



AGENDA

ZONING COMMITTEE

December 5, 2024

10 AM - Noon

Community Room

1. Call to Order
2. Review
 - a. Article 5 – General Provisions1
3. Update
 - a. Downtown Petoskey Design Guidelines (Discussion)
4. Next Meeting

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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

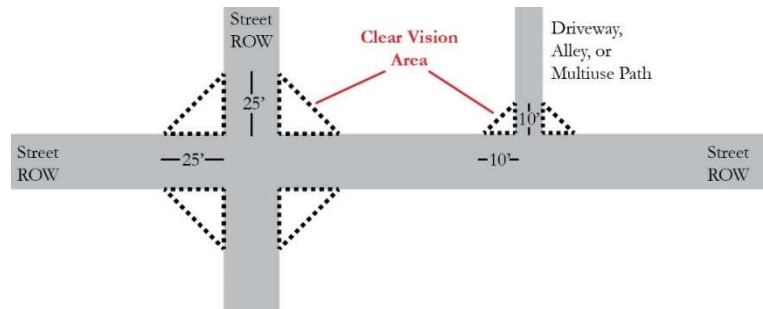
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90 The Zoning Administrator shall confirm that all zoning, site conditions, and Planning Commission conditions
91 of approval, if any, shall be completed before the issuance of a Certificate of Occupancy by the Emmet
92 County Building Department. 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.

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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.

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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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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.

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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.

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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.
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- 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.
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- 142 D. An accessory building remaining on a property following the demolition of the principal structure
- 143 shall be maintained in good condition.
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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.

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151 A. General provisions apply to all zoning districts.

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- 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.
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- 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.
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- 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.
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- 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 GARAGES

Garages shall be considered accessory structures and, depending on the accessibility to the subject property, shall meet the following requirements:

- A. Lots with Alleys. Detached garages shall be accessed from an alley where one exists and is useable.

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- B. Lots without Alleys or the Alley is Unusable. Where an alley does not exist or is deemed by the Zoning Administrator as unusable, a detached garage shall be placed to the rear or side of principal structures and shall not protrude into a front yard, nor extend into the side yard or rear yard setbacks.
- C. Attached Garages. A garage may be attached to the principal structure, however, it shall not extend into the side yard setback.

5.19 HISTORIC BUILDING RESTRICTION

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

5.20 LIGHTING, EXTERIOR

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

307 5.21 LIVESTOCK & WILD GAME

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

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312 5.22 LOTS ADJOINING ALLEYS

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

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316 5.23 MOTOR VEHICLES, BOATS, MACHINERY, AND RECREATIONAL VEHICLES – OUTSIDE
317 STORAGE RESTRICTED

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

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322 B. No old, rusty, and unsightly machinery, or parts thereof, or machines or parts of machines not suited
323 for use upon the premises, or quantities of old or used building materials shall be kept or stored
324 outside a building.

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326 C. The open parking and/ or storage of a boat or recreational vehicle not owned by a resident or property
327 owner of the City for periods exceeding twenty-four (24) hours on lands not approved for said parking
328 or storage shall be expressly prohibited, except that the Zoning Administrator may extend temporary
329 permits allowing the parking of a recreation vehicle in a rear yard on private property not to exceed a
330 period of two (2) weeks. All boats and recreational vehicles owned by residents or property owners
331 of real estate within the City and stored on their individual lots shall not be stored within any front
332 yard or any side yard, and the regulations applicable to accessory buildings in Article 3 of this
333 Chapter shall apply to said recreation vehicles, insofar as distances from principal structures, lot
334 lines, and easements are concerned. Except within approved mobile home parks (or upon temporary
335 approval of the Building Inspector as aforesaid), no recreational vehicle shall be connected to
336 sanitary facilities, and no recreational vehicle shall be occupied.

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338 D. No motor vehicle shall be stored or parked on any residential lot on which there is no dwelling, nor
339 shall more than one (1) motor vehicle for each one thousand (1,000) square feet of side and rear yard
340 area be stored or parked on any lot on which a dwelling is located.

