



# AGENDA

## ZONING COMMITTEE

April 10, 2025

10 AM – 12 PM

Community Room

1. Call to Order
2. Continue Review
  - a. Article 7 – Supplemental Uses
3. New Article
  - a. Article 9 – Special Land Uses
4. Next Meeting

# Article 7: Supplemental Use Regulations

## 7.1 INTENT AND PURPOSE

Those uses permitted by right and uses allowed by special land use permit enumerated in ~~any specific~~ zoning districts, if included below, shall be subject to the following conditions and requirements. The uses listed in this Article are only allowed where listed in Article 3.

## 7.2 SUPPLEMENTAL USE REGULATIONS

### 7.2.1 Accessory Buildings

Accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to and, must conform to, all regulations of this ordinance applicable to main buildings.
- B. Buildings accessory to residential buildings shall not be erected in any required yard setback, except a rear yard setback.
- C. The floor area of any accessory building that exceeds 576 square feet shall not exceed 75% of its corresponding principal building's first floor footprint, except when approved as a special land use. If there is more than one accessory building on a lot, the total footprint of all accessory buildings on the lot shall not exceed 75% of the first floor footprint of the principal building, except when approved as a special land use. ~~In no case shall the total lot coverage of the primary building and the accessory building exceed the lot coverage of the zoning district where the property is located.~~
- D. A single-story detached building not exceeding 14 feet in height, accessory to a residential building shall be located no closer than three feet from any side or rear lot line.
- E. A detached accessory ~~structure-building~~ greater than 14 feet in height shall have a setback of no less than five feet ~~from the rear property line~~.
- F. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- G. An accessory building shall not exceed ~~twenty-five (25)~~sixteen (16) feet in height and shall not exceed the height of the principal building on the lot.

H. ~~On a corner lot the accessory building shall not be built in the front yard or corner front yard, and shall be located behind the front or corner front building façade. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten feet to a street right-of-way line.~~

I. Accessory buildings in residential districts may only be used for storage, hobby, home business use, or as an accessory dwelling unit (ADU) as regulated by Article 3.

#### 7.2.2 Accessory Dwelling Units (ADUs)

A. Applicable Zoning Districts: ADUs are a permitted use in the [INSERT DISTRICTS] Zoning Districts and are subject to Administrative Site Plan Review per the requirements of Article 8.

General Standards: ~~One (1) detached ADU is allowed per residential lot subject to staff review and approval that the following standards have been met.~~

~~B.—ADUs are subject to the following standards:~~

1. An ADU is permitted on a parcel that has (1) single-family dwelling as the permitted principal use.
2. The property owner shall occupy either the ADU or the single-family dwelling on the property, except for temporary absences not to exceed a combined total of six (6) months in a calendar year, and be the primary residence of the property owner.
3. ADUs shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.
- ~~4.~~ 4. All ADUs shall meet applicable building and fire codes.

~~4.~~  
5. ADUs may be attached to a single-dwelling unit and may occupy a basement, first floor, or second floor of the principal ~~residential~~ dwelling or ~~may be~~ a separate, detached accessory building in the rear of the main residential ~~structure~~building.

6. Building materials and designs used on detached ADUs or additions to the principal dwelling for an attached ADU shall be of a similar architectural style as that of the main ~~dwelling~~building.

7. The minimum size of the ADU shall be three hundred and fifty (350) square feet. ~~The~~ A detached ADU shall not exceed 600 square feet.

8. An ADU shall not be used as a Short-Term Rental. Leasing or rental of the ADU for less than three (3) months is prohibited.

~~9.—~~

~~10:9.~~ At least one (1) off-street parking space shall be provided for the ADU. ~~Tandem or stacked~~ Side-to-side or front-to-back parking in a driveway may count toward the off-street parking requirement.

~~11:10.~~ An ADU is not allowed on a property with a shared driveway.

~~12:11.~~ The ADU cannot exceed ~~1 ½ stories and 16 feet or~~ the height of the principal structure, whichever is less.

~~13:12.~~ ADUs are only allowed in a rear yard and must have a minimum side-yard setback of five (5) feet, and a rear-yard setback of 5 feet. If located on an alley, accessory building setbacks shall apply.

~~14:13.~~ A deed restriction that runs with the land, on a form to be provided by the City, shall be filed with the Register of Deeds prior to issuance of a zoning permit, and it shall incorporate the following restrictions:

- a) The ADU shall not be sold separately from the single-family dwelling.
- b) Shall specify the owner occupancy requirement and rental time limit.
- c) The deed restriction shall be in effect until the ADU is removed.

#### 7.2.3 Accessory Uses

~~An accessory use shall only be located on a parcel with a primary use. Each parcel shall contain one (1) primary use unless allowed by this Ordinance. Accessory uses may be permitted if allowed by the Regulated Uses Table and shall comply with the approval process and requirements as an individual use.~~

#### 7.2.4 Auto Washes

~~A.—Auto washes shall be required to meet the following standards:~~

~~1.—The car wash stalls or structures shall be set back at least 50 feet from the front property line.~~

~~2.—There shall be a minimum front yard green lawn area of ten feet with landscaping materials meeting the landscaping requirements of this ordinance.~~

#### 7.2.5 Bed and Breakfast Establishments

~~Bed and breakfast establishments shall be allowed in the [INSERT DISTRICTS] RM zoning districts, but only as a special land use subject to the requirements and standards of Article 9 of this Ordinance. Refer to Chapter 6 of the City of Petoskey Codified Ordinances.~~

#### 7.2.6 Deck or Patio Usage

The following provisions are intended to regulate deck or patio usage to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and the community generally.

A. Use of decks or patios for residential uses such as sunning, lounging, and small social gatherings is permitted in all residential districts and the [INSERT DISTRICTS] Zoning Districts. Use of decks (including rooftop decks) or patios for residential purposes in these districts is subject to the following restrictions:

1. A zoning and building permit for any deck must be first obtained from the City and Emmet County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Emmet County Building Code.
2. Any amplified musical instruments, music or sound that would violate the City's noise ordinances and restrictions is prohibited.
3. Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties.
4. Any structure on a deck or patio ~~must be permitted~~ shall be in compliance with ~~under~~ this Ordinance.

#### 7.2.8 Duplex, Triplex and Quad-Plex

A. Intent. To allow duplex, tri-plex, and quad-plex as a housing type in residential neighborhoods in order to provide for additional housing consistent with the existing development patterns, encourage high-quality development and provide creative design solutions and options.

B. Design ~~Considerations~~ Standards:

1. Setbacks and Orientation: The front setback and the placement of the home on the lot ~~should consider~~ shall meet the prevailing setbacks of adjacent homes and the overall composition ~~should~~ shall contribute to established rhythms and design character of the street.
  - a) Homes shall comply with the lot coverage and setbacks of ~~the [INSERT DISTRICTS]~~ district in which the property is located.
  - b) Homes ~~should~~ shall be oriented toward the front of the lot to encourage an active visual relationship with the street.

c) The front setback of an infill home or addition ~~will~~ shall comply with the standards of the zoning district.;

2. Scale and Mass: ~~When designing a~~ A new infill home or addition to an existing home, ~~consider the compatibility with~~ shall be similar to the overall scale mass, orientation, setbacks and rhythm of other adjacent homes.

a) Height and setback shall be consistent with the zoning code

3. Number of Stories:

a) Homes shall comply with the story and height requirements of the ~~INSERT DISTRICTS~~ district in which the property is located.

4. Garages and Parking:

a) The garage and/or parking ~~should~~ shall be placed at the side or rear of the home to minimize its visibility from the street and ~~should~~ shall be compatible with the character and materials of the primary residence.

5. Building Design: Architectural elements include the detailing of the home, such as roofing, siding, windows, and doors. Infill homes and additions or renovations to existing homes ~~should~~ shall recognize the architectural style of established homes on the block.

a) Architectural features and detailing should be proportional to the scale of the home, as well as to other homes on the block.

b) Homes should take into consideration the primary gable orientation of most of the neighboring homes.

c) Elements of the building design, such as materials, colors, textures, porches, columns, balustrades, brackets, rafters, and decorative trim, light fixtures, ~~outdoor furniture, and other features of the project~~ should provide a cohesive theme and work together for design consistency.

d) Homes and additions to the front facade of the home should have an entry-feature that is readily identifiable from the streetscape view of a home.

#### ~~6.—Dimensional Requirements.~~

		Front-Loaded		
		Duplex	Tri-Plex	Quad-Plex
Lot				
	Width	55-75	40-65	50-75
	Depth	100-150	100-150	100-150
	Area-Feet	5,000 - 11,250	4,000 - 9,750	5,000 - 11,250
	Area-Acres	0.12 - 0.26	.09 - 0.22	0.12 - 0.26
Units				
	Number	2	3	4
	Size-Range	600 - 2,400 sq. ft.	700 - 1,600 sq. ft.	500 - 1,200 sq. ft.
Density				
	Net	8 - 17 du/acre	13 - 32 du/acre	18 - 29 du/acre
	Gross	6 - 13 du/acre	11 - 30 du/acre	14 - 22 du/acre
Parking				
	Ratio		1-2 per unit	1-2 per unit
	On-Street	2-3/du	1-2/du	1 per unit
	Off-Street	1/max	1/max	1 per unit
Setbacks				
	Front	10-25 ft.	10-25 ft.	10 - 25 ft.
	Side	5 - 12 ft.	5 - 12 ft.	5 - 12 ft.
	Rear	30 -60 ft.	30 -60 ft.	30 -60 ft.
	Between Main and Accessory Building	10 - 20 ft.	10 - 20 ft.	10 - 20 ft.
Building				
	Width	28 - 55 ft.	24 -40 ft.	34 - 56 ft.
	Depth	28 - 60 ft.	40 - 55 ft.	32 - 60 ft.
	Height (eave)	14 - 24 ft.	30 - 45 ft.	20 - 80 ft.
	Floors	1 - 2 stories	3 - 3.5 stories	2 - 2.5 stories

### 7.2.9 EV Charging Stations

The intent of these provisions are to facilitate and encourage the use of electric vehicles and to expedite the establishment of convenient, cost-effective electrical vehicle infrastructure that such use necessitates.

