



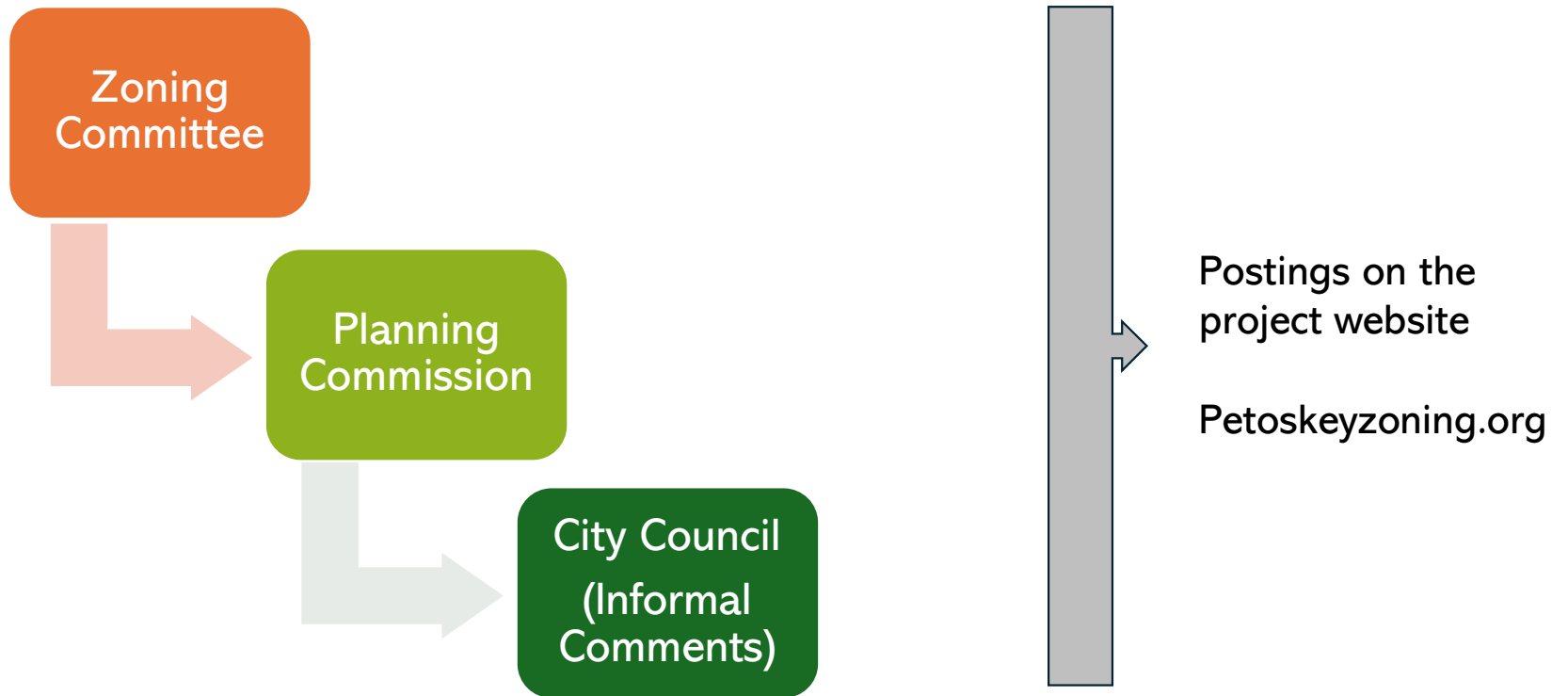
City Council Update

January 06, 2025

Approach

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



Zoning Committee

Cynthia Robson, PC	08-20-2024
Charlie Wilmott, PC	09-10-2024
Carolyn Dettmer, PC	09-17-2024
Richard Neumann, PC	10-15-2024
Ted Pall, Advisory Member	10-29-2024
Lisa Denoyer, Zoning Administrator	11-05-2024
John Iacoangeli, Planner	11-19-2024
	12-19-2024