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342 5.24 NON-CONFORMITIES

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

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

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

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

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

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368 **5.24.1 Nonconforming Lots**

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

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378 **5.24.2 Nonconforming Uses of Land**

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

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384 1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a
385 greater area of land than was occupied at the effective date of adoption or amendment
386 of this ordinance;

387 2. No such nonconforming use shall be moved in whole or in part to any other portion of the
388 lot or parcel occupied by such use at the effective date of adoption or amendment of this
389 ordinance;

390 3. If the use of any nonconforming structure or land is discontinued through abandonment,
391 vacancy, lack of operation, or as otherwise provided by law for a continuous period of
392 365 days or more, then the use of such structure or land shall not be resumed until such
393 use or structure strictly conforms to the regulations specified by this zoning ordinance
394 for the district in which such building or land is located. A structure or use of land is

395 deemed to be discontinued and abandoned if, in addition to the use ceasing for 365 days,
396 any one or more of the following conditions exist:

- 397 a) Utilities, such as water, gas, and electricity to the property have been
398 disconnected;
- 399 b) The property, building, or grounds have fallen into disrepair in a manner that
400 result in a violation of applicable zoning and property maintenance codes or
401 would otherwise give the appearance of neglect or abandonment;
- 402 c) Signs or other indications of the existence of the non-conforming use have been
403 removed;
- 404 d) Equipment or fixtures necessary for the operation of the non-conforming use
405 have been removed;
- 406 e) Other actions which, in the opinion of the city manager or zoning administrator,
407 constitute an intention on the part of the property owner or lessee to abandon the
408 nonconforming use or structure.

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410 **5.24.3 Nonconforming Use of Structures**

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412 A. Where a lawful structure exists at the effective date of adoption or amendment of this
413 ordinance that could not be built under the terms of this ordinance by reason of restrictions
414 on area, lot coverage, height, yards, or other characteristics of the structure or its location
415 on the lot, such structure may be continued so long as it remains otherwise lawful, subject
416 to the following provisions:

- 417
418 1. No such structure may be enlarged or altered in a way that increases its nonconformity.
419 Such structures may be enlarged or altered in a way that does not increase their
420 nonconformity.
- 421 2. Should such structure be destroyed by any means to the extent of more than 60 percent
422 of its replacement costs, exclusive of the foundation, it shall be reconstructed only in
423 conformity with the provisions of this ordinance.
- 424 3. Should such structure be moved for any reason for any distance, it shall thereafter
425 conform to the regulations for the district in which it is located after it is removed.

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427 **5.24.4 Nonconforming Use of Structures and Land**

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429 A. If a lawful use of a structure, or a structure and land in combination, exists at the effective
430 date of adoption or amendment of this ordinance that would not be permitted in the district
431 under the terms of this ordinance, the lawful use may be continued so long as it remains
432 otherwise lawful, subject to the following provisions:

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434 1. No existing structure devoted to a use not permitted by this ordinance in the district in
435 which it is located shall be enlarged, extended, constructed, reconstructed, moved, or
436 structurally altered except in changing the use of the structure to a use permitted in the
437 district in which it is located.

- 438 2. Any nonconforming use may be extended throughout any parts of a building that were
 439 manifestly arranged or designed for such use and which existed at the time of adoption
 440 or amendment of this ordinance, but no such use shall be extended to occupy any land
 441 outside such building.
- 442 3. If no structural alterations are made, any nonconforming use of a structure, or structure
 443 and land in combination, may be changed to another nonconforming use of the same or
 444 a more restricted classification provided that the board of appeals, either by general rule
 445 or by making findings in the specific case, shall find that the proposed use is equally
 446 appropriate or more appropriate to the district than the existing nonconforming use. In
 447 permitting such change, the board of appeals may require conditions and safeguards in
 448 accordance with the purpose and intent of this ordinance. Where a nonconforming use
 449 of a structure, land, or structure and land in combination is hereafter changed to a more
 450 conforming use, it shall not thereafter be changed to a less conforming use.
- 451 4. d. Any structure, or structure and land in combination, in or on which a nonconforming
 452 use is superseded by a permitted use, shall thereafter conform to the regulations for the
 453 district in which such structure is located, and the nonconforming use may not thereafter
 454 be resumed.
- 455 5. Where nonconforming use status applies to a structure and land in combination,
 456 removal or destruction of the structure shall eliminate the nonconforming status of the
 457 land.

5.24.5 Repairs and Maintenance

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

5.24.6 Change of Tenancy or Ownership

- 471 A. There may be a change of tenancy, ownership, or management of any existing
 472 nonconforming uses of land, structures, or land and structures in combination.

5.25 OPEN SPACE PRESERVATION

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

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

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

- 1. Indicate the proposed allowable use(s) of the dedicated open space.
- 2. Demonstrate to the satisfaction of the City that dedicated open space shall be maintained.
- 3. Provide standards for scheduled maintenance of the open space.
- 4. Provide for maintenance to be undertaken by the City in the event that the dedicated open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon property owners within the proposed development.