1. **Definitions.** For purposes of this provision, unless otherwise expressly stated, the following words and phrases shall be defined as follows:

- a) **ADA Accessible electric vehicle charging station.** An electric vehicle charging station where the battery charging station is adjacent to an ADA access aisle and electric vehicle parking space.

- b) *Battery charging station*. An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- c) *Battery electric vehicle*. Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's battery, and produces zero emissions or pollution when stationary or operating.
- d) *Charging*. An electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.
- e) *Charging levels*. The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2 and 3 are the most common charging levels, and include the following specifications:
- 1) Level 1 is considered slow charging. Voltage includes the range from zero (0) through one hundred twenty (120).
  - 2) Level 2 is considered medium charging. Voltage is greater than one hundred twenty (120) and includes voltage up to and including two hundred forty (240).
  - 3) Level 3 is considered fast or rapid charging. Voltage is greater than two hundred forty (240).
- f) *Electric vehicle*. Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and is powered either partially or exclusively on electrical energy from the grid or from an off-board source that is stored on-board via a battery for purposes of producing physical and mechanical motion. "Electric vehicle" includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.
- g) *Electric vehicle charging station*. A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- h) *Electric vehicle charging station—private restricted use*. An electric vehicle charging station that is (1) privately owned with restrictive access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted from public access (e.g., fleet parking with no access to the general public).
- i) *Electric vehicle charging station—public use*. An electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park and Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors for use (e.g., shopping center parking).
- j) *Electric vehicle infrastructure*. Wiring conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations. (E.g. Level 3)
- k) *Electric vehicle parking space*. Any designated parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- l) *Non-electric vehicle*. Any motor vehicle that does not meet the definition of an electric vehicle.
- m) *Plug-in hybrid electric vehicle*. An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain



battery charge using an on-board internal combustion-driven generator; and  
(4) has the ability to travel powered by electricity.

2. Compliance. It is unlawful to construct or install, or cause to be constructed or installed, any electric vehicle charging station upon any property within the City in violation of the requirements of this section. Any charging station installed prior to the adoption of this section shall be grandfathered until its replacement, provided it is in compliance with the electrical code.

3. Permit Required. It shall be unlawful for any person to construct or erect an electric vehicle charging station upon any property within the city without obtaining a zoning permit from the City of Petoskey Zoning Administrator or other designated city official. The permit application shall be accompanied by a plot plan prepared by a licensed professional architect, engineer, landscape architect, professional community planner, or land surveyor showing the type, size, and proposed location of the electric vehicle charging station and payment of the permit fee established by resolution adopted by City Council. The requirement for submission of an official plot plan is not required for properties zoned residential when the electric vehicle charging station is located inside a structure. If the electric vehicle charging station is located outside of the structure for properties zoned residential, a plot plan drawn to scale by the owner, occupant or interested party is required.

4. Permitted Locations.

- a) Level 1 and Level 2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at single-family, multifamily, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to review by the Zoning Administrator. Permit and inspection approval process shall be administered by the Emmet County Building Department.
- b) Level 3 electric vehicle charging stations are permitted in every zoning district except in any residential zone, or residential properties located in non-residential zoning districts. Installation shall be subject to review by the Zoning Administrator. Permit and inspection approval process shall be administered by the Emmet County Building Department.
- c) If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a gasoline service station (also known as vehicle fueling station) for zoning purposes. Installation shall be located in and subject to approval in zoning districts which permit gasoline service stations.

5. Development Standards

a) Parking.

- i. For a newly developed parcel, an electric vehicle charging station space shall be included in the calculation for the maximum required parking spaces required in accordance with Section 1704. For an existing parcel, an approved existing parking space (except an ADA accessible space) may be converted to an electric vehicle parking space without being in violation of the requirements in Section 1704.

- ii. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- b) ADA Accessible electric vehicle spaces. An ADA accessible electric vehicle charging station, if provided, shall be located in close proximity to the building or facility entrance.
- c) Lighting. Lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only or on residential zoned properties or residential properties located in non-residential zoning districts. Lighting shall not encroach upon abutting properties.
- d) Equipment standards and protection.
  - i. Battery charging station outlets and connector devices shall be no less than thirty-six (36) inches above grade and no higher than forty-eight (48) inches above grade where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to impede pedestrian travel or create trip hazards on sidewalks.
  - ii. Adequate battery charging station protection, such as concrete-filled steel bollards shall be used and shall be in accordance with Section 312 of the International Fire Code (IFC). Curbing may be used in lieu of bollards if the battery charging station is set back a minimum of twenty-four (24) inches from the face of the curb.
  - iii. Electric vehicle charging stations shall be installed not less than 10 Feet from any building or structure and have a means of emergency power disconnect (Knox Remote Power Box) in non-residential structures.
  - iv. Electric vehicle charging systems shall be installed in accordance with NFPA 70. Electric Vehicle charging systems equipment shall be listed and labeled in accordance with Underwriters Laboratory (U.L), 2022. Electric vehicle supply equipment shall be listed and labeled in accordance with U.L. 2594.
- e) Usage fees. Commercially zoned or occupied properties are not restricted from collecting a service fee for the use of an electric vehicle charging station made available to employees or visitors of the property.
- f) Signage.
  - i. Design specifications for signage shall be obtained from the Zoning Administrator.
  - ii. Information shall be posted identifying voltage and amperage levels or safety information related to the electric vehicle charging station. Commercial use shall include hours of operation and fees.
  - iii. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes.
- g) Maintenance. Information shall be posted identifying voltage and amperage levels or safety information related to the electric vehicle charging station. Commercial use shall include hours of operation and fees.

## 376 7.2.10 Home Businesses

377 A home business is simply a business that operates from someone's home instead of a  
378 commercial space or office.

- 379 A. Are incidental to the primary residential use.  
380 B. Are conducted entirely within a structure and not evident in any way from the street or  
381 from any neighboring premises.  
382 C. Do not involve any outdoor activities, and have no visible display or storage of goods from  
383 outside the dwelling unit.  
384 D. Business is carried on only by the inhabitants of the building.  
385 E. Do not change the character of the building in which it is conducted.  
386 F. Do not constitute, create or increase a nuisance.  
387 G. Employ only mechanical equipment which is similar in power usage and type used for  
388 household purposes, home offices, or hobby workshops.  
389 H. Devote no more than the equivalent of 25 percent of the principal building to the home  
390 business wherever located.  
391 I. Business-related traffic is restricted to between the hours of 8:00 a.m. and 6:00 p.m.  
392 J. Must not require business-related parking in excess of two spaces.  
393 K. Must not generate vehicle trips in excess of ten trips per day.

394 7.2.11 Mobile Homes and Trailer Courts.  
395

- 396  
397 A. Mobile home courts may be permitted in the "I" districts provided the following  
398 conditions are satisfied:  
399  
400 1. Trailer courts for the parking of two or more trailers shall be developed pursuant to  
401 the requirements of Act 243 of the Public Acts of the State of Michigan, 1959, as  
402 amended [MCL § 125.-1001 et seq.].  
403  
404 2. No land shall hereafter be utilized for the erection, construction, operation and/or  
405 maintenance of a residential mobile home or trailer coach park as defined by the  
406 laws of the State of Michigan, except upon application for a permit from the city  
407 signed by the person, firm or corporation seeking the permit and by the owner and  
408 legal title holder of the property sought to be used for such purposes.  
409  
410 3. The land parcel being proposed for trailer courts shall be of such land areas as to  
411 provide for a minimum of at least 20 trailer coach sites.  
412  
413 4. Trailer coach sites shall contain a minimum area of at least 4,000 square feet. All  
414 such trailer site areas shall be computed exclusive of service drives, facilities and  
415 recreation space.  
416  
417 5. All trailer courts shall have access to major or secondary thoroughfares within the  
418 city by directly abutting thereon. Frontage on said thoroughfare shall be equal to at  
419 least 200 feet in width.  
420

- 421 6. A wall, or obscuring fence four feet and six inches in height shall be provided on all  
422 sides of the trailer court, with the exception of that portion providing ingress and  
423 egress to the site.  
424
- 425 7. Fences when provided around trailer lots shall be uniform in height and shall not  
426 exceed 30 inches in height and shall be constructed in such a manner as to provide  
427 firemen access to all sides of each trailer.  
428
- 429 8. Recreation space and landscaping as follows:  
430
- 431 a) There shall be provided an area of not less than 100 square feet for recreation,  
432 for each trailer space in the trailer park, with a minimum area of not less than  
433 5,000 square feet, which shall be no longer than two times its width. Such  
434 area shall be developed and maintained by the management so as to provide  
435 healthful recreation for the children housed in the mobile home park.  
436 b) The front yard and the side yard adjacent to a street shall be landscaped and  
437 the entire trailer park shall be maintained in a clean, presentable condition at  
438 all times.  
439
- 440 9. The sum of the side yards at the entry side of and non-entry side of a mobile home  
441 stand shall be not less than 20 feet; provided however, there shall be a side yard of  
442 not less than 15 feet at the entry side of the mobile home stand and a side yard of not  
443 less than five feet at the non-entry side of the mobile home stand. There shall be a  
444 rear yard of not less than five feet at the rear end of the stand and a front yard of not  
445 less than ten feet at the front end of the mobile home stand. For irregularly shaped  
446 side yards, the sum is determined as the sum of the average width of each side yard,  
447 provided that the required minimums above are maintained at all points in the side  
448 yard.  
449
- 450 10. No mobile home shall be located closer than 50 feet to the right-of-way line of a major  
451 thoroughfare, or 20 feet to any mobile home park property line.  
452

453 7.2.12 Open Air Retail Merchandise Display.  
454

455 A. Commercial retail operations with open air display of lawn and garden furniture of  
456 equipment, nursery stock and landscaping products, outdoor sporting goods,  
457 recreational vehicles, automobiles and trucks, boats and similar such products shall be  
458 permitted subject to:  
459

- 460 1. The layout and arrangement of the outdoor display shall be presented to the planning  
461 commission for review and approval during site plan review. The planning  
462 commission shall consider such factors as the amount of front yard proposed to be  
463 utilized for display and the arrangement of the display to assure that it is aesthetically  
464 pleasing to the street view and its impact upon the value of adjacent properties.  
465
- 466 2. The commission may require introduction of landscaping islands, walkways or other  
467 amenities necessary to improve appearance of such a use.  
468

3. When the display abuts an adjacent property, a semi-opaque screening barrier shall be provided.

4. Repair and service facilities for such uses shall only be accessory and shall have service bays or doors in the side or rear yard only.

