location, appearance, and composition of the proposed awning or canopy and a finding by the Administrative Review

43 Committee that the proposed awning will not adversely impact on neighboring buildings or uses in terms of  
44 size, color, design, or obstruction of view.

45

46 5.5 BARRIER-FREE MODIFICATION

47 Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to  
48 comply with barrier-free requirements and the Americans with Disabilities Act subject to review and  
49 approval by the Administrative Review Committee.

50

51 5.6 BASEMENT DWELLINGS – PROHIBITED

52 No building consisting of a basement only shall be erected or occupied in any Zoning District. Basements  
53 may be occupied if they have been approved as an Accessory Dwelling Unit under Articles 7 and 9 as part of  
54 a larger structure.

55

56 5.7 BUILDING GRADES

57 Any building located in a district that has a setback requirement shall be located at such an elevation that a  
58 gradual sloping grade shall be maintained to cause the flow of surface water to run away from the walls of  
59 the building. A sloping grade, beginning at the sidewalk level (or right of way level if there are no sidewalks),  
60 shall be maintained and established from the front lot line to the finished grade at the front of the building,  
61 provided the change in slope shall not increase the water runoff. However, this shall not prevent the grading  
62 of a yard space to provide a sunken or terraced area if proper means are provided and maintained to prevent  
63 the runoff of surface water from flowing onto adjacent properties or into the sanitary sewer system.

64

65 When a new building is constructed on a vacant lot the existing established grade shall be used in  
66 determining the grade around the new building. The yard around the new building shall be graded in such a  
67 manner as to meet existing grades , and lots without a structure shall require review and approval from the  
68 Zoning Administrator to ensure that grade changes meet the existing grades of adjacent properties.

69

70 The zoning administrator will approve the final grades. If necessary, a "Certificate of Grading and Location  
71 of Building" shall be duly completed and certified by a registered engineer or land surveyor before the grades  
72 are approved.

73

74 5.8 CARNIVALS, PUBLIC MEETING TENTS

75 Carnivals, public meeting tents, and circuses may be given temporary permits for varying periods by the City  
76 Council, not to exceed fifteen (15) days, providing adequate traffic and parking provisions shall be made for  
77 the use proposed, and any other provisions as set forth by the City Council shall be observed. The City  
78 Manager shall have the responsibility of determining whether the traffic and parking provisions of the City  
79 Code have been complied with and shall make a recommendation to the City Council as to whether or not  
80 such a temporary permit shall be issued and as to what restrictions should be imposed upon said use. The  
81 Council may, if it wishes, refer the matter to the Planning Commission for further study and  
82 recommendations.

83

84 5.9 CERTIFICATE OF OCCUPANCY

85 No vacant land shall be occupied or used, and no building hereafter erected or altered shall be occupied,  
86 used, or changed in use until a zoning permit is issued by the Zoning Administrator stating that the building  
87 or proposed use of the building or premises complies with all of the building and health laws and  
88 Ordinances, including the provisions of this Chapter.

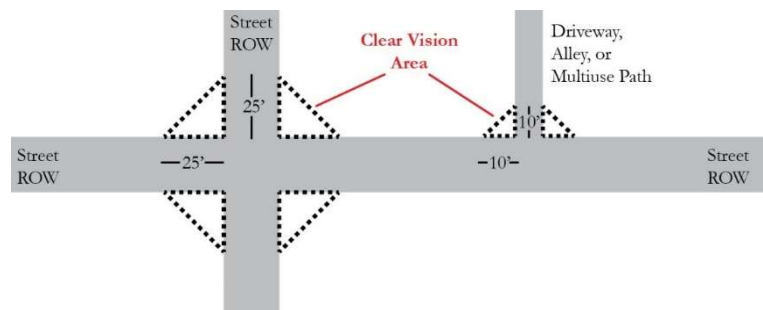
89  
90 The Zoning Administrator shall confirm that all zoning, site conditions, and Planning Commission conditions  
91 of approval, if any, shall be completed before the issuance of a Certificate of Occupancy by the Emmet  
92 County Building Department. A record of all certificates shall be kept on file in the office of the Zoning  
93 Administrator, and copies shall be issued on request to any person having a proprietary or tenancy interest  
94 in the affected building.