125.3817 Chairperson, secretary, and other offices; election; terms; appointment of advisory committees.

(2) A planning commission may appoint advisory committees whose members are not members of the planning commission. (09-18-2024)

New Code Organization

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



New Code Organization – 1st Group

- 1. Title and Purpose**
2. Zoning Districts
3. Regulated Uses and Dimensions
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14. Definitions



Article 1 – Title and Purpose

- The document outlines the City of Petoskey Zoning Ordinance, its purpose, jurisdiction, and relationship to the Master Plan.
 - Purpose of the Ordinance is to regulate land use for residential, recreational, and commercial purposes.
 - Aims to prevent overcrowding, promote public health, safety, and welfare.
 - To preserve and maintain high quality residential neighborhoods;
 - To encourage a more walkable, nonmotorized community, and to promote public health, safety and welfare.
 - Applies to all development in the City of Petoskey, Emmet County, Michigan.
 - Serves as a tool to implement recommendations of the City's Master Plan for long-term growth.
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Article 8 – Site Plan Review



Article 8 – Site Plan Review

Section 8.1 Intent and Purpose

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



Article 8 – Site Plan Review (continued)

Section 8.2 General Requirements

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



Article 8 – Site Plan Review (continued)

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

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



Article 8 – Site Plan Review (continued)

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

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



Article 8 – Site Plan Review (continued)

Section 8.4 Site Plan Application Requirements

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



Article 8 – Site Plan Review (continued)

Section 8.4 Site Plan Application Requirements *Continued*

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



Article 8 – Site Plan Review

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

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



Article 8 – Site Plan Review

Section 8.6 Site Plan Application Review Procedures

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



Article 8 – Site Plan Review

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

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



Article 8 – Site Plan Review

Section 8.8 Expiration, Revocation, and Reapplication

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



Article 8 – Site Plan Review

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

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



Article 8 – Site Plan Review

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

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





Article 11 – Zoning Board of Appeals

Article 11 – Zoning Board of Appeals

Section 11.1 Authority

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



Article 11 – Zoning Board of Appeals

Section 11.2 Membership

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



Article 11 – Zoning Board of Appeals

Section 11.3 Organization

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



Article 11 – Zoning Board of Appeals

Section 11.4 Applications

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



Article 11 – Zoning Board of Appeals

Section 11.5 Appeals of Administrative Decisions

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



Article 11 – Zoning Board of Appeals

Section 11.6 Interpretation of Zoning Districts

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



Article 11 – Zoning Board of Appeals

Section 11.7 Interpretation of Zoning Ordinance Provisions

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



Article 11 – Zoning Board of Appeals

Section 11.8 Variances

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



Article 11 – Zoning Board of Appeals

Section 11.9 Exceptions

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



Article 11 – Zoning Board of Appeals

Section 11.10 Hearings and Decisions

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



Article 11 – Zoning Board of Appeals

Section 11.11 Fees

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



Article 11 – Zoning Board of Appeals

Section 11.12 Limitations of Authority

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





Petoskey Zoning Ordinance

Article 4 – Overlay Districts

Article 10 – Land Development Options

New Code Organization – 2nd Group

1. Title and Purpose
2. Zoning Districts
3. Regulated Uses and Dimensions
- 4. Overlay Standards**
5. General Provisions
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Article 4 – Overlay Districts



Article 4 – 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. Overlay districts are tools for dealing with special situations or accomplishing special zoning goals.
- Four Overlay Districts Proposed
 1. Floodplain
 2. Downtown
 3. Historic Neighborhood
 4. Shoreline Protection Strip