#### 7.2.13 Service Stations

A. Service-Automotive fueling stations shall be required to meet the following standards:

1. An automobile service station shall be located on a lot having a frontage along a state highway or major street, and having a minimum lot area of not less than 30,000 square feet.

2. All driveways providing ingress to or egress from an automobile service station shall be not more than 30 feet wide at the property line. No more than one curb opening shall be permitted for each 75 feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than 20 feet to any intersecting street rights-of-way or adjacent to residential property. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.

3. A service station having its fuel pumps and canopy in other than the side or rear yard setback shall provided a fifteen-foot landscaped front yard with a berm, a fence, a wall, or vegetation at the interior edge providing screening of the pump islands drives to a height of 42 inches.

4. There shall be no outdoor storage of automobiles, parts, or equipment after business hours.

3-5.

B. Automotive repair facilities shall be required to meet the following standards:

4-1. Incidental repair services for vehicles, as defined in Article 3 of this ordinance, may be provided within two or less service bays located in the side or rear yard. Vehicles stored for service may only be located in a side or rear yard and shall be screened from view.

5-1. There shall be no outdoor storage of automobiles, parts, or equipment after business hours.

#### 7.2.14 Wireless Communications, Antennas, and Towers

Wireless communications equipment shall be governed by the provisions outlined in PA 110 of 2006, as amended, known as the Michigan Zoning Enabling Act, specifically MCL 125.3514. wireless communications equipment as permitted use of property; application for

515 ~~special land use approval; approval or denial; authorization by local unit of government;~~  
516 ~~definitions.~~  
517

# Article 9: Special Land Use Approvals

## 9.1 INTENT AND PURPOSE

This Article provides review procedures and standards instituted to provide an opportunity to use a lot or parcel for an activity that, under certain circumstances, might be ~~detrimental~~ impactful to other permitted land uses or which contain unique features. The procedures and standards apply to those special land uses designated explicitly as such in this Ordinance.

## 9.2 SPECIAL LAND USE APPLICATION REQUIREMENTS

Applications for special land use approval shall be submitted using a form provided by the City. Applications shall include a complete site plan satisfying all the text and graphic requirements in Article 8.

## 9.3 PUBLIC NOTICE OF HEARING

Before conducting a Public Hearing, a public notice stating the time and place of the hearing shall be published at least fifteen (15) days before the Hearing date in a newspaper of general circulation in the County. Written notices stating the time and place of the Hearing shall be sent by mail at least fifteen (15) days before the hearing date to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet per Public Act 110 of 2006, as amended.

## 9.4 SPECIAL LAND USE REVIEW STANDARDS

The Planning Commission shall review all requests for special land use approval on an individual basis for conformity and compliance with the provisions of this Article and applicable standards of this Ordinance. In consideration of all applications, the Planning Commission shall review each of the following standards and determine that each has been satisfied before its approval of a proposed special land use:

- A. The proposed special land use meets all standards for site plan review per Article 8.
- B. The proposed special land use meets this Ordinance's ~~general objectives~~, intent, and purposes.
- C. The proposed special land use is of such location, size, and character that it will be harmonious with neighboring uses and relate with the physical and economic aspects of adjacent uses in relation to prevailing shopping habits, convenience of access by prospective customers, continuity of development, and the need for particular services or facilities in specific areas of the City.
- D. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- E. The proposed special land use shall not create a nuisance or be hazardous to the public health, safety, or welfare.

- 43
- 44 F. The proposed special land use shall not create excessive additional requirements at public expense
- 45 for public facilities and services.
- 46
- 47 G. The proposed special land use shall be by all required conditions of the Zoning District in which it is
- 48 proposed to be located.
- 49
- 50 H. The proposed special land use shall not harm the value of other property in the surrounding area in
- 51 which it is to be located. It will not be detrimental to existing, future, and other permitted land uses
- 52 in the applicable Zoning District.
- 53

54 **9.5 SPECIAL LAND USE APPLICATION REVIEW PROCEDURES**

55 The procedures for application submittal for a special land use approval shall follow those for site plan

56 review in Article 8, with the following modifications:

57

58 **9.5.1 Planning Commission Review**

59 The Planning Commission shall:

60

- 61 A. Review the application to determine if it satisfies the standards for special land uses and all
- 62 other applicable standards of this Ordinance. Administrative review shall not be an option
- 63 for special land use approval.
- 64
- 65 B. Hold a public hearing to consider the proposed special land use consistent with the
- 66 procedures for a public hearing in Section 9.3.
- 67
- 68 C. The Planning Commission shall prepare a finding of fact concerning the standards provided
- 69 in this Article and decide to approve, approve with conditions, or deny a proposed special
- 70 land use.

71 **9.5.2 Planning Commission Approval**

72 Approval of a proposed special land use or approval with conditions will require a minimum of six (6)

73 affirmative votes of the Planning Commission. If six (6) affirmative votes on a motion to approve a

74 proposal are not received, the proposal will be deemed to have been denied.

75 If the Planning Commission determines that a special land use shall be approved, it shall authorize

76 the Zoning Administrator to issue a special land use permit in conformity with such approval. A

77 special land use permit shall be valid as long as the use continues following the terms stated in the

78 approved permit. A special land use permit shall expire and become null and void if the

79 corresponding special land use has not been initiated within one (1) year from the Planning

80 Commission's approval date.

81 **9.5.3 Planning Commission Denial**

82

83 If the Planning Commission determines that a special land use does not meet the standards of this

84 Article, it shall deny the application and provide in writing the reasons for such denial.



85  
86           9.5.4   Planning Commission Approval with Conditions  
87

88           The Planning Commission may impose conditions in granting approval that it deems necessary to  
89           fulfill the spirit and purpose of this Article and this Ordinance. Such conditions may include  
90           conditions necessary:

- 91  
92               A. To ensure that public services and facilities can accommodate increased service and facility  
93               loads caused by the proposed special land use.  
94  
95               B. To protect the natural environment and conserve natural resources and energy.  
96  
97               C. To ensure compatibility with adjacent uses of land.  
98  
99               D. To promote land use in a socially and economically desirable manner.  
100

101   9.6       RECORD OF ACTIONS

102   All decisions on a special land use shall be incorporated in a statement of conclusions relative to the special  
103   land use under consideration. The decision shall specify the basis for the decision and any conditions  
104   imposed.  
105

106   9.7       EXPIRATION, REVOCATION, AND REAPPLICATION

107   Except as otherwise provided in this Article, the standards and procedures for expiration and revocation of  
108   an approved special land use permit or the reapplication for special land use that has expired or been denied  
109   shall be the same as those for site plan review in Article 8.  
110

111   9.8       AMENDMENTS AND MODIFICATIONS

112   The standards and procedures for amending or modifying an approved special land use permit shall be the  
113   same as those for site plan review in Article 8, with the exception that a major amendment to an approved  
114   special land use permit will require a new public hearing before the Planning Commission following the  
115   standards and process in Article 12.  
116

117   9.9       FEES AND GUARANTEES

118   Fees and performance guarantees associated with reviewing and approving a special land use application  
119   shall be consistent with the requirements in Article 12.  
120

121   9.10      APPEAL

122   An application that the Planning Commission has denied under this Article may not be appealed to the  
123   Zoning Board of Appeals.  
124

# Article 6: Site Development Standards

## 6.1 INTENT & PURPOSE

The site development standards in this Article are to protect public health, safety, and general welfare; promote harmonious and orderly development; and foster civic beauty by improving the appearance, character, and economic value of civic, commercial, and industrial development.

## 6.2 PARKING

### 6.2.1 General Standards

The following standards shall apply to any required off-street parking areas:

- A. Use: Off-street parking, loading, or stacking areas shall only be used for their intended purpose. All other uses are prohibited.
- B. Location: All off-street parking areas shall be on the same lot as the use it serves or within three hundred (300) feet, measured from the closest point of the building to the nearest point of the off-street parking area.
- C. Setbacks: Parking may be allowed in the side and rear yard setbacks. Parking in the front yard setback is not allowed unless waived by the Administrative Review Committee or Planning Commission based on lot configuration, dimensional restrictions, and/or neighborhood development characteristics.
- D. Screening & Landscaping: All off-street parking areas shall meet the buffer requirements specified in this Article.
- E. Pedestrian Circulation: All off-street parking areas shall provide safe, efficient pedestrian circulation that allows appropriate access and established use from the off-street parking lot. The Planning Commission shall determine the adequacy of the pedestrian circulation network as part of the site plan review.
- F. Dimensions: Off-street parking areas shall be designed to the following minimum standards:

Table XX: Parking Space Dimensional Requirements

DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES			
Parking Angle	Min. Stall Width	Min. Stall Depth	Min.-Max. Aisle Widths
Parallel	8.0 feet	22 feet	12 – 16 feet
45 degrees	8.5 feet	19 feet	12 – 16 feet
60 degrees	8.5 feet	20 feet	16 – 20 feet
90 degrees	8.5 feet	18 feet	22 – 26 feet
90 degrees - compact	8.0 feet	17 feet	20 – 24 feet