95  
96 5.10 CLEAR VISION AREAS

97 A. No plantings, signs, or structures shall be established or maintained on any corner lot or along any  
98 driveway that will likely result in obstructing the view of a vehicle approaching the intersection or  
99 entering or exiting a driveway.

100  
101 B. The following distances shall be used  
102 when establishing a clear vision area:

- 103 1. Driveways: Ten (10) feet
- 104 2. Multi-Use Paths: Ten (10) feet
- 105 3. Street Intersections: Twenty-
- 106 five (25) feet



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108  
109 C. This shall not prohibit the maintenance of landscaping less than thirty-six (36) inches in height in this  
110 area, nor the planting of trees whose lowest branches are higher than ten (10) feet from grade.

111  
112 D. The Zoning Administrator may require a reduction in the height of screening or vegetation where  
113 necessary to ensure adequate sight distance and/or corner clearance visibility for drive approaches  
114 and public streets in proximity to screening or vegetation. In this case, height shall be reduced only  
115 for that portion of the screening or vegetation necessary to provide adequate sight distance and/or  
116 corner clearance necessary for traffic safety.

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120 5.11 CORNER LOTS

121 Unless otherwise specified in this Ordinance, corner lots shall have two (2) front setbacks along the  
122 roadways and two (2) side yard setbacks.

123  
124 5.12 DEMOLITION OF BUILDINGS

125 No structure on a parcel shall be demolished until the Zoning Administrator has issued a demolition permit.  
126 The demolition shall be completed within such reasonable time period as shall be prescribed by the City

127 and under conditions that may be specified as necessary to protect the public health, safety, and welfare.  
128 The demolition of structures within the City shall comply with the following:

- 129
- 130 A. An application for a demolition permit shall include the reasons for the demolition and the intended
- 131 use of the property following demolition. If the intended use is not permitted under the property’s
- 132 current zoning, a demolition permit shall be withheld until approval for the new use is obtained
- 133 unless the property is deemed a hazard or attractive nuisance to the general public.
- 134
- 135 B. Following demolition of the structure and the removal of all required debris, any excavation or
- 136 foundation shall be backfilled with clean fill, and the site shall be graded to meet existing grades at
- 137 the property lines and prevent drainage of surface water onto abutting properties.
- 138
- 139 C. Following grading, all non-paved areas shall be top dressed with a minimum two (2) inches of topsoil
- 140 and seeded with an appropriate plant materials.
- 141
- 142 D. An accessory building remaining on a property following the demolition of the principal structure
- 143 shall be maintained in good condition.
- 144

145 5.13 DRIVEWAY REQUIREMENTS

146 This section shall apply to all zoning districts as provided for herein. The purpose of this section is to make  
147 the city safe and accessible for drivers, pedestrians, and cyclists in the design of all parking areas by  
148 promoting site designs that help to reduce conflicts, enhance the community, and support a multi-modal  
149 transportation mix.