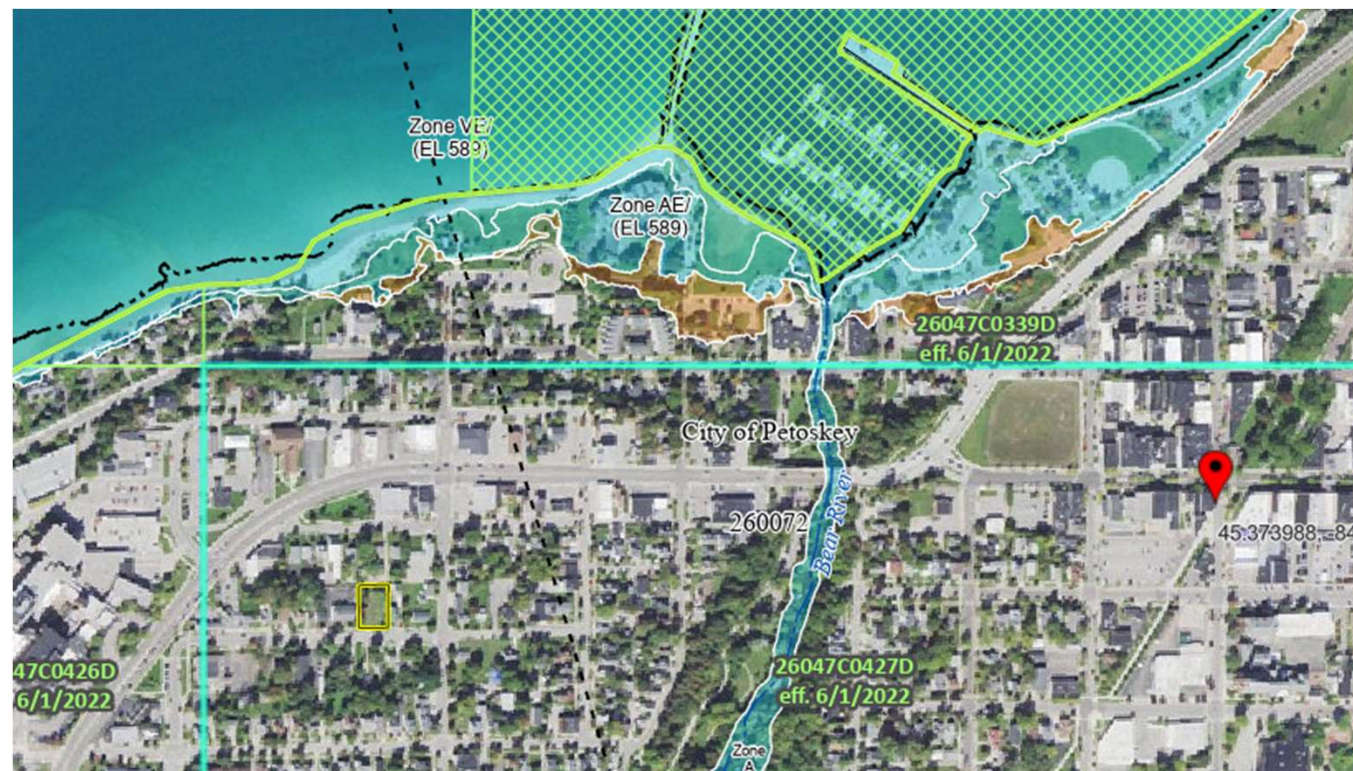


Article 4 – Overlay Districts

Petoskey Floodplain

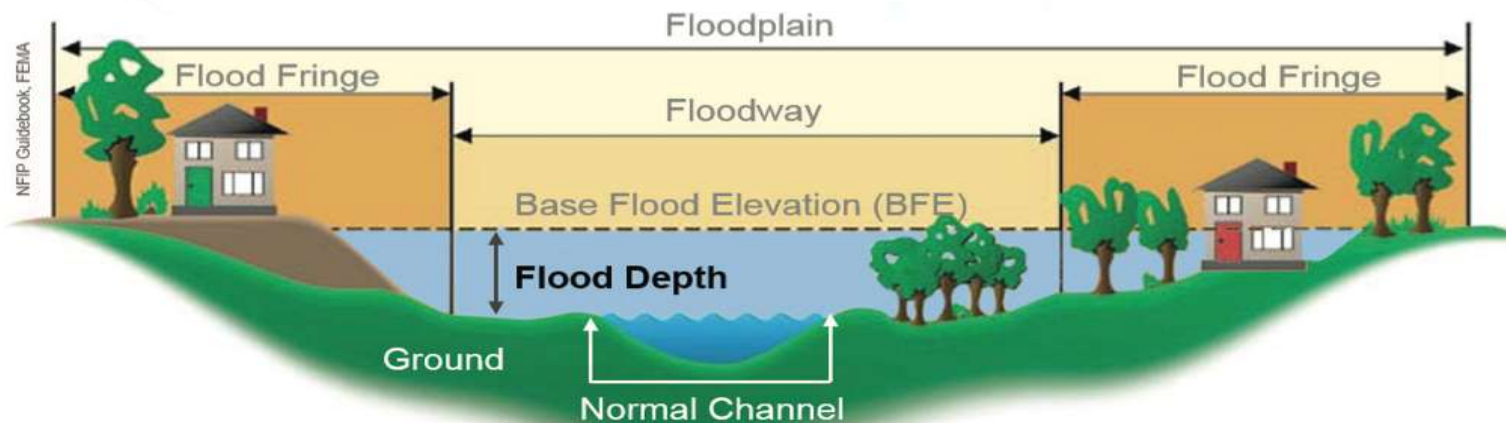
The boundaries of the floodplain areas are identified in the FEMA

Floor Insurance Rate Maps (FIRM) panels, numbered 26047C0338D, 26047C0339D, 26047C0426D, and 26047C0427D.



Article 4 – Overlay Districts - Floodplain

- Floodplain Overlay determines what can or cannot be constructed in the Floodway or Flood Fringe.