5.26 OUTDOOR STORAGE OF MOTOR VEHICLES, EXCLUDING RECREATION VEHICLES

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

5.27 PERMITTED HEIGHT EXCEPTIONS

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

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

- 532
- 533 A. Chimneys, church spires, flag poles, public monuments, or wireless transmission towers; provided,
534 however, the Administrative Review Committee or the Planning Commission may specify a height
535 limit for any such structure when such structure requires authorization as a conditional use.
- 536
- 537 B. Structural extensions deemed necessary for appropriate building design, such as cornices or
538 parapet walls that may extend to a maximum of forty-two (42”) inches above the height limitations
539 for the district and shall have no openings.
- 540

541 **5.28 PERMITTED YARD ENCROACHMENTS**

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

- 543
- 544 A. An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a
545 distance not exceeding ten feet, but this shall not be interpreted to include or permit fixed canopies.
- 546
- 547 B. Architectural features, not including vertical projections, may extend or project into a required yard
548 not more than four inches for each foot of width of such side yard and may extend or project into a
549 required front yard or rear yard not more than three feet.
- 550
- 551 C. Uncovered and unenclosed ground story decks, patios, pergolas, or terraces less than thirty (30)
552 inches above grade may project into a required yard a maximum of thirty (30%) percent of the
553 required rear yard.
- 554
- 555 D. Open porches that extend from the ground floor level of a single-dwelling or duplex residence may
556 project into a required front yard setback of a maximum of seven (7) feet.
- 557

558 **5.29 PUBLIC USES: CRITICAL, ESSENTIAL, & SUPPORTING**

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

562

563 **5.30 RAW MATERIALS STORAGE AND DUMPING**

- 564 A. No lot or parcel of land shall be used for the dumping or storage of soil, sand, gravel, broken
565 concrete, or similar materials until a special land use permit is secured from the Planning
566 Commission.
- 567
- 568 B. The permit shall set out the specific area to be used for dumping or storage of said materials, the
569 length of time the permit shall be valid, and such other conditions as the Planning Commission
570 deems necessary to guarantee that the dumping or storage of said materials will not constitute or
571 tend to create a public nuisance or health hazard. At the expiration date of said permit, the area and
572 adjacent lands will be left in a suitable condition for such land uses as are permitted in the district
573 where the dumping or storage was permitted according to a plan approved by the Planning
574 Commission.

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5.31 RECREATIONAL VEHICLES

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

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

5.32 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.

5.33 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.

5.34 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.

5.35 SHIPPING (CARGO) CONTAINERS

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

5.36 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

617 Site Plan as submitted must include the completed construction project, which shall include the placement
618 and construction of a sidewalk as aforesaid.

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620 **5.37 SIGNS**

621
622 Signs shall be regulated as provided in Ordinance No. 550 (Appendix C of this Code).

623
624 **5.38 SWIMMING POOLS-PRIVATE**

- 625 A. Private swimming pools shall be subject to the following:
 - 626
 - 627 1. No portion of the swimming pool or associated structures shall be permitted to encroach
 - 628 upon any easement or right-of-way that has been granted for public utility use.
 - 629
 - 630 2. The swimming pool shall not encroach into a required side yard, and the rear yard setbacks
 - 631 shall be a minimum of 15 feet.
 - 632

633 **5.39 TEMPORARY BUILDINGS and USES**

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

- 637
- 638 A. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in
639 the district nor on the property wherein the temporary use is permitted.
- 640
- 641 B. The temporary use shall be granted in writing, stipulating all conditions as to time, the nature of
642 development permitted, and arrangements for removing the use at the termination of said temporary
643 permit.
- 644
- 645 C. All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in
646 protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of
647 the inhabitants of the City of Petoskey shall be made at the discretion of the board of appeals.
- 648
- 649 D. In classifying uses as not requiring capital improvement, the board of appeals shall determine that
650 they are either demountable structures related to the permitted use of the land; recreation
651 developments, such as, but not limited to: golf-driving ranges and outdoor archery courts; or
652 structures which do not require foundations, heating systems or sanitary connections.
- 653
- 654 E. The use shall be in harmony with the general character of the district.
- 655
- 656 F. No temporary use permit shall be granted without first giving notice to owners of adjacent property
657 of the time and place of the review. Further, the board of appeals may seek the review and
658 recommendation of the planning commission prior to taking action on the temporary use request.
- 659

660 5.40 TEMPORARY BUILDINGS FOR CONSTRUCTION

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

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666 5.41 TRASH REMOVAL, ENCLOSURE AND SCREENING

667 A. Trash dumpsters shall be screened with a wood privacy-type fence or other solid visual barrier at a
668 height equal to or greater than the height of the trash receptacle.

669
670 B. Outdoor trash storage shall be located in a side or rear yard and shall be at least ten feet from any
671 building for fire safety purposes.

672
673 C. If outdoor storage is added to a property after site plan review approval, it shall be provided with
674 screening and shall meet other standards as required in this section, subject to city approval.

675
676 5.42 WEATHER BARRIERS - EXTERIORS-PROHIBITED

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

678
679 5.43 VOTING PLACE

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