150

151 A. General provisions apply to all zoning districts.

- 152
- 153 1. No parking area, driveway, or off-street parking space shall be constructed, expanded, or
- 154 improved without a zoning permit. Normal maintenance, such as regrading of legal non-
- 155 conforming gravel parking areas or the addition of top coat or sealer to existing paved parking
- 156 areas, will not trigger full off-street parking compliance; however, pulverizing an existing
- 157 asphalt, concrete, or other paved parking surfaces, the outright removal or substantial
- 158 modification of the paved surface in preparation for paving and demolition by neglect which
- 159 serves to return a parking area substantially to gravel or other aggregate surfaces, shall, for
- 160 this section, be considered new parking.
- 161
- 162 2. New parking lot construction shall require a detailed site plan in accordance with Article 6
- 163 and planning commission approval. Driveways in single-family zoning districts are exempt
- 164 from this requirement.
- 165 3. Any expansion of an existing building shall require a review of the adequacy of on-site
- 166 parking.
- 167
- 168 4. Required off-street parking spaces shall not be replaced by any other use unless and until an
- 169 equal number of parking spaces are provided elsewhere and are so provided in compliance
- 170 with this section.
- 171
- 172 5. All parking areas and driveways shall be constructed with an approved hard surface: paved
- 173 with asphalt, concrete, or other similar materials, which shall extend as a continuous,

uninterrupted pavement from the garage, parking area, or combination thereof to a street or alley. Driveway approaches shall be concrete and provide for a sidewalk profile. The parking area shall be surfaced within one year of the date the zoning permit is issued.

6. To minimize excessive areas of pavement that contribute to higher rates of storm water runoff, exceeding the parking space requirements of Article 6 in non-residential districts shall be prohibited.

7. Driveway curb cuts shall be placed at least 30 feet from an intersection measured from the radius sprint point as defined in §5.10.

8. Driveway curb cuts shall be no wider than 16 feet in one- and two-family districts and 24 feet in commercial districts.

5.14 EARTH REMOVAL; COMMERCIAL ENTERPRISES

No earth, soil, sod, sand, gravel, minerals, or similar materials shall be excavated, dug, or removed from any lot or parcel of land for the purpose of sale or resale or for any other commercial purpose whatsoever until a written permit is secured from the Planning Commission.

A permit for removal as aforesaid shall set out the exact description of the lot or parcel of land to be used, the length of time said permit shall be valid, and such other conditions as the Planning Commission deems necessary to guarantee that the excavating, digging, removal or relocation of said materials will not constitute or tend to create a public nuisance or health hazard. The Planning Commission is authorized to require a bond or cash deposit for the purpose of guaranteeing that at the expiration date of said permit, the area and adjacent lands will be left in a suitable condition for such land uses as are permitted in the district where such lot or parcel of land is located, according to the Master Plan and a site plan approved by the Planning Commission.

5.15 FENCES

All fences shall require a zoning compliance permit issued by the zoning administrator and shall comply with the following regulations and requirements.

A. Location.

1. Corner-front yard. Only decorative and living fences are allowed within a corner-front yard with a minimum setback of two feet from the street-fronting property line.

2. Side and rear yards. Fences may be placed up to a lot line in the side and rear yards.

3. Fences shall be located so as to not obstruct corner clearance or vision of motorists exiting driveways.

4. No fence shall be placed within the city right-of-way and if so placed shall be removed at the owner's expense.

5. Underground electric fences shall be set a minimum of five feet from a front or corner-front property line.

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B. Height and design restrictions.

- 1. Side and rear yard fences shall not exceed six feet in height and shall not extend beyond the principal structure into a front yard.
- 2. Corner-front yard decorative fences shall not exceed three and one-half feet (42 inches) in height and shall not obstruct vision to an extent greater than 50 percent of the total area.
- 3. Chain link fences are only allowed in rear and side yards. Fences used along the side yard shall not extend beyond the front façade of the structure.
- 4. Living fences shall not exceed three feet in height in a corner-front yard, shall be placed so that growth is kept at least two feet from the property line, and shall not contain invasive species.
- 5. Fences that enclose public or institutional parks, playgrounds, or public landscaped areas situated within an area developed with recorded lots shall not exceed eight feet in height, measured from the surface of the ground.
- 6. Fences may be placed on retaining walls, berms or similar features with the fence height to be measured from the established grade.
- 7. All fences shall have the finished side facing the adjacent property or public right-of-way.

C. Maintenance of nuisances.

- 1. Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, endangers life or property is hereby deemed a nuisance per Article 12 of this Code.