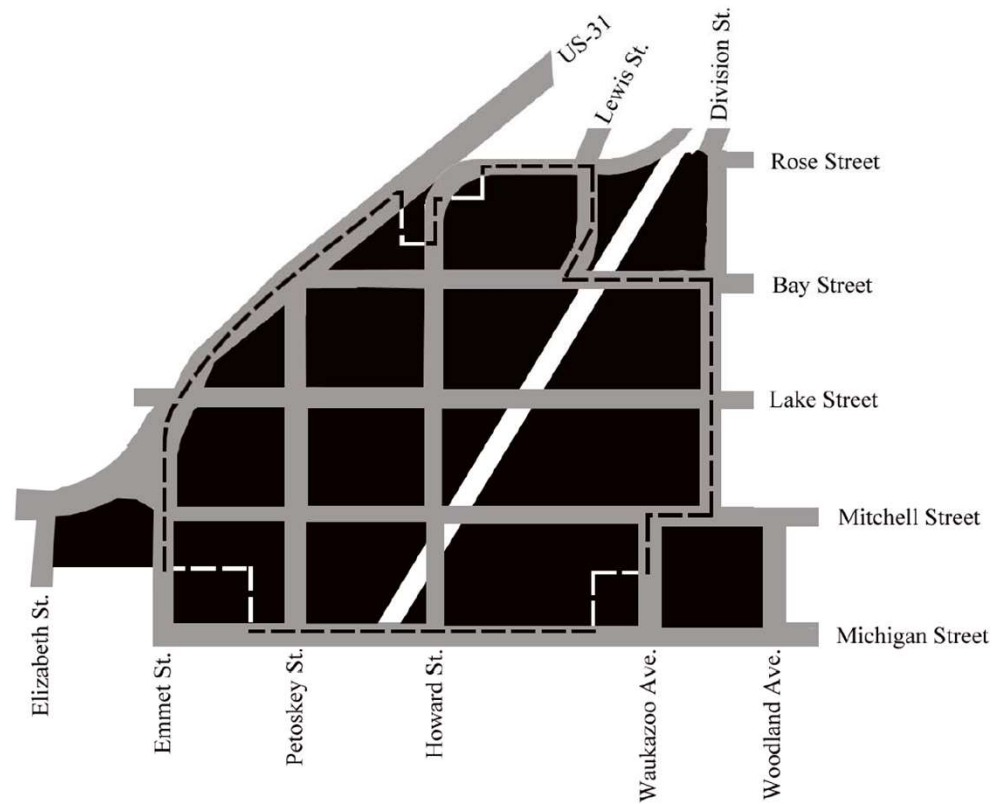


Article 4 – Overlay Districts - Downtown

- Uses the Petoskey Downtown Design Guidebook as the basis for review.
- Commissioned by with Downtown Management Board and the Office of the City Planner in early 2000's
- Used by the Downtown Design Committee to award façade grants
- Replaces the design guidelines in Sections 902 and 903 of the current code.



Article 4 – Overlay Districts - Downtown



Article 4 – Overlay Districts – Historic Neighborhoods

- Protect the City’s character and charm
- Site-specific property dimensional regulations on the historical development patterns
- Encourage the preservation of historic architecture
- Encourage the appropriate renovation of existing structures
- New structures that complement the overall historic character
- Primary focus on bulk and dimensional requirements



Article 4 – Overlay Districts – Historic Neighborhoods

Applies to properties and neighborhoods listed on the National Register of Historic Places

- **East Mitchell Street Historic District** is a residential historic district located in Petoskey, Michigan. It is roughly bounded by Rose, Kalamazoo, State, Howard, Michigan, and Division streets. The district was listed on the National Register of Historic Places in 1986.
- A focus on dimensional aspects of the structures in the neighborhood
- Exterior renovations to existing structures in zoning districts other than the Downtown Overlay, including but not limited to, shall not be subject to the regulations of this Overlay
 - replacing windows,
 - replacing roofs,
 - painting,
 - and residing,.



Article 4 – Overlay Districts – Shoreline Protection Strip

- Applies to properties along Little Traverse Bay
- 35 feet setback from the Ordinary High Water Mark (OHWM) of 580.5 feet as established by State Statute.
- Purpose
 - Prevent soil erosion
 - Provide a filter to remove pesticides, fertilizers and other pollutants,
 - and enhance habitat and shoreline stabilization.
- Allows walkways and stairs to the water
- Encourages use of native ground cover to stabilize the shoreline





Article 10 – Land Development Options

Article 10 – Land Development Options

Section 10.2.1 Intent and Purpose