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- G. Surfacing: Parking surfaces shall be designed with hard surface materials (i.e., concrete, asphalt, pavers, compacted crush stone, etc.), excluding loose aggregate materials.
  - H. Drainage: All off-street parking areas shall utilize, where practical, Low Impact Development (LID) water quality technologies to collect and treat stormwater on-site as required for site plan review, in consultation with the Department of Public Works.
  - I. Curbs and Vehicle Stops: All off-street parking areas shall include curbs, or vehicle stops to prevent vehicles from overhanging into or over public rights-of-way, sidewalks, adjacent areas, or landscape areas.
  - J. Exterior Lighting: Except for parcels zoned for single-family, duplex dwelling, triplex, and quadplex units, all off-street parking areas with a capacity of ten (10) or more vehicles shall provide adequate lighting throughout the hours when the parking area is in operation. New or redeveloped off-street parking, stacking, and loading areas shall comply with the exterior lighting standards in this Article.
  - K. Snow Storage: The Planning Commission has the authority to require snow storage areas. When required by the Planning Commission, snow storage areas shall be provided on the ratio of fifteen (15) square feet per two hundred (200) square feet of off-street parking area. Snow storage areas shall be located in a manner that does not obstruct required clear vision areas.
  - L. Maintenance: All parking areas shall be maintained in good condition and free of debris and garbage.
  - M. Completion: All off-street parking, stacking, and loading areas indicated on a site plan shall be fully completed before the issuance of a Certificate of Occupancy. In the case of phased developments, only the off-street parking, stacking, and loading areas associated with a given phase of development shall be required to be completed.
  - N. Access Through Yards: Access drives may be placed in the required front or side yards to provide access to rear yards, accessory, or attached structures. (These drives shall not be considered structural violations in front or side yards.) Any walk, terrace, or like surface area not in excess of nine (9) inches above the grade upon which it is placed shall not be considered a structure and shall be permitted in any required yard.
  - O. Barrier-Free Parking: Off-street parking areas shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA).
  - P. Defined Area: Off-street parking areas and loading zones shall include painted lines, vehicle stops, or other delineating features to define parking and loading spaces clearly.
  - Q. Parking Duration: Except when the land is used as storage space in connection with the business of automobile and vehicle repair use, there shall be a 24-hour time limit for parking in non-residential off-street parking areas.

1. Vehicles being stored in an off-street parking lot in connection with the business of an automobile and vehicle repair use shall not exceed 28 days.
2. No vehicle being stored on a public street right-of-way in connection with the business of an automobile and vehicle repair use shall exceed 24 hours.

R. Downtown Overlay: Properties within the Downtown Overlay District are exempt from the off-street parking requirements.

S. One and Two-Family Residential Parking Area and Driveway Requirements:

1. In no case should more than 40 percent of a required front yard be a paved surface. Parking on non-paved surfaces is prohibited.
2. A one-family dwelling is restricted to a single curb cut.

T. Multifamily Residential Parking Area and Driveway Requirements:

1. Parking areas shall be located to the rear of the building or internal to the building to continue or establish a continuous facade wall along the street and/or to conceal the expanse of parking area.
2. Bicycle parking shall be provided for any building with five or more units at a ratio of one space per two units.

U. Commercial Parking Area and Driveway Requirements:

1. Parking areas shall not be located within a required front-yard setback or a street frontage side-yard setback on a corner lot.
2. Parking areas shall have barriers such as concrete bumpers or curbs to prevent vehicles from extending over or into any public sidewalk, walkway, rights-of-way or landscape buffer areas. Parking areas shall include striping that delineates each individual parking space.
3. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within a required off-street parking area.
4. Parcels greater than 100 feet in width shall have curb cuts at least 60 feet from an intersection measured from the curb face.
5. Curb cuts shall be aligned with driveways on the opposite side of the street or offset a minimum distance of 30 feet.
6. Driveways on the same side of the street shall be separated by at least 30 feet, measured from the entrance radius spring point.

## 6.2.2 Parking Requirements

- A. Minimum/Maximum Parking: To minimize excessive areas of pavement that detract from the aesthetics of the City and contribute to high rates of stormwater runoff, this Ordinance establishes a maximum number of parking spaces for each use. There are no minimum parking requirements. The Planning Commission may grant an increase of the maximum number of parking spaces if:
1. The applicant can demonstrate to the Planning Commission that additional parking is necessary based on documented evidence of actual use or anticipated demand.
  2. The increase in parking will not burden neighboring property owners and/or natural features.
  3. In granting a request to exceed the maximum number of parking spaces, the shall determine if the stormwater treatment is sufficient to handle the added parking spaces.
- B. Calculating Parking Minimum/Maximums: The following rules shall be applied when calculating the maximum number of parking spaces:
1. Measurements based on square feet shall be calculated by Gross Floor Area (GFA) as defined in this Ordinance.
  2. For non-residential uses, the number of employees shall be based on the maximum number needed for the largest average shift.
  3. For uses with assembly halls and churches, the requirements will be based on the number of individual seats shall use a measurement of twenty-four (24) inches of bench or pew space or twenty-five (25) square feet of floor as one seat.
  4. Occupancy shall mean legal occupancy as determined by the City of Petoskey Public Safety Department or The Emmet County Building Department.
  5. Parking spaces incorporated into a garage shall not count towards the maximum number of off-street parking spaces permitted.
  6. If on-street parking spaces are in front of the use, then the number of on-street parking spaces may be deducted from the total parking required.
- C. Use Not Specified: The maximum number of parking spaces for uses not specified in the table below shall be determined by the Zoning Administrator based on whether or not the proposed use is similar enough to fit within the definition of an existing listed use. The determination of the Zoning Administrator may be appealed to the Zoning Board of Appeals.
- D. Minimum/Maximum Parking Requirements: The maximum number of off-street parking spaces shall be determined per the following table:

178 Table XX: Minimum/Maximum Number of Parking Spaces  
179

MINIMUM / MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
<b>RESIDENTIAL USES</b>	
Accessory Dwelling Units	1 / dwelling unit
Boarding & Rooming Houses	1 / boarding room
Cottage Courts	1 / dwelling unit
Dwellings, One-Dwelling Detached	1 / unit with a maximum of 4
Dwellings, Duplex	1 / unit with a maximum of 4
Dwellings, Triplex	1/unit plus 1
Dwellings, Quadplex	1/unit plus 1
Dwellings: Five or more units	1 / dwelling unit
Live / Work Units	2 / unit
Mobile Home Developments	See §7.2.11 and Article 10
Residential Above 1st Floor Commercial	1 / dwelling unit unless in CBD
State-Licensed Residential Facilities	2 + 1 per employee
<b>PUBLIC &amp; QUASI-PUBLIC USES</b>	
Cemeteries	N/A
Cultural Centers	0.25 / 1 occupancy
Educational Institutions	1 / 1,000 gfa + 1 / classroom + assembly requirements
Golf Facilities (Clubhouse)	6 / 1,000 gfa + 1 per hole
Outdoor Public Recreation Facilities	6 / 1,000 gfa
Private Clubs, Lodges & Fraternal Organizations	0.75 / 3 occupancy
Public Use (Critical, Essential, Supporting)	N/A
Religious Institutions	0.25 / 1 occupancy
Training Facility	1 / 1,000 gfa + assembly requirements
<b>TRANSPORTATION &amp; UTILITY USES</b>	
Energy Generation Facilities	4 / establishment
Renewable Energy Systems, Commercial Solar Energy, or Wind Conversion Systems	4 / establishment
Trucking & Freight Terminals	1 / employee
Wireless Communications, Freestanding / Tower	2/ establishment
<b>COMMERCIAL USES</b>	
Assembly Facilities	0.25 / 1 occupancy
Automobile and Vehicle Major Repair	3 / stall
Automobile and Vehicle Minor Repair	3 / stall
Automobile Sales & Rental	1 / 5,000 gfa outdoor display area + 1 / 150 gfa indoor area
Automobile Service Stations	2 / pump + 1 / stall
Bed & Breakfast	0.75 / room
Business Services	1 / 200 gfa
Cafés & Bakeries	1 / 3 occupancy

MINIMUM / MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Child Care Centers	1 / employee + 1 / 10 children
Commercial Entertainment (Indoors, Outdoors)	0.25 / 1 occupancy
Drinking Establishments	1 / 3 occupancy
Financial Services-Drive-Thru	1 / 150 gfa (+4 vehicle stacking per window, if applicable)
Funeral Establishments	0.25 / occupancy
Greenhouses & Nurseries	1 / 200 gfa of sales area
Health Care Services	4 / exam room
Hospitals	3 / patient bed
Kennels	1.5 / 1,000 gfa
Lodging Establishments	1 / guest room
Personal Service Establishments	1 / 250 gfa
Professional Services	3 / 1,000 gfa
Restaurants & Eatery Establishments	1 / 3 occupancy
Retail Establishments	1.5 / 1,000 gfa + 1 / employee
Services & Trades Establishment	1 / employee
Sexually Oriented Business	3 / 1,000 gfa
Shopping Center	4 / 1,000 gfa
Veterinary Services	1.5 / 1,000 gfa
<b>INDUSTRIAL USES</b>	
Breweries, Distilleries, Wineries	1.25 / employee
Central Cleaning Facilities	4 / 1,000 gfa
Contractor Establishments	4 / 1,000 gfa
Contractor Storage Yards	1 / 2,000 gfa of storage area
Data Processing Facilities	4 / 1,000 gfa
Distribution Centers	4 / 1,000 gfa
Equipment Rental Establishments	5 / 1,000 gfa
Extractive Industries	1.25 / employee
Manufacturing (Food, Light, Heavy)	1.5 / 1,000 gfa
Outdoor Storage, Materials & Equipment	1.25 / employee
Recycling Facilities	1.25 / employee
Research & Development Facilities	5 / 1,000 gfa
Self-Storage Facilities	1 / 10 units + 1 / employee
Tasting Rooms	2 / 1,000 gfa
Veterinary Services	1.5 / 1,000 sf
Warehousing & Distribution	1.25 / employee
Wholesale Activities	1.25 / employee

E. Shared Parking: Two or more buildings or uses may collectively provide off-street parking, provided the following conditions are met:

1. A copy of a shared parking agreement between all parties concerned shall be provided to the City. The agreement shall include provisions that assure continued

long-term use and maintenance of the parking facility by each party and their successors in interest, including owners and occupants of the premises which the parking facility serves.

#### 6.2.3 Loading Zones

A. In all zoning districts, every building or portion occupied by a use requiring the receipt and distribution of materials or merchandise by vehicles shall provide and maintain adequate off-street loading zones.

B. Location:

1. On-site loading zones shall be permitted in the rear yard only, except in the "I" district(s), which allows side yard loading zones. In exceptional instances, loading zones may be permitted in a side yard, with approval of the Administrative Review Committee or the Planning Commission, when it can be shown that site conditions necessitate such location.
2. Loading zones shall not interfere with the normal movement of pedestrians and vehicles in the public street rights-of-way, internal drives, and off-street parking areas.
3. Loading zones shall be designed for the largest vehicle intended to serve the use, with adequate turning radii, maneuverability, and loading space.