5.16 FRACTIONAL MEASUREMENTS

When using units of measurement to determine requirements of the standards presented in this Ordinance result in a fractional number, any number up to one-half (1/2) shall be disregarded, and fractions equal to one-half (1/2) or more shall be rounded up to the nearest whole number, unless noted otherwise.

5.17 FRONTAGE ON THE STREET

No lot shall be used for any purpose permitted by this ordinance unless said lot abuts a public street unless otherwise provided for in this ordinance.

5.18 HISTORIC BUILDING RESTRICTION

- A. No existing building listed by the State of Michigan and/or the National Register of Historic Places shall be structurally altered on its exterior or demolished until the impact of the proposed action has been examined by the Planning Commission.

- 265 B. If the Planning Commission deems it necessary, a preservation plan based on the Secretary of the  
 266 Interior’s Standards for the Treatment of Historic Properties (2017), may be required from the owner  
 267 before a permit to alter the building is granted.
- 268
- 269 C. The purpose of this subsection is to protect and guard, as part of the cultural inheritance of the City  
 270 of Petoskey, those unique historic buildings that have been designated by the State of Michigan  
 271 and/or the Department of the Interior; to preserve the cultural, historic, and tourist attractive nature  
 272 of the City, so as to benefit the City by promoting the tourist industry and the economic health and  
 273 welfare of the City, as well as preserving places of historic interest.
- 274
- 275 D. The historic buildings governed by this section include:
- 276
- 277 1. Chesapeake & Ohio Railway Station – Waterfront Park (#86001979)
- 278 2. Grace Methodist Episcopal Church- 625 Connable Street (#86002012)
- 279 3. Mineral Well Park -West Lake Street (#86002036)
- 280 4. Petoskey Public Works Utility Building – 106 W. Lake Street (#86002056)
- 281 5. Seventh Day Adventist Church – 224 Michigan Street (#86002077)
- 282 6. Petoskey Downtown Historic District (#86002048)
- 283 7. St. Francis Solanus Mission – 475 W. Lake Street (#86002080)
- 284 8. Trinity Evangelical Church – 219 State Street (#86002083)
- 285 9. West Mitchell Street Bridge (#86002085)
- 286 10. Zion Evangelical Lutheran Church – 812 Petoskey Street (#86002086)
- 287

288 5.19 LIGHTING, EXTERIOR

289 All exterior lighting including lighting for parking areas or for the external illumination of buildings or grounds,  
290 or for the illumination of signs and other uses, shall be directed away from and shall be shielded from  
291 residential districts and shall also be so arranged and directed as to not adversely affect driver visibility on  
292 adjacent streets. Exterior lighting fixtures shall be Dark Sky compliant.

294 5.20 LIVESTOCK & WILD GAME

295 No livestock, including but not limited to cows, calves, bulls, steers, horses, mules, burros, donkeys, goats,  
296 hogs, sheep, roosters, turkeys, chickens, guinea hens, ducks, geese, or any wild game shall be maintained  
297 in any of the zone districts.

299 5.21 LOTS ADJOINING ALLEYS

300 In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this  
301 ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot.

303 5.22 MOTOR VEHICLES, BOATS, MACHINERY, AND RECREATIONAL VEHICLES – OUTSIDE  
304 STORAGE RESTRICTED

- 305 A. No motor vehicle shall be kept, parked, or stored in any district unless it shall be in operating  
 306 condition and properly licensed or kept inside a building. No motor vehicle shall be parked in any  
 307 front yard or corner side yard except upon a paved surface.
- 308