The purpose of this district is to permit **flexibility** in the regulation of land development; encourage **innovation in land use** and **variety in design**, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage provision of **useful open space**; provide **adequate housing**, employment, and shopping opportunities particularly suited to the needs of the residents of the city; and **encourage the use, reuse and improvement of existing sites and buildings** when the uniform regulations contained in other zoning districts do not provide adequate protection and safeguards for the site or surrounding area.



Article 10 – Land Development Options

Section 10.2.2 Uses Permitted

Uses permitted and uses permitted subject to special land use permit approval in this Ordinance may be allowed within the districts identified on the PD plan, except that some uses may be specifically prohibited from districts designated on the PD plan.

The City may allow uses that are not permitted in the district if specifically noted in the PD plan. Conditions applicable to uses subject to special land use permit approval shall be used as guidelines for design and layout but may be varied by the Planning Commission, provided such conditions are indicated on the PD plan.



Article 10 – Land Development Options

Section 10.2.4 Qualifying Standards

1. To promote the goals and objectives of the City of Petoskey Master Plan.
2. The petitioner shall demonstrate that the characteristics of the site make the site suitable and desirable for a PD project due to certain site features which may include the topography, soils, drainage characteristics, vegetation, site size and location, historic buildings, scenic views or other unique features.
3. The petitioner shall demonstrate and illustrate that the proposed PD zoning is warranted by the better design and amenities incorporated in the proposal that would not be feasible under standard zoning classifications.
4. To permanently establish land use patterns that are compatible or that will protect existing or planned uses
5. To bring about the redevelopment of sites where an orderly change of use or requirements is determined to be desirable and transformational for the City.