C. Loading Space Requirements: The minimum number of loading zone spaces shall be provided as described below:

Table XX: Loading Zones

NUMBER OF LOADING ZONE SPACES REQUIRED	
Size	Loading Space(s)
Less than 20,000 sq. ft. gross floor area	1
20,001 – 75,000 sq. ft. gross floor area	2
75,001 – 100,000 sq. ft. gross floor area	3
101,000 sq. ft. gross floor area or more	5

D. Administrative Waiver: The Administrative Review Committee or the Planning Commission may approve a modification to the loading zone location or space requirements where it has been determined that another measure or location would be more appropriate due to site constraints or the number or type of deliveries experienced by a particular use.

#### 6.2.4 Access Management

A. All off-street parking, loading, and stacking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.



- 225 B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into  
226 public street, rights-of-way shall be prohibited.
- 227
- 228 C. Access shall be obtained from the alley where a parking area abuts an improved alley. The  
229 Administrative Review Committee or the Planning Commission may waive this requirement  
230 if a practical difficulty has been presented that prevents the requirement from being  
231 satisfied.
- 232
- 233 D. Where a parking area has no access to an alley, or the alley has not been maintained or  
234 improved for access but has access to two or more streets, access shall be from the street  
235 with the lower traffic volume. The Planning Commission may waive this requirement if a  
236 practical difficulty has been presented that prevents the requirement from being satisfied.
- 237
- 238 E. Access to off-street parking areas for non-residential uses shall not be permitted across lots  
239 that are residential in use or a residential zoning district.
- 240
- 241 F. Cross Access Management:
- 242
- 243 1. All off-street parking areas not accessed by an alley shall be designed to allow  
244 internal vehicle circulation between adjacent lots by providing a location for cross-  
245 access on the site plan.
- 246
- 247 2. A cross-access agreement shall be recorded with the Emmet County Register of  
248 Deeds before the issuance of a Building Certificate of Occupancy.
- 249
- 250 3. The Planning Commission may waive this requirement if deemed impractical during  
251 site plan review due to topography, natural features, or vehicular safety factors if  
252 appropriate bicycle and pedestrian connections are provided between adjacent  
253 developments and uses.
- 254

### 6.3 BICYCLE PARKING

- 256 A. Scope of Regulations: Bicycle parking facilities, which include bicycle parking spaces and  
257 access aisles, shall be provided as required for all new structures and uses established or  
258 for changes in use as of the effective date of this provision.
- 259
- 260 B. Size: Required bicycle parking spaces shall be two (2) feet by six (6) feet. Each bicycle parking  
261 facility shall provide an access aisle of at least five (5) feet and a vertical clearance of at least  
262 eight (8) feet.
- 263
- 264 C. Design and Maintenance: Accessory off-street parking for bicycle parking shall include  
265 provision for secure storage of bicycles. Such facilities shall provide lockable enclosed  
266 lockers, racks, or equivalent structures in or upon which the user may lock the bicycle.  
267 Structures that require a user-supplied locking device shall be designed to accommodate U-  
268 shaped locking devices. All lockers and racks must be securely anchored to the ground or  
269 the building structure to prevent the racks and lockers from being removed from the location.  
270 The surfacing of such facilities shall be designed and maintained to be mud and dust-free.  
271

- D. **Location:** Bicycle parking facilities shall be located in a designated safe and convenient location. The design and location of such a facility shall be harmonious with the surrounding environment. The facility location shall be at least as convenient as the majority of automobile parking spaces provided.
- E. **Schedule of Required Off-Street Bicycle Parking Facilities:** Bicycle parking facility spaces shall be provided in adequate numbers as determined by the Zoning Administrator. In making the determination, the Zoning Administrator shall consider, when appropriate, the number of dwelling units or lodging rooms, the number of employees, and the number of automobile parking spaces per the following guidelines:

Table XX: Bicycle Parking

BICYCLE PARKING REQUIREMENTS	
Size	Loading Space(s)
Bed & Breakfast and Rooming Homes	One (1) per three (3) lodging rooms
Hotels and Motels	One (1) per twenty (20) employees and one (1) per ten (10) rental rooms
Places of assembly, recreation, entertainment, and amusement	One (1) per ten (10) parking spaces.
Commercial establishments	One (1) per ten (10) parking spaces; up to a maximum of twenty (20) bicycle parking spaces
Multiple Family	One (1) bicycle space per three (3) units

F. **Reduction of Off-Street Automobile Parking:**

1. Establishments Located on, or Connect to, a Designated Public Pathway: For each one (1) bicycle parking space, the automobile parking can be reduced by two (2) parking spaces.

## 6.4 NON-MOTORIZED TRANSPORTATION

Safe, non-motorized transportation options shall provide public access within the City through sidewalks and shared-use pathways. All new development, re-development, and amendments to previously approved site plans, including substantial additions or improvements to existing buildings, either interior or exterior, with a construction cost of twenty-five (25%) percent of the property's State Equalized Value (SEV) or more within a twelve-month period may be required, at the discretion of the Administrative Review Committee or the Planning Commission, to provide adequate non-motorized transportation options as prescribed in this Section. New development in the districts zoned [INSERT DISTRICTS] shall be exempt from the following requirements unless part of a site plan under a special land use in Article 9 or the land development options in Article 10.

- A. All reasonable effort shall be made to avoid cutting trees when locating sidewalks or shared-use pathways.

- 306
- 307 B. The Planning Commission may modify a non-motorized transportation requirement of this
- 308 Section or the proposed design as submitted by the applicant, upon review of a site plan or
- 309 under the recommendation of the Department of Public Works or Zoning Administrator.
- 310
- 311 C. When required, permits must be obtained from the Michigan Department of Transportation
- 312 or the Emmet County Road Commission.
- 313
- 314 D. Sidewalk and shared-use pathway maintenance, including replacement in the case of
- 315 inadequate construction, unsafe, defective, or nonconforming design, as determined by the
- 316 Zoning Administrator, shall be the responsibility of the parcel owner or adjacent parcel owner
- 317 if constructed in the street right-of-way.
- 318
- 319 E. Depending on site conditions or project phasing, the Administrative Review Committee or
- 320 the Planning Commission may require an easement on the property, which would be solely
- 321 used to install a sidewalk or shared-use pathway at a later date. The City Attorney shall
- 322 review the easement prior to acceptance and recording.
- 323

324 **6.5 LANDSCAPING**

325 **6.5.1 Intent**

326 The intent of this section is to:

327

- 328 A. Protect and preserve the community's appearance, character, and value.
- 329
- 330 B. Minimize noise, air, and visual pollution.
- 331
- 332 C. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define
- 333 parking areas and vehicular circulation within off-street parking lots and other vehicular use
- 334 areas.
- 335
- 336 D. Require buffering of residential areas from more intense land uses and public road rights-of-
- 337 way.
- 338
- 339 E. Prevent soil erosion and soil depletion and promote sub-surface water retention.
- 340
- 341 F. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees
- 342 and shrubs, to protect against insect and disease infestation and produce a more aesthetic
- 343 and cohesive design.
- 344
- 345 G. Encourage the integration of existing woodlands in landscape plans.
- 346

347 **6.5.2 Applicability**

348 These requirements shall apply to all uses for which site plan review is required per Article 8 of this

349 Ordinance and subdivision plat review as required under the Subdivision Control Ordinance.

350

### 6.5.3 Landscape Plan Requirements

A separate detailed landscape plan shall be submitted to the City as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- A. Location, spacing, size, root type, and descriptions for each plant type.
- B. Typical straight cross-section including slope, height, and width of berms.
- C. Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.
- D. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- E. Identification of existing trees and vegetative cover to be preserved.
- F. Identification of grass and other ground cover and method of planting.
- G. Identification of landscape maintenance program, including a statement that all diseased, damaged, or dead materials shall be replaced per standards of this Ordinance.
- H. Planting counts must be provided, identifying compliance with all required landscaping.

### 6.5.4 Screening and Buffering.

- A. Three types of screening or buffering techniques shall be required in this district, depending upon the type of existing uses adjacent to a proposed use. The screening types are described below. The required screening shall be provided from the rear property line to the front edge of the principal building on the site. The Administrative Review Committee or the Planning Commission may specify certain landscape materials to mitigate the impacts of noise and light.

Table XX: Screening and Buffering Land Use Matrix

Proposed Use, Required to Provide Screening and Buffering	Existing or Adjacent Use Impacted			
	Industrial	Commercial	Residential	Vacant
Industrial	Type A	Type B	Type C	Type C
Commercial	Type A	Type A	Type C	Type C
Residential	Type C	Type C	Type B	Type B

- B. Screening and Buffer Types

1. Type A. A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.
2. Type B. A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants.
3. Type C: A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.

Table XX: Plant Material by Screening and Buffer Type

	Landscape Materials				
	Shrubs	Small Deciduous Trees	Large Deciduous Trees	Evergreen Trees	Other Materials
Type A – Options: Broken Landscape					
1		30' on center			
2		30' on center with a split rail fence			
3	Assorted Shrubs		40' on center		
	Landscape Materials				

	Shrubs	Small Deciduous Trees	Large Deciduous Trees	Evergreen Trees	Other Materials
<b>Type B – Semi Opaque Landscape</b>					
1					42" High stone or masonry wall
2		30' on center			On top of 3' high earth berm
3					3' high seeded earth berm
4			40' on center		
5				3' high evergreen hedge planted 3' on centers	
<b>Type C – Opaque Landscape</b>					
1	6' high evergreen hedge on 4' centers				
2			40' on center		
3					6' high fence
4				8' high, staggered, with branches touching the ground	

- C. The design and extent of the buffer, screen wall, or fence shall be reviewed by either the Administrative Review Committee or the Planning Commission, depending on the type of review outlined in Article 8.