- 309 B. No old, rusty, and unsightly machinery, or parts thereof, or machines or parts of machines not suited  
310 for use upon the premises, or quantities of old or used building materials shall be kept or stored  
311 outside a building.
- 312
- 313 C. The open parking and/ or storage of a boat or recreational vehicle not owned by a resident or property  
314 owner of the City for periods exceeding twenty-four (24) hours on lands not approved for said parking  
315 or storage shall be expressly prohibited, except that the Zoning Administrator may extend temporary  
316 permits allowing the parking of a recreation vehicle in a rear yard on private property not to exceed a  
317 period of two (2) weeks. All boats and recreational vehicles owned by residents or property owners  
318 of real estate within the City and stored on their individual lots shall not be stored within any front  
319 yard or any side yard, and the regulations applicable to accessory buildings in Article 3 of this  
320 Chapter shall apply to said recreation vehicles, insofar as distances from principal structures, lot  
321 lines, and easements are concerned. Except within approved mobile home parks (or upon temporary  
322 approval of the Building Inspector as aforesaid), no recreational vehicle shall be connected to  
323 sanitary facilities, and no recreational vehicle shall be occupied.
- 324
- 325 D. No motor vehicle shall be stored or parked on any residential lot on which there is no dwelling, nor  
326 shall more than one (1) motor vehicle for each one thousand (1,000) square feet of side and rear yard  
327 area be stored or parked on any lot on which a dwelling is located.
- 328

5.23 NON-CONFORMITIES

330 It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they  
331 are removed but not to encourage their survival.

332

333 It is recognized that there exists within the districts established by this ordinance and subsequent  
334 amendments, lots, structures, and uses of land and structures that were lawful before this ordinance was  
335 passed or amended which would be prohibited, regulated, or restricted under the terms of this ordinance or  
336 future amendments.

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338 Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.  
339 Further, the intent of this ordinance is that nonconformities shall not be enlarged upon, expanded, or  
340 extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same  
341 district.

342

343 A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and  
344 land shall not be extended or enlarged after passage of this ordinance by attachment on a building or  
345 premises of additional signs intended to be seen from off the premises, or by addition of other uses of a  
346 nature which would not be permitted generally in the district involved.

347

348 If a building permit has been issued for a building prior to the passage of this ordinance, such building shall  
349 be permitted, even if nonconforming to the provisions of this ordinance, provided: (1) Construction is begun  
350 within 30 days after the effective date of this ordinance, (2) That construction is continuous until the building  
351 is completed, (3) That actual construction has been undertaken at the time of the effective date of this  
352 ordinance when the building permit was issued more than 60 days prior to the effective date of this  
353 ordinance.

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**5.23.1 Nonconforming Lots**

A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board of appeals.

**5.23.2 Nonconforming Uses of Land**

A. Nonconforming uses of land. Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
3. If the use of any nonconforming structure or land is discontinued through abandonment, vacancy, lack of operation, or as otherwise provided by law for a continuous period of 365 days or more, then the use of such structure or land shall not be resumed until such use or structure strictly conforms to the regulations specified by this zoning ordinance for the district in which such building or land is located. A structure or use of land is deemed to be discontinued and abandoned if, in addition to the use ceasing for 365 days, any one or more of the following conditions exist:
  - a) Utilities, such as water, gas, and electricity to the property have been disconnected;
  - b) The property, building, or grounds have fallen into disrepair in a manner that result in a violation of applicable zoning and property maintenance codes or would otherwise give the appearance of neglect or abandonment;
  - c) Signs or other indications of the existence of the non-conforming use have been removed;
  - d) Equipment or fixtures necessary for the operation of the non-conforming use have been removed;
  - e) Other actions which, in the opinion of the city manager or zoning administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use or structure.

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**5.23.3 Nonconforming Use of Structures**

- A. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - 1. No such structure may be enlarged or altered in a way that increases its nonconformity. Such structures may be enlarged or altered in a way that does not increase their nonconformity.
  - 2. Should such structure be destroyed by any means to the extent of more than 60 percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
  - 3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

**5.23.4 Nonconforming Use of Structures and Land**

- A. If a lawful use of a structure, or a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be permitted in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - 1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - 2. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
  - 3. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of appeals may require conditions and safeguards in accordance with the purpose and intent of this ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
  - 4. d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

442 5. Where nonconforming use status applies to a structure and land in combination,  
 443 removal or destruction of the structure shall eliminate the nonconforming status of the  
 444 land.