Article 10 – Land Development Options

Section 10.2.6 Review Procedures

1. Request for Qualification for a PD
Informational Meeting
2. Pre-Application Submission
3. Completeness Review
4. Submission of PD Plan
Public Hearing
5. PC Approval/Denial
6. City Council Approval/Denial
7. Submission of Site Plans
8. Close-Out Documentation



Article 10 – Land Development Options

Section 10.2.6 Review

Procedures

1. Request for Qualification for a PD
Informational Meeting
2. Pre-Application Submission
3. Completeness Review
4. Submission of PD Plan
Public Hearing
5. PC Approval/Denial
6. City Council Approval/Denial
7. Submission of Site Plans
8. Close-Out Documentation

1. Name, address, and telephone number of the developer (s) and architect.
2. Legal description of property.
3. Survey of property.
4. Zoning classification of site and abutting parcels.
5. Manner of ownership and dedication.
6. Any mechanism to protect areas designated as common or open spaces.
7. Conceptual plan drawn to an engineers scale not more than 1" = 100'. *(19 other items)*
8. Table of all elements that deviate from existing zoning
9. Additional information (market and traffic studies)
10. Parking calculations
11. Pattern book or design guidelines



Article 10 – Land Development Options

Section 10.2.6 Review Procedures

1. Request for Qualification for a PD
Informational Meeting
 2. Pre-Application Submission
 3. Completeness Review
 4. Submission of PD Plan
Public Hearing
 5. PC Approval/Denial
 6. City Council Approval/Denial
 7. Submission of Site Plans
 8. Close-Out Documentation
- PD Process
and
Development Agreement**
- Site Plan
Close-Out As-Built Documentation**



Article 10 – Land Development Options

Section 10.2.8 Fees and Performance Guarantees

Section 10.2.9 Amendments

- A. Minor – Administrative Review Committee
- B. Major – Planning Commission for Recommendation
City Council Approval



Article 10 – Land Development Options

Section 10.3 Condominium Development

Condominium Act Public Act 59 of 1978 of the State of Michigan

Section 10.4 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.







New Code Organization – 3rd Group – In Progress

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



New Code Organization – 4th Group – March/April

1. Title and Purpose
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New Code Organization – 5th Group – May/June

1. Title and Purpose
 2. Zoning Districts
 3. Regulated Uses and Dimensions
 4. Overlay Standards
 5. General Provisions
 - 6. Site Development Standards**
 7. Supplemental Use Standards
1. Site Plan Review
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 3. Land Development Options
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 7. Definitions



New Code Organization – 6th Group – July/August

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



New Code Organization – 6th Group – July/August

1. Title and Purpose

2. Zoning Districts

3. Regulated Uses and Dimensions

4. Overlay Standards

5. General Provisions

6. Site Development Standards

7. Supplemental Use Standards

} Community Open Houses to review maps
and regulated uses. Late August 2025



New Code Organization – 7th Group – September

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



Review Process

STEP 1: Committee issues FIRST DRAFT to Planning Commission for review and comment.

STEP 2: Committee reviews comments and makes revisions to the Code.

STEP 3: Committee reissues FINAL DRAFT to the Planning Commission requesting referral to City Council.

STEP 4: Proposed Code sent to City Council for review with a request that Councilmembers provide individual review revisions back to the Committee.

STEP 5: Joint session between City Council and Planning Commission

STEP 6: Revisions by Committee resulting from Joint Session

STEP 7: Proposed revised Code is sent to City Attorney for review.

STEP 8: Planning Commission Public Hearing

STEP 9: Referral to City Council for adoption.





Petoskey Zoning Ordinance

DISCUSSION