#### 6.5.5 Landscape Elements

The following minimum standards shall apply:

- A. **Quality.** Plant materials shall be of varieties and species, free from insects and diseases, hardy, indigenous to Northwest Michigan and Emmet County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- B. **Composition.** A mixture of plant material, such as evergreen, deciduous trees, and shrubs, is recommended to protect against insect and disease infestation. A limited mixture of hardy

species is recommended rather than many different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

C. Berms. Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.

D. Existing Trees. The preservation and incorporation of existing trees are encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:

1. Paving or other site improvements shall not encroach upon the existing tree(s) drip line to be preserved.
2. If existing plant material is labeled "To Remain" on-site plans by the applicant or required by the City, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used, provided the City approves such techniques.
3. If healthy trees that are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the City, the Contractor shall replace them with trees which meet Ordinance requirements.

E. Installation, Maintenance, and Completion.

1. All landscaping required by this Ordinance shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee, as outlined in Article 12, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
2. All landscaping and landscape elements shall be planted, and earth moving or grading performed to accepted planting and grading procedures.
3. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a strong and healthy condition, free from refuse, debris, and insects. All materials used to satisfy the requirements of the Ordinance that become unhealthy or dead shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall have a readily available and acceptable water supply.
4. An underground irrigation system shall serve all landscaping required by this Ordinance.

#### 6.5.6 Minimum Size, Spacing Requirements and Species Type

- A. Where landscaping is required, only those plant materials recommended by the City Petoskey shall be used. Invasive plants shall not be used. (please consult the definition in Article 14). The size and spacing requirements shall be determined by the Administrative Review Committee or the Planning Commission, depending on the type of review required.

#### 6.5.7 Parking Lot Landscaping

- A. Required Landscaping Within Parking Lots. Separate landscape areas shall be provided within parking lots per the following requirements:

1. Where landscape islands are required in this Article, there shall be a minimum of one (1) tree for every ten (10) parking spaces planted. Islands shall be required for each of the 16 continuous spaces. Where landscape islands are not required, the same ratio of trees shall be placed on the site within ten feet of the parking lot perimeter.
2. Landscaped islands shall be curbed and shall not be less than 100 square feet in area.
3. A minimum distance of three feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five feet from the backside of the curb and the proposed landscape plantings shall be provided.
4. The City, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or, detrimental to safe and efficient traffic flow or would create an unreasonable burden for maintenance and snowplowing.

- B. Required Landscaping at the Perimeter of Parking Lots. Separate landscape areas shall be provided at the perimeter of parking lots per the following requirements:

1. Where required, parking lots shall meet the buffer requirements outlined in the Table in this Section.
2. Parking lots shall be screened from view with a solid wall at least three feet in height along the perimeter of those sides visible from a public road. At its discretion, the City may approve alternative landscape plantings instead of a wall.

#### 6.5.8 Site Landscaping

In addition to any landscape greenbelt and/or parking lot landscaping required by this Section, site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas. Such site area landscaping may include a combination of the preservation of existing tree cover,



planting new trees and plant material, landscape plazas and gardens, and building foundation planting beds.

#### 6.5.9 Subdivision and Site Condominium Landscaping

Landscaping for single-family residential subdivisions and site condominiums shall be provided per the following requirements:

- A. Street Trees. The frontage of all internal public or private streets shall be landscaped with a minimum of one tree for every 40 lineal feet or a fraction thereof. Such street trees shall meet the minimum size and spacing requirements outlined in this Section.
- B. Buffers Between Land Uses. Where required in the Table outlined in this Section, a subdivision or site condominium buffer shall be required.
- C. Screening from Public Roads. Where a subdivision or site condominium abuts a public road right-of-way located outside the proposed subdivision or site condominium, the screening requirements in this Section shall be met.
- D. Other Site Improvements. A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement that would be enhanced through the addition of landscaping.

#### 6.5.10 Screening of Trash Containers

- A. Outside trash disposal containers two yards or greater in capacity shall be screened on all sides with an opaque fence or wall and gate at least as high as the container, but no less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
- B. Containers shall be consolidated to minimize the number of collection sites and located to equalize the distance from the building they serve reasonably.
- C. Containers and enclosures shall be located away from public view insofar as possible.
- D. Containers and enclosures shall be situated so they do not cause excessive nuisance or offense to occupants of nearby buildings.
- E.
- F. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of one- and one-half cubic yards or more.
- G. The enclosure area and pad size shall be increased to accommodate the storage of recyclable materials and their containers.
- H. Screening and gates shall be of a durable construction.

- I. The pad in front of the dumpster shall be constructed of heavy-duty concrete, with a compressive strength of 5,000 psi, the same width as the enclosure and ½ of its depth.

## 6.6 EXTERIOR LIGHTING

### 6.6.1 Intent & Purpose

The provisions of this Section are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky by:

- A. Lighting shall comply with Section 5.19.
- B. All light shall have a clear purpose. Before installing or replacing a light, determine whether a light is needed. Consider how the use of light will impact the area, including wildlife and the environment.
- C. Use shielding and aiming to target the direction of the light beam so it points downward and does not spill beyond where it is needed.
- D. Use the lowest light level required.
- E. Use controls such as timers or motion detectors to ensure that light is available when needed, dimmed when possible, and turned off when not needed.
- F. Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.

### 6.6.2 Exemptions

The following uses and activities shall be exempt from the standards of this Section, provided they do not create glare perceptible to persons operating motor vehicles in the public right-of-way:

- A. New Technology and/or Location: The Zoning Administrator may grant exceptions to the material, light source, method of installation, or location standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.
- B. Residential Lighting: Low-intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided any such lights are directed toward the residential building or land.
- C. Holiday Decorations: The decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.
- D. Neon Lights: Displayed as part of an approved sign.
- E. Flag Lighting: Luminaires illuminate the flag of the United States of America.

- 618 F. Temporary Lighting: Associated with an approved temporary event permitted by this  
619 Ordinance.
- 620
- 621 G. Fossil Fuels: Outdoor light fixtures, such as kerosene lanterns and gas lamps, produce light  
622 from the combustion of fossil fuels.
- 623
- 624 H. Statutory Authority: Circumstances where federal or state laws, rules, or regulations take  
625 precedence over the provisions of this Section or where fire, police, emergency, or repair  
626 personnel need light for temporary or emergency situations or lighting that is only activated  
627 at the time of power outages.
- 628

#### 6.6.3 Shielding & Filtration

- 630 A. All nonexempt exterior lighting shall be hooded and/or louvered to provide a glare-free area  
631 beyond the property line and any public right-of-way.
- 632
- 633 B. All lighting fixtures shall have one hundred (100) percent cut-off shielding that prevents light  
634 from being emitted above a horizontal plane, the lowest direct light emitting part of the  
635 luminaire.
- 636
- 637 C. Light sources shall be located to minimize glare hazards, and all poles or standards used to  
638 support outdoor light fixtures shall be coated with a material that minimizes glare for the light  
639 source.
- 640

#### 6.6.4 Exterior Lighting Site Standards

- 642 A. Hours of Operation: All exterior lighting shall be equipped with automatic timing devices and  
643 shut off if no customers or staff are present between sunset and sunrise, except for lighting  
644 necessary for security purposes or for uses that continue after 10:00 pm.
- 645
- 646 B. Pole Height: The maximum pole height for exterior lighting shall not exceed twenty-two (22)  
647 feet or the maximum height of the principal building, whichever is less.
- 648
- 649 C. Wall Pack: Wall pack lighting shall be limited to above ingress and egress points.
- 650
- 651 D. Prohibitions: The following light sources and fixtures shall be prohibited:
- 652
- 653 a) Unshielded luminous tube (neon), fluorescent.
  - 654 b) Metal halide
  - 655 c) Mercury vapor
  - 656 d) High-pressure sodium
  - 657 e) Halogen
  - 658 f) Animated, flashing, or moving lights
  - 659 g) Laser sources of light
  - 660 h) Searchlights
  - 661

## 6.6.5 Illumination

Illumination levels within a site shall ensure that a site is adequately but not excessively lit to provide visibility, safety, and security without unnecessarily contributing to light pollution and negatively impacting neighboring properties.

- A. **Intensity:** The maximum intensity of light within any site shall not exceed the following standards, measured in footcandles (fc) at grade:

Table XX: Illumination Requirements

Land Use Type	Illumination Specification		
	Maximum Initial Illuminance Value at the Boundary	Beyond the Boundary	Percentage of Fixtures emitted at an angle of 90 degrees or higher from the nadir
Residential areas, neighborhood business locations, light industrial areas with limited nighttime use, and residential mixed-use areas	No greater than 0.10 footcandles	No greater than 0.01 horizontal footcandles	2%
Commercial corridors, industrial, and higher-density residential areas	No greater than 0.20 footcandles	No greater than 0.01 horizontal footcandles	5%
Downtown business district	No greater than 0.60 footcandles		10%

- B. **Color Temperature:** All exterior lighting shall emit light measuring 4,600K to 6,500K on the Kelvin scale.

## 6.7 STORMWATER MANAGEMENT

- A. **Stormwater Management.** All developments and earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The facilities and measures required on-site shall reflect the site's natural features, wetlands, and watercourses, the potential for on-site and off-site flooding, water pollution, erosion, and the size of the site. Stormwater management shall comply with the following standards:

1. Stormwater management conveyance, storage, and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.

2. Low Impact Development (LID) is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control stormwater where it is generated. LID combines conservation practices with distributed stormwater source controls and pollution prevention to maintain or restore watershed functions. LID are encouraged and may be required where the Administrative Review Committee or the Planning Commission deems it to be safe and otherwise appropriate as a method of stormwater conveyance to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
3. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
4. Discharge of runoff from any site that may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to trap pollutants, the owner must meet the Michigan Department of Environment, Great Lakes, and Energy (EGLE) requirements. Based upon professionally accepted principles, such a proposal shall be submitted and reviewed by the City Engineer, with consultation of appropriate experts.
5. Drainage systems shall be designed to protect public health and safety and be visually attractive, considering viable alternatives.

B. On-Site Stormwater Detention. To control drainage to off-site properties and drainage ways, all properties, except single-dwellings, duplex, triplex, and quadplex, developed under this Zoning Ordinance, whether new or improved, shall provide for on-site detention storage of stormwater in accordance with the current Michigan Department of Environment, Great Lakes, and Energy and local Department of Public Works standards.