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 446 **5.23.5 Repairs and Maintenance**

447  
 448 A. On any building devoted in whole or in part to any nonconforming use, work may be done in  
 449 any period of 12 consecutive months on ordinary repairs or on repair or replacement of  
 450 nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of the  
 451 equalized value of the building, provided that the cubic content of the building as it existed  
 452 at the time of passage or amendment of this ordinance shall not be increased. Nothing in this  
 453 ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of  
 454 any building or part thereof declared to be unsafe by any official charged with protecting the  
 455 public safety upon order of such official.

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 457 **5.23.6 Change of Tenancy or Ownership**

458  
 459 A. There may be a change of tenancy, ownership, or management of any existing  
 460 nonconforming uses of land, structures, or land and structures in combination.

461  
 462 **5.24 OPEN SPACE PRESERVATION**

463 A. Whenever the preservation of open space is required by this Ordinance, the applicant shall provide  
 464 a demonstrated means that all open space portions of the development will be maintained in the  
 465 manner approved. Documents shall be presented that bind all successors and future owners in fee  
 466 title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of  
 467 ownership or control, provided notice of such transfer is provided to the City and the land uses  
 468 continue as approved in the open space community plan. The dedicated open space shall be set  
 469 aside by the applicant through an irrevocable conveyance that is found acceptable to the City  
 470 Attorney, such as:

- 471
- 472 1. Recorded deed restrictions.
- 473
- 474 2. Covenants that run perpetually with the land,
- 475
- 476 3. Conservation easements such as those established per the Natural Resources and  
 477 Environmental Protection Act; Act 451 of 1994, MCL 324.2144.

478  
 479 B. Such conveyance shall ensure that the open space will be protected from all forms of development,  
 480 except as shown on an approved site plan, and shall never be changed for another use. Such  
 481 conveyance shall:

- 482
- 483 1. Indicate the proposed allowable use(s) of the dedicated open space.
- 484
- 485 2. Demonstrate to the satisfaction of the City that dedicated open space shall be maintained.
- 486
- 487 3. Provide standards for scheduled maintenance of the open space.
- 488

- 489 4. Provide for maintenance to be undertaken by the City in the event that the dedicated open
- 490 space is inadequately maintained, or is determined by the City to be a public nuisance, with
- 491 the assessment of costs upon property owners within the proposed development.

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493 **5.25 OUTDOOR STORAGE OF MOTOR VEHICLES, EXCLUDING RECREATION VEHICLES**

- 494 A. No motor vehicle shall be kept, parked, or stored in any district unless it shall be in operating
- 495 condition and properly licensed or kept inside a building. No motor vehicle shall be parked in any
- 496 front yard or corner side yard except upon a driveway with a surface specified in Section 5.13.
- 497
- 498 B. No old, rusty, and unsightly machinery, or parts thereof, or any machines or parts of machines not
- 499 suited for use upon the premises, or quantities of old or used building materials, shall be kept or
- 500 stored outside a building.
- 501
- 502 C. The open parking and/ or storage of vehicle not owned by a resident or property owner of the City, for
- 503 periods exceeding twenty-four (24) hours on lands not approved for said parking or storage, shall be
- 504 expressly prohibited, except that the Zoning Administrator may extend temporary permits allowing
- 505 the parking of a recreation vehicle in a rear yard on private property not to exceed a period of two (2)
- 506 weeks.
- 507
- 508 D. No motor vehicle shall be stored or parked on any residential lot on which there is no dwelling.
- 509
- 510 E. The number of motor vehicles permitted on a residential lot shall be in compliance with Article 6.