## 6.8 NOISE

- A. Noise. The intensity level of sounds measured at the property line bordering the adjacent land use shall not exceed the following decibel levels as measured with an A-weighted filter to account for variations in frequency.

Table XX: Noise Levels

Timeframe	Noise Levels by Land Use Type		
	Proposed Use	Adjacent Uses	
	Commercial & Industrial	Commercial & Industrial	Residential
7:00 A.M. to 7:00 P.M.		60 dB(A)	50 dB(A)
7:00 P.M. to 7:00 A.M.		55 dB(A)	45 dB(A)

- B. Impact Noises. Intermittent noises that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB(A) in excess of the figures in subsection (1) only during the time from 7:00 a.m. to 7:00 p.m. when uses adjacent to an industrial use are either commercial or residential. (The impact noise shall be measured using the fast response of the sound level meter.)

- 729
- 730 C. Temporary or Incidental Activities. Noise and vibration impacts resulting from temporary or
- 731 incidental activity such as construction or moving of materials or equipment on-site that
- 732 occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements 6.8.A.
- 733

734 6.9 BUILDINGS: SCALE, MASS, AND DESIGN

- 735 A. All site plans submitted for review of proposed use in this district shall include an elevation
- 736 drawing that shows proposed building facades as seen from the street. The site plan and
- 737 elevation drawings shall label proposed exterior materials on walls and roofs of principal and
- 738 accessory buildings and on other fences or walls on the site. Color samples or color
- 739 photographs of proposed materials shall be provided.
- 740
- 741 B. All business, service, or processing activities permitted in this district shall be conducted
- 742 completely within enclosed buildings except customer, employee, and freight vehicle
- 743 parking, loading zones, and those open-air uses specifically identified in this district as
- 744 permitted subject to particular performance standards. Outdoor storage of equipment and
- 745 materials such as topsoil, sand, and gravel shall be limited to 30 percent of the rear yard and
- 746 shall be screened.
- 747
- 748 C. In cases [where] the planning commission determines unusual building size or mass, large
- 749 site size, special conditions related to topography, high traffic uses, special natural or
- 750 manmade features on-site or nearby, or similar unique conditions are present, the
- 751 Administrative Review Committee or the Planning Commission may require any of the
- 752 following additional methods of illustrating the impacts of a proposed development:
- 753
- 754 1. Additional elevation drawings from points over than the public street or perspective
  - 755 drawings from critical viewpoints recommended by the city.
  - 756
  - 757 2. Cross sections, particularly when the planning commission is examining relative
  - 758 height of buildings or site topography in regard to impacts upon neighboring
  - 759 properties.
  - 760
  - 761 3. Bird's eye views (axonometric) that present the overall size and mass of site
  - 762 structures and features. The oblique aerial view must accurately reflect ground
  - 763 control points as well as individual building and site features.
  - 764
  - 765 4. A computer-generated image or a synthesized image video may be provided to show
  - 766 before and after illustration of a proposed development's scale and mass.
  - 767
  - 768 5. A scale model that shows three-dimensional representation of building(s) and
  - 769 features.
  - 770
  - 771 6. Use of weather balloons, flags, stakes, posts, or other vertical elements showing the
  - 772 corners, outline, height, and other physical aspects of a proposed development on
  - 773 the actual parcel to be impacted.
  - 774

- 775                   7. Use of colored degradable spray paint to identify horizontal outlines of site features  
776                   such as parking, landscape areas, driveways, curb cuts, building footprints, etc.  
777

- 778       D. In cases where the Administrative Review Committee or the Planning Commission  
779       determines unusual building size or mass, large site size, special conditions related to  
780       topography, high traffic uses, special natural or manmade features on-site or nearby, or  
781       similar unique conditions are present, the planning commission may increase or reduce  
782       requirements applying to this Article to improve a site plan and its impact upon the property  
783       or its surroundings.  
784

785       If the planning commission chooses to reduce or increase requirements, it shall identify the  
786       unique conditions found at the site; indicate the benefit to the public health, safety or  
787       welfare of modifying such requirements; prescribe the modified requirements; and it may  
788       offer relevant conditions where needed to mitigate any impacts of the modified  
789       requirements.

- 790  
791       E. In review of building facades and features, the planning commission shall consider:  
792

- 793                   1. Exterior materials should be of a finished appearance and textural quality suitable to  
794                   the desired image for this entryway to town. The commission may limit the amount of  
795                   or prohibit the use of corrugated metal, concrete block, sheet metal and colored  
796                   plastic or fiberglass. The commission may consider such factors as whether the  
797                   building is an accessory structure, the adequacy of the setback and screening, and  
798                   any impact upon street view and view from nearby residential buildings.  
799  
800                   2. The color of exterior materials and finishes should be compatible with the natural and  
801                   Victorian scenic character of Petoskey.  
802  
803                   3. The scale, bulk, shape, exterior materials, and color of buildings shall be evaluated  
804                   for their compatibility with the site size and shape and with surrounding buildings  
805                   and structures.  
806

- 807       F. Buildings shall be situated to fit the existing site rather than imposed on the landscape in a  
808       manner that requires significant alteration of site grades. This restriction may be waived by  
809       the planning commission where significant alteration of grades would result in preservation  
810       and protection of a scenic view or other significant natural or manmade resource, or would  
811       result in an improved site layout and function without adversely impacting significant  
812       resources.  
813

- 814       G. Accessory structures shall be designed to blend with the principal building(s) on the site as  
815       to color, exterior materials, size and shape.  
816

- 817       H. The Administrative Review Committee or the Planning Commission may require screening of  
818       appropriate size and type where needed to obstruct visibility of accessory structures from  
819       the street or from adjacent properties.  
820

## 821 6.10 ROOF TOP DECKS

822 A. Roof Top Deck Commercial Usage. Use of a rooftop deck for commercial purposes may be  
823 permitted in the [INSERT DISTRICTS] Zoning Districts but only as a special land use and only  
824 as an accessory to the principal use permitted for the building, and subject to the following  
825 restrictions:

- 826 1. The Planning Commission approval of the rooftop deck usage as a special land use  
827 must be first obtained.
- 828 2. Any structure on a rooftop deck must be permitted under the Zoning Code.
- 829 3. The Planning Commission may limit the number of persons using such rooftop decks  
830 as determined necessary or advisable by the Planning Commission to prevent the  
831 City's noise ordinances from being violated.
- 832 4. A building permit for any rooftop deck activity must be obtained from the Emmet  
833 County Building Department, and such usage is subject to the construction of and  
834 maintenance of guardrails and other protective Petoskey City Code features as  
835 required by the Emmet County Building Code.
- 836 5. Such usage must be screened from view of adjacent properties, and the proposed  
837 area shall not exceed fifty (50%) percent of the total square footage of the roof area.
- 838 6. Structures for such usage shall be set back at least five (5) feet from the edge of any  
839 roof not fronting on a public street or right of way and at least fifteen (15) feet from  
840 the edge of any roof that fronts on a public street or right of way. Mechanical, heating,  
841 or cooling equipment or structures that the Building Code requires as a health or life-  
842 safety feature shall not be subject to this setback requirement.
- 843 7. The dimensional area of all structures (other than a mechanical, heating, or cooling  
844 element or one that the Building Code requires as a health or life-safety feature) shall  
845 not exceed fifteen (15%) percent of the square footage of the total top roof area.
- 846 8. Amplified musical instruments are prohibited. Any other music or sound that would  
847 violate the City's noise ordinances and restrictions or exceed seventy (70) decibels  
848 measured at the property line where the deck or patio is located is prohibited.
- 849 9. Roof-top deck usage is permitted only between 7:00 a.m. and 11:00 p.m., except for  
850 special events approved by the City Council.
- 851 10. Lighting shall be shielded and pointed downward and shall not be a nuisance to  
852 adjacent properties.

## 853 854 855 856 857 858 859 860 861 862 863 864 6.11 WALLS

865 A. For those districts and uses listed below there shall be provided and maintained an  
866 obscuring wall as required by the conditions, heights, and locations noted:  
867



Table XX: Required Walls

Land Uses Requiring Walls	Conditions	Height	Location of Wall
Commercial and Industrial Districts	When abutting residential	6'0"	Along common boundary
Required Parking in Multiple-Family Areas	When abutting single-family areas	4'6"	Along common boundary
Junk Yards		8'0"	All sides of use
Storage Facilities	When abutting any residential, office or public park	4'6" – 8'0"	Along common boundary
Required Off-Street Parking in Residential Areas	When abutting any single-family, duplex, or triplex	4'6"	Along common boundary

- B. Obscuring walls shall not be required when any building, parking or storage area within any district requiring a wall, or any use requiring a wall, when such buildings, parking or storage areas are located more than 200 feet from an abutting residential district.
- C. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the board of appeals in reviewing such request.
- D. Walls shall be of masonry construction. Decorative openings in the wall may be permitted provided they do not exceed 20 percent of the surface. Where walls are so pierced, the openings shall be spaced as to maintain the obscuring character required and shall be reviewed and approved by the building inspector.
- E. Where an obscuring wall is required, a landscaped earthmound may be permitted in lieu of such wall, provided that the height of the earthmound not be less than the required height of the obscuring wall.
- F. The Zoning Board of Appeals may waive or modify for foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches in height except where Section 5.10 (Corner Clearance) applies.
- G. In consideration of request to waive wall requirements between nonresidential and residential districts, the Zoning Board of Appeals shall refer the request to the Planning

901  
902  
903

Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

## Recommended Lighting Levels for Exterior Lighting

The Illuminating Engineering Society of North America (IESNA, or IES) gives in current IES publications quite a number of recommended illumination levels for outdoor lighting. We summarize some of these recommendations below, and in some cases the original tables have been simplified. Some of these illumination levels are currently under discussion by IES technical committees. It is important to note that these values are recommendations, not standards. Standards are set at the federal, state, county, or community level. The IES does not set standards, though IES recommendations are often used by those who set standards.