511  
512 **5.26 PERMITTED HEIGHT EXCEPTIONS**

513 The height limitations of this ordinance shall not apply to the following items enumerated below; however,  
514 the Administrative Review Committee or the Planning Commission may specify a height limit for any such  
515 structure when such structure requires authorization as a special or conditional use.

516  
517 The following structural appurtenances shall be permitted to exceed the height limitations of the district  
518 within which it is located:

- 519
- 520 A. Chimneys, church spires, flag poles, public monuments, or wireless transmission towers; provided,
- 521 however, the Administrative Review Committee or the Planning Commission may specify a height
- 522 limit for any such structure when such structure requires authorization as a conditional use.
- 523
- 524 B. Structural extensions deemed necessary for appropriate building design, such as cornices or
- 525 parapet walls that may extend to a maximum of forty-two (42") inches above the height limitations
- 526 for the district and shall have no openings.

527  
528 **5.27 PERMITTED YARD ENCROACHMENTS**

529 Certain building and architectural features may encroach into required yards as follows:

- 530
- 531 A. An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a
- 532 distance not exceeding ten feet, but this shall not be interpreted to include or permit fixed canopies.

533

- 534 B. Architectural features, not including vertical projections, may extend or project into a required yard
- 535 not more than four inches for each foot of width of such side yard and may extend or project into a
- 536 required front yard or rear yard not more than three feet.
- 537
- 538 C. Uncovered and unenclosed ground story decks, patios, pergolas, or terraces less than thirty (30)
- 539 inches above grade may project into a required yard a maximum of thirty (30%) percent of the
- 540 required rear yard.
- 541
- 542 D. Open porches that extend from the ground floor level of a single-dwelling or duplex residence may
- 543 project into a required front yard setback of a maximum of seven (7) feet.
- 544

5.28 PUBLIC USES: CRITICAL, ESSENTIAL, & SUPPORTING

Critical, essential, and supporting services shall be permitted as authorized and regulated by law, as well as other ordinances by law and other ordinances of the city, the intention hereof being to exempt such essential services from the application of this ordinance.

5.29 RAW MATERIALS STORAGE AND DUMPING

- 551 A. No lot or parcel of land shall be used for the dumping or storage of soil, sand, gravel, broken
- 552 concrete, or similar materials until a special land use permit is secured from the Planning
- 553 Commission.
- 554
- 555 B. The permit shall set out the specific area to be used for dumping or storage of said materials, the
- 556 length of time the permit shall be valid, and such other conditions as the Planning Commission
- 557 deems necessary to guarantee that the dumping or storage of said materials will not constitute or
- 558 tend to create a public nuisance or health hazard. At the expiration date of said permit, the area and
- 559 adjacent lands will be left in a suitable condition for such land uses as are permitted in the district
- 560 where the dumping or storage was permitted according to a plan approved by the Planning
- 561 Commission.
- 562

5.30 RECREATIONAL VEHICLES

The outdoor storage of recreational vehicles shall be subject to the following:

- 564
- 565
- 566 A. Be limited to one (1) stored in the rear yard and one (1) on a paved driveway in any [INSERT ZONING
- 567 DISTRICTS SUFFIX] Zoning District.
- 568
- 569 B. All boats and recreational vehicles owned by residents or property owners within the City and stored
- 570 on their individual lots shall not be stored within any front yard or any side yard, and the regulations
- 571 applicable to accessory buildings in Article 3 of this Ordinance shall apply to said recreation
- 572 vehicles, insofar as distances from principal structures, lot lines, and easements are concerned.
- 573
- 574 C. Be registered with the occupant of the property unless established for approved storage use.
- 575
- 576 D. Not be parked overnight on any street, alley, highway, or public space.
- 577
- 578 E. No recreational vehicle shall be stored or parked on any residential lot on which there is no dwelling.