In fact, recommended illuminance levels are to some degree arbitrary. On p. 93 of the 1993 edition of the **IESNA Lighting Handbook**, it states that

*It remains to be determined whether the added accuracy in predicting visual performance will be utilized in the illuminance selection procedure. A model of visual performance, no matter how accurate, is only part of illuminance selection. The cost of equipment and energy will always be an important part of the Society's decision. If electric energy prices were to double, recommended illuminance levels would certainly become lower. Further, there are other, perhaps more important, lighting design factors that the practicing illuminating engineer must consider in setting illuminance levels.*

In all outdoor lighting applications, many factors come into play and should be considered: minimizing glare, mounting height and spacing, lighting system depreciation and life-cycle cost, conflict areas (such as between vehicles or between vehicles and pedestrians), access control and vandalism prevention, as well as the mix of commercial, industrial, and residential properties near the area to be illuminated. For example, in the presence of glare, one needs more illumination to try to overcome the adverse impact of the glare; without glare, lower illumination levels are possible, with an actual improvement in visibility. The key is that all outdoor lighting should be carefully done, with consideration given to all the relevant factors.

We give below a summary of the lighting illuminance levels in footcandles, as that is the most common unit used in the United States. However, lux is the preferred international unit, and the IES does officially recommend its use in the United States. A level of ten lux is about one footcandle (10.76 lx = 1 fc, exactly).

### Roadway Lighting

	Average Maintained Illuminance (fc)	Uniformity (Avg/Min)
Freeway Class A	0.6 – 0.8	3/1
Freeway Class B	0.4 – 0.6	3/1
Expressway	0.6 – 1.3	3/1
Major road	0.6 – 1.6	3/1
Collector road	0.4 – 1.1	4/1
Local road	0.3 – 0.8	6/1

### Parking Lots

Level of Activity:	Horizontal Illuminance (Footcandles)		Uniformity Ratio
	Avg	Min	
High	3.6	0.9	4/1
Major League Athletic Events			
Major Cultural or Civic Events			
Regional Shopping Centers			
Fast Food Facilities			
Medium			
Community Shopping Centers	2.4	0.6	4/1

Cultural, Civic, or Recreational Events  
Office Parking  
Airports, Commuter Lots, etc.  
Residential Complex Parking  
Hospital Parking

Low	0.8	0.2	4/1
-----	-----	-----	-----

Neighborhood Shopping  
Industrial Employee Parking  
Educational Facilities

Churches

IES also states that the "Low" values are appropriate wherever there is a requirement to maintain security at any time in areas where there is a low level of nighttime activity.

**Recommendations for other outdoor lighting levels (footcandles)**

Building exteriors

Entrances

Active (pedestrian and/or conveyance)	5
Inactive (normally locked, infrequently used)	1
Vital locations or structures	5
Building surrounds	1

Floodlit Buildings and Monuments	Dark surroundings	Bright surroundings
----------------------------------	-------------------	---------------------

Light surfaces	5	15
Medium light surfaces	10	20
Medium dark surfaces	15	30
Dark surfaces	20	50

Loading and Unloading Platforms	20
---------------------------------	----

Service Stations

Approach	1.5	3
Driveway	1.5	5
Pump Island	20	30
Service Areas	3	7

Storage Yards

Active	20
Inactive	1

Retail Outdoor Lighting

		Illumination Level of Surrounding Area		
		High	Medium	Low
Seasonal	Circulation	10	7	5
	Marketing area	30	20	10
	Feature display	60	40	20

Auto Lots

Circulation	10	7	5
Merchandise	50	30	20
Feature display	75	50	35

IES states that the illuminance in exterior retail selling areas should not exceed 10 times that of the surrounding area. Measurements should be referenced from the roadway.

# IES Recommended Light Levels

## Waypoint's Quick Reference Guide

A footcandle (fc), the most common unit of measure used for quantifying light levels, is a measure of illuminance with one footcandle being equal to one lumen per square foot. The Illuminating Engineering Society (IES) has established recommended average maintained footcandle levels for a broad range of applications to ensure adequate illumination and safety for occupants. An important strategy in maximizing energy savings with lighting upgrade projects is to identify overlit spaces and use IES recommendations to establish new light levels that are both appropriate and desirable. Consult with a lighting energy professional to learn the proper way to establish appropriate light levels in your facility and reduce energy waste. Call Waypoint Lighting ([www.waypoint-lighting.com](http://www.waypoint-lighting.com)) at (512) 270-8625 to schedule your lighting evaluation.

Application and Task	Maintained Horizontal		Maintained Vertical		Comments
	Average (fc) <sup>1</sup>	Range (fc) <sup>2</sup>	Average (fc) <sup>1</sup>	Range (fc) <sup>2</sup>	
COMMON AREAS					
ATM or Service Kiosk	20	10-40	10	5 - 20	Vertical at face of ATM
Circulation/Corridor	5	2.5 - 10	3	1.5 - 6	Independent Passageway
Conference Room	See Commercial Office				
Filing (Intermittent)	15	7.5 - 30	10	5 - 20	
Restroom (General)	5	2.5 - 10	3	1.5 - 6	
Restroom (Vanities)	15	7.5 - 30	20	10 - 40	See also Fixtures/Lockers/Showers
Lunch & Break Room	10	5 - 20	3	1.5 - 6	
Stairs	5	2.5 - 10	3	1.5 - 6	Not High Activity or Surveillance
COMMERCIAL OFFICE					
Open Office (Desk)	40	30 - 50	-	-	Measured at desk height
Private Office (Desk)	40	30 - 50	-	-	Measured at desk height
Conference Room (Table)	30	15 - 60	-	-	
Whiteboard (Reading)	-	-	15	7.5 - 30	
Whiteboard (Presenting)	-	-	30	15 - 60	
Presentation Screen (Projector)	-	-	1.5	1.5 - 6	
Lunch & Break Room	15	5 - 20	-	-	
EDUCATIONAL (SCHOOLS)					
Classroom (Challenging Applications) <sup>3</sup>	25	25 - 100	3.75	3.75 - 15	Arts, Blueprints, Lab Bench; Measured at desk height
Classroom (Typical Applications) <sup>3</sup>	15	15 - 60	2.5	2.5 - 10	Reading, Writing; Measured at desk height
Auditorium/Lecture Hall (AV, Notes)	5	2.5 - 10	5	2.5 - 10	
Auditorium/Lecture Hall (AV)	1	0.5 - 2	5	2.5 - 10	
Auditorium/Lecture Hall (no AV)	10	5 - 20	5	2.5 - 10	
Gymnasium-Class I (Pro or Div. 1 College)	100	-	30	-	See NCAA & professional guides; > 5000 spectators
Gymnasium-Class II (Div. 2 or 3 College)	75	-	20	-	Competition; ≤ 5000 spectators
Gymnasium-Class III (High School)	50	-	150	-	Competition; Some spectators
Gymnasium-Class IV (Elementary)	30	-	100	-	Competition or Recreational Play; No provision for spectators

Application and Task	Maintained Horizontal		Maintained Vertical		Comments
	Average (fc) <sup>1</sup>	Range (fc) <sup>2</sup>	Average (fc) <sup>1</sup>	Range (fc) <sup>2</sup>	
EXTERIOR					
Parking (Covered)	5	-	-	-	1 Min; 10:1 Max-Min Uniformity
Parking (Uncovered) Zone 3 (Urban)	1.5	0.75 - 3	0.8	0.4 - 1.6	
Parking (Uncovered) Zone 2 (Suburban)	1	0.5 - 2	0.6	0.3 - 1.2	
Gas Station Canopy	12.5	10 - 15	-	-	
Safety (Building Exterior)	1	0.5 - 2	-	-	For security issues, raise Avg to 3
INDUSTRIAL/MANUFACTURING					
Assembly & Inspection (Simple) Component Manufacture (Large Part)	30	15 - 60	30	15 - 60	
Component Manufacture (Med. Part)	50	25 - 100	50	25 - 100	
Assembly & Inspection (Difficult) Component Manufacture (Fine Part)	100	50 - 200	100	50 - 200	
Assembly & Inspection (Exacting)	300	150 – 600	-	-	
RETAIL					
Discount/Warehouse/Drug/ Convenience (Ambient)	50	25 - 100	20	10 - 40	
Discount/Warehouse/Drug/ Convenience (Perimeter)	-	-	50	25 - 100	
Department Store (Ambient)	40	20 - 80	15	7.5 - 30	
Department Store (Perimeter)	-	-	75	25 - 150	
Accent Lighting (Displays)	-	-	-	-	3-10 times more than ambient
RETAIL (AUTOMOTIVE SALES)					
Showroom	50	25 - 100	10	5 - 20	
Service Area	50	25 - 100	30	15 - 60	
Sales Lot (Exterior) Zone 3 (Urban)	20	10 - 40	20	10 - 40	
Sales Lot (Exterior) Zone 2 (Suburban)	15	7.5 - 30	15	7.5 - 30	
RETAIL (GROCERY)					
Circulation	20	10 - 40	7.5	3.5 - 15	
General Retail	50	25 - 100	20	10 - 40	
Perimeter	-	-	50	25- 100	
WAREHOUSING & STORAGE					
Bulky Items - Large Labels	10	5 - 20	5	2.5 – 10	
Small Items - Small Labels	30	15 - 60	15	7.5 - 30	
Receiving/Shipping Dock	10	5 - 20	3	1.5 - 6	
Receiving/Staging	30	15 - 60	10	5 - 20	

**Source:** Compiled by CleaResult Consulting from the 'The Lighting Handbook' 10th Edition from the Illuminating Engineering Society (IES); Adapted from Foot Candle Light Guide produced by Energy Trust of Oregon and Lighting Design

- Use a professional lighting specifier to determine and provide appropriate light levels as defined by the IES.
- Horizontal - Average maintained foot-candles are measured at horizontal plane.
- Vertical - Average maintained foot-candles are measured at vertical plane.

<sup>1</sup> At least half of users (occupants) are in the 25 - 65 age range

<sup>2</sup> Ranges are based on situations where at least half of users are < 25 years of age (Low value) and > 65 years of age (High value)

<sup>3</sup> Recommendation for Classrooms assume at least half of users are < 25 years of age (Low range value); When designing the space for students, allowances should be made for the instructor (e.g. task lighting or downlight over desk)