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**5.31 RELOCATION OF BUILDINGS**

The relocation of a building to a different location in the City shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

**5.32 RESTORATION OF UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Inspector, or Public Health Inspector.

**5.33 REQUIRED WATER SUPPLY AND SANITATION FACILITIES**

Buildings erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial, or industrial purposes, including religious institutions, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the City of Petoskey.

**5.34 SHIPPING (CARGO) CONTAINERS**

Shipping (cargo) containers are not allowed in any zoning district.

**5.35 SIDEWALK REQUIREMENTS**

Other Zoning Districts. In all other zoning districts, it shall be the duty of both the owner and occupant of any premises within the City to provide a concrete sidewalk along the full length of every existing street or highway that either abuts or runs through said premises, said sidewalk to be constructed in accordance with applicable standards and specifications of the City, which shall be maintained by the City Clerk and shall be available for public inspection. Whenever any construction is proposed for which a Site Plan is required, the Site Plan as submitted must include the completed construction project, which shall include the placement and construction of a sidewalk as aforesaid.

**5.36 SIGNS**

Signs shall be regulated as provided in Ordinance No. 550 (Appendix C of this Code).

**5.37 SWIMMING POOLS-PRIVATE**

A. Private swimming pools shall be subject to the following:

1. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way that has been granted for public utility use.
2. The swimming pool shall not encroach into a required side yard, and the rear yard setbacks shall be a minimum of 15 feet.

620 5.38 TEMPORARY BUILDINGS and USES

621 Temporary buildings and uses for periods not to exceed one year, renewable upon re-application, to the  
622 Planning Commission. The Planning Commission, in granting permits for the above temporary uses, shall  
623 do so under the following conditions:

- 624
- 625 A. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in  
626 the district nor on the property wherein the temporary use is permitted.
- 627
- 628 B. The temporary use shall be granted in writing, stipulating all conditions as to time, the nature of  
629 development permitted, and arrangements for removing the use at the termination of said temporary  
630 permit.
- 631
- 632 C. All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in  
633 protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of  
634 the inhabitants of the City of Petoskey shall be made at the discretion of the board of appeals.
- 635
- 636 D. In classifying uses as not requiring capital improvement, the board of appeals shall determine that  
637 they are either demountable structures related to the permitted use of the land; recreation  
638 developments, such as, but not limited to: golf-driving ranges and outdoor archery courts; or  
639 structures which do not require foundations, heating systems or sanitary connections.
- 640
- 641 E. The use shall be in harmony with the general character of the district.
- 642
- 643 F. No temporary use permit shall be granted without first giving notice to owners of adjacent property  
644 of the time and place of the review. Further, the board of appeals may seek the review and  
645 recommendation of the planning commission prior to taking action on the temporary use request.
- 646

647 5.39 TEMPORARY BUILDINGS FOR CONSTRUCTION

648 Temporary buildings or structures may be utilized during construction for the storage of construction  
649 materials and for construction offices during a construction period of an approved project. Temporary  
650 buildings shall be removed within thirty (30) days after the completion or abandonment of the work. No  
651 temporary building or structure shall be used as a dwelling unit.

652 5.40 TRASH REMOVAL, ENCLOSURE AND SCREENING

- 653
- 654 A. Trash dumpsters shall be screened with a wood privacy-type fence or other solid visual barrier at a  
655 height equal to or greater than the height of the trash receptacle.
- 656
- 657 B. Outdoor trash storage shall be located in a side or rear yard and shall be at least ten feet from any  
658 building for fire safety purposes.
- 659
- 660 C. If outdoor storage is added to a property after site plan review approval, it shall be provided with  
661 screening and shall meet other standards as required in this section, subject to city approval.
- 662

663 5.41 WEATHER BARRIERS - EXTERIORS-PROHIBITED

664 All buildings are prohibited from using any weather barrier materials as an exterior surface.

665

666 5.42 VOTING PLACE

667 The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any  
668 property as a voting place in connection with a municipal or other public